

LICENSING SUB COMMITTEE

27 SEPTEMBER 2018

Present: Councillors Sinden, Roberts, Patmore and O'Callaghan

34. APPOINTMENT OF CHAIR FOR THIS MEETING

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Patmore moved that Councillor Roberts should take the Chair. This was seconded by Councillor Sinden.

RESOLVED (unanimously) that Councillor Roberts be appointed as Chair for the duration of the meeting.

35. APOLOGIES FOR ABSENCE

None.

36. DECLARATIONS OF INTEREST

None.

37. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None.

38. APPLICATION FOR A PREMISES LICENCE WITH REPRESENTATIONS: EBENEZER'S, 20 NORMAN ROAD, ST. LEONARDS ON SEA

Councillor Roberts set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice).

The Licensing Manager, Mr Brown, presented the report of the Assistant Director of Environment and Place in respect of an application made on 9th August for a premises licence for Ebenezer's, 20 Norman Road, St. Leonards on Sea.

The premises does not hold a licence under the Licensing Act 2003 and currently operates as a convenience store.

The application requests the following hours:

- To have supply of alcohol for "Off" sales on Monday to Sunday from 09.00hrs to 20.00hrs.
- To have opening hours of the premises, Monday to Sunday from 07.00hrs to 23.00hrs.

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Mr Brown said this is the second application for this premises licence by this applicant. The first application was refused by the Licensing Sub-Committee on 23rd April 2018 for the following reason:- “The applicant had not met the legal test required. He needed to show within his operating schedule that the granting of his application would not undermine the Licensing objectives. He has failed to do so. Furthermore, he did not mention within his oral submission anything about Cumulative Impact. He did say that he understood the Council’s Licensing Policy. The Committee have no confidence that the applicant will uphold the Licensing Objectives”.

Mr Brown explained that within Central St. Leonards there is significant evidence of alcohol problems. The matrix in the current licensing policy states that an off licence would not be the preferred type of premises. He said the onus is on the applicant to demonstrate that his premises will not add to the problems in the Cumulative Impact Zone. Mr Brown stated that applicants seeking a licence in a Saturation Policy area are advised to seek legal advice before making an application. He said that no pre-application discussion was sought from Officers or information to support the application was submitted from the applicant.

It was noted that there was an error in the application for a premises licence form (Paragraph L), Hours premises are open to the public. This should state 07.00hrs to 23.00hrs not 09.00hrs to 20.00hrs.

Kirstie Rolfe, Licensing Officer, Sussex Police, made her submission on the grounds of the ‘Prevention of Crime and Disorder’. She said their objection was based on the applicants past criminal history (see representation letter dated 05.09.18 appended to the agenda) and that the applicant had failed again to address the Council’s Special Saturation (Cumulative Impact) Policy within the operating schedule. She said the previous application was refused 6 months ago and the applicant’s convictions are not spent and will remain so until 2012. She asked the committee to refuse the application.

Mr Ballam, Environmental Protection Officer, said that he had no objection to the application, but wished to add a condition regarding delivery times to the licence if granted:- “Deliveries to the premises to take place only between the hours of 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturday and not on a Sunday or Public/Bank Holiday.”

In his submission, Reverend Adelasoye said he had paid someone else to make the application, on his behalf, for the premises licence. He said that he holds a Personal Licence and that anyone who works at the premises would be trained and that the premises had CCTV installed. He said he had challenged the investigation by the Police and that there was no evidence by Home Office that he had done anything wrong. By his own admission to the law society, he said he was not struck off until 2012. He said he was pastor of a Church, he had a lot to give the community and wanted to rebuild his life.

Mr Brown asked Reverend Adelasoye if he was aware the premises was within the Council’s Special Saturation Policy (Cumulative Impact zone) and asked why it had not been addressed in the application form. Reverend Adelasoye said he had instructed a professional to make the application on his behalf. Mr Brown reminded

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Reverend Adelasoye that he had signed the application form to confirm it was correct. Reverend Adelasoye said he intended to address the matter at this meeting.

Councillor Patmore asked Reverend Adelasoye how he intended to help the street drinkers if he was selling alcohol from his premises. Reverend Adelasoye said he wanted to start a business which would sell afro-caribbean food and drinks. In order for the business to survive he said he needed the flexibility to sell alcohol eg champagne and wines for customers to take home with a meal.

Councillor Patmore asked Reverend Adelasoye to clarify why he had used the term 'alleged offences', when he had been convicted. Reverend Adelasoye said he was not convicted on any evidence, and that he did not break the rules.

Councillor Roberts asked Reverend Adelasoye if he had appealed the conviction. Reverend Adelasoye said the conviction stood and that it was an immigration matter which was still on going.

Mr Brown explained that the convictions were relevant under the Licensing Act, Section 4, and the police were correct to raise an objection. He said the application is in the Cumulative Impact Zone and it is for the applicant to address this in the operating schedule on how they think the premises will not add to the existing problems in the area.

In her summary, Kirstie Rolfe, Licensing Officer, said the Police stood by their objection in regard to Reverend Adelasoye's convictions and that the premises is located within the Council's Special Saturation (Cumulative Impact Zone) which Reverend Adelasoye was aware of when he signed the application form.

Reverend Adelasoye said he wanted to sell afro-caribbean food with alcohol as part of his business and that he was happy to take on board any conditions.

RESOLVED (unanimously) to REFUSE the licence.

The reason for this decision was:

Once again the applicant has not met the legal test required.

He failed to show within his operating schedule that the granting of his application would not undermine the Licensing Objectives.

He confirmed that he had read the Council's Licensing Policy, he had undertaken Licensing training and understood the effects of a Cumulative Impact Zone. However, his application did not mention this and neither did his oral submission.

The applicant mentioned that he only needed to sell alcohol to make the business viable. This does not fit the Licensing objectives.

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The Committee have no confidence that the applicant will uphold the Licensing Objectives.

The Committee have had regard to its Licensing Policy and the guidance issued by the Secretary of State.

39. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 3.34 pm)