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19<sup>th</sup> April 2016.

Licensing Manager  
Environment and Safety Directorate  
Hastings Borough Council  
Aquila House  
Breeds Place  
Hastings TN34 3UY

Dear Mr Brown,

**RE: APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE FOR THE YELLA SHOP  
34 KINGS ROAD ST. LEONARDS ON SEA EAST SUSSEX.TN37 6DX.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that the grant of a premises licence for these premises will not promote the licensing objectives, and will give rise to potential negative cumulative impact via an increase in public nuisance and crime and disorder. We also make reference to the Hastings Borough Council Statement of Licensing Policy.

The area surrounding the premises is densely populated with licensed premises and suffers from significant crime and disorder and public nuisance. It is situated within the Hastings Borough Council Special Saturation (Cumulative Impact) Policy (HBC SSP), and the Chief Officer of Police contends that any additional licensable activity in the CIA would increase the negative cumulative effect caused by a saturation of licensed premises in the area.

On the 10<sup>th</sup> March 2016 Sussex Police received from Ms. Adriana Veleva of ARKA Licensing Consultants, representing the applicant Mr. Anton Thevarasa Johnpillai, a draft copy of the application. Accompanying the application was an additional document listing the applicants proposed conditions to promote the four licensing objectives.

Ms. Veleva sought pre-application advice from the Responsible Authorities with regard to the application. Mr Anthony Masters, Sussex Police Licensing Officer, advised Ms. Veleva that the conditions proposed were those expected within any premises licence application in the town, and pointed out that the premises is situated within the HBC SSP. In addition Mr. Masters made reference to the relevant parts of Hastings Borough Council Licensing Policy and the Revised Guidance issued under Section 182 of the Licensing Act 2003.

In summary Mr. Masters advised the Applicant that Sussex Police considered that the Application did not meet the 'exceptional circumstances' criteria, and therefore Sussex Police would be placing a representation against the grant of the licence.

On the 5<sup>th</sup> April 2016 the formal application was received from Ms. Adriana Veleva on behalf of ARKA Licensing, representing Mr. Anton Thevarasa Johnpillai of 11 Hornfield Terrace Hastings East Sussex. TN37 6JD.

The formal application almost mirrored the draft copy other than slightly amended times for the supply of alcohol (from 6am to 8am start time) and an amendment of the percentage floor space and business to be devoted to the supply of alcohol. .

The proposed hours the premises will be open to the public are:  
Monday to Sunday. 06:00hrs - 23:00hrs.

The application is for the grant of a premises licence, made under Section 17 of the Licensing Act 2003, for the licensable activity, supply of alcohol. Times proposed for the licensable activity are:

Monday to Saturday. 08:00hrs - 23:00hrs.  
Sunday. 10.00hrs – 23.00hrs

The licensed area will be restricted to the ground floor only as detailed within the accompanying plan.

The concentration of licensed premises within a small area of the town causes problems of crime and disorder and public nuisance. In consequence of this, the Licensing Authority in January 2008 believed it was both appropriate and necessary to introduce a Special Saturation (Cumulative Impact) Policy. The policy was reviewed in 2009 when small amendments were made. Further reviews took place in January 2011, February 2013 and again in September 2015 and after this review the policy was readopted in January 2016, resulting in three areas within the town being retained. The policy covers both 'on and 'off licences.

Paragraph 13.30 of the Secretary of State's Revised Guidance issued under Section 182 of the Licensing Act 2003, amended in March 2015 provides, *"The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licenses or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application"*.

This principle is reflected in the Hastings Borough Council Special Saturation (Cumulative Impact) Policy contained within the Hastings Borough Council Licensing Policy.

These premises are situated within Area 3 of the Special Saturation (Cumulative Impact) Policy in which there is a presumption that any new premises licence or variation will be refused. The policy states within Section 1.11

*"This policy relates to applications for the grant and/or variation of premise licences, club premises certificates or the issue of provisional statements. Each application will be considered on its own merit. Where no representations are received any application will be granted in terms consistent with the operating schedule.*

*Where relevant representations are received in relation to applications for the grant of a new premises licence, club premises certificate or provisional statement; there will be a presumption against the grant of such licence or certificate unless the applicant can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives."*

The most recent Hastings Borough Council Licensing Policy now includes the 'matrix approach' to applications and variations. The matrix indicates that an application for a convenience store / off licence situated within an area covered by a Special Saturation (Cumulative Impact) Policy should be refused, unless the Applicant can prove exceptional circumstances.

Paragraph 8.33 of the Secretary of State's Guidance to the Licensing Act 2003, amended in March 2015 provides, 'In completing an operating schedule, applicants are expected to have had regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.....'.

Paragraph 8.35 of the guidance states 'Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy'.

Contrary to the Secretary of State's Guidance, the applicant has failed to demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. The application is accompanied by an attachment of conditions. The proposed conditions are those Sussex Police would expect to be contained within an application for this type of business which sits outside the area covered by the Cumulative Impact Policy. The application makes brief reference to Special Saturation (Cumulative Impact) Policy but nothing in the application or the operating schedule either rebuts the presumption of refusal contained within Sect 1.11 of the Hastings Borough Council's Licensing Policy, or provides any reason for the Licensing Authority to depart from its special policy.

The area of central St. Leonards on Sea, in which this premises is located, has a significant problem with members of the street community. The anti-social behaviour of some of these persons have a negative effect not only on the local residents but also on visitors to the town. In order to support the HBC SS, other legislation and initiatives have been introduced in an attempt to combat the alcohol fuelled anti-social behaviour in this area.

These being:-

- Reduce the Strength Campaign. Encouraging licensees not to sell single cans or strong cheap lager.
- A Designated Public Place Order, to enable alcohol to be removed from alcohol upon request.
- Operation Confront, which involves deploying officers to disperse street drinkers and others involved in alcohol related anti-social behaviour.

In addition recognising the problems associated with street drinking the following actions have been taken:-

- A multi-agency forum has been set up, chaired by Amber Rudd MP. The forum meets on a quarterly basis, and is attended by Chief Inspector Phelps, representatives of Hastings Borough Council, and local Councillors.
- A police community office opened in Silchester Road on the 7<sup>th</sup> August 2015, providing a greater police presence in an area of high anti-social behavior and to combat street drinking.
- In July 2014 Sussex Police held a three day 'Street Community Pop Up Hub'
- The appointment of a Project Outreach Worker.
- Sussex Police have a designated Street Community Officer (PC Freeman) working in Central St Leonards.
- The Hastings Community Alcohol Partnership (CAP) is now back in place following the conclusion of the Hastings Local Alcohol Action Area (LAAA) in April 2015.

Sgt Varrall is the Neighbourhood Police Sergeant for Hastings South which includes the ward of Central St. Leonards and he has submitted a statement which details some of the issues experienced in the area. This statement is attached.

Sussex Police contend that the applicant has failed to demonstrate any exceptional circumstances to justify departure from the HBC SSP policy. We further contend that the steps proposed within the operating schedule fail address the issue of cumulative impact. Sussex Police contend that the carrying on of licensable activity at

these premises will add to the existing negative cumulative effect in an area already saturated with licensed premises.

Therefore, Sussex Police invite the Licensing Authority to refuse this application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Phelps', with a stylized flourish at the end.

**Paul Phelps**  
**Chief Inspector**  
**Hastings and Rother District Commander**  
**East Sussex Division**

**RESTRICTED (when complete)****WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

URN

Statement of: Christopher Varrall

Age if under 18: 0/18

(if over 18 insert 'over 18')

Occupation: Police Sergeant

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:

Date 16/04/2016

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the sergeant for St Leonards neighbourhood policing team, which in turn covers the area of Kings Road, St Leonards On-Sea, East Sussex. We work from a local office in Silchester Road, which has only London Road between them.

The reason for Hastings and St Leonards having to put a team into Silchester Road, is due to the tensions in the local area. These tensions relate to a variety of issues locally around drug supply, members of the street community/rough sleepers and a problem youth group.

The current top priority locally is around a group of youths who are being managed under operation Unit. The group of youths base themselves outside the King Road fish and chip shop, Kings Road, St Leonards On-Sea, East Sussex. They range from approximately 5-6 youths in a group and up to around 20 youths when they are at their strongest. The youths are known to take drugs, drink alcohol and cause a general nuisance to the local community. The problem is so prolific that for the past three weeks we have had to resource two pairs of officers in Kings Road every evenings and during the weekend days and evening, to manage the youths and disperse them from the area. This has resulted in stop checks, stop searches, dispersals and also multiple arrests when the group decided to cause mass disorder. This is a prolific problem which would be made worse with the inclusion of yet another licenced premises in the area. The licence premises would be directly opposite the problem youths on the other side of the road, within 40-50 metres. At this time the shop does not open in the evenings and therefore does not draw any attention from the youths. If this was to open late or offer alcohol on the weekends during this would cause the youths to congregate around the premises.

Another large issue in the local area is that of members of the street community. There are currently 110 members of the street community. The majority have dual diagnosis mental health issues, drugs and alcohol abuse issues. The members of this community will notoriously congregate around licenced premises,

Continuation of statement of

whether the alcohol is purchased by them or for them by other members of the public. We face a constant daily battle from all angles in controlling these individuals. This is through enforcement, licencing, mental health work and over 20 agencies gather monthly to assist with this. There are a large number of licenced premises in the area and this is already difficult to manage. Kings Road is the main business street in the area and is very much up and coming. The shift in the area over the past few years is that of improvement with tourism thriving. Adding a licenced premises to the middle of the street would increase crime and disorder from the street community in the heart of the central St Leonards. This would be the case if open morning, day or night. The street community have been seen to congregate from 0600 hours onwards.

It is of my professional opinion that I would be against any alcohol licence being agreed at 'The yella shop' in Kings Road. I do not feel that any conditions imposed would be proportionate for the area in which the premises is situated. Simply hiding the alcohol and not allowing this to be on show, does not have any effect on the sale of alcohol. The licence in my opinion would only have a detrimental effect on the local community and crime and disorder as explained above. Sussex police have adopted two directed patrol activities in this street and have also had to install an anti-social behaviour camera on a lamppost, which monitors the middle of Kings Road. This provides us real time footage of the anti-social behaviour in this area.



Signature

Signature witnessed by:

PTO

**RESTRICTED - FOR POLICE AND PROSECUTION ONLY**  
(when complete)Witness contact details

Home address:

Postcode:

Home telephone no:

Work telephone no:

Mobile/Pager no:

E-mail address:

Preferred means of contact (*specify details*):Best time to contact (*specify details*):

Male / Female

Date and place of birth:

Former name:

Ethnicity code (16 + 1):

Religion / Belief:

Dates of witness non-availability:Witness carea) Is the witness willing and likely to attend court? Yes ☐ No ☐ If 'No', include reason(s) on form **MG6**

b) What can be done to ensure attendance?

c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?

Yes ☐ No ☐ If 'Yes' submit **MG2** with file.d) Does the witness have any particular needs? Yes ☐ No ☐ If 'Yes', what are they?  
(Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concern?)Witness consent (for witness completion)

a) The Victim Personal Statement scheme (victims only) has been explained to me:

Yes ☐ No ☐

b) I have been given the Victim Personal Statement leaflet:

Yes ☐ No ☐

c) I have been given the leaflet "Giving a witness statement to the police - what happens next?"

Yes ☐ No ☐d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*)Yes ☐ No ☐ N/A ☐

e) I consent to my medical record in relation to this matter being disclosed to the defence:

Yes ☐ No ☐ N/A ☐

f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA

Yes ☐ No ☐g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services: ☐

Signature of witness:

PRINT NAME:

Signature of parent/guardian/appropriate adult:

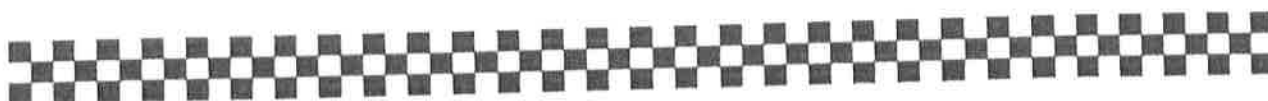
PRINT NAME:

Address and telephone number if different from above:

Statement taken by: (print name)

Station:

Time and place statement taken:



# MEMORANDUM



Date: 25<sup>th</sup> April 2016  
From: Trevor Scrase, Senior Licensing Officer  
To: Bob Brown, Licensing Manager  
My Ref: Wk201600174  
Your Ref:

## **Licensing representation against the new premises licence application for the Yella Shop, 34 Kings Road, St. Leonards on Sea.**

A new premises licence application was received by this licensing authority on the 4<sup>th</sup> April 2016. The consultation period ends at midnight on the 2<sup>nd</sup> May 2016.

The application has been submitted by Arka Licensing Consultants Ltd, Tooting, London, on behalf of Mr Anton Thevarasa JOHNPILLAI, of an address given as 11 Hornfield Terrace, Hastings, TN37 6JD. He is applying for a premises licence for an existing retail shop at 34 Kings Road, St Leonards on Sea, requesting authorisation for the sale by retail of alcohol for consumption off the premises, Monday to Saturday 06.00 hours to 23.00 hours, Sunday 10.00 to 23.00 hours. .

Although the application is lawful under the requirements of Licensing Act 2003, the premises is located within the Central St Leonards cumulative impact / saturation policy area 3. ( First implemented in January 2008 and reviewed several times since).

The licensing policy, amended in January 2016, in line with Home Office requirements has been reviewed. The saturation policy for the Central St Leonards area remains the same involving the roads of:-

### **3: Central St Leonards**

London Road (A2102) from its junction with Grand Parade (A259) to its junction with Silchester Road (UC 3140F)

Kings Road (UC 3145A) from its junction with London Rd (A2102) to its junction with Western Road (UC 3144C)

Western Road (UC 3144C) for its entire length

Norman Road (UC 3141A) from its junction with Gensing Road (UC 3141A) to its junction with London Road (A2102)

Norman Road (A2102) from its junction with London Road (A2102) to its junction with Warrior Square (A2102).

A matrix has been included in this review, which outlines the various types of application and the advice included as to the probability of the grant of a new premises licence under these





circumstances. On page 15, the matrix advises that an off licence in a cumulative impact area is unlikely to be granted.

Central St Leonards has a well documented history of anti social behaviour caused by street drinkers. I have received a representation from Mr Anthony Masters, Police Licensing in respect of this application. This is supported by a statement from Police Sergeant Christopher VARRALL, the officer in charge of the neighbourhood policing team covering this area of Central St Leonards on Sea. Police comment on these issues and the measures that have been adopted by multi agencies to deal with the effects on the local community. This process is ongoing.

Since the implementation of the Licensing Act 2003, on the 24<sup>th</sup> November 2005, the off sales retail premises in this area is as follows:-

Before saturation policy implemented in 2008:-

- Londis, 21 – 23 Norman Road - granted on transition. Transferred in April 2006 to current licence holder.
- Mary's Premier Food Market, 20 Norman Road – granted on transition.
- Co-Operative, 30 - 32 London Road – granted on transition.
- Costcutter Newsmart, 48 London Road – granted on transition to existing licence holder.
- Spar, 29 – 30 Kings Road – granted on transition.
- Western Road Stores, 30 Western Road – granted on transition to existing licence holder.

Since implementation of the saturation policy, the following have been granted:-

- Phoenix & Plum Wines, Kings Road – a specialist vintners granted in October 2013;
- London Convenience Store, 13 London Road – granted at licensing sub committee hearing on the 30<sup>th</sup> November 2015. The grant of this premises licence is an ongoing basis of complaint involving further action by police and licensing, resulting a a minor variation in respect of the shop plan granted in January 2016. The premises licence holder is the wife of the holder of Londis, Norman Road, which is actually located next door.

A previous applicant for the Yella Shop had their application refused at licensing sub committee on the 8<sup>th</sup> September 2014.

### **Comments on the application.**

On examining the application for the Yella Shop, which was received and registered in my absence, I make the following comments:-

1. No pre application advice was sought by the applicant or their licensing agent, with us as the licensing authority, before the application was submitted to the best of my knowledge and belief. As the licensing officer primarily dealing with such applications, I would have been asked or appraised if such advice had been requested.
2. The application form has been typed up, probably by an employee of Arka Licensing Consultants Ltd. The address given for the applicant is 11 Hornfield Terrace, Hastings.



TN37 6JD. On checking there is no such road as Hornfield Terrace but there is a Cornfield Terrace, St. Leonards on Sea, TN37 6JD.

3. The Consent of individual being specified as premises supervisor form, also has the 11 Hornfield Terrace, Hastings, TN37 6JD address. Although this has been handwritten the applicant has signed the form on page 2 and no correction has been made to the incorrect address. This may be a genuine clerical error but it is repeated twice in the application.
4. Enquiries have been made with Wakefield Council, the issuing authority of the personal licence Number PA2805 issued to the applicant Anton Thevarasa JOHNPILLAI. The purpose of this enquiry is to establish the experience and validity of the applicants personal licence, issued on 3<sup>rd</sup> January 2013. (Comment – on Page M of the application, it states that, 'the licence holder, ..... has worked in the licensing sector for long time, has extensive experience.' It is my submission that three years as a personal licence holder is hardly a long time, neither would it be sufficient to gain extensive experience. No further information is given to support this statement). The response from Wakefield Council is that the details provided of the personal licence are correct with the exception of the address, which has yet to be notified to Wakefield Council in accordance with the requirements of Section 127 of the Licensing Act 2003.
5. There is no indication in the application if the applicant owns the Yella Shop, or indeed who owns the shop. Therefore how can any relevance be given to the statement of 'it being a local store established for a long time?' That is a fact but if the applicant has only just taken over the business, the how long has the applicant owned it? This will have a lot of relevance to a full understanding of the local problems and issues. If he is a new trader, it is unlikely that he is fully aware.
6. In the operating schedule, Page M refers, in a) General, it states that the applicant is aware of this being in the saturation policy area and offers additional measures to promote the licensing objectives, in particular the prevention of crime and disorder. One of these is that single cans of strong beer over 6.5% abv will not be sold.
7. Additionally the alcohol sales area will be less than 20% of the space in the shop.
8. Reference is made to, 'the store will not add to any extra problems to the already existing one, as it has proposed many conditions to ensure no additional problems are created.' (Comment – see below).
9. The additional measures (conditions) offered and referred to as 6, 7, 8 above were included on separate pages submitted with the application. These outline what would be expected of any retail shop selling alcohol for off sales consumption, due to the additional responsibilities involved. There is nothing offered over and above the standard conditions to reflect the saturation policy. How the issue of a further premises licence for the sale of off sales alcohol in an existing problem area of the borough will not add to the existing problems, will not be apparent until after it has been granted, which will be too late, in my opinion.

10. I see nothing within the application to indicate any exceptional circumstances why this application should be granted.

It is for these reasons that I submit this representation, on behalf of Hastings Borough Council Licensing, as a responsible authority under the Licensing Act 2003 (as amended), and that this application should be brought before the licensing committee for decision, with a view to their consideration for its refusal in line with the police representation, representations from other persons and the areas outlined in my report.

Trevor Scrase  
Senior Licensing Officer.



## Bob Brown

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**From:** Cllr Terri Dowling  
**Sent:** 01 May 2016 22:52  
**To:** Bob Brown; Licensing  
**Cc:** Cllr Trevor Webb  
**Subject:** Objection - 34 Kings Road

Bob Brown and the Licensing Department

We are writing to register our objection to the application for a premises licence by The Yella Shop, 34 Kings Road. The basis for which is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime and disorder and public nuisance.

The Yella Shop at 34 Kings Road sits within one of the Council's Cumulative Impact Areas (or Saturation Zones). As our own policy states, "These areas have been specified because the licensing authority believes that the cumulative impact of the number and concentration of licensed premises in these areas is adversely affecting the promotion of the following licensing objectives: Prevention of Crime and Disorder and Prevention of Public Nuisance."

Crime, disorder and public nuisance are already at problem levels for the police. Last year the force moved a community hub to be based within our ward so that they could have a more active and closer response to these issues. Indeed from March 2015 to February of this year there were 562 recorded cases of anti-social behaviour and 283 recorded instances of violent crime within Central St Leonards ([http://www.ukerimestats.com/Neighbourhood/Sussex\\_Police/Central\\_St\\_Leonards](http://www.ukerimestats.com/Neighbourhood/Sussex_Police/Central_St_Leonards)). It is important to note that those of course are only the 'recorded' cases and do not account for the more minor day-to-day instances of public nuisance which can equate to much more than those evidenced.

We feel that enabling this premise to sell alcohol would be detrimental to the aims and objectives of the saturation zone and overall licensing policy. One of the main principles of the policy is to reduce alcohol misuse. We would ask the question of how this can be done by adding to the proliferation of off-licenses in the area. As part of the council's new matrix approach to licensing, off-license premises when in a cumulative impact area are listed as No's in terms of granting policy. Furthermore, even when not in a Saturation Zone, for any off-license in an area of mixed commercial and residential use, a description which could be used for Kings Road, a licence should be restricted to 10pm yet the applicant is requesting licensed hours to 11pm every day of the week. This to us already shows the applicants unwillingness to abide by our licensing policy despite any measures which they may put in place to counter balance any negativity.

It is a known fact that the street drinking community cause disproportionate problems in parts of the borough. This can be in terms of public nuisance due to their increased levels of anti social behaviour in relation to their alcohol misuse or indeed in terms of public safety. Adding another off-license outlet would only add to this issue. Many individuals from the street community have been dangerously close to being involved in an accident with a moving vehicle. Some of these instances we have witnessed ourselves in person. Adding to the ready supply of alcohol will only add to this problem and will extend it fully from London Road and Norman Road through to Kings Road where it is already an issue. Certainly we feel that by adding another off-licensed premise to the Saturation Zone will not allow for the licensing objective of public safety to be promoted.

Kings Road is the main link from the station to the seafront and the centre of St Leonards. The negative affect of another off-license will not only impact the residents of the local area but also tourists and visitors to our town. The further proliferation of alcohol sales is not only unnecessary but we feel would be in direct contrast to the licensing objectives.

In view of all that is mentioned above, we would urge the committee to refuse the application

Yours faithfully,

Cllr Terri Dowling & Cllr Trevor Webb

Central St Leonards ward

## Bob Brown

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**From:** Rachel Mount [REDACTED]  
**Sent:** 19 April 2016 18:19  
**To:** Bob Brown  
**Cc:** clive@clivegross.org.uk; Cllr Terri Dowling; Cllr Trevor Webb  
**Subject:** Objection to license application for - 34 Kings Road , St Leonards- on-Sea, TN38

To: Bob Brown  
Licensing Manager, Licensing Team  
Hastings Borough Council  
Aquila House  
Breeds Place  
Hastings  
East Sussex TN34 3UY

Dear Mr Brown,

Objection to license application for - The Yella Shop 34 Kings Road , St Leonards- on-Sea, N38T  
I am writing to formally lodge an objection to the application for a new convenience store and in particular to the application to sell alcohol for consumption off the premises at the above address on the following grounds as outlined in the licensing objectives of The Licensing Act 2003:

### PREVENTION OF CRIME AND DISORDER

Current high levels of anti-social behavior in this location caused by people with alcohol and drug misuse issues already demand heavily on police resources. The huge demands on their time & resources are only likely to increase if new or expanded licensed premises are allowed. Increasing the availability of alcohol in this location is highly likely to add to the already levels of crime and disorder. It also makes it hard for the licensed shops to ban problem customers away from the area as there are so many to visit along one strip.

### PUBLIC SAFETY

The application should be declined on the grounds of public safety concerning the location of the premises in an area already swamped by a monopoly of shops selling bargain alcohol. This is on top of numerous pubs. How much alcohol can one small community area need or take ? This area of Central St Leonards is already a favoured meeting spot for local street drinkers and there have already been numerous near misses with drunk individuals staggering across roads into traffic. The train station is located at the top of the road & it can be very intimidating walking home (or zigzagging your way) from the station at night dodging groups of junkies & drunks scattered along the pavements of Kings Road & London Road. It also puts you off entering the shops when you have groups gathering around their doorways it can be extremely intimidating. The elderly are dependent on their local shops & sometimes a trip out to the shops provides the with their only social interaction in the day. These groups often hog the path & force you off the pavement to avoid them. That presents physical obstacles for the frail. They should not have to worry about public nuisance preventing their daily right of the simple pleasure of a walk to their local shops. It also produces hurdles for parents trying to weave down these street with push chairs.

### PREVENTION OF PUBLIC NUISANCE

The public nuisance caused by the activities of street drinkers and those with alcohol addiction issues is already out of hand & straining local authority resources. This creates a tense atmosphere as there can be

loud disputes within these groups sometimes leading into violence. The train station is located at the top of this road & it can be very intimidating walking home from the station at night dodging groups of junkies & drunks scattered along the pavements of Kings Road & London Road, standing in groups hogging the pavements or lying slumped across them. It is also makes a depressing & stressful introduction to St Leonards for any newcomer stepping off the train & making their way down Kings Road to the seafront. There is also regular vandalism at what is a really attractive old station building. HBC have invested a huge amount of effort into reopening the pier & this will hopefully see more people arriving at St Leonards Warrior Square Station. HBC have a responsibility to ensure visitors have a great experience not just on the pier but en route to it. The infamous Central St Leonards Obstacle Course does not make a great entree - dodging the drunks, junkies, hurdling litter, leap frogging broken glass and dog shit is not an arcade of amusement reaping reward for the local community & prospects for business enterprise.

#### PROTECTION OF CHILDREN FROM HARM

Wherever possible, children should be shielded from exposure to drug and alcohol misuse and related crimes. Yet more premises selling alcohol and cigarettes will increase the likelihood of children being exposed to harm and opportunity of under-age young adults obtaining alcohol. There is a really good art & crafts shop a few doors up from this premises, this should be an inspirational place for youngsters to spend pocket money at weekends. Children use the railway, walking to & from it past this premises with their families & also on their own for school journeys. As a non driver I am dependent on the train & I walk to the station, I frequently hear people around the station premises loudly discussing drug deals. In the past couple of weeks I have twice seen police at the station having to deal with unsocial behaviour. As this specific area is a social gathering place for addicts the station becomes an obvious meeting place. I have also been approached by addicts begging for money, there is regular vandalism at what is a really attractive old station building. I have friends who did not wish to start a family in this area and despite living here for many years moved away when they had children to nearby towns to ensure their children a safer upbringing. We must ensure residents stay in this area when they have families, not be driven away from it. This in turn will encourage a healthy flow of new families moving here.

Many adults spend a huge amount of time cocooned in the safety of their cars able to park up outside wherever they visit, even for the shortest journeys. It would be enlightening for more to cycle & walk around their neighbourhood as it would enlighten them first hand as to what the young & elderly experience on their streets. It is the most basic right from young to old to be able to walk or cycle around your neighbourhood safely & experience a pleasant peaceful time doing so.

Yours sincerely,

Rachel Mount

Flat 1, 40B Marina,

St Leonards - On - Sea,

East Sussex

TN38 0BU

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This e-mail has been scanned for all viruses by Star. The

**Bob Brown**

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**From:** Philip Oakley [REDACTED]  
**Sent:** 24 April 2016 16:01  
**To:** Bob Brown  
**Subject:** licensing application

**To:**  
**Bob Brown**  
Licensing Manager, Licensing Team  
Hastings Borough Council  
Aquila house  
Breeds Place  
Hastings  
East Sussex.  
TN34 3UY

24<sup>th</sup> April 2016

Dear Sir,

Objection to license application for off sales alcohol at The Yella Shop, 34 Kings Road St Leonards on Sea TN37 6DX.

#### **PREVENTION OF CRIME AND DISORDER**

The link between alcohol, crime and disorder is well established. This application would provide yet another opportunity for alcohol to be purchased in an area already saturated with drinking establishments and off licenses. It would therefore have a cumulative impact.

#### **• PUBLIC SAFETY**

St Leonards has a significant street drinking community. These are alcoholics with a life expectancy believed to be in the region of 42 years unless their pattern of behavior changes. To allow yet another shop to sell alcohol that can only encourage the purchase of alcohol by street drinkers and alcoholics.

The very nature of a shop selling alcohol in an area heavily populated by street drinkers and alcoholics must further reduce the chances of agencies trying to help these people, increase temptation and increase access to alcohol. The Council and licensing committee are surely obliged to protect this section of the public by limiting the supply of alcohol.

Furthermore the licensing department continually claim a lack of resources to monitor establishments and the only way to ensure public safety in such circumstances is to issue no more licenses.

Philip Oakley

Philip Oakley Illuminations  
The Admiral Benbow  
2 London Road  
St. Leonards On Sea  
East Sussex  
United Kingdom  
TN37 6AE



To:  
Bob Brown  
Licensing Manager, Licensing Team  
Hastings Borough Council  
Aquila house  
Breeds Place  
Hastings  
East Sussex.  
TN34 3UY

29<sup>th</sup> April 2016

Dear Sir,

Objection to license application for The Yella Shop, 34 Kings road, St Leonards on Sea TN37 6DX

I am writing to formally lodge an objection to the application for a new application to sell alcohol for consumption off the premises at the above at 34 Kings Road, St Leonards-on-Sea.

The Central St Leonards ward area is already beyond saturation point in terms of retail premises with alcohol off-licenses. It is one of the key target areas for East Sussex County Council Trading Standards officers who are looking to clamp down on the sale of illegally imported and non-duty paid cigarettes and alcohol, so much so that it was even featured in a BBC 2 documentary earlier this year called "Barely Legal Grafters".

I object to this new application on the following grounds as outlined in the licensing objectives of The Licensing Act 2003:

**\* PREVENTION OF CRIME AND DISORDER**

There are currently very high levels of anti-social behavior in this location caused by a group of young people with alcohol and drug misuse issues, who are already the subject of regular calls to the police by local business owners who are having their staff and customers harassed and intimidated, which are only likely to increase if yet another off-licensed premises is allowed.

**• PUBLIC SAFETY**

The application should be declined on the grounds of public safety concerning the location of the subject premises on Kings Road. This particular street in Central St Leonards is already a favoured meeting spot for the local street drinking community and there have been numerous near misses with drunk individuals crossing the road into passing traffic, which is the main vehicle access route from London Road to Warrior Square station.

**• PREVENTION OF PUBLIC NUISANCE**

The public nuisance caused by the activities of street drinkers and a large group of young people who congregate in Kings Road is already out of hand. Significant groups of people in a drunken

state often congregate around the public bench in the middle of Kings Road arguing or fighting with each other, which makes this part of the street a 'no-go area' at times for other local residents and visitors – especially those arriving at Warrior Square station - on which local businesses rely.


- **PROTECTION OF CHILDREN FROM HARM**

As far as possible, children should be shielded from exposure to and opportunities for drug and alcohol misuse, and the local area around these premises is home to an increasing number of families with young children. A further expansion of premises selling alcohol and cigarettes will increase the likelihood of children being exposed to such harm and for the possibility of under-age young adults obtaining alcohol. It will further discourage families with children who would help create a more stable and cohesive local community from moving into this area.

Interestingly I note that to grant any further off-license applications in this area would be in direct contradiction to the supposed new 'licensing policy' of the present lead group on Hastings Borough Council, which states it will "...restrict the proliferation of off-licenses in town centres, while encouraging responsible licensees to develop the town's evening economy with good restaurants" and "address the problems associated with street drinking and other anti-social behaviour, particularly in town centres...".

I therefore urge that this license application in rejected.

Yours sincerely,



**Clive Gross**  
**11 Marine Court**  
**St Leonards on Sea**  
**TN38 0DX**

**Bob Brown**

---

**From:** [REDACTED]  
**Sent:** 15 April 2016 09:40  
**To:** Licensing  
**Subject:** Hastings Online e-Forms - Enquiries or Comments form Ref no:SITE-EOC-177893 submitted

An instance of the Enquiries or Comments form has been submitted on 09:40:15 15 Apr 2016

The form reference is: SITE-EOC-177893

Start of Form Data

To: [licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk)

From: [REDACTED]

Enquiry or Comment:

I am writing to formally lodge an objection to the application for a new convenience store and in particular to the application to sell alcohol for consumption off the premises at the above at 34 Kings Road , St Leonards-on-Sea on the following grounds as outlined in the licensing objectives of The Licensing Act 2003:

**\* PREVENTION OF CRIME AND DISORDER**

Current high levels of anti-social behaviour in this location caused by people with alcohol and drug misuse issues - already the subject of regular calls to and interventions by local police officers, creating extra demand on their ever reducing resources - are only likely to increase if new or expanded licensed premises are allowed. There is already regular open street drug dealing here and from the nearby public phone box adjacent to the Oak Bakery in London Road and reported incidents of goods stolen to fund the purchase of alcohol or drugs being traded. Increasing the availability of alcohol in this location is highly likely to also increase associated crime and disorder.

- **PUBLIC SAFETY**

The application should be declined as it is creating another potential cluster point for those who are alcohol dependent purchasing cheap high alcohol content beverages and the potential ensuing undesirable and anti social behaviour , for example aggressive begging which the police do not currently manage adequately.

- **PREVENTION OF PUBLIC NUISANCE**

The public nuisance caused by the activities of street drinkers and those with alcohol addiction issues is already out of hand in this location. Significant groups of people in a drunken state often lie across the pavement or congregate

and argue or fight, which makes this part of the street a 'no-go area' at times for other local residents and visitors on which other businesses and our local economy rely. The pavements outside other off-licenses in the area namely London and Norman Roads is already dirty and full of rubbish, which creates an additional public health hazard.

- PROTECTION OF CHILDREN FROM HARM

As far as possible, children should be shielded from exposure to and opportunities for drug and alcohol misuse, and the local area around these premises is home to an increasing number of families with young children. A further expansion of premises selling alcohol and cigarettes will increase the likelihood of children being exposed to such harm and for the possibility of under-age young adults obtaining alcohol. It will further discourage families with children who would help create a more stable and cohesive local community from moving into this area.

There is a precedent for refusing the grant of such a licence in Brighton at the Sainsbury's store at the bottom of James Street and the ~~the~~ ~~neine~~ so no excuses for not acting and local authority governance negligence.

Yours sincerely,

Martin Phillips

41 Quarry Road

Hastings East Sussex

TN34 3SA.

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End of Form Data

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**Bob Brown**

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**From:** John Knowles [REDACTED]  
**Sent:** 03 May 2016 11:09  
**To:** Bob Brown; Trevor Webb Cllr (Internet)  
**Subject:** The Yella Shop, 34 Kings road, St Leonards on Sea TN37 6DX

To:

Bob Brown  
Licensing Manager, Licensing Team  
Hastings Borough Council  
Aquila house  
Breeds Place  
Hastings  
East Sussex.  
TN34 3UY

03 May 2016

Dear Sir,

Objection to license application for The Yella Shop, 34 Kings road, St Leonards on Sea TN37 6DX

I am writing to formally lodge an objection to the application for a new application to sell alcohol for consumption off the premises at the above at 34 Kings Road, St Leonards-on- Sea. The Central St Leonards ward area is already beyond saturation point in terms of retail premises with alcohol off-licenses.

I object to this new application on the following grounds as outlined in the licensing objectives of The Licensing Act 2003:

**\* PREVENTION OF CRIME AND DISORDER**

There are currently very high levels of anti-social behavior in this location caused by a group of young people with alcohol and drug misuse issues, who are already the subject of regular calls to the police by local business owners who are having their staff and customers harassed and intimidated, which are only likely to increase if yet another off-licensed premises is allowed.

**• PUBLIC SAFETY**

The application should be declined on the grounds of public safety concerning the location of the subject premises on Kings Road. I have witnessed in person several near misses of street drinkers and vehicles and on one occasion a half naked man lying down in the street berating the world, drunk and abusive.

**• PREVENTION OF PUBLIC NUISANCE**

The public nuisance caused by the activities of street drinkers and a large group of young people who congregate in Kings Road is already out of hand. Significant groups of people in a drunken state often congregate around the public bench in the middle of Kings Road arguing or fighting with each other, which makes this part of the street a 'no-go area' at times for other local residents and visitors – especially those arriving at Warrior Square station - on which local

businesses rely. The police have stated that they are stretched already within the area and I can't see how this aids the situation.

#### • PROTECTION OF CHILDREN FROM HARM

As far as possible, children should be shielded from exposure to and opportunities for drug and alcohol misuse, and the local area around these premises is home to an increasing number of families with young children. A further expansion of premises selling alcohol and cigarettes will increase the likelihood of children being exposed to such harm and for the possibility of under- age young adults obtaining alcohol. It will further discourage families with children who would help create a more stable and cohesive local community from moving into this area.

Interestingly I note that to grant any further off-license applications in this area would be in direct contradiction to the supposed new 'licensing policy' of the present lead group on Hastings Borough Council, which states it will "...restrict the proliferation of off-licenses in town centres, while encouraging responsible licensees to develop the town's evening economy with good restaurants" and "address the problems associated with street drinking and other anti-social behaviour, particularly in town centres...".

I therefore urge that this license application in rejected.

Yours sincerely,

—  
JOHN KNOWLES

Event coordinator, producer, actor and writer.

Useful links:

Writing: [itsnotus.co.uk](http://itsnotus.co.uk)

Time Please: [time-please.co.uk](http://time-please.co.uk)

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To:

**Bob Brown**

**Licensing Manager, Licensing Team**

**Hastings Borough Council**

**Aquila House**

**Breeds Place**

**Hastings**

**East Sussex.**

**TN34 3UY**

**2nd May 2016**

Dear Sir,

**Objection to Licence Application for 34 Kings Road, St Leonards on Sea.**

I wish to object in the strongest possible terms to the above application, for the following reasons:

1. I notice that **a similar application has already been rejected at this address** as recently in 2014.

2. Granting such an application would be **entirely inconsistent with the aims for the protection of St Leonards Town Centre**, again stated recently in no less than the Labour Manifesto for our local elections. I am sure these stated intentions would also engage cross party support. They seek to, I quote:

"use (their) new licensing policy to **RESTRICT (my capitals) the proliferation of off-licences in our town centres**" and to "work with the police to develop tailored Public Space Protection Orders coupled with Community Protection Orders to address problems associated with street drinking". I am also sure that, as in a recent St Leonards licence application hearing, the police will not be enthusiastic about supporting this one in Kings Road.

### 3. **Protection of Crime and Disorder**

Granting this application would be **entirely inconsistent with limiting and policing current high levels of anti-social behaviour** in this area due to alcohol and drug abuse. As a single female resident of St Leonards, I find such existing behaviour curtails my enjoyment of the town during the daylight hours now as well as in the evening. Many of my friends in a similar position are also intimidated and frightened by the increasing appearance of alcohol-fuelled aggression and crime.

### 4. **Public Safety**

This would certainly, as I have already suggested in point 3, be threatened further were such an application to be granted. The premises in question are situated in Kings Road. I regularly drive down this street to the station and beyond and frequently, almost daily, have pedestrians stepping in front of my car because of their degree of intoxication. I certainly am already becoming wary of walking down this street, even in daylight, which is especially worrying and annoying



given that it leads to our local railway station.

## 5. **Prevention of Public Nuisance**

The level of public nuisance caused by street drinkers and their alcohol addiction is already unacceptable. It does little for the town that they lie in the road, swearing and menacing other pedestrians, often seeking funds to purchase more alcohol. This is particularly inappropriate and offensive next to Warrior Square Station. Kings Road should be an attractive and peaceful avenue to St Leonards Centre for its residents, visitors and tourists.

## 6. **Protection of Children from Harm**

As a retired secondary Deputy Headteacher I am appalled that such an application should even be presented and considered when **children in our town centre are already at such a high degree of risk from over-exposure to alcohol and drug abuse.** Such examples of unacceptable behaviour can only damage them in every possible way. Granting this application will encourage this and the availability of alcohol to be purchased and abused by our young people.

I ask you, please, to reject this application. It is entirely inappropriate that the community of St Leonards is asked to accept yet another establishment selling alcohol.

Yours sincerely,

K.M. Cosgrove (Mrs)

Chair, Blueprint St Leonards

BERNARD M. GINLEY  
24 MAGDALEN ROAD  
ST LEONARDS TN37 6BP  
25.iv.16

HASTINGS BOROUGH COUNCIL

27 APR 2016

LICENSING

Dear ABC

OFF-LICENCE APPLICATION: YELLA SHOP, KINGS ROAD, SLOS

This is an objection to the proposal for yet another off-licence in Central St Leonards.

The reasons are clear:

- the prevention of public nuisance ☐ The level of nuisance in Central St Leonards is already high
- the prevention of crime and disorder ☐ The level of crime and disorder in Central St Leonards is already high: that is why there is a new Police Hub nearby
- public safety ☐ A new off-licence would further jeopardise public safety
- the protection of children from harm ☐ Ditto.

The shop is in a Saturation Zone, and the Negative Cumulative Impact issues are important, including the many forms of antisocial behaviour. But antisocial behaviour can extend to expensive barristers, as in last year's Barraclough & Stiles case. Applicants for that London Road off-licence lied multiply about the application:

- ◆ that local street-drinkers had somehow relocated to Hastings. (They hadn't.)
- ◆ that the applicants observed the Reduce-the-Strength campaign in their old shop. (They didn't.)
- ◆ that applicants would observe the Reduce-the-Strength campaign in their new shop. (They didn't.)
- ◆ that the new shop would have a minor display of alcohol. (It didn't.)

Despite detailed opposition by the Sussex Police and HBC licensing officers, the application was approved by HBC with the nonsensical statement that

No factual evidence was provided by the police.

Despite multiple breaches of its conditions, the licence was not revoked.

The unsatisfactoriness and dubiety of this system of regulation is increasingly clear — even before matters such as the right to appeal (for more than £410) are considered.

Reject this application.

HBC Licensing Office  
Hastings Borough Council  
Hastings Town Hall

Yours sincerely,  
Bernard M. Ginley

## Trevor Scrase

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**From:** eforms@hastings.gov.uk  
**Sent:** 24 April 2016 17:27  
**To:** Licensing  
**Subject:** Hastings Online e-Forms - Enquiries or Comments form Ref no:SITE-EOC-179186 submitted

An instance of the Enquiries or Comments form has been submitted on 17:26:42 24 Apr 2016

The form reference is: SITE-EOC-179186

### Start of Form Data

To: [licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk)

From:

Enquiry or Comment:  
Dear Sir/Madam

I am writing with regard to the application by The Yella Shop, 34 Kings road, St Leonards on Sea TN37 6DX for an off sales alcohol licence.

As a local resident who has to walk from St Leonards Warrior Square station most evenings during the week I would like to register my objection to the granting of the alcohol licence.

Kings Road already currently experiences a disproportionate share of social disorder in the street, particularly at night. It also has within close proximity, a disproportionately high number of outlets and establishments that serve alcohol which in my opinion is a contributing factor to the current situation.

There have been numerous times when I have not felt safe walking home alone as a woman due to the presence of inebriated and rowdy people hanging out in the street.

Another alcohol licence would only exacerbate this situation and would be a retrograde decision by the council.

Yours sincerely  
Selina Chen  
2 Undercliff Terrace  
TN38 0DH

### End of Form Data

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Ollie Watson  
9 St Margaret's Terrace, St Leonards on Sea, TN37 6EN  


Attn: Head of Environmental Services, Hastings Borough Council, Aquila House, TN34 3UY

Date: 15<sup>th</sup> April 2016

Ref: Application for Premises Licence – The Yella Shop, 34 Kings Road, St Leonards on Sea, East Sussex, TN37 6DX

I am writing to register my objection to the application for a premises licence by Anton Thevarasa Johupilla for The Yella Shop, 34 Kings Road, St Leonards on Sea, East Sussex, TN37 6DX. The basis for this opposition is that granting a licence for these premises will not promote at least two of the licensing objectives, particularly

**- the prevention of crime and disorder**

**- prevention of public nuisance**

Kings Road lies within the Ward of Central St Leonards and sits within a designated alcohol saturation zone, enabling the premises to sell alcohol would be totally detrimental to its aims and objectives. The application proposes that alcohol will be sold for consumption off the premises between 08:00 to 23:00 Monday to Saturday and 10:00 to 23:00 Sunday. Granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises that crime, disorder and public nuisance have already reached problem levels for the local police.

From the 1<sup>st</sup> of January to the 29<sup>th</sup> February 2016 there were 76 separate incidents of crime reported to the police related to antisocial behaviour that lie within 500m of the Kings Road.

Source: [www.police.uk](http://www.police.uk)

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

Ollie Watson

**Bob Brown**

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**From:** [REDACTED]  
**Sent:** 18 April 2016 14:43  
**To:** Licensing  
**Subject:** Hastings Online e-Forms - Enquiries or Comments form Ref no:SITE-EOC-178241 submitted

An instance of the Enquiries or Comments form has been submitted on 14:42:37 18 Apr 2016

The form reference is: SITE-EOC-178241

Start of Form Data

To: [licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk)

From: [REDACTED]

Enquiry or Comment:

RE;application of licence by The Yella Shop of Kings Road,St. Leonards -on - Sea to sell alcohol.

By granting this licence would BADLY effect the general safety in the area to members of the general public,the elderly & children alike.It would also increase the risk of public nuisance,crime & disorder. There are more than enough premises in the area selling alcohol - we DO NOT need another.Kindly have consideration for those who live & have to work in St. Leonards-on-Sea.Unfortunately,it is already an economically & socially deprived area.I sincerely beg you NOT to add to this deprivation by granting this application.  
Another alcohol outlet in this area would be sheer & utter lunacy.

End of Form Data

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51 Kenilworth Rd.,  
TN38 0JL 12/4/16

OBJECTION to  
proposed licence for  
34 King Rd., TN34 6DX.

REASONS (a) enough off  
licence provision already  
in vicinity, (b) likely  
to increase crime and  
disorder.

Paul Burswell



ida fermor  
DESIGN



Head of  
Circumvented Service

Aquila House

Broad Place

HASTINGS

TN34 3UY

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