

Report to: Licensing Sub Committee

Date of Meeting: 24th August 2016.

**Report Title: Review of Premises Licence, Nisa Local, 1-3 Parkstone Parade,
Parkstone Road, Hastings.**

Report By: Mike Hepworth, Assistant Director, Environment and Place.

Purpose of Report

To consider an application to review the Premises Licence as a result of representations received.
Responsible Authorities. Three.

Recommendation(s)

1. Members instructions requested.

Reasons for Recommendations

The Licensing Act 2003 requires a licensing sub committee to consider such applications when appropriate representations have been made. The decision reached at the sub committee can be subject to appeal at the Magistrates Court by any party to the hearing who is aggrieved by the decision.

Introduction

1.0 Background

1. On 7th February 2005 the Licensing Act 2003 came into force for all local authorities, marking the practical commencement of the Government's new liquor licensing regime.
2. On the 4th July 2016 Hastings Borough Council received an application for the review of an existing premises licence for NISA Local, 1- 3 Parkstone Parade, Hastings, TN34 2PS from Mr Trevor Scrase, Senior Licensing Officer, Hastings Borough Council, Hastings, made under Section 51 the Licensing Act 2003. (Application, supporting statement and appendix, attached Appendix A).
3. NISA Local has operated at 1-3 Parkstone Parade since June 2007, initially under a different name. The premises has changed operators several times, the most recent and current licence holder being VJN Groceries LTD, 1 – 3 Parkstone Parade, Parkstone Road, Hastings, TN34 2PS. (Attached map Appendix B).
4. The premise currently holds a premises licence under the Licensing Act 2003. (Attached in Appendix A).
5. The existing premises licence covers the use of the premises for the ' Off Sales ' supply by retail of Alcohol.
6. It currently operates under the following trading hours;
 - Sale of alcohol. Monday to Sunday 10.00 - 23.00 hrs

The designated premise supervisor for the premises since May 2012 is Kulasekaram Jeyaraj.

2.0 Application

7. The grounds for review made by Mr Trevor Scrase are under the licensing objectives "The Prevention of Crime and Disorder" and "The Protection of Children from Harm" I have considered the application and consider it valid and in line with the central government guidance issued on such matters.
8. In his application for review, he comments about the licensing history of the premises, the poor management by the existing operators and the continued breach of conditions attached to the licence. As a result he is seeking the revocation of the premises licence as he believes adding additional conditions would not achieve the aims of the review.
9. When submitting an application for a review under the Licensing Act 2003 the applicant is required to send copies of the review application to the other

responsible authorities listed under the Act and a copy to the premises licence holder, this has been done.

10. In addition, the licensing authority is required to place a copy of the notice on the premises concerned and the public notice board situated at Council Offices this has been done, in addition the review notification has been placed on the Council website. These notices must remain in place for 28 days to allow further representations to be made.
11. An application for review cannot be considered by the Council's Licensing Sub-Committee until the 28 day representation period has elapsed, in this case that ended at midnight on the 1st August 2016.

3.0 Consultation

12. As a result of this consultation period, a further representation has been received, this is from Mrs Karis Valli, Snr Environmental Health Officer (Food/Health and Safety), Hastings Borough Council. She comments on the application for review and gives a detailed history of her dealings with the company, she further comments on the fact that throughout her visits to the premises, only one member of staff has been working.(Attached appendix C)
13. In addition, Sussex Police Licensing Officer, PC Chris Trevena has submitted a Sec 9 statement of evidence in support of the review. In his statement he details his findings at the premises when he visited as part of his duties on the 5th July 2016. (Attached appendix C)

4.0 Legal Considerations

14. The Licensing Act 2003 is now the only process to licence and control premises for all forms of entertainment, late night refreshment and the sale of Alcohol.
15. The review process is laid down in statute and allows for representations to be made by specified groups of people provided they are relevant to one or more of the licensing objectives listed in the Act and are not considered frivolous, vexatious or repetitive.
16. If a relevant representation is made by either a responsible authority or other party, a hearing must be held.
17. The Home Office has issued guidance under Section 182 of the Licensing Act 2003. This guidance is provided to Licensing Authorities to assist them in carrying out their functions.
18. Hastings Borough Council has developed, published and reviewed its Statement of Licensing Policy as required by the Licensing Act 2003.
19. All members of the Licensing Committee have been supplied with copies of the Official Government guidance and the Hastings Borough Council Statement of Licensing Policy.
20. Human rights considerations must be taken into account fully in balancing licensing issues, in particular, article 1 of the first protocol. Article 1 relates to the protection

of property and the peaceful enjoyment of possessions and property. Holding a premises licence would be considered a possession. These are qualified rights and can be deprived of “in the public interest”. Interference is permissible if what is done:-

21. Has its basis in law;
22. Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
23. Is proportionate to the aims being pursued; and,
24. Is related to the prevention of crime; or, the protection of public order or health.
25. The licence holder has a right of appeal to the Magistrates Court against any decisions made by the licensing Sub-Committee with respect to this application for review.

5.0 Options

26. To modify the conditions of the licence.
27. To exclude a licensable activity from the scope of the licence.
28. To remove the designated premises supervisor.
29. To suspend the licence for a period not exceeding three months.
30. To revoke the licence.

Members are reminded they must give written reasons for their decision, to ensure that the appeal procedure can be progressed.

Wards Affected

Conquest

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	Yes
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix A. Application for review, with statement and appendices.

Appendix B. Map of Venue.

Appendix C. Additional representations

Officer to Contact

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