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LICENSING SUB COMMITTEE

23 APRIL 2018

Present: Councillors Edwards, Patmore (Chair) and Roberts with Councillor Sinden in reserve. Also in attendance: Bob Brown, Licensing Manager; Cathie Wolfe, Police Licensing Officer, Sussex Police; PC Wilkes, Licensing Officer, Sussex Police; Rev Adelasoye and Rev. Dr. Chinnock.

7. 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 Roberts moved that Councillor Patmore should take the Chair. This was seconded by Councillor Edwards.

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

8. APOLOGIES FOR ABSENCE

None.

9. MINUTES OF PREVIOUS MEETING HELD ON 22 JANUARY 2018

RESOLVED that the minutes of the meeting held on 22 January 2018 be approved and signed by the Chair as a true record.

10. DECLARATIONS OF INTEREST

None.

11. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None.

12. APPLICATION FOR PREMISES LICENCE: 20 NORMAN ROAD, ST. LEONARDS ON SEA

Members of the Committee, Officers and the applicant introduced themselves. Councillor Patmore 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 26th February 2018 for a premises licence for 20 Norman Road, St. Leonards on Sea.

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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.

Cathie Wolfe, Police Licensing Officer, made the police submission on the grounds of the 'Prevention of Crime and Disorder'. She said their objection was based on two factors: 1st the applicants past criminal history (see representation letter dated 22.03.18 appended to the agenda) and 2nd their visit to the premises on 14.03.18. The purpose of the visit by Sussex Police Licensing Team was to discuss the application with Reverend Adelasoye and to check that no alcohol was stored/displayed at the premises. She confirmed there was no alcohol present. Her colleague asked to see the accommodation upstairs and asked Reverend Adelasoye whether anyone was living there. She said Reverend Adelasoye replied 'No'. The application form states there will be no sale of alcohol; drunkenness on the premises and no sale of illegal drugs. These factors are against the law and cannot be placed on a licence as a condition. She said Sussex Police were not satisfied the application will promote the licensing objectives under the Act and in particular as this premise is in a Cumulative Impact Zone.

In his submission, Reverend Adelasoye said he was asked if he knew if anyone was living upstairs, he said that at the time he had replied 'Not that I know of'. He told the committee that he believed he took the lease with vacant possession. He said it was his intention to work with the Authorities and welcomed their visit. When the premises was initially sold to him he said he could not enter the flat as the person who had the key was in Romania. When he gained entry he found 6 people in the building who were not supposed to be there. He told them they had to leave because he and the landlord needed to re-wire the property. Subsequently, the man the Police found on their visit on 14.03.18 resided at no 2 not 3. He said he did not know he was there.

Mr Brown asked what steps Reverend Adelasoye had taken to read the Council's Licensing Policy. Reverend Adelasoye said he had taken a training course in Licensing and passed it. Mr Brown asked why he did not mention this in his application for a premises licence. Reverend Adelasoye said he went to the Council to ask if he was able to sell alcohol and was told the licence had been surrendered. He asked Reverend Adelasoye if he saw the licence when he bought the premises. Reverend Adelasoye said 'No'. He said he was advised by the former owner that the premises did have a licence and was given a number of papers, furthermore he would be supported and assisted with staff. Mr Brown said the saturation zone and reduced strength alcohol were not mentioned in the application. He reiterated the point made by Sussex Police that the conditions stated by Reverend Adelasoye in his application are offences under the Act and cannot be considered.

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Councillor Roberts asked Reverend Adelasoye if he knew if anyone was living above the premises when he first brought it, despite not having access to it. Reverend Adelasoye said he did not have a key to the flat and didn't know anyone was living there before he took over the premises.

Councillor Patmore sought clarification on the opening hours. Reverend Adelasoye said the premises will open between 7am and 11pm Monday to Sunday and the sale of alcohol will take place between 9am and 8pm Monday to Sunday.

Mr Brown explained the premises was within the Central St Leonards Cumulative Impact Zone, also the matrix in our current licensing policy states that an off licence would not be the preferred type of premises. Within Central St. Leonards there is significant evidence of alcohol problems. Each application, he said, is dealt with on its own merits. Where representations are received in relation to the application for the grant of a premises licence, there will be a presumption against the grant of such licence unless the applicant, in the operating schedule, can rebut the presumption that the granting of such a licence would undermine the licensing objectives. The onus is on the Applicant to demonstrate the premises will not add to the problems in the Cumulative Impact Zone. He said there was nothing in the application which mentions the Cumulative Impact Zone or selling of alcohol and single cans. The licence is not appropriate because of well known problems in area.

The Chief Legal Officer said the reviews of the policy on cumulative impact were considered on an evidence basis, not on any assumption and widely consulted upon.

In his summary Reverend Adelasoye said in hindsight he should have done more work before submitting the application and had relied on the ongoing business. He said his contribution will be positive, he was not looking to sell cheap or high strength alcohol.

Reverend Doctor Chinnock said he was an ex-nurse and had dealt with people with drug and alcohol issues. The shop he said will promote various foods from around the world, it will move the area forward. Having known Reverend Adelasoye for nearly ten years he said he had learnt from his mistakes and had helped people in a counselling role.

RESOLVED (unanimously) to **REFUSE** the licence as follows:

The reason for this decision was:

The applicant has 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.

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13. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 10.49 am)