

Agenda Item No:

Report No:

Report Title: Application for a Premises Licence Angie's News Agent
23 Claremont Road Seaford BN25 2PF

Report To: Licensing Sub-Committee **Date:** 20 December 2010

Report By: Director of Planning and Environmental Services

Contact Officer(s): Tim Albright Environment and Health Manager
Garry Clark Licensing Officer

1. The Application:

1.1 Applicant: Angusina Maria Hindocha 1 Beacon Road Seaford BN25 2NH

1.2 Premises: Angie's News Agent 23 Claremont Road Seaford BN25 2PF

1.3 Type of application: Application for a Premises Licence to be granted
under the Licensing Act 2003

1.4 Licensable activities:

1.4.1 Sale of alcohol off the premises Monday to Sunday 5am to 10pm.
Hours premises are open to the public Monday to Sunday 5am
to 10pm.

1.5 Steps to promote the Licensing Objectives:

1.5.1 The applicant has offered the following conditions to promote the four
licensing objectives.

1.5.2 General

Premises operates under the control of the applicant and DPS who will
ensure that all staff involved in the sale of alcohol are fully trained in the
Licensing Law and conditions on the licence.

1.5.3 Crime and Disorder

Good general security including vision mirrors covering all areas.

1.5.4. Public Safety

Fire risk assessment will be carried out.

1.5.5 Protection of Children from Harm.

Challenge 25 policy. Proof of age will be required from any person
appearing to be under the age of 25 who is attempting to buy alcohol.
The only identification that will be accepted are passports and UK driving
licences with a photograph and date of birth and Portman group proof of
age cards bearing the 'Pass' mark hologram.
A refusal register for the supply of alcohol will be maintained on the
premises.

2. Background Information:

- 2.1** Angies News Agent is a family owned newsagent and shop situated in a parade of seven other retail outlets in Claremont Road including at number 29 an existing off licence called Claremont Wines. The shops are set back from the road with a lay by for vehicle parking and access to the various premises. Claremont Road and the surrounding area is residential accommodation and the shops service a large number of residents in this area of Seaford, similar shops and other retail premises being a considerable distance away from this location.
- 2.2** Angie's News Agent has not to my knowledge previously applied for an alcohol licence and has been owned and managed by the applicant Mrs Hindocha since 1987. The shop sells newspapers, magazines, tobacco, confectionary and a limited range of convenience food and other household items. It now wishes to offer a range of alcohol including spirits, wine and beer.
- 2.3** Angie's News Agent is applying for an alcohol licence for off sales Monday to Sunday 5am to 10pm. Currently the shops hours of trading are Monday, Tuesday and Thursday 5am to 6pm. Wednesday, Friday and Saturday 5am to 8pm to service lottery customers and on Sunday the hours of 5am to 2pm. All spirits will be kept behind the customer counter at the front of the premises.
- 2.4** Since Mrs Hindocha has owned the premises there have been no complaints recorded by the Council from local residents about noise or nuisance.

3. Representation received:

3.1 Responsible authorities

- | | |
|--|------------|
| 3.1.1 <u>Police:</u> | No comment |
| 3.1.2 <u>Environmental Health:</u> | No comment |
| 3.1.3 <u>Fire Officer:</u> | No comment |
| 3.1.4 <u>ESCC – Child Protection:</u> | No comment |
| 3.1.5 <u>Trading Standards:</u> | No comment |
| 3.1.6 <u>Health & Safety:</u> | No comment |
| 3.1.7 <u>Planning</u> | No comment |

3.2 Interested parties:

- 3.2.1** Letters received within the relevant time wishing to make representations about the application by Angie's News Agent are attached at Appendix 1. There are five written representations from residents in the vicinity of the premises and one from a nearby premises freeholder who resides in Seaford.

3.2.2 The grounds for their objections are that the application will undermine one or more of the licensing objectives relating to crime and disorder, public nuisance and public safety. They are considered to be relevant to the application and not frivolous or vexatious

4. Licensing Policy Considerations:

4.1 Lewes District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. It covers the licensable activities for retail sale of alcohol, regulated entertainment and late night refreshment which are subject to this licence application.

4.2 The aims of the Policy are to secure the safety and amenity of residential communities, help to ensure a sustainable environment, and to provide regulation of the cultural/entertainment industry and to promote the four Licensing Objectives of the Act. Namely;

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

4.3 The three guiding principles (set out in Paragraph 4 of the Licensing Policy) adopted by the Council as the Licensing Authority serve as a general guide to the Council when it carries out its licensing functions.

4.4 Any objections to a licence application or variation on the grounds of cumulative impact must be relevant and impact on one or more of the licensing objectives.

4.5 All residents living in the vicinity of licensed premises have an equal right to make representations concerning applications for premises licences and hours of trading and to have those representations given equal weight regardless of the area of the District in which they live.

4.6 In each case that arises following representations the Policy states the Council will:

- a) Consider the potential for public nuisance, crime and disorder and/or danger to public safety associated with the style, characteristics and activities of the business involved and the rights of local residents to peace and quiet.
- b) Examine the potential steps which could be taken to reduce the risk of public nuisance, crime and disorder and/or danger to public safety, particularly in areas of dense residential accommodation.
- c) Consider restricting the hours of trading only in cases where there are good grounds for believing that the licensing objectives will be or are being undermined.

- 4.7** Shops, stores and supermarkets should be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open.
- 4.8** In certain circumstances, however, it may be necessary to impose a limitation, for example, following a police representation in the case of some shops known to be a focus of disorder and disturbance because youths gather there.
- 4.9** If a responsible authority and/or interested parties do not raise any representations about a licensing application made to the Council, it is the duty of the Council to grant the Licence subject only to the conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act itself.
- 4.10** The Council may not therefore impose any conditions unless its discretion has been engaged following the making of relevant representation and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions that are necessary to promote the Licensing Objectives arising out of consideration of the representations.

5. National Guidance:

- 5.1** The Council may tailor its own conditions or draw from the model conditions in the National Guidance issued under section 182 of the Act.
- 5.2** The important sections under Annex D are conditions under part 1 relating to the prevention of crime and disorder, part 2 relating to public nuisance and part 5 relating to protection of children from harm.

6. Financial Implications:

There are no financial implications to this report.

7. Environmental Implications:

I have completed the Environmental Implications questionnaire and there are no significant effects as a result of these recommendations.

8. Risk Management Implications:

I have completed the Risk Management questionnaire and this report does not require a risk assessment.

9. Background Papers:

Statement of Licensing Policy:
Pool of conditions Annex D.
Application for a premises licence for Angie's News Agent.

10. Appendices:

Appendix 1. Letters from interested parties objecting to the application.

11. Plans:

Plan of premises layout Angie's News Agent.
Street plan of premises location in Claremont Road, Seaford.
Photographs of premises and Claremont Road shops.