

## **Licensing Act Sub-Committee - Record of Hearing held on Monday 23 July 2012 at 6.00pm**

**MEMBERS:** Councillor Mrs HEAPS (Chairman); Councillors COOKE and MURRAY.

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### **1 Declarations of Disclosable Pecuniary Interests (DPIs).**

None were received.

### **2 Application for New Premises Licence – Boss Convenience Store**

The Chairman introduced members and officers present and detailed the procedure to be followed at the meeting.

The Licensing Manager outlined the report regarding the application for a new premises licence for the Boss Convenience Store, Eastbourne.

The premises were located in the Cumulative Impact Zone defined as when a significant number of licensed premises are concentrated in an area. When an area becomes saturated it creates exceptional problems that undermine the promotion of one or more of the licensing objectives. When valid representations are received in respect of premises located within the area identified as being subject to the Council's Cumulative Impact Policy, a rebuttable presumption is created that the application is refused.

Sussex Police had made written representations as a responsible authority under the prevention of crime and disorder licensing objective.

Mr Jules Maynard, Sussex Police advised the Sub-Committee that the premises were located right on the edge of the Cumulative Impact Zone which already contained 21 premises licensed for alcohol off-sales. He outlined the initial concerns that had been identified by Sussex Police and indicated that the applicant had worked with Sussex Police to address the concerns raised. A number of matters required clarification regarding whether the applicant would become a member of Shopwatch, an agreement by the applicant not to sell alcohol over 5.4% abv and how alcohol would be promoted within the shop.

In response to a question from the Sub-Committee regarding the cost of joining Shopwatch, Mr Maynard advised that whilst an exact figure could not be provided, the price is manageable and there are many benefits to joining the scheme.

Mr Stebbing, on behalf of the applicant, asked Mr Maynard whether Sussex Police would withdraw their representations if the applicant agreed to the required conditions proposed by Sussex Police. Mr Maynard advised that it would be up to the applicant to prove to the Sub-Committee that granting the premises licence would not exacerbate existing issues in the locality or undermine the promotion of the Licensing Objectives.

With reference to CCTV, Mr Stebbing advised that four cameras would be installed inside the premises, one outside at the rear and one outside at the

front of the premises. All staff would be trained on how to use the CCTV system and would be able to provide images upon request by Sussex Police.

Mr Stebbing made representations to the Sub-Committee advising them that the store would be part of the Premier franchise and whilst alcohol would be sold, it would be a small element of what the main focus of the store would be which was the sale of convenience items. Mr Stebbing stressed that security was very important to the applicant and made reference to the store plan, appended to the report which detailed the location of the alcohol in clear view of the counter.

The applicant was committed to working with the police in support of the requirements of the Cumulative Impact Policy. The police concerns and the difficulties relating to the night time economy in the area were acknowledged and the conditions suggested by the police were accepted by the applicant to support and promote the prevention of crime and disorder licensing objective.

Mr Stebbing advised the Sub-Committee that the applicant does not intend to promote the sale of alcohol anymore than the standard advertising materials used in the Premier franchise and 'drink responsibly' posters would be displayed around the store. No registered security operatives would be required given the size of the shop but any additional training requirements for staff would be addressed by the applicant if necessary.

In response to a question from the Sub-Committee relating to the requirement to sell alcohol, Mr Stebbing advised *that* the applicant was reliant on support from the Premier franchise and if they couldn't comply with the overall image of Premier which included the sale of alcohol, they would not be supported.

Mr Stebbing stressed that the applicant would not be using alcohol as a loss leader and again referenced the plan of the premises that showed a small proportion of the shop dedicated to alcohol sales.

With reference to the range of pricing of alcohol, the store would follow Premier's standard pricing structure although he was unable to provide a specific pricing list. The Sub-Committee was advised that fine wine would not be sold, following the trend at other Premier shops.

Following all the evidence presented to the Sub-Committee, Mr Maynard concluded that as the premises were located on the edge of the Cumulative Impact Zone, incidents of crime and disorder associated with street drinkers may increase.

Mr Stebbing reiterated that the applicant was happy to comply with the conditions put forward by Sussex Police and that the measures put forward tonight by the applicant to support the CIP and address the concerns raised was fair and reasonable for the Sub-Committee to grant the licence.

The Sub-Committee then retired to consider and determine the application having regard to the representations submitted, the four licensing objectives and the Council's Statement of Licensing Policy.

Having taken into account all the relevant considerations the Sub-Committee reconvened and announced the decision as follows.

**RESOLVED:** That the new premises application in respect of the Boss Convenience Store be refused as set out in the attached appendix.

The meeting closed at 7.21 p.m.

**Mrs C Heaps  
Chairman**

# Eastbourne Borough Council

## Decision Notice

### Licensing Act Sub-Committee held on Monday 23 July 2012

Premises Licence Holder:	Rahmani Mehrab
Premises:	Boss Convenience Store
Reasons for Hearing:	Relevant representations received from responsible authorities under the prevention of crime and disorder licensing objective arising from the Council's Cumulative Impact Policy.
Parties in attendance:	On behalf of applicant: Mr John Stebbing and Mr Mark Poulton (Stephen Rimmer LLP)
	Responsible Authorities: Mr Jules Maynard and Mrs Cathy Wolfe (Sussex Police)
	Licensing Authority: Mr Jay Virgo (Licensing Manager) and Mr Andy Couper (Locum Lawyer).
Decision made:	That the application be refused on the following grounds:
Reasons for Decision:	<p>The Sub-Committee has refused the application for a new Premises Licence having given due weight to the evidence placed before it, as well as the regulations and guidance under the Licensing Act 2003, the licensing objectives and the Council's Statement of Licensing Policy.</p> <p>The Sub-Committee has weighed up the applicant's submissions alongside the representations made by the responsible authorities (Sussex Police.)</p> <p>The Sub-Committee did not consider that the applicant had provided sufficiently compelling evidence to show that the premises will not exacerbate existing issues in the locality or undermine the promotion of the Licensing Objectives to rebut the presumption against the granting of the application arising from the Council's Cumulative Impact Policy. The application is therefore refused on these grounds.</p>
Date of Decision:	23 July 2012
Date decision notice issued:	26 July 2012

A written or electronic copy of this Notice will be publicly available to all Parties and published on the Council's website.

## **RIGHT OF APPEAL**

Under the provisions of S.181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal against the decision of the Licensing Sub-Committee, should you be aggrieved at the outcome.

This right of appeal extends to the applicant in the case of refusal or restrictions on the licence, or the imposition of conditions to the licence. The right of appeal also extends to persons who have made representations where the licence has been granted, or that relevant conditions have not been imposed on the licence.

Full details of all the rights of appeal can be found within Schedule 5 of the Act. If parties wish to appeal against the Sub-Committee's decision, this must be made to the Magistrates Court, Old Orchard Road, Eastbourne, BN21 1DB within 21 days of receipt of this decision notice.