

## **Licensing Act Sub-Committee - Record of Hearing held on Monday 23 July 2012 at 7.25pm**

**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 – Savers, 64-66 Terminus Road**

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 Savers, 64-66 Terminus Road, 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, the Cumulative Impact Policy creates a rebuttable presumption that the application is refused unless the Sub-Committee is satisfied that the applicant has provided evidence to show that the premises would not exacerbate existing issues in the Zone or undermine the promotion of the Licensing Objectives.

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

Mr Jules Maynard, Sussex Police addressed the Sub-Committee informing them that the premises was located right in the centre of the Cumulative Impact Zone which already contained 21 premises licensed for alcohol off-sales. It was felt that a further premises retailing alcohol would have a detrimental effect on the existing saturated area and it was a concern that the applicant had failed to address or acknowledge that the premises was situated within the Cumulative Impact Policy.

Mr Maynard indicated that the applicant had done very little to promote the prevention of crime and disorder licensing objective and that if the application was granted, it had the potential to attract street drinkers, particularly if the alcohol price is to be substantially discounted. Mr Maynard made reference to an attached schedule of incidents involving street drinkers, which was circulated prior to the meeting. The schedule detailed 143 incidents reported for the period of 2<sup>nd</sup> April – 13<sup>th</sup> July 2012 that Sussex Police showed as evidence of anti social behaviour that currently exists within Eastbourne Town Centre.

It was also a concern to Sussex Police that the pricing structure of the alcohol would offer "bargain booze" to members of the public and would attract the

street drinking fraternity. The Sub-Committee queried whether this pricing structure was typical for the majority of retail stores. Mr Maynard advised that a price comparison with Tesco's had identified that the price structure proposed by Savers was significantly cheaper.

Ms Clare Smith representing Savers informed the Sub-Committee that this was due to Savers being predominantly a discount store.

Mr Maynard also queried whether the applicant would be selling single bottles of beer and cider as despite the applicant insisting it wouldn't, the picture appended to the report showing the alcohol bays indicated otherwise. Clarification over whether the applicant would sign up to be a member of the Shopwatch scheme, how they would promote alcohol and whether security operatives would be employed was also requested.

The applicant had also attached a list of alcoholic products that was appended to the report. When asked whether certain types of products on the list would attract a certain audience, Mr Maynard believed that there were several items on the list that would appeal to the juvenile element of the town.

Mr Terry Reid, speaking on behalf of Savers addressed the Sub-Committee and apologised that the application had overlooked the Cumulative Impact Policy. Mr Reid gave a background on the Savers franchise which had 235 stores nationwide and an affiliation with Superdrug and The Perfume Store. Savers are a franchise which takes their corporate responsibility seriously and provided the best possible training for its staff which was refreshed when necessary. The introduction of alcohol to stores had been carefully planned to support the 4 licensing objectives and as a predominately Health & Beauty store, alcohol would represent only a small percentage of products sold.

Mr Reid informed the Sub-Committee how Savers would promote the 4 licensing objectives. Savers would strongly promote the Challenge 25 scheme and to maintain high standards, personal licence holders for each store would remain on the premises at all times. Mr Reid made reference to the CCTV system currently in place at the store that is capable of continuously recording for a period of no less than 31 days. In response to Sussex Police's query about the product list and photo appended to the report, Mr Reid advised that the list had changed substantially since published and the single bottles of beer and cider had been discontinued. The Sub-Committee was also informed that 80% of the products would be wine, with no spirits and no beer/lager including cider above 5.5% abv. There would be no buy one get you free offers applied at the store.

Mr Reid advised that Savers is part of the Shopwatch scheme and would use the radio link to protect its staff if necessary. Addressing the concern over the location of the premises, Mr Reid made reference to a Savers store in Blackpool that was situated inside a Cumulative Impact Zone and had received very positive feedback from Police. Mr Reid didn't believe granting an off-licence for alcohol would exacerbate the incidences of crime and disorder as the store is currently active and precautions such as CCTV, Shopwatch, the high quality training of staff and challenge 25 scheme would be in place. Mr Reid informed the Sub-Committee that Savers would be happy to work with Sussex Police and apply conditions if necessary to help promote the licensing objectives.

When asked by the Sub-Committee whether the sale of cheap alcohol would be detrimental to the Cumulative Impact Policy, Mr Butterworth representing Savers believed the price represented good value and as a result would help the recognised brand of Savers stay competitive. Mr Butterworth informed the Sub-Committee that Savers had not had an issue with street drinkers because Savers didn't target them as an audience.

Following all the evidence presented to the Sub-Committee, Mr Maynard concluded by saying it was unfortunate that the applicant had overlooked the Cumulative Impact Policy and reiterated Sussex Police's concern that the cheap products would attract the juvenile element of town and street drinkers. He made reference to the number of incidents involving street drinkers which had been recorded within the Town Centre. He also believed the out of date price list and photo provided by the applicant had been misleading in understanding what would actually be on sale at the store. It was acknowledged that the training of staff at Savers was excellent, however it was a concern that no SIA registered door staff would be on site. The Sub-Committee queried whether SIA staff had been employed at other Savers stores nationwide. Mr Reid confirmed them that SIA staff did exist at some stores and Savers would have the facilities to support the provision of them at the Eastbourne premises should it be necessary.

Mr Reid concluded that Savers take their corporate responsibility very seriously and had sold alcohol at stores since 2010 and no issues had arisen relating to the licensing objectives. Mr Reid referred to Savers' first class training accreditation and the fact that members of the public benefit from the Savers brand offer being consistent across the country. Mr Reid reiterated that he didn't believe granting an off licence for the sale of alcohol would attract street drinkers.

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 Savers, 64-66 Terminus Road be refused as set out in the attached appendix.

The meeting closed at 8.15 p.m.

**Mrs C Heaps  
Chairman**

# Eastbourne Borough Council

## Decision Notice

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

Premises Licence Holder:	Savers Health and Beauty Limited
Premises:	Savers, 64-66 Terminus Road
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:	Applicant: Mr Terry Reid, Mr Steve Butterworth, Ms Clare Smith, Ms Debbie Connelly, (Savers)
	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:	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.
	The Sub-Committee has weighed up the applicant's submissions alongside the representations made by the responsible authorities (Sussex Police.) The Sub-Committee accepts the concerns of the police and find that granting the application would be likely to exacerbate the incidences of crime and disorder in the Cumulative Impact Policy area and potentially encourage younger drinkers that would be detrimental to the protection of children from harm licensing objective.
	The Sub-Committee did not consider that the applicant had provided sufficiently compelling evidence 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.
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.