

Decision of Licensing Sub Committee. Hearing 2 October 2023

Application for a new premises licence at T & F Food Centre, 58 Grove Road, Eastbourne, BN21 4UD.

The hearing concerned a new premises licence application, T & F Food Centre, 58 Grove Road, Eastbourne, BN21 4UD made by T & F Food Centre Ltd.

The premises is a convenience store and is known as Dem Food Stores.

The application was for the sale by retail of alcohol, off the premises only, Monday to Sunday (inclusive) between 08.00hrs and 23.00hrs.

In discharging its functions, the Sub Committee considered the promotion of the relevant licensing objectives, the Council's own Licensing Policy, the relevant Home Office Guidance, and the rules of natural justice.

It also took into account, the information contained within the Specialist Advisor's report, presented by Dean Love. He noted that no Responsible Authority had made a representation, but conditions had been agreed between the Applicant and the Police prior to the hearing. He informed the hearing that the Police had withdrawn the conditions relating to outdoor space, as referred to on page 30 of the Report, and the condition relating to off sales, as referred to on page 31 of the Report.

Dean Love informed the hearing that the Representator was unable to remotely attend the hearing because they were unwell. He stated that mediation had been attempted between the Applicant and the Representator but there had been no resolution.

The Sub Committee considered the application and the oral representations made at the hearing by the Applicant's representatives, Deniz Erdogan, Furkan Yilmaz and Abdulkadir Akan. Those were that there were other licensed premises in the locality of the premises will similar licensable hours.

It was contended that all preparations had been made to ensure that the premises would comply with the licence conditions agreed with the Police. It was stated that the Applicant had in relation to CCTV installed face recognition cameras so that it had gone beyond what was required, in that respect.

The Applicant stated that it planned to have SIA door staff on a Friday and Saturday night between 20.00hrs and 23.00hrs. It was noted that this was not a condition agreed between the Applicant and the Police, but it was a step that the Applicant had chosen to take.

The Applicant stated that it took seriously its relations with local residents and the general public particularly as it was a local shop, rather than a national chain, and because those working at the premises were also local residents.

It was contended that the Applicant was willing to listen to all concerns.

It was reiterated at the hearing that all staff would be fully trained and there would be strong controls on the sale of alcohol and that all conditions on the licence would be taken seriously.

The Applicant noted that alcohol could already be purchased at several other premises in the area.

In response to a question, the Applicant stated that the premises were already operating as a convenience store.

Due regard by the Sub Committee was given to the written representations of a member of the public. Those objections related to the prevention of public nuisance in that it was contended that the granting of the licence would lead to an increase of anti-social behaviour and an increase in noise in the area during the evenings. Further, it was contended that the area did not need another shop opening late selling alcohol.

In its deliberations the Sub Committee considered which decision would be appropriate and proportionate, from the options outlined in para. 8.1 of the Report.

Decision

The Sub Committee resolved to grant the licence but with the modified conditions as agreed by the Police (not the withdrawn conditions) and to add a condition, as suggested by the Applicant at the hearing, of "At least one SIA door staff shall be present at the premises between 20.00hrs to 23.00hrs on Fridays and Saturdays."

Reasons for decision

The Licensing Sub Committee carefully considered the relevant parts of the representation made by a member of the public. The Sub Committee noted that in the representation it was stated that there was no need for another premises selling alcohol in the area, but it was noted that the Licensing Authority should not take "need" for a premises into account when making a decision concerning a licence application.

However, take those concerns about noise and anti-social behaviour into account the Sub Committee considered that it would be appropriate and proportionate to add a condition to the premises licence relating to door staff. It was noted that the Applicant planned to employ door staff.

Further, the Sub Committee noted that the Council's Licensing Policy stated that "Shops and supermarkets will generally be permitted to sell alcohol at any time during their normal trading hours unless there are very strong reasons for restricting those hours." The Members believed that there were no strong reasons to depart from its own Policy in terms of restricting the licensable hours.

In making this decision, the Sub Committee took into account that no Responsible Authority had made a representation.

It was considered that, in light of the conditions agreed between the Applicant and the Police and the addition of condition relating to door staff, that the granting of the premises licence would not undermine the licensing objectives. Further, the Sub Committee were satisfied, on balance, that the Applicant would take seriously any concerns about noise or anti-social behaviour which could adversely impact on the licensing objective of the prevention of public nuisance.

The Licensing Act 2003 provides a right of appeal to the Magistrates' Court in respect of an application for a premises licence. An appeal must be commenced by notice of appeal being given by the appellant to the Magistrates' Court within a period of 21 days beginning on the date the appellant is notified in writing of the decision of the Licensing Sub Committee.

The decision shall be provided in writing to all parties within five working days of the decision being made.

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