

## LICENSING AND GENERAL PURPOSES COMMITTEE - GENERAL LICENSING PANEL

30 January 2020

Minutes of the Licensing and General Purposes Committee - General Licensing Panel meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Thursday 30 January 2020 at 2.00pm.

### There were present:

#### Members of the General Licensing Panel:

Councillors G.S. Browne, K.M. Field and A.S. Mier.

#### Interested Parties:

**Applicant:** Mr Tony Suthan

**Applicant's Agent:** Mr Richard Baker

**Applicant's Legal Representative:** Professor Roy Light

**Advisory officers:** Deputy Legal Services Manager - Wealden & Rother Shared Legal Services, Environmental Health Licensing Officer (NH), Environmental Health Officer (ED) and Democratic Services Officer.

#### LP19/19      **APPOINTMENT OF CHAIRMAN**

Councillor K.M. Field was duly appointed as Chairman of the Panel.

#### LP19/20      **DISCLOSURE OF INTERESTS**

Declarations of interest were made by Councillors in the Minutes as indicated below:

K.M. Field      Agenda Item 5 – Personal interest in so far as she was and an elected Member of East Sussex County Council for Battle and Crowhurst.

#### LP19/21      **REPORT OF THE EXECUTIVE DIRECTOR - APPLICATION FOR A NEW PREMISES LICENCE**

Consideration was given to the report of the Executive Director that gave details of an application for a premises licence for the Johns Cross Country Store, Johns Cross, East Sussex for the licensable activity of the retail sale of alcohol (off the premises), Monday to Sunday 08:00 - 21:00hrs. One representation had been made in relation to the application in regard to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Prior to the commencement of the meeting, the Deputy Legal Services Manager gave advice to the Interested Parties regarding the grounds on which the licensing application could be considered.

The Chairman welcomed all who were present and gave general advice in regard to the hearing. The Panel then proceeded to hear the case following the adopted procedure and all parties present at the hearing were invited to address the Panel.

The Panel heard from Mr Nigel Harwood, Environmental Health Licensing Officer, who presented the report of the Executive Director detailing the application and then from Professor Roy Light, the Applicant's Legal Representative, who presented the case for the application.

All letters of objection and support were given the Panel's full consideration.

Members deliberated on the application which was determined having regard to the licensing objectives, together with the Guidance under Section 182 of the Licensing Act and the Local Licensing Policy and retired to make their decision in private session.

**RESOLVED:** That the application for a Premises Licence be granted subject to the conditions as set out in Appendix 1.

(Councillor Field declared a personal interest in this matter in so far as she was an elected Member of East Sussex County Council for Battle and Crowhurst and in accordance with the Members' Code of Conduct remained in the room during consideration thereof.)

## **CHAIRMAN**

The meeting closed at 2.40pm.

Rother District Council  
 DECISION NO: WK/201910275

### GENERAL LICENSING PANEL DECISION NOTICE

**Date of General Licensing Panel Meeting: 30 January 2020**

Venue: Town Hall, Bexhill-on-Sea

Date of Decision: 30 January 2020

**NAME AND ADDRESS OF PREMISES:**

Johns Cross Country Store, Johns Cross Road, Johns Cross, East Sussex

**NAME(S) OF APPLICANT:**

Johns Cross Country Store

**REASON(S) FOR REPORT:**

The report had been subject to one representation on the grounds of prevention of crime and disorder and the prevention of public nuisance.

### DECISION MADE AND REASONS FOR IT:

#### Reasons for the Decision

The Panel was asked to consider the application for a new Premises Licence for the John Cross Country Store, Johns Cross Rd, Johns Cross, TN32 5JJ. The Panel had, within their papers, the report of the Licensing Officer together with the application; proposed conditions, internal plans, photographs of the outside of the premises, map of the local area, and the representation against the grant. In addition, the Panel also had regard to their own Statement of Licensing Policy dated 2016 and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

At the outset of the hearing, the Licensing Officer detailed the application and the operating hours within the application. It was said that the premises lay within a mixed commercial/residential setting, and that the premises had been operated as an equestrian shop for some time. In addition, it was adjoined by a very large caravan/campervan retailer that attracted significant visitors to the vicinity.

In response to the issue raised by the single representor, the Licensing Officer stated that research into the nearby school showed that it hosted young children, in the 5 - 11 age bracket, who had a range of social, emotional and mental health needs and those diagnosed with autism or behaviours associated with autism. In addition, in the last survey carried out in 2019, there were only 11 pupils. Photographs of the premises were shown to Members of the Panel to enable them to understand the layout of the area, and the proximity of the representor's house given the issues raised in respect of potential noise and light pollution. It was stated that conditions had been offered by the Applicant across the spectrum of the licensing objectives, which were within the agenda papers.

The Applicant was represented by Counsel Professor Light. He detailed the layout within the premises stating that the sale of alcohol would be ancillary to the main

produce, including fresh produce as well as pet supplies and the existing equestrian sales. The Applicant was an existing experienced operator with several other premises, and a garage, within the Kent area. The modest hours requested, with a 21.00 terminal hour, fell well within the Council's guidance within its Licensing Policy at paragraph 5.2 which suggested midnight was the threshold for special measures to be required at licensed premises. Professor Light stated that the premises were approximately 20 metres from the representor's house. With that distance in mind, it was said the suggested potential issues with light pollution were highly improbable. The current light above the entrance door was directed directly downwards and therefore it was unrealistic to believe that the light would cause a nuisance, particularly to the representor's bedroom which was at a higher level. Other security lighting, equally directed downwards, was said to be too far from the representor's property to cause any nuisance. It was stated that there were no further plans to extend the lighting outside the premises.

In respect of the representation regarding protecting children from harm, it was said that neither the school, nor the area Safeguarding Authority had expressed any concerns at the application, and as such those qualified to raise concerns had not done so. It was suggested that given the age of the children at the nearby school it was highly improbable to suggest that attempts to purchase alcohol would be made by those children. In respect of other potential underage sales, it was said the conditions offered by the Applicant would more than ensure that the Applicant could uphold this specific objective. Professor Light proposed that the Panel could safely grant the licence in the face of the representation, given the measures voluntarily put in place, and those imposed by way of conditions, confident that this was an experienced operator.

The Panel was conscious that in making their decision they had to balance the commercial ambitions of the premises against the concerns from those living closest to the venue. The Panel was satisfied, on balance, that the potential light and noise nuisance were an unrealistic issue, especially considering the details provided at the hearing in relation to the lighting, and the limited space available for customer parking. Indeed the Panel was reassured that the area between the properties would be locked when the premises closed, so preventing any potential noise related disturbance. The Panel accepted the assurances given that there were no further plans to provide extra lighting. The Panel was satisfied, on balance, that the conditions attached in relation to underage sales were more than appropriate to ensure that the management would uphold the specific objectives in relation to children, together with the conditions generally offered to meet the crime and disorder objective.

### **Decision Made**

Premises Licence be granted as below:

Retail sale of alcohol off the premises, Monday to Sunday 08:00hrs – 21:00hrs.

#### Conditions offered by the applicant

1. Spirits will be located behind the counter.
2. The premises shall have sufficient cameras located within the premises to cover all public areas including the outside of the premises covering the entrance/exit.

3. The system shall be able to cope with all levels of illumination throughout the premises. CCTV warning signs to be fitted in public places.
4. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.
5. The recording system must record to evidential standard and be retained for a minimum of 31 days.
6. CCTV recordings shall be made available to the Police and any relevant officer of a responsible authority upon reasonable request by an authorized member of staff as soon as is reasonably practicable.
7. Staff shall be trained with regard to their responsibilities in the retail sale of alcohol before they start to sell alcohol. Written records shall be kept of all training. Written refresher training shall be undertaken at least annually. Training records are to be available for inspection upon reasonable request by the Police or other relevant officers of a responsible authority.
8. A refusals book will be operated and maintained and the book will be available for inspection upon request by a relevant officer of a responsible authority.
9. A Challenge 25 policy will be operated at the premises. Acceptable forms of identification shall be a passport, a photo driving licence and a PASS accredited identification card.
10. Challenge 25 posters shall be displayed in prominent positions at the premises.
11. Notices requesting customers to be respectful of local residents when leaving the premises at night.
12. The store frontage will be swept daily and any owned litter bins emptied regularly.

### **Rights of Appeal**

Under the provisions of Section 181 and Schedule 5 of the Licensing Act 2003 there is a right of appeal against the decision of the Licensing Committee if you are aggrieved at the outcome. This right of appeal extends to the Applicant in the case of a 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 upon the licence. Full details of all the rights of appeal can be found within Schedule 5 of the Act.

Any appeal should be made to the Magistrates Court, Edward Street, Brighton, within 21 days from the date of notification of the decision. You must contact the Magistrates Court to establish the formal procedure for the appeal.

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

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