

BRIGHTON & HOVE CITY COUNCIL
LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

10.00am 26 MAY 2009

COMMITTEE ROOM 3, BRIGHTON TOWN HALL

MINUTES

Present: Councillors Mrs Cobb, Marsh and Watkins

Officers: Rebecca Sidell (Lawyer), Jean Cranford (Licensing Manager) and Rowan Sky (Democratic Services Officer)

PART ONE

143. TO APPOINT A CHAIRMAN FOR THE MEETING

143.1 Councillor Cobb was appointed Chairman for the meeting.

144. PROCEDURAL BUSINESS

144A Declarations of Substitute Members

144.1 There were none.

144B Declarations of Interests

144.2 There were none.

141C Exclusion of the Press and Public

144.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

144.4 **RESOLVED** – That the press and public be not excluded.

145. BARGAIN BOOZE AND VIDEO BOX, 2 QUEENS PARADE, HOVE

145.1 The Panel considered a report of the Assistant Director of Public Safety regarding an application for a New Premises Licence under the Licensing Act 2003 for Bargain Booze and Video Box, 2 Queens Parade, Hove (for a copy see minute book).

- 145.2 Mr Roger Noel of Video Box and his representative Mr Doug Simmons attended the hearing to speak in favour of the application. Councillor David Smart attended the hearing to speak against the application.
- 145.3 The Licensing Manager summarised the application as set out in the report, noting that the application was for a new premises licence for the off-sales of alcohol from the hours of 10:00am to 11:00pm daily. She referred to the three representations received from local Ward Councillors and noted that there had been no representation received from the Police Authority. She drew the Panel's attention to paragraphs 10.21 and 13.23 of the Guidance issued under Section 182 of the Licensing Act 2003, noting that 'need' is not a matter for consideration.
- 145.4 The Chairman invited the Panel to ask any questions of the officer.
- 145.5 Councillor Watkins referred to the list of residents on page 14 of the agenda papers and asked whether the names and addresses had been verified by the Council. The Licensing Manager clarified that no checks were undertaken.
- 145.6 The Chairman invited the applicant to ask any questions of the officer. There were none.
- 145.7 The Chairman invited the interested party to ask any questions of the officer.
- 145.8 Councillor Smart noted that Mr Allen, a local shopkeeper, had indicated to him that he would be writing a letter of objection to the Council and asked why this letter had not been included in the papers. The Licensing Manager replied that she had not received any correspondence from the named resident.
- 145.9 The Chairman asked for clarification on whether Councillor Smart was entitled to speak at the meeting on behalf of local residents. The Lawyer advised that there is no provision in the Licensing Act for Councillors to speak at such meetings in their own capacity but that they can speak if requested to do so by a local resident on their behalf. Councillor Smart clarified that he had been approached by local shopkeepers including Mr Patel and Mr Allen.
- 145.10 Mr Simmons noted that in the submissions received it was not clear that local residents had asked Councillors to represent them and their objections. He commented that although this was not best practice he had no objection to Councillor Smart speaking at the meeting.
- 145.11 The Chairman invited the interested party address the Panel.
- 145.12 Councillor Smart stated that he had written in his capacity as a Ward Councillor to object to the application in the strongest terms for two reasons, as set out in his letter. Firstly, the saturation of the alcohol market, there already being an off-licence and small supermarket nearby and several pubs. He queried why the Council's cumulative impact policy applied in the city centre could not also be used to protect residents and outlets in Hangleton. Secondly, the links between alcohol and problems relating to anti-social behaviour and health. He noted that proxy purchasing of alcohol for under 18s was an issue and would not necessarily be

addressed through staff training. He also commented that an additional retail outlet of this type would present competition to other small retailers in the area and could potentially affect the viability of the community shopping parade.

- 145.13 The Lawyer reminded the Panel that commercial competition and need are not matters for consideration.
- 145.14 Councillor Smart stated that Gredier shopping parade is used as a meeting point for local children from five nearby schools and that there is also an alcohol rehabilitation clinic three minutes away.
- 145.15 The Chairman invited the Licensing Manager to restate the relevant paragraphs from the guidance. The Licensing Manager reiterated paragraphs 10.21 and 13.23 of the Guidance issued under Section 182 of the Licensing Act 2003. She also clarified that the boundaries of the Council's Cumulative Impact Area were agreed following consideration of police crime figures and as such Hangleton and Knoll Ward had not been included.
- 145.16 Councillor Smart queried whether the officer was aware that there had recently been two ram-raids in the area as well as a robbery and an increase in shop-lifting.
- 145.17 The Chairman invited the applicant to ask any questions of the interested party.
- 145.18 Mr Simmons asked Councillor Smart whether he had any evidence to suggest that the premises would not promote the four licensing objectives. Councillor Smart replied that he would not be able to answer that until the premises started to operate.
- 145.19 The Chairman invited the applicant to address the Panel.
- 145.20 Mr Simmons stated that the existing Video Box shop had been in the parade for 20 years and is one of nine Video Box outlets in the region, several of which also operate jointly with Bargain Booze.

He described Bargain Booze as the fourth biggest off-licence sales company in the UK and asked the Panel not to be put off by the name. He stated that the company has a very stringent and comprehensive training policy to ensure that crime and disorder does not emanate from the premises and to protect children from harm.

He noted that the outlet already offers age restricted products and that the proposed operating schedule includes a Challenge 21 policy. He suggested that the applicants would be willing to extend this further to a Challenge 25 policy if the Panel felt it would be beneficial. He produced examples of notices displayed within existing Bargain Booze stores offering a reward for actions contributing to the prevention of proxy sales to under 18s.

He concluded that the premises will promote the four licensing objectives, noting that there had been no representations submitted from Sussex Police.

- 145.21 The Chairman invited the Panel to ask any questions of the applicant.

- 145.22 Councillor Watkins noted that there had been no submissions from Trading Standards or Sussex Police and queried whether it was correct to assume that they therefore had no objections. The Chairman clarified that it was not common practice for the responsible authorities to write to confirm that they had no objection to an application.
- 145.23 Councillor Watkins asked for clarification on which organisation will be running the premises. Mr Simmons replied that the current Video Box team of staff will be working in the premises and will receive additional training in line with the training policy of Bargain Booze. He clarified that Bargain Booze operate as a franchise within the Video Box stores.
- 145.24 Councillor Marsh commented that proxy sales of alcohol to under 18s was a real issue across the City and was pleased to note that the premises would be taking active steps to address this. In relation to the Challenge 21 policy, she asked for reassurance that the staff working in the premises will be rigorously enforcing this. Mr Noel replied that Video Box successfully run three other similar stores incorporating a Bargain Booze franchise. Staff already have a good awareness of false IDs and will turn customers away, keeping records in a refusals book. Mr Simmons added that Video Box staff have substantial training in the sales of age restricted products, including checking ID, and this would be extended by the Bargain Booze training programme.
- 145.25 Councillor Marsh asked for clarification of the current and requested operating hours. Mr Simmons replied that the store currently opens from 12 Noon until 10:00pm and these are also the intended opening hours should the application be approved.
- 145.26 The Chairman referred to the internal plan of the premises and expressed concerns that a large proportion of the sales areas seemed to be allocated on the plan to licensed products. Mr Noel replied that the front fascia of the store will be split equally between the logos for the two outlets, Video Box and Bargain Booze. Mr Simmons added that DVDs, by their nature, can take up very little shelf space but that it was the intention that licensed products would occupy approximately 50% of the store's shelf space.
- 145.27 Councillor Watkins asked whether all staff in the nine stores across the region are given the same level of training and whether staff from different stores are interchangeable. Mr Simmons replied that only specifically trained staff can work in a Video Box store which operates a Bargain Booze franchise.
- 145.28 The Chairman invited the interested party to ask any questions of the applicant.
- 145.29 Councillor Smart asked the applicant whether it was the case that the staff from the neighbouring store were as equally well trained. The Chairman noted that the Panel could not expect the applicant to answer that question.
- 145.30 Councillor Smart asked whether the store would be closing at 11:00pm as stated in the application and noted that he could not think of any other licensed premises in the area which stayed open as late as that except the Indian restaurant. Mr Simmons

replied that the local pub stays open until after 11:00pm and other premises may or may not.

- 145.31 The Chairman invited the officer to make any final observations.
- 145.32 The Licensing Manager clarified that if residents have objections to the operation of the premises a review of the licence can be called.
- 145.33 The Chairman invited the interested party to make a closing submission.
- 145.34 Councillor Smart commented that 12 similar licensed outlets in the Ward was already a sufficient number. He queried why the premises needed to move towards alcohol sales. He suggested that other outlets are just as well trained. He also stated that the local shopping parade is vital to the community and that these premises will present competition to other local stores.
- 145.35 The Chairman invited the applicant to make a closing submission.
- 145.36 Mr Simmons asked the Panel to consider the quality of the application and the premises. He noted that the applicant recognises that the area may have some difficult problems but that the Designated Premises Supervisor is well experienced and that these have been taken into account in the operating schedule and staff training programme. He clarified that the premises may choose to operate for fewer hours or with a smaller proportion of sales space allocated to that set out in the application. He concluded by stating that he had heard nothing in the discussions to suggest that the premises would not promote the four licensing objectives.
- 145.37 The Panel adjourned at 10:50am to consider the application and returned at 11:05am.
- 145.8 **RESOLVED** – that the application for a new Premises Licence is granted with the conditions on the proposed operating schedule.

The Panel noted the concerns expressed on behalf of interested parties, but felt that the measures put forward by the applicants in their operating schedule would meet the licensing objectives. The panel was particularly pleased that the Challenge 21 policy was to be changed to a Challenge 25 policy and that a campaign against proxy purchasing was going to be put in place.

The meeting concluded at 11.10am

Signed

Chairman

Dated this

day of