

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

**10.00am 18 JANUARY 2018**

**COMMITTEE ROOM G90, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hyde (Chair); Cattell and Phillips

**Officers:** Sarah Cornell, Licensing Officer; Rebecca Sidell Lawyer and Penny Jennings  
Democratic Services Officer

**PART ONE**

**68 TO APPOINT A CHAIR FOR THE MEETING**

68.1 Councillor Hyde was appointed Chair for the meeting.

**69 WELCOME & INTRODUCTIONS**

69.1 The Chair, Councillor Hyde, welcomed those in attendance and explained the procedures to be observed, the process and the arrangements for speaking. It was explained that whilst the meeting was to be held in public session only those who had submitted written representations by the statutory deadline who would be permitted to speak. Those in attendance on behalf of all parties introduced themselves.

**70 PROCEDURAL BUSINESS**

**70a Declaration of Substitutes**

70.1 There were none.

**70b Declarations of Interest**

70.2 There were none.

**70c Exclusion of the Press and Public**

70.3 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 of the Act).

70.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the agenda.

**71 APPLICATION FOR A NEW PREMISES LICENCE CO-OPERATIVE GROUP, 133 KINGSWAY, HOVE**

71.1 The Panel considered a report of the Executive Director, Neighbourhoods, Communities and Housing requesting that they determine an application for a New Premises Licence, under the Licensing Act 2003 by Co-Operative Group, Food Limited in respect of 133 Kingsway, Hove.

71.2 The Licensing Officer, Sarah Cornell, introduced the application and explained that the application proposed a convenience store opening seven days a week selling groceries, sundry items and alcohol for consumption off the premises. The premises did not fall in the Cumulative Impact area or the Special Stress Area.

71.3 Six representations and one petition had been received from local residents and from a Local Ward Councillor. The representations received had set out concerns relating to the Prevention of Crime and Disorder, Cumulative Impact, Prevention of Public Nuisance and Protection of Children from Harm. An agreement had been reached between the applicant and Sussex Police regarding the specific wording of the CCTV condition which was slightly different to the proposed CCTV condition on the operating schedule. Reference was also made to the Council's matrix approach and to the fact that each application was required to be considered on its merits.

**Submissions and Representations**

71.4 Ms Bray and Ms Conastatinou spoke at length on behalf of neighbouring objectors. Notwithstanding that the premises was not located in the CIZ or Special Stress Areas there was none the less a proliferation of premises which sold alcohol, throughout the day until a late hour in the evening, it was a saturation point and the current designation of the area required to be revisited as a matter of urgency. There were a number of hostels in the near vicinity and the provision of another outlet which sold alcohol would serve to exacerbate these pre-existing issues in an area where there were a number of residential properties and older people and families with young children. This use would also mitigate against and do a disservice to those who were seeking to address their problems with alcohol. Ms Bray explained that she was well aware of these issues as not only was she a resident of the area she was also an experienced health care professional.

71.5 Mr Day spoke in his capacity as a local business man who was well acquainted with the issues in the area as he occupied a premises in Victoria Terrace. He stated that residents had not been consulted in respect of the proposals and that this facility was neither wanted nor required as the area was already adequately supplied by such premises including the local Londis store which was run by a local couple who were local residents.

- 71.6 Mrs Naz spoke as a local business operator and resident setting out her objections stating that as a large operator the Co-op could not be expected to operate in the same manner as a small local business which would be responsive to the needs and sensibilities of the area. The legal representative on behalf Co-Operative stores referred to the fact that it was understood that Mr and Mrs Naz were intending to apply for similar hours of operation to those being sought by the Co-Op themselves in the near future. It was confirmed that would be the case but that their application was being made in response to identified public demand and had been requested by their regular customers. The petition had been submitted by and on behalf of their customers in opposition to the application before the Panel that day.
- 71.7 Councillor Wealls spoke in his capacity as Local Ward Councillor. He spoke to his submitted letter. He reiterated the comments of earlier speakers stating that although the area lay outside the SSI there were particular issues with alcohol related crime particularly in Seafield Road (in the immediate vicinity) and St Aubyns. Supported accommodation had recently been commissioned for women recovering from alcohol and substance misuse. Numerous sites in the areas sold alcohol and this was located very close to this proposed new service, there was also temporary accommodation close by for vulnerable young people in emergency accommodation and unsupported facilities for those with alcohol and substance misuse problems. The local community had been blighted by anti-social behaviour and many residents of Seafield Road would not walk down that road at night due to fear for their personal safety. The disproportionate level of accommodation for vulnerable groups gave rise to serious concerns by residents and the number of blue light incidents in the area was extremely high. The Lioncare Children's home was also situated in Seafield Road. In view of these factors it was considered that an exception to the presumptions of the Matrix approach should be made and permission refused. It was also important for the current status of the area to be revisited as a matter of urgency.
- 17.8 Representatives of the Co-Operative Food Group gave their submission and were closely questioned by the Panel in respect of their proposed operating schedule and conditions which they had agreed in concert with the Police. It was explained that there was already an existing use which permitted the sale of alcohol attached to the previous garage use, the applicants were seeking to regularise those arrangements and the Co-Op group had an established track record in respect of responsible alcohol sales. They had met with the Police and had agreed to a raft of onerous conditions with which they would be happy to comply as a responsible retailer. The Police had no concerns in respect of the application and had not objected to it. Problems in the area were already in existence and were not therefore attributable to the applicant in any way and there was no reason to believe that they would worsen them. The percentage of alcohol sales would be around 15% a very small part of the overall business model. The applicant's would be happy to become involved in any community initiatives and in the unlikely event of resident complaints would have measures in place to respond immediately.

### **Summing up and Closing Submissions**

- 17.9 The Licensing Officer, Sarah Cornell, summed up reminding the Panel that in determining the application with a view to promoting the licensing objectives in the licensing authority needed to give appropriate weight to the steps which were

appropriate to promote the licensing objectives, representations received, licensing guidance and its own statement of licensing policy.

- 17.10 Each of the other parties had the opportunity to sum up and re-iterated their earlier comments.
- 17.11 The Panel then made their deliberations and the Chair stated that the Panel had listened very carefully to all the submissions made.
- 17.12 . This was an application for a new premises licence to sell alcohol for consumption off the premises from 7am to 11pm. The representations made by local residents and the ward Councillor had expressed concerns about the proposed location of this premises within an area which experienced significant anti-social behaviour, and where a number of vulnerable people including children lived in the vicinity in supported or other accommodation. They considered that an additional premises selling alcohol would add to existing problems and undermine the licensing objectives.
- 17.13 The applicants had emphasised their liaison with the police concerning the application and their status as a responsible retailer with proven training and management procedures, and an involvement in community and public health initiatives. The panel had considered the statement of licensing policy, and the application of the matrix approach to this case as well as the statutory guidance and acknowledged that this was a challenging area with many problems of anti-social behaviour and vulnerable people living close by and that there were already many alcohol outlets in the vicinity. They had also taken into consideration that none of the responsible authorities such as the Police or Public Health have objected to this application.
- 17.14 It had been a difficult decision but on balance the panel did not consider that the Co-op was likely to add to problems in the area or necessarily increase the amount of alcohol consumed. The Co-op had robust procedures and measures in place in relation to management, training and staffing. The conditions offered which will attach to the licence accord with our policy. These include Challenge 25, adoption of 'Sensible on Strength' and SIA security staff risk assessment. These conditions meet the requirements of the police and would promote the licensing objectives. The Panel also considered it was relevant that alcohol would only be 15% of total turnover and that 85% of turnover would be food and household products. The Panel did give consideration to a reduction in hours for sale of alcohol but could not find appropriate justification in this case. The panel had therefore decided to grant this application as applied for with the conditions attached.
- 17.15 **RESOLVED** – That permission be granted for a new premises licence to sell alcohol for consumption off the premises from 7.00am to 11.00pm in respect of the premises known as the Co-op, 133 Kingsway, Hove BN3 2WY.

**Note:** The Legal Adviser to the Panel explained that the applicants would receive confirmation of the Panel's decision in writing with details of appeal rights attached.

The meeting concluded at 12.20pm

Signed

Chairman

Dated this

day of