

Licensing Subcommittee

12 September 2014 at 9.30 am

Present: Councillors Tyler (Chairman), Clayden and Squires

Licensing Manager	Sarah Meeten
Licensing Officer	Glenn James
Applicant	Not in attendance
Responsible Authority	PC Whitcombe, Sussex Police Helen Manley, Sussex Police Licensing Officer
Interested Party	Nadine Phibbs, Clerk to Ferring Parish Council
Legal Representative	Delwyn Jones, Council's Legal Representative

1. Election of Chairman

Prior to commencement of the meeting it had been agreed that Councillor Tyler would chair the meeting.

2. Declarations of Interest

There were no Declarations of Interest made.

3. Application for Premises Licence for Ferring News, Ferring

The Chairman asked if there was any reason to enable the hearing to be dispensed with and was advised by the Licensing Officer that there was not.

Prior to commencement of consideration of this item, the Chairman requested those in attendance to introduce themselves and stated that there was a laid down procedure to be followed, a copy of which was before all those speaking at the meeting. He also stated that a verbatim note of the meeting would not be taken and should anyone wish anything particular to be noted they should indicate accordingly to enable this to be done.

In presenting the report, the Licensing Officer advised that the applicant wished to sell alcohol between the hours of 6.00 am to 11.00 pm Mondays to Sundays. Two other premises in the locality had licenses to sell alcohol between 6.00 am to 11.00 pm and 6.00 am to midnight.

In line with the Council's procedure, written and verbal representations were received and taken due account of from Ferring Parish Council. The

Police were able to advise that on the afternoon of 11 September 2014, the applicant had verbally agreed to the conditions they wished to impose on the licence – a request had been made that confirmation should be in writing but this had not yet been received. On being asked, both the Police and the Clerk to Ferring Parish Council confirmed that there had been no reported incidents around the village green relating to the sale of alcohol and although the Police had been called out on the odd occasion, antisocial behaviour was not regarded to be of serious concern.

Following questions and answers from all sides, the Subcommittee then retired from the meeting to consider its decision. The Council's legal representative was asked to verify the lawfulness of the decision being made and, on the meeting being reconvened, the Chairman gave advice to that effect.

The Chairman then advised all those in attendance of the decision of the Subcommittee as follows:-

That the licence be granted as applied for, subject to the imposition of all the conditions required by Sussex Police.

Reason for the decision:-

After considering representations from Sussex Police, the Subcommittee agreed the conditions proposed by them would be appropriate for the promotion of the licensing objectives and to safeguard against risks identified by the Police.

4. Application for Premises Licence at Morrisons M Local (formerly The Ship Inn), Aldwick

*(In the course of consideration of this matter, Councillor Tyler declared a personal interest as a member of West Sussex County Council.)*

Licensing Manager	Sarah Meeten
Applicant	Kelly Nicholls, Licensing Manager for Morrisons Claire Johnson, Solicitor
Interested Parties	Trevor Bence, Local Resident Roger Beam, Local Resident
Legal Representative	Delwyn Jones, Council's Legal Representative

The Chairman asked if there was any reason to enable the hearing to be dispensed with and was advised by the Licensing Officer that there was not.

Prior to commencement of consideration of this item, the Chairman requested those in attendance to introduce themselves and stated that there was a laid down procedure to be followed, a copy of which was before all those speaking at the meeting. He also stated that a verbatim note of the meeting would not be taken and should anyone wish anything particular to be noted they should indicate accordingly to enable this to be done.

The Licensing Manager presented the report and advised that the applicant was seeking authorisation for the sale of alcohol from 6.00 am to 12 midnight Monday to Sunday. A large number of representations had been received from local residents, some of which could not be considered as they fell outside of the matters that could be taken account of. Representations had not been made by any responsible authority.

In line with the Council's procedure, written and verbal representations were received and taken due account of from the local residents and the applicant's representatives at the meeting.

The applicant's Solicitor gave a comprehensive presentation in relation to their record for establishing Morrisons Local outlets in the community and she stated that no more than 15% of the floor space would be given to the display of alcohol. The meeting was advised that Morrisons was in discussion with the County Council Highways Department, the District Council and the Parish Council relating to traffic and road safety issues. The Solicitor also addressed the concerns of local residents with regard to the Licensing Objectives and was of the view that those that were relevant were based on speculation and, as such, Morrisons could not be considered to be in contravention of the objectives. Whilst the application was for the standard hours of 6.00 am to 12 midnight for the sale of alcohol, it was recognised that other outlets in the locality had been granted licences for 6.00 am to 11.00 pm and the request was made that that should be considered as a minimum in this instance.

The local residents then presented their case and a number of concerns were raised relating to highways matters; noise and disturbance; anti-social behaviour; and opening hours of other local stores.

Following questions and answers from all sides, the Subcommittee then retired from the meeting to consider its decision. The Council's legal representative was asked to verify the lawfulness of the decision being made and, on the meeting being reconvened, the Chairman gave advice to that effect.

The Chairman then advised all those in attendance of the decision of the Subcommittee as follows:-

That the licence be granted for the hours of 6.00 am to 11.00 pm Monday to Sunday.

Reason for the decision:-

The Subcommittee recognised that there was a public perception that the premises would contravene the licensing objectives of public nuisance; crime and disorder; and public safety but no evidence had been produced to warrant refusal of the application. The Subcommittee had considered evidence regarding current anti-social behaviour in the area related to alcohol consumption and considered it appropriate for the promotion of the licensing objectives to bring forward the terminal hour to prevent problems extending later into the evening.

(The meeting concluded at 11.25 am)

Signed ..... Chairman