

# Crawley Borough Council



## Minutes of Licensing Sub Committee 20 May 2015 at 5.30pm

### Present:

Councillors B J Burgess, M G Jones and R Sharma

### Officers Present:

Tony Baldock	Environmental Health Manager
Kevin Carr	Legal Services Manager (Legal Clerk)
Steve Lappage	Democratic Services Manager (Committee Clerk)
Mike Lyons	Senior Licensing Officer

### 13. Appointment of Chair

#### RESOLVED

That Councillor B J Burgess be appointed Chair for the meeting.

### 14. Members' Disclosure of Interests

No disclosures of interests were made by Members.

### 15. Application to grant a New Premises Licence – '53 Ifield Road', West Green, Crawley

The Sub Committee considered an application to grant the premises licence in respect of 53 Ifield Road, West Green, Crawley.

Following the introduction of those present at the meeting, the Legal Clerk outlined the procedure for the meeting. The Legal Clerk informed all parties that the Sub Committee had requested a briefing meeting with the Legal Clerk prior to the commencement of the Sub Committee, to confirm the procedure that would be followed during the meeting. It was confirmed that the Sub Committee had not asked for clarification of any aspect of the application or on the representations received from any party.

Members of the Sub-Committee had previously been informed that following mediation with the Police, the applicant has agreed to accept the conditions proposed by the police and had decided not to attend the hearing. The police had also notified the LA their representation is now resolved and will not be attending the hearing.

No other interested parties (e.g. local residents or businesses who had submitted representations) attended the meeting either.

Report PES/190 of the Council's Head of Planning and Environmental Services was presented by Mike Lyons, a Senior Licensing Officer for Crawley Borough Council.

### **The Application**

The Senior Licensing Officer, Mr Lyons, informed the Sub Committee that on 1 April 2015 Mr Sunny Singh submitted an application to the Council as the Licensing Authority for the Borough of Crawley for the grant of a premises licence in respect of premises at 53 Ifield Road, West Green, Crawley, West Sussex RH11 7AS. The application was detailed in Appendix 1 to the report and sought for the retail supply of alcohol 'off' the premises (only). The Applicant had stated in the application that the premises intended to promote the four licensing objectives with the steps set out in the operating schedule.

It was confirmed by Mr Lyons that the application had been advertised in accordance with legislation and as a result of the consultation process, the Council had received a relevant representation from Sussex Police (Appendix 2 to the report). The Council had also received 3 individual relevant representations from local residents/businesses (Appendix 3-5 to the report). The Council had also received a petition signed by 39 people (a copy of which was appended to the report as Appendix 6).

Included in the Police's representations were a number of conditions which Sussex Police believed it necessary to be added to the premises licence to ensure the licensing objectives were promoted and the premises does not contribute further to any of the ongoing issues in the area. Since the report was published Sussex Police had received confirmation from the applicant that he is now agreeable to the conditions originally proposed by Sussex Police being attached to the premises licence. Whilst Sussex Police did not withdraw its representation, they had confirmed that the representation had been resolved and would remain resolved provided the applicant continued to agree to the said conditions appearing on the licence should it be granted.

The Sub Committee was then guided through the remainder of the report which set out the reasons for the Hearing and the matters which the Sub Committee should take into consideration when dealing with the application, including the relevant sections of the Guidance issued by Government pursuant of Section 182 of the Licensing Act 2003, and the Council's policy considerations.

He then proceeded to inform the Hearing of the options available to it in respect of the application, and reminded the Sub Committee that any decision must be appropriate for the promotion of the four licensing objectives. The options were to:

- (i) Grant the application subject to the conditions mentioned in the 'operating schedule', modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and any relevant mandatory conditions
- (ii) Exclude from the scope of the licence any of the licensable activities to which the application relates;
- (iii) Refuse to specify a person in the licence as the designated supervisor;
- (iv) Reject the application.

### **Questions and comments of the Sub-Committee**

Whilst recognising that any conditions must relate to the circumstances of each case, Members of the Sub-Committee sought clarification as to whether:

- i) the proposed conditions could apply to most off-licences or were they unusual. In response, the Senior Licensing Officer confirmed they were fairly standard conditions;
- ii) they could consider varying the proposed hours (08.00-23.00 7 days a week) for the supply of alcohol (set out in page 26 of the report). In response, the Senior Licensing Officer confirmed these hours could be varied if the Sub-Committee provide the necessary reasoning based on the evidence and merits of individual cases to justify such changes.

Members of the Sub-Committee:

- i) acknowledged concerns that the supply of alcohol at these premises could lead to an increase in the level of street drinking in the area which could consequently result in more crime and disorder and public nuisance – but was mindful of the need for clear evidence in determining the matter;;
- ii) expressed concerns over the close proximity of the premises to the Crawley Foyer
- iii) recognised the fact that the Council did not have a Cumulative Impact policy with regards to the number of licensed premises within a location.

### **RESOLVED**

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the following part of the Hearing. The Sub Committee considered that the public interest in taking such action outweighed the public interest in the Hearing taking place in public.

#### **16. Application to grant the New Premises Licence – ‘53 Ifield Road’, West Green, Crawley**

The Sub Committee gave further consideration to the application and to the matters raised at the meeting. In formulating its decision, the Sub Committee took into account the options that were available to it and considered what was appropriate to ensure that the licensing objectives were promoted.

### **RESOLVED**

The Sub Committee, having considered the application and the relevant representations in detail, resolved to grant the amended application subject to the conditions and the actions as detailed in **Appendix A** to these minutes because it was considered appropriate to promote the licensing objectives.

#### **17. Re-admission of the Public**

The Chair declared the meeting re-open for consideration of business in public session. The Chair read out the Sub Committee’s decision as detailed in **Appendix A** to these minutes. It was also announced that all parties would receive a copy of the

decision notice within five days of the Hearing.

**18. Closure of Meeting**

With the business of the Sub Committee concluded, the Chair declared the meeting closed at 7.25p.m.

COUNCILLOR B J BURGESS  
**Chair**

## Appendix A

### **Decision of the Licensing Sub Committee sitting at Crawley Borough Council on 20 May 2015 in relation to the application for a premises licence by Mr Sunny Singh in respect of premises at 53 Ifield Road, Crawley, West Sussex, RH11 7AS.**

Set out below is the decision and the reasons for it.

The Sub Committee recognised that the application before them today was amended to the extent that the operating schedule included conditions that had been agreed between the Applicant and Sussex Police (as set out in Appendix 2 of the report).

The Sub Committee recognised that the task of a licensing authority on an application for the grant of a premises licence is to consider the application and representations made and thereafter a duty falls upon the authority to impose such steps as set out in section 18 of the Licensing Act 2003 as the licensing authority considers appropriate to promote the licensing objectives.

The Sub Committee considered carefully the three written representations made together with a petition signed by 39 other local residents and in coming to its determination took into account;

- The requirements of the Licensing Act 2003;
- The Statutory Guidance pursuant to Section 182 of the Licensing Act 2003;
- Crawley Borough Council's Licensing Policy; and
- Relevant considerations under the Human Rights Act 1998.

The Sub Committee was mindful to ensure that it took into account the relevant representations made only to the extent that they related to the promotion of the licensing objectives.

The Sub Committee noted that (except from the representation made by a local business) the people who had made relevant representations were local residents who lived in the vicinity of the premises and appreciated their personal experience and knowledge of the local area. They accepted there was a genuine fear that the supply of alcohol at these premises could lead to an increase in the level of street drinking in the area which could consequently result in more crime and disorder and public nuisance. There were also concerns expressed over the close proximity of the premises to the Crawley Foyer.

The Sub Committee had regard to the Section 182 Guidance and its own policy particularly that:

- It ought to focus on the impacts of the licensable activities at the specific premises on persons living and working in the vicinity and look to see if they are proportionate and reasonable in accordance with its own policy.
- It was a matter for the licensing authority to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to premises licences.

- Licensing authorities should look to the police as the main source of advice on matters of crime and disorder.
- The fact that the Council does not have a Cumulative Impact policy with regards to the number of licensed premises within a location.

Having carefully considered all the written submissions made by the interested parties the Sub Committee was of the view that it had no real evidence before it that the granting of the premises licence would directly lead to an increase in crime and disorder and public nuisance and that any expected increase was purely speculative and an assumption at this stage.

Further the Sub-Committee paid regard to its own policy which reiterates that the overall philosophy of the licensing regime is that there is a presumption that the licence will be granted unless there are compelling reasons to refuse the licence.

In addition to this the Sub Committee considered the proposed conditions (consistent with the submitted amended operating schedule) and came to the view that the imposition of conditions was an appropriate step to promote the four licensing objectives, a step which the Sub Committee also hopes will deal with and appropriately alleviate the concerns expressed by the interested parties.

Therefore, the decision of the Sub Committee was to grant the amended application subject to the conditions which were consistent with the operating schedule but modified to the following extent:

1. The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25 (or the age set by the policy) will be asked for photographic ID to prove their age.
2. Signage advertising the "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale and the area where the alcohol is displayed, as a minimum.
3. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more than four (4) months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
4. The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept to record all refusals and incidents of crime or disorder. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
5. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - CCTV footage will be stored for a minimum of 31 days.
  - The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
  - Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.
6. The premises will actively participate and adhere to the local Shopwatch scheme, and will not sell alcohol to target street drinkers identified through the scheme.
  7. No beers, lagers or ciders will be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5% or in bottles larger than 750ml with an ABV in excess of 6.5%.
  8. No beer or cider cans to be sold in single units. Beer and cider only to be sold in multiple packs of a minimum of 4 cans.
  9. Spirits will be stored and displayed behind the counter, or out of the reach of the public.
  10. No alcohol will be stored within three (3) metres of the entrance to the premises.

The Sub Committee would like to express that it sympathised with the concerns of the local residents. However, it is satisfied that there are adequate measures in place to protect those living in the vicinity of the premises under existing laws. It also would like to reiterate that there is the option of a review of this and any premises licence open to interested parties in the event that evidence materialised to suggest that the licensing objectives were no longer being promoted and the Sub Committee encourages residents to keep in touch with the Sussex Police and the Council, as the Licensing Authority, should any such problems arise in the future.