

BEFORE CRAWLEY BOROUGH COUNCIL
LICENSING SUB-COMMITTEE



APPLICATION FOR A PREMISES LICENCE UNDER LICENSING ACT 2003

PREMISES:

53A COUNTY MALL NEWS
CRAWLEY
RH10 1FF

**SUPPORTING EVIDENCE SERVED ON BEHALF OF
THE APPLICANT**

MR ALPESH PATEL

Date: 6th MARCH 2017

INTRODUCTION

The following is a response to the representations made by Mr Henry Smith (and Family) of [REDACTED] with regards to an application submitted by Mr Alpesh Patel for a grant of premises licence for 53A County Mall News, Crawley, RH10 1FF.

1. **REPRESENTATION**

We request the Sub-Committee to establish if the representation from this local resident is purely based on the NOTICE as displayed on the premises shop window or if the full application details were viewed before making the representation.

It is possible that Mr Smith is unaware of the full scope of the application after the consultation with the Responsible Authorities.

The letter does not explicitly link the objection to this application with any of the Licensing Objectives in the Licensing Act 2003:-

- ***The Prevention of Crime and Disorder***
- ***Public Safety***
- ***The Prevention of Public Nuisance***
- ***The Protection of Children from Harm***

Mr Smith may be unaware that Sussex Police have agreed conditions with the applicant and have not made a representation.

The residential address of the objector, [REDACTED] is just over half a mile away from the applicant's premises and is outside the Crawley Town Centre boundary.

The applicant is quite willing to discuss this matter with Mr Smith and family and a letter was sent to him offering to meet for this purpose as soon as the representation was received from the Licensing Authority.

Mr Alpesh Patel would like to point out that as Mr Smith and family do not live in the vicinity of his business premises, this must reduce the effect of his objection on this application.

Whilst Mr Smith might visit the Town Centre on a regular basis, he and his family do not live near enough to experience the problems that he describes in the way that a Town Centre resident might.

No other representations have been made in relation to this application.

2. POINTS RAISED IN THE REPRESENTATION

The applicant wishes to refer the Licensing sub-committee to the current Crawley Borough Council Statement of Licensing Policy at points 2.4 and 2.5 below.

2.4 Licensing is about control of licensed premises, qualifying clubs and temporary events, within the terms of the Act. ***The terms and conditions attached to various permissions will be focused on matters which are within the reasonable control of individual licensees and others who have been granted relevant permissions.*** Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

2.5 The Council will primarily focus on the direct impact the activities taking place at licensed premises may have on members of the public living, working or engaged in normal activity in the area concerned. **Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the reasonable control of the individual, club or business holding a licence, certificate or relevant permission.**

The applicant would like point out that in his view many of the issues that have been raised by Mr Smith are outside his control and that the Licensing arrangements are not designed to be the primary mechanism for dealing with most of these matters.

i. Homeless people in Crawley.

Access to alcohol is not as big a problem for homelessness as indicated by the representation. This is what our research has shown:

Transformation update provided on homelessness applications in January 2016 by Crawley Council

The average time taken to process an application has dropped from 85 days to 34 for accepted bids, and 96 down to 33 days for rejected applications. During the meeting, Ian Irvine (Lab, Broadfield North) said Crawley had a 'visible' homelessness issue with rough sleepers and there were pressures to do something about it. Nikki Hargrave, housing options manager, told councillors there was a lot of multi-agency work going on alongside two outreach groups, but said: "There's a very visible problem in the town centre at the moment." She added: "We are trying to raise awareness but the issue of rough sleepers is really complex." She explained that the rough sleepers were choosing not to accept help and the outreach team had gone round and spoken to every rough sleeper, but Crawley was 'very lucrative' because its residents were 'generous', as a beggar could earn an average of £100 a day.

The two main causes of homelessness in Crawley were short-term tenancies coming to an end, and friends or family asking people to leave accommodation. Nick Hobbs, housing needs manager at CBC,

explained that service changes had looked to remove barriers to making quicker decisions on homelessness applications, including making the Housing Help Point more resilient, more training for front-facing staff, and dedicated case workers to reduce handoffs. They are now processing just under 400 homelessness applications a year

SOURCE Crawley Observer 13th January 2016

ii. **Access to alcohol**

The Applicant would like to draw the Committee members' attention to the consultation that has been carried out with relevant authorities prior to submitting the application:

This has been covered in detail in Appendix 2 - attached with the application.

The operating conditions that have been offered (***covered in Appendix 1 - attached to the application***) are fairly comprehensive not only to promote the Licensing Objectives but to also take into consideration all the issues in the surrounding area related to:

- **Access of alcohol by both young people and people who are already drunk**
- **Public Nuisance**
- **Anti-social behaviour**

The applicant has accepted to operate the premises under following conditions:

- a) The licensing hours for the retail of alcohol are consistent with all other businesses in the surrounding area
- b) Operating Challenge 25 Policy with trained staff to avoid any underage sale
- c) Not to retail any super-strength beer, lager or cider in cans or in bottles larger than 750ml with Alcohol by Volume (ABV) in excess of 6.5%
- d) Beer or cider shall only be sold in multiple packs of a minimum 4 cans (no single cans)

All of the above measures are to ensure there is no negative impact on the area or the community within Crawley Town Centre.

iii Late Night Refreshment, Regulated Entertainment and Late Sales of Alcohol

The applicant would like to point out that he is only requesting the sale of alcohol in this application and the requested terminal hour is much earlier than a number of other Town Centre Premises.

There are many other Licensed Premises in Crawley Town Centre including: large supermarkets selling alcohol; pubs, night clubs and restaurants; and late night take-aways which have later terminal hours than this application and pose far more risk to the Licensing Objectives than this application.

The following entry was found on the www.24houralcohol.co.uk internet site on the 26th of February 2016:

Asda Crawley

Pegler Way, Crawley, RH11 7AH
01293 663400

Confirmed as selling alcohol 24 hours [some Asda stores with 24 hour alcohol licences don't sell alcohol at night]

3. PREMISES & THE APPLICANT

53A County Mall News premises cover approximately 27 square metres, providing under 15 cubic meters of space to display all products sold from the premises.

The applicant can only afford to take about 3 cubic meter of space to display alcohol covering few choices of wine, spirits and a limited range of beer, lager and cider (in multiple cans of 4). This represents about 80-120 cans which is insignificant compared to larger supermarkets and other off-licences in the area.

The location of the counter makes it easier for the staff to visibly manage the entire shop floor retail area and the external front of the shop. The front windows do not obstruct the view outside for the counter staff.

The applicant has the Alert System connected directly to County Mall Security office. This security feature is more than other licensed premises have in the surrounding area.

The applicant recognises that the premises are located in a potentially challenging location. The footfall is predominantly shoppers visiting County Mall Shopping centre and commuters using bus services or the main line Rail station.

However, he has been operating the premises since 2012 and has the knowledge of the area plus variety of clients (including regular clients) that visit the premises. This knowledge is reinforced since he also operates another premises (Unit 6A The Pavilion, Queens Square, RH10 1DE).

He is also successfully operating and managing a licensed premises in Seven Oaks for the last 4 years. As a Designated Premises Supervisor (DPS) for County Mall News – he is fully qualified to undertake this role with his experience and training.

4. CRAWLEY AREA and CRIME RATE COMPARISON

In the year ending September 2016, the crime rate in Crawley was about the same as the average crime rate across similar areas – Exeter, Plymouth, Swindon, Stevenage, Reading, Portsmouth, Northampton, Slough, Southampton, and Dartford. For all crimes - 76 per every 1000 population.

Source: www.police.uk

Conclusion

This application has been subject to a proper consultation and has been submitted with full consideration to its likely effect on the Licensing Objectives in the Licensing Act 2003.

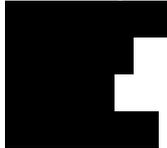
The applicant believes that Crawley Town Centre is generally a safe place to live and work and he disagrees with the bleak picture painted by Mr Smith in his recent letter of objection.

The applicant will support fully the Licensing Objectives in the Licensing Act 2003 should this Premises Licence be granted.

Mr Jay Patel
Licensing Agent
24 Fairfield Road
Croydon
CR0 5LH

20/02/2017

Mr Henry Smith & Family



Dear Mr Smith

RE: Premises Licence Application for County Mall News, 53A County Mall, Sussex, RH10 1FF

I refer to the letter dated 9th February 2017 that you sent to Crawley Council Licensing Department with regards to my client's application for a premises licence.

I fully appreciate the objections you have raised and the concerns that are outlined with it. There are a number of points you have raised that are outside the control of my client. I would also like to point out that the application was submitted after taking in to consideration the current Crawley Borough Council Statement of Licensing Policy and thorough consultation with the Sussex Police Licensing Team, Council Licensing department and County Mall Management Company.

The Operating Conditions and the hours for the retail of alcohol we offered in our application were all agreed with the Sussex Police Licensing team to ensure that there would be no adverse effect in the area (especially the town centre) and it would fall in line with the other surrounding businesses.

My client and I would like to offer you an opportunity to meet us before 26 February 2017 at a venue convenient to you in Crawley to discuss our approach to the application we have submitted. Our objective will be to ensure that you fully understand all the measures that have been put in place along with the operating conditions we have offered to promote the Licensing Act 2003 Licensing Objectives to my client's best ability.

We look forward to hearing from you. You can contact me using the details provided below.

Yours sincerely

Jay Patel

Mobile:

Email:

