

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

10.00am 7 MAY 2013

COMMITTEE ROOM 1, BRIGHTON TOWN HALL

MINUTES

Present: Councillor ; Lepper, Hawtree and C Theobald

Officers: Rebecca Sidell, Lawyer; Sarah-Jane McNaughton, Licensing Officer; Nathan Birch, democratic Services Officer

PART ONE

119. TO APPOINT A CHAIR FOR THE MEETING

Councillor Lepper was appointed Chair for the meeting.

120. PROCEDURAL BUSINESS

120a Declaration of Substitutes

There were none.

120b Declarations of Interest

There were none.

120c Exclusion of the Press and Public

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).

RESOLVED - That the press and public not be excluded from the meeting during consideration of Item 121 onwards.

121. CO-OP LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

- 121.1 The panel considered a report of the Head of Regulatory Services for an application for a New Premises Licence for Co-Op, 67-71 Portland Road, Hove, BN3 5DQ. Present were Sarah-Jane McNaughton, Licensing Officer Seb Griffiths, Co-Op Area Operations Manager, Tim Hughes, Counsel for the Co-Op.
- 121.2 The Licensing Officer introduced the report. This was an application for a variation to an existing premises licence at Co-op, Portland Road The applicant was seeking to extend the current sale by retail alcohol hours on their licence to 6am to 11pm every day . The variation also sought to add conditions to the licence, where currently there are none.
- 121.3 One representation was received from a local councillor on the grounds of prevention of public nuisance. The premises do not fall within cumulative impact area or the special stress areas. There was no licensing enforcement history or planning applications relevant to the application.
- 121.4 Following questions from the Panel, the Licensing Officer confirmed that, with regard to licensing in the area, each application should be given consideration on its own merits. The Panel may wish to consider 10;13 of the licensing guidance which states: "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours."

Representation from the Applicant

- 121.5 In the absence of the Interested Party, the Chair invited the applicant to make their representation next. Mr Hughes explained that was an application to vary the license at the Co-Op., Portland Road.
- 121.6 Mr Hughes outlined the Co-Op's position as the 5th largest food retailer in the UK, with 3,800 shops. The premises at Portland Road had been branded as the Co-Op since 2008, having previously been an All days store, also part of the Co-Op Group. The Portland Road store was a local convenience store, of which alcohol accounted for 15% of the total turnover.
- 121.7 Mr Hughes explained that the Co-Op took its responsibility regarding due diligence and the management of risk in regards to the sale of alcohol very seriously. Each area has a risk manager regarding the sale of alcohol; new members of staff do not serve alcohol for the first 4 weeks of their employment while they undergo training; there is a buddy system to help answer any queries; there is a Challenge 25 reminder on every sale and annual refresher training. The premises also have 16 internal and 2 external CCTV cameras, with the recordings saved for 31 days. There is only one entrance/exit with all spirits stored behind the till points. The premises have 7 personal license holders out of 17 staff.

121.8 The application would bring the sale of alcohol in line with the stores opening times, as per Section 182 (10.13) of the Licensing Act. The Police have been consulted and conditions agreed with them are contained within the application. There had been no objections from any party, including the nearby shelter, apart from the one received. The store had a clear policy on serving those already drunk and had never failed a test purchase by trading standards.

121.9 In response to questions from the Panel the following responses were given by the applicant. The application was not aimed at “keeping up with local competitors”, but was a national strategy to harmonise opening and sale hours. The shop has had no issues with users of the shelter. The shop was very strict on its Challenge 25 policy, with comprehensive training for all staff. The Designated Premise Supervisor was contracted for 45 hours per week, but often worked more and there was always at least one license holder on the premises. The shelter was located approximately 50 yards away, but the applicant had no knowledge of the shelter user times of departure. The store had two sides of half an aisle set aside for alcohol.

Summaries

121.10 The application was for a variation to an existing premises licence at the Co-op, Portland Road. The applicant was seeking to extend the sale by retail of alcohol current hours on their licence to 6am to 11pm every day, unifying the alcohol sale and opening hours. The Panel had heard from all the parties present

The Licensing Officer explained that Licensing Guidance (9.25) states that: “In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are necessary to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy“

Licensing Guidance 9.26 advises that, after considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule.

If the Panel decide to grant the application then any conditions added to the licence to meet the Licensing Objectives should be clear, precise and enforceable.

9.27 states, “Alternatively, the licensing authority may refuse the application on the grounds that this is necessary for the promotion of the licensing objectives.”

Legal Advice

121.11 The Lawyer to the Panel advised that if minded to grant and if attaching conditions the Panel should ensure these are canvassed of all parties. Any decision should include clear reasons.

121.12 **RESOLVED** - The Panel have read all the papers, listened carefully to the submission by the applicant, discussed the application fully and have decided to grant this variation to the hours for the sale of alcohol in accordance with the application.

The Panel are satisfied that the measures put in place by the applicant with regard to training of staff will uphold the licensing objectives. The further conditions contained within the operating schedule, (at Appendix A of the report,) and agreed with the Police, will form part of the licence and the Panel also believe will promote the licensing objectives.

Should any issues arise regarding the sale of alcohol then, as usual, the review process remains available for all parties to use.

The meeting concluded at 11.26am

Signed

Chair

Dated this

day of