



Minutes of the meeting of the **Alcohol and Entertainment Licensing Sub-Committee** held in Committee Room 2, East Pallant House on Thursday 29 October 2015 at 2.30 pm

**Members Present:** Mr G McAra, Mr H Potter and Mr J Ridd

**Members not present:**

**In attendance by invitation:**

**Officers present all items:** Mr N Bennett (Litigation Lawyer), Mr L Foord (Licensing Manager) and Mrs K Jeram (Member Services Officer)

**1 To elect a Chairman for this Hearing**

**Resolved**

That Mr Ridd be elected Chairman of the Sub-Committee.

**2 Declarations of Interests**

No interests were declared by members present at the meeting.

**3 50 North Street, Chichester, West Sussex, PO19 1NQ**

**Applicant**

Mrs H Shah, Applicant  
Mr A Shah, Applicant's husband  
Mr J Christian, Colleague

The Chairman formerly opened the hearing and introduced the Sub-Committee members and Chichester District Council officers present as well as outlining the process of today's hearing.

Mr Foord outlined the details of the application for a new premises licence. The formal notice of hearing had been published on 15 October 2015 and on the same day Mr and Mrs Shah had responded advising they would be in attendance and would like to address the Sub-Committee. Confirmation that the representors, Mr J Parker and Mr L Howard, would be in attendance had not been received until the day before the hearing. Consent was given by the Sub-Committee for them both to be able to address the Sub-Committee if they wished. Mr Foord confirmed that no representations had been withdrawn.

Mr Foord reported that the applicant did not have a legal representative with her today but was accompanied by her husband. He reported that the designated premises supervisor would be a Mr C Jogi who was unable to attend today's hearing due to work commitments. The application was for a single licensing activity for the sale of alcohol only for consumption off the premises, which was to be a convenience store. The hours that the premises would be open were 07:00 to 21:00 hours during Monday to Saturday and 08:00 to 20:00 hours on Sundays, which would mirror the opening hours. He reported that a valid application had been received on 2 September 2015 and that the representation period had run for 28 days until 30 September 2015. The statutory notices had been displayed at the premises and published in the Chichester Observer series of newspapers on 17 September 2015. Representations had been received from two local residents. Representations had also been received for Sussex Police who had withdrawn their objection following liaison with the applicant and the agreement in principle of a number of conditions. It was a matter for the Sub-Committee to consider the inclusion of these conditions.

Following correspondence received by the Licensing Authority from Sussex Police referring to the "variation of a premises licence" confirmation was obtained that this was a typing error and that Sussex Police had considered the application based on the application for a new premises licence.

He reported that unsuccessful mediation had been entered into with the local residents who had made representations.

The application set out the steps the applicant proposed to take to promote the four licensing objectives and it was for the Sub-Committee to determine the application and give their reasons for that determination.

In response to a question from Mr Potter regarding the request from Sussex Police that a condition should be included requiring the provision of CCTV and whether this would include a requirement for CCTV outside the premises, Mr Foord confirmed that Sussex Police's request reflected current Home Office guidelines, and that the applicant had agreed to the request. The guidelines were set out on pages 34-35 of the agenda papers,

Mr Shah confirmed that Mr Foord had outlined the application correctly.

Mr Shah informed the Sub-Committee that he intended to run a family business. At the moment the premises was an empty shop. He was applying for a premises licence for a small convenience store, which would be situated at the end of North Street where there were no other similar shops. He was currently working at the Nisa Local store in Eastgate Square, Chichester where he had been working since 2006. He explained that a new Sainsbury's local store was opening nearby which he expected would kill the business he worked for, and he was concerned it may close as a result. For this reason he had decided to run another business on his own with a colleague who had worked with him since 2007 who would be the designated premises supervisor (DPS) and currently held such a licence. He explained that an objection had been received from Sussex Police whose requests had included the provision of CCTV and advised he had agreed to these requests.

He was the current DPS at the Nisa Local store and therefore knew how to run a proper business without affecting anyone.

Mr Foord confirmed that he had held a DPS since May 2007.

Mr Shah confirmed that there had not been any problems, such as nuisance, noise or fighting, at the Eastgate store. This store's premises licence enabled the store to be open from 06:00 to 23:00 hours but actually opened between 07:00 and 20:00 hours.

The Chairman asked Mr Shah to explain the training that would be given to staff to ensure no alcohol was sold to youngsters. Mr Shah advised that log books would be kept. He explained that he would follow the same procedures, including health and safety, and food and hygiene, as he did at the current Eastgate store owned by Nisa who had 460 convenience stores. He confirmed that the new store would operate the "Challenge 25" policy.

Mr Foord confirmed that the existing hours that the Eastgate store was entitled to open were Monday to Saturday 06:00 to 23:00 hours and Sunday 08:00 to 23:00 hours, which were the same as the opening hours. He referred to the documentation produced by Nisa and asked Mr Shah to confirm if the basis for training at the new premises would come from this documentation. Mr Shah confirmed that this was the case. He explained that Nisa were very strict in their training and that a mystery shopper was sent to their convenience stores twice every three months. He confirmed that he would use Nisa documentation for training and questioning of staff as well as log books. He advised that he would not be acting for Nisa in his new shop.

In response to questions from the Sub-Committee, Mr Shah confirmed that if someone came into the convenience store to buy alcohol at 06:00 hours when the store opened, which was before the hours that alcohol was allowed to be served, they would be turned away. With regard to youngsters that may try to buy alcohol illegally the Chairman referred to the difficulties of keeping to the rules, which was one of the Sub-Committee's main concerns and was to be taken very seriously. Mr Shah advised that he intended for the new convenience store to be in place for a very long time. With regard to the issues of alcohol being brought by adults for under age youngsters he explained that it was a case of judging from people's faces, so if they were being friendly when buying alcohol something could be wrong. If there was concern the outside of the premises would be checked to see if there were youngsters waiting outside. It was the same for the sale of cigarettes.

Mr Christian addressed the Sub-Committee. He explained that he was friend of Mr and Mrs Shah and had known Mr Shah from his first day working at the Eastgate Square store. He had lived in Chichester for 14 years. During this time he had never heard of anyone being served alcohol when they were not meant to be buying it. He advised that Mr Shah had fulfilled all his responsibilities as a licence holder. By opening the convenience store in North Street, Mr Shah was trying to support his family as a result of the opening of the Sainsburys local store and also trying to help the community.

Mr Howard, representor, addressed the Sub-Committee. He advised that he was the licensee at the George and Dragon PH and a committee member of the ChiBAC scheme. In outlining his concerns he said he ran the public house next door to the proposed convenience store. His customers were entitled to be outside the front of the public house until 21:00 hours. He pointed out that he had never seen a newsagents located next to a public house and that in his view there would be problems caused by people hanging out outside the convenience store. He referred to the both the Tesco Express store in South Street, Chichester and the Nisa Local store in Eastgate Square, Chichester where a large number of people hung out outside both convenience stores. There were currently no instances of people hanging out in North Street but it would happen if a store opened there. His customers hung out outside the front of the public house and in the garden at the back of the premises. He explained that if a convenience store opened next door he would be put in a position where he would have to police these areas himself as he had no security staff. He was concerned that people would buy alcohol from the convenience store and take it into his public house. He pointed out that the area was an alcohol free zone and questioned, therefore, why the convenience store was going to sell alcohol.

Mr Howard responded to questions from the Sub-Committee. He explained that his premises licence allowed his customers to enjoy a drink outside the front of the public house until 21:00 hours. If the convenience store opened his customers would be intermingling with children and he was concerned there would be alcohol related problems including violence. He referred to Priory Park located nearby. He also advised that the rear entrance to the public house's garden was located behind the proposed convenience store, which could cause problems. He confirmed that shoppers at the convenience store had access to the public house's smoking area as 24 hour access was required for their bed and breakfast guests. He confirmed that customers congregated outside the front of the public house to smoke cigarettes and were able to consume alcohol there until 21:00 hours. There was only ever a maximum of 10 people outside the front. Customers could also use the rear garden. He advised that there had never been any problems with this arrangement. It was the same arrangement as the nearby Park Tavern public house which also had an area at the front. In response to a comment made by Mr McAra that the convenience store may bring vitality back to North Street and noted that a Chinese takeaway was located nearby, Mr Howard agreed that there was some need for a tobacconist but not for the type of store proposed. The selling of alcohol and the mixing of children with his customers concerned him, which may result in the need for the appointment of door staff which would be an additional cost for him.

In response to Mr Howard's comments, with regard to the entrance to the proposed store Mr Shah confirmed that customers would only have access to the store via the front door.

Mr Shah in his summing up referred to the comments made by Mr Hammond that customers to his store could buy cans of alcohol to drink outside the premises or in Priory Park. He stated that these problems could occur at Mr Hammond's public house. He referred to an instance where a glass had been placed outside a public house in Chichester. He referred to the area which was a really nice place with

posh people who were not looking for cheap alcohol. In response to a question from the Sub-Committee he confirmed that the Eastgate Square store had CCTV coverage outside and that the proposals for the store in North Street were for CCTV coverage inside only.

Mr Hammond made his final remarks. He was concerned that the proposed convenience store would attract the same type of customers as visited the Eastgate Square convenience store. He asked how Mr Shah could convince him that people would not congregate outside and how he would control people from his convenience store to stop them coming into his public house. To run the premises based on the Nisa manuals was not a great guide as to how he intended to stop people. He advised that his business ran a customer service.

Mr McAra commented that a premises licence could be reviewed at any time if nuisance occurred.

Mr Foord then summed up the relevant sections of the Council's Statement of Licensing Policy 2011-2014, which provided the general approach to be taken when considering a licensing application. He explained that each application was considered on its own individual merits. There were a wide range of premises across the District and he advised that the Policy could not set out all the requirements of the four licensing objectives. Each application was considered on a case by case basis. The licensing function was not intended as a mechanism for the general control of anti-social behaviour by individuals, such as littering and noise, beyond the control of the premises as other mechanisms, outside the licensing regime, were available to address such issues. However, the premises licence holder was expected to take responsibility and demonstrate within his operating schedule that he was taking steps to minimise any issues within the vicinity of his premises and to demonstrate this in practice. In the case of shops, stores and supermarkets it was normally the case that the Licensing Authority would permit the hours during which alcohol was sold to be the same as the opening hours unless there were significant reasons not to do so.

The Members of the Sub-Committee then retired to discuss and make their decision, Mr Stewart having first obtained the consent of all the parties to retire with the Sub-Committee in order to offer legal advice, only if required.

When the Sub-Committee returned, Mr Stewart advised that the Sub-Committee had not sought any specific legal advice in making their decision.

### **Resolved**

The sub-committee have determined the application for a new premises licence in respect of the premises known as 50 North Street, Chichester, West Sussex PO19 1NQ.

The sub-committee has noted the relevant provisions of the Licensing Act 2003, the Home Office Guidance and the Council's Statement of Licensing Policy. The sub-committee has noted all the submissions and representations both written and oral and the clarifications and explanations given by both the applicant and Representors

who addressed the sub-committee. In addition, the sub-committee has carefully considered the representation made by Mr Parker although he did not address the sub-committee.

The sub-committee was satisfied with the applicants experience and the controls and measures which are to be adopted and in particular that the Sussex Police as a Responsible Authority were prepared to mediate the application subject to conditions which the sub-committee found to be satisfactory in all respects. In addition to the Sussex Police conditions, the sub-committee were pleased to note that the applicant would agree to a CCTV camera outside the premises subject to any planning permission.

The sub-committee felt that the apprehensions of Mr Howard and similarly Mr Parker in relation to potential issues outside their relevant premises or migration into The George & Dragon by persons who have purchased alcohol for the subject premises could and would be dealt with by the review mechanism under the Licensing Act 2003.

In the light of the above the sub-committee are minded to grant the application subject to an additional condition in relation to the provision of a CCTV camera covering the outside of the premises.”

**4 Consideration of any late items as follows:**

There were no late items for consideration at the meeting.

The meeting ended at 3.55 pm

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CHAIRMAN

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Date: