

Licensing Authority, Chichester District Council, East Pallant House,  
East Pallant, Chichester, West Sussex, PO19 1TY

**Alcohol and Entertainment Licensing Sub-committee**

**Date & Time:** Monday 13<sup>th</sup> February 2023 at 14:30

**Venue:** Committee Room 1, Chichester District Council, East Pallant House, 1 East Pallant,  
Chichester, PO19 1TY

**Application for a PREMISES LICENCE  
(Application Number – 22/02465/LAPRE)**

One Stop (formerly Edes Newsagent)  
6 Midhurst Road  
Fernhurst  
Haslemere  
West Sussex  
GU27 3EE

**1. RECOMMENDATIONS**

- 1.1 That the sub-committee consider and determine an application made by One Stop Fernhurst Stores Ltd for a Premises Licence.
- 1.2 If the determination is to grant a Premises Licence, to give consideration as to whether it is appropriate to attach conditions to ensure the statutory licensing objectives are promoted.
- 1.3 The Sub-Committee is to give reasons for its decision.

**2. REASONS FOR HEARING**

- 2.1 The Premises Licence application submitted by One Stop Fernhurst Stores Ltd of 6 Midhurst Road, Fernhurst, Haslemere, GU27 3EE (Company Number 14547495) has been the subject of thirteen relevant representations, all in opposition to the application. Of the representations received, 10 were from members of the public, with the remaining being from Fernhurst Parish Council, Fernhurst Working Men's Club and Sussex Police in their statutory role as a Responsible Authority under the Licensing Act 2003.

**3. BACKGROUND**

Included in this report are the following attachments:

- 3.1 Copy of the Alcohol and Entertainment Licensing Sub-Committee – Protocol.

- 3.2 A plan depicting the application site and local area in relation to the representations received by the Licensing Authority (**Attachment A**).
- 3.3 Copy of the complete Premises Licence application (**Attachment B**).
- 3.4 Copy of all relevant representations (**Attachment C**).
- 3.5 Copy of successful mediation between the applicant and Sussex Police and (**Attachment D**).

**4 SUMMARY OF THE PREMISES LICENCE APPLICATION**

- 4.1 A copy of the complete application is reproduced in full shown in Attachment B.
- 4.2 One Stop Fernhurst Stores Ltd submitted a valid application on 21<sup>st</sup> December 2022. As part of the application process, statutory public notices were displayed by the applicant at the application site during the representation period; this ran between 21<sup>st</sup> December 2022 and 18<sup>th</sup> January 2023 inclusive. In addition, a copy of the statutory public notice was published in the Chichester Observer on Thursday 5<sup>th</sup> January 2023.
- 4.3 The following are a selection of extracts taken from the application form in which the applicant provides a general description of the site and intended use:
 

*‘The premises will be a new convenience store under the brand of One Stop where all types of convenience products will be sold including fresh & frozen food, toiletries, household, newspapers etc.’*

*‘Alcohol will form approximately 15% of the goods on sale and as it is not the intended focus of the business there is an expectation that alcohol sales will have a limited impact on the areas as local people are expected to on the whole purchase alcohol along with other products’.*
- 4.4 The application seeks a permanent Premises Licence authorising only the retail sale of alcohol for consumption off of the premises.
- 4.5 The table below specifies the standard days and times being sought for the retail sale of alcohol, along with the associated opening hours:

<b>Licensable Activity</b>	<b>Hours proposed by the applicant within the application</b>	<b>Location</b>
Retail sale of alcohol <i>(for consumption off the premises only)</i>	Every Day – 06:00 – 22:00	Indoors
Hours premises are open to the public	Every Day - 06:00 – 22:00	N/A

- 4.6 The applicant has provided information within Box M of the application form stating the steps that they intend to take to promote all four of the licensing objectives; the application form is included in Attachment B. Following receipt of the representation submitted by Sussex Police, the applicant subsequently agreed in principle to a number of additional conditions being included should it have been possible to proceed to grant a Premises Licence. The agreement in principle between Sussex Police with respect to the additional condition is shown in Attachment D.
- 4.7 In view of the retail sale of alcohol being applied for as a licensable activity, One Stop Fernhurst Stores Ltd have nominated Vikneswaran Mahadevan as the proposed Designated Premises Supervisor (DPS). Vikneswaran Mahadevan holds a current Personal Licence (No. 06/00541/LIPERS) granted by Croydon Council.

## **5 THE PROCESS AND PROMOTION OF LICENSING OBJECTIVES**

- 5.1 The legislation provides a clear focus on the promotion of four licensing objectives which must be addressed when licensing functions are undertaken. Each objective is of equal importance. The licensing objectives are:
- The prevention of crime and disorder,
  - Public safety,
  - The prevention of public nuisance, and
  - The protection of children from harm.
- 5.2 In carrying out its licensing functions, the Licensing Authority must also have regard to its current Statement of Licensing Policy 2022-2027, statutory guidance published by the Home Office (December 2022) along with relevant matters raised in any representation(s).

## **6 RELEVANT REPRESENTATION(S)**

- 6.1 A representation is “relevant” if it relates to the likely effect of the grant of a licence on the promotion of at least one or more of the licensing objectives. Representations can be in opposition and/or support of an application. As stated at paragraph 2.1 above, the application attracted thirteen relevant representations, all of which are in opposition. All representations are reproduced in full shown in Attachment C.
- 6.2 As outlined at paragraph 2.1, representations were received from ten members of the public along with Fernhurst Parish Council, Fernhurst Working Men’s Club and Sussex Police as a statutory Responsible Authority.
- 6.3 The various representations make reference to a number of matters of concern which relate to the likely effect on the promotion on all of the licensing objectives, although to differing degrees for each.

## **7 MEDIATION**

- 7.1 Whilst Sussex Police determined to submit a representation in respect of the application, discussions have been held between the applicant and Sussex Police during the representation period. The applicant subsequently agreed to a number of additional conditions proposed by Sussex Police and consequently they were in principle prepared to withdraw their representation should it have been possible to grant a Premises Licence at the end of the representation period. The successful

mediation is shown in full in Attachment D, however for ease the following are the conditions that have in principle been agreed:

*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 the premises internally and externally to cover 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. The time will be amended promptly when British Summer Time starts and ends.*

*Subject to GDPR 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 (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.*

*Any breakdown or system failure will be notified to the Police Licensing Department immediately (and retain documentary evidence in the form of an acknowledgement or receipt that this has been done) & remedied as soon as practicable.*

*In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.*

*The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram, official photographic identity cards issued by EU states bearing a hologram or ultraviolet feature.*

*Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises, including the point of sale and the area where the alcohol is displayed.*

*The Premises Licence Holder shall ensure that all staff members (including family members and friends) engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:*

- *the lawful selling of age restricted products*
- *refusing the sale of alcohol to a person who is drunk*

*Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.*

*All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.*

*The premises shall at all times maintain and operate an incident log and refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book will be kept at the premises and made available to officers of any responsible authority upon request. All incidents recorded in the log/refusals register will be retained on the premises for a minimum of twenty four months.*

*Alcohol deliveries will only be made to a residential or business address and not to a public place.*

*The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.*

*At the time the order is placed a declaration will be required from the person placing the order that that person is aged 18 years or over, and that the intended recipient are over 18 years or over. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.*

- 1. For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.*
- 2. For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.*
- 3. Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to*

*the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:*

- only employs delivery employees or agents aged 18 and over;*
- is aware that alcohol is included in the delivery;*
- that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;*
- that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.*

## **8 CONSIDERATION**

- 8.1 In reaching its determination, the Sub-Committee must take into consideration the promotion of the four statutory licensing objectives, the Council's Statement of Licensing Policy, the current Home Office Guidance along with written and/or oral evidence during the hearing.
- 8.2 It is very important to note that these are the only matters to be addressed by the Licensing Authority when considering this application. The licensing objectives are the only grounds on which representations can be made, and the only grounds on which the Licensing Authority will be able to refuse an application or impose appropriate conditions in addition to mandatory conditions and those proposed by the applicant in their operating schedule.
- 8.3 Human Rights considerations must be taken into account fully in balancing licensing issues, in particular, article 1 of the first protocol and articles 6 and 8. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property (holding a licence would be considered a possession). Article 8 relates to the right to respect for private and family life, home and correspondence. Article 6 relates to the right to a fair trial. These are however qualified rights and can be deprived of "in the public interest". Interference is permissible if what is done: -
- Has its basis in law;
  - Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim,
  - Is proportionate to the aims being pursued; and,
  - Is related to the prevention of crime or, the protection of public order or health or the protection of the rights and freedoms of others.
- 8.4 The Sub-Committee must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 8.5 All applications before the Sub-Committee must be considered against the backdrop of anti-discriminatory legislation including the Equality Act 2010 and in accordance with the Council's current Equality Strategy.
- 8.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the

consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from Responsible Authorities and any other person(s).

8.7 The Sub-Committee are required to give reasons for their decision.

## **9. OPTIONS OPEN TO THE SUB-COMMITTEE**

9.1 When considering this application, the following options are available to the Sub-Committee:

- (a) Grant the Premises Licence as applied for;
- (b) Grant the Premises Licence as applied for along with any additional conditions considered appropriate to promote one or more of the licensing objectives on which relevant representations have been received.
- (c) Grant the Premises Licence but exclude certain licensable activities from the licence or reduce the hours being sought during which the licensable activities may take place; or
- (d) Reject the whole or part of the Premises Licence application.

## **10 BACKGROUND PAPERS**

- Licensing Act 2003 (as amended)
- Home Office Guidance issued under section 182 of the Licensing Act 2003 (December 2022)
- Chichester District Council's Statement of Licensing Policy 2022-2027

## **11 ATTACHMENTS**

**Attachment A:** Plans depicting the application site and local area in relation to the representations received by the Licensing Authority.

**Attachment B:** Copy of the complete Premises Licence application.

**Attachment C:** Copy of all relevant representations.

**Attachment D:** Copy of all mediation.

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