

# Licensing Sub Committee Agenda

**Monday, 18 January 2016 at 11.00 am**

Learn Direct Room, 1<sup>st</sup> Floor, Aquila House, Breeds Place, Hastings, TN34 3UY.

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<b>Members of the Licensing Sub Committee to sit on this hearing are:</b>	<b>Page No.</b>
<b>Councillors Charlesworth, Dowling and Roberts, with Councillor Webb in reserve.</b>	
1. Appointment of Chair for this meeting 2. Apologies for Absence 3. Minutes of the meeting held on 3 November 2015 4. Declarations of Interest 5. Notification of any additional urgent items	1 - 6
Exclusion of the Public To resolve that the licensing authority exclude the public from the hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, taking place in public pursuant to Section 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005	
Confidential Business	
6. Application for the Review of a Premises Licence following Closure Order: Beyond the Sound Nightclub, 20 Robertson Street, Hastings <i>(Assistant Director for Environment and Place)</i>	9 - 46
7. Additional urgent items (if any)	

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# Agenda Item 3

## LICENSING SUB COMMITTEE

3 NOVEMBER 2015

Present: Councillors Batsford, Charlesworth and Roberts (Chair)

### **35. APPOINTMENT OF CHAIR FOR THIS MEETING**

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Charlesworth moved that Councillor Roberts should take the Chair. This was seconded by Councillor Batsford.

**RESOLVED (unanimously) that Councillor Roberts be appointed as Chair for the duration of the meeting**

### **36. APOLOGIES FOR ABSENCE**

None.

### **37. MINUTES OF THE MEETING HELD ON 17 SEPTEMBER 2015 AND 29 SEPTEMBER 2015**

**RESOLVED that the minutes of the meeting held on 17 September 2015 and the meeting held on 29 September 2015 be approved and signed by the Chair as a true record**

### **38. DECLARATIONS OF INTEREST**

None.

### **39. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS**

None.

### **40. APPLICATION FOR A PREMISES LICENCE: LONDON CONVENIENCE STORE, 13 LONDON ROAD, ST. LEONARDS ON SEA**

The Licensing Manager presented the report of the Assistant Director of Environment and Place in respect of an application made on 31 July 2015 under section 17 of the Licensing Act 2003 for the London Convenience Store, 13 London Road, St Leonards-on-Sea, TN37 6NH.

The premises was a vacant shop, and the application was to have supply of alcohol for off sales on Monday to Saturday from 08.00hrs to 23.00hrs and Sunday from 10.00hrs to 22.30hrs with special hours for Christmas Day and Good Friday of 12.00hrs to 15.00hrs and 19.00hrs to 22.00hrs.

The premises was located within area 3 (Central St Leonards) of the council's Special Saturation Policy (Cumulative Impact). During the 28 day statutory consultation period, a representation against the application had been received from Chief

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Inspector Paul Phelps, Hastings Police Commander. A representation had also been received from Trevor Scrase, Senior Licencing Officer at Hastings Borough Council. Forty nine further representations from local interested parties had been received, although many of these representations did not meet the requirements laid down by central government. However, four valid representations had been appended to the report. Two petitions had also been received, one objecting to the application and one in support of the proposal from the applicant.

Sergeant Vokins presented the objection on behalf of Sussex Police. He referred to the earlier representation made by Chief Inspector Phelps which objected to the proposal on the basis that the premises was located within an area of the council's Special Saturation Policy. Chief Inspector Phelps had also commented that the operating scheduled provided by the applicant failed to demonstrate that there would be no negative cumulative impact caused by the new premises. Sergeant Vokins described the challenges related to anti-social behaviour caused by problem drinking, which already existed in the area. He added that the police, council and partner agencies had introduced a range of initiatives over recent years to address this issue. This included the reduce the strength campaign, which restricted the sale of high volume beers and ciders. The initiative was part of a range of measures to tackle street drinking. Sergeant Vokins invited the committee to reject the application because of the impact a new premises would have on the cumulative impact area.

Mr Dadds, representing the applicant, asked Sergeant Vokins a number of questions regarding the recording of incidents of anti-social behaviour associated with problem drinking in the vicinity of the proposed premises. Sergeant Vokins replied that he did not have specific data regarding the number of Fixed Penalty Notices issued in the area. However, the fact that the Special Saturation Policy had remained in place, together with the range of other initiatives implemented by the police and partner agencies, demonstrated that problem drinking remained a significant challenge in Central St Leonards. Mr Dadds asked Sergeant Vokins if he believed that the reduce the strength initiative had successfully addressed the issue of street drinking in Central St Leonards. Sergeant Vokins replied that initiative was part of a broad range of activities to tackle problem drinking.

Mr Dadds made a submission in support of the application on behalf of the applicant. He stated that he did not believe police had provided sufficient statistical information to demonstrate that the proposed premises would have a negative impact on the Special Saturation Policy area. Mr Dadds noted that the Special Saturation Policy had been in place since 2007, he commented that policies from this time normally applied to on licence premises.

Mr Dadds referred to an earlier report to the council's Cabinet which considered issues linked to street drinking and the associated impact on the town. The report had noted that problem drinking was often linked to a number of other issues including homelessness, mental health and unemployment. However, Mr Dadds noted that there had been a relatively low level of anti-social behaviour and recoded crime in the area. He added that there was no data to suggest that street drinkers were more likely to commit crime. Initiatives undertaken by the police and partner agencies since the Special Saturation Policy was first adopted meant that the levels of street drinking in Central St Leonards had been reduced.

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Mr Dadds continued that the applicant had operated the shop next door to the proposed premises for over ten years, and were aware of the issues facing the area. During this time, the applicant had co-operated with the police and a number of other agencies to ensure the licensing objectives were upheld. The applicant's current premises had not been subject to any enforcement action by either the police or the council. Moreover, for the past three years the applicant had voluntarily participated in the reduce the strength campaign and refused to sell alcohol to known street drinkers in order to tackle issues associated with problem drinking. The applicant would apply the good practice they had learnt from operating their current shop to the management of the new premises.

At the meeting, Mr Dadds circulated a revised operating schedule, in pursuit of upholding the licensing objectives. Mr Dadds highlighted to the committee a number of conditions, which he believed would mitigate the impact of the new premises on the Special Saturation Policy. This included ensuring that a personal licence holder was on duty at all times when the premises was authorised to sell alcohol and a condition which prevented the sale of super strength beer, lager or cider of 6.5 ABV and miniature bottle of spirits at the premises. Mr Dadds added that it was the applicant's intention to develop the premises as a food retailer, therefore no more than 5% of the sales area would be used at any one time for the sale, exposure for sale and display of alcohol. Mr Dadds noted that there were already a number of licensed premises in the area; therefore a new premises would have a limited impact on the supply of alcohol.

Members asked a number of questions of Mr Dadds on the steps that could be taken to address the impact of a new premise on community safety concerns which had previously been raised by residents and local businesses.

The Licensing Manager advised the committee that the Senior Licensing Officer had given his apologies for the meeting, however, his written representation had been submitted for members to consider.

The Licensing Manager addressed Mr Dadd's earlier comments, by explaining that the Special Saturation Policy applied to both off-licence and on-licence premises, since its adoption in 2007. The policy had been subject to review in 2010/11, and was currently undergoing a further review. The saturation zones outlined in the policy had also been reviewed in 2013, to ensure they continued to reflect the development of the town.

**RESOLVED (by 2 votes for, 1 against) to grant the application, with conditions as per the amended operating schedule, as follows:**

- 1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly**
- 2. The licence holder will ensure that within four weeks of any appointment of a member of staff, they receive adequate training to Responsible Alcohol retailing standards or equivalent. A training record will be kept at the premises, which will be made available**

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- immediately upon request to an authorised officer of the police or local authority
3. The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request
  4. The premises licence holder shall ensure that refresher training be satisfactorily completed every 12 months for all staff and documented as above
  5. The premises licence holder shall ensure that the premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times while customers remain on the premises. All CCTV recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available following the reasonable request of police or authorised officers throughout the proceeding 28 day period (under and in accordance with the Data Protection Act)
  6. At all times when the premises are open for the sale of alcohol to the public, a suitable trained member of staff shall be present to assist police or authorised officers in obtaining CCTV footage
  7. An operational daily log report must be maintained, endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded
  8. In the event of technical failure of the CCTV equipment the Premises Licence Holder / DPS must report the failure to the Licensing Authority
  9. The premises licence holder shall ensure that a Challenge 25 or similar scheme is operated at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise a passport, photo card driving licence or an industry approved proof of age identity card. The premises licence holder shall ensure that notices shall be displayed at the premises to advise patrons and staff that a Challenge 25 or similar scheme operates at the premises
  10. The premises licence holder shall ensure that any refusals of sale of age-related products are recorded in a refusal log as soon as is reasonably practicable after the sale is refused. The log should show the time and date of the event; the products(s) sought, the gender and approximate age and description of the customer as well as the name of the member of staff who refused the sale. The refusals log shall be made available for inspection by the licensing team, police or trading standards upon reasonable request
  11. An incident log shall be kept at the premises and shall be made available for inspection by the licensing team, police or trading standards upon reasonable request which should record the following:

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- a) All crimes reported to the venue
  - b) All ejections of patrons
  - c) Any complaints received
  - d) Any incidents of disorder
  - e) Any visit by a relevant authority or emergency service
12. There shall be a personal licence holder on duty at the premises at all times when the premises area authorised to sell alcohol
  13. There shall be no self-service of spirits on the premises
  14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises
  15. No super-strength beer, lager or cider of 6.5ABV or above shall be sold at the premises
  16. The premises licence holder shall ensure that no single cans or bottles of beer or cider will be sold
  17. No miniature bottles of spirits shall be sold at the premises
  18. No more than 5% of the sales area to be used at any one time for the sale, exposure for sale or display of alcohol
  19. All waste shall be presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
  20. The pavement from the building line to the kerb edge immediately outside the premises, including gutter / channel at its junction with the kerb edge, shall be swept and / or washed, and litter and sweepings collected and stored in accordance with the approved storage arrangements
  21. No display of alcohol will be visible from outside the premises and there will be no advertising of alcohol on the window or entrance to the premises, so only customers entering the shop will know alcohol is for sale
  22. There will be no display of alcohol close to the shop entrance so that alcohol will not be visible except to customers already having entered the premises

The reason for this decision was:

The committee have listened very carefully to all submissions. The applicant has provided a robust schedule which if adhered to should have no impact on one or more of the licensing objectives. No factual evidence was provided by the police. The committee have had regard to the guidance issued by the Secretary of State and its own policy.

#### **41. ADDITIONAL URGENT ITEMS (IF ANY)**

None.

(The Chair declared the meeting closed at. 4.43 pm)

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# Agenda Annex

## Licensing Review Procedures

### 1. Introductions

- Chair introduce Members and Officers. Invite applicant / Licence Holder / representatives to table. Ask to introduce themselves.
- Chair explain procedure. Ask if Parties received report and ready to proceed.
- In the event that any Party to the hearing fails to attend Members consider whether to adjourn the hearing or to proceed in the Party's absence.

### 2. Summary of report by Licensing Manager / Officer.

### 3. Applicant / Representative (for eg Environmental Health, Police, Trading Standards) submissions on the application / call any witnesses.

Any Questions for Applicant / Representative

- Statutory Consultees?
- Licence holder?
- Officers?
- Members?

### 4. Statutory Consultees (for eg Police, Fire Service, Environmental Health) submissions on the application.

Any questions for Statutory Consultees from

- Applicant / Representative?
- Licence holder?
- Officers?
- Members?

### 5. The Licence Holder's submission on the application.

Any questions for Licence Holder from

- Applicant / Representative?
- Statutory Consultee?
- Officers?
- Members?

### 6. Do Members require any clarification from the Licensing Manager / Officer?

If clarification given, questions on clarification only from:

- Applicant / Representative?
- Licence holder?
- Statutory Consultees?
- Members?

### 7. Summaries (if required)

- Licensing Manager / Officer summing up
- Statutory Consultees summing up
- Licence Holder summing up
- Applicant/Representative summing up

### 8. Decision Making

- Members retire to discuss the application, propose and second a recommendation and vote on this.
- They may take legal advice from the Legal Advisor. The Legal Advisor will advise the Parties of any legal advice given to the sub-committee. No other person may retire with the Sub-committee.
- The decision is announced by the Chair giving full reasons for the decision, together with any conditions, which are to be attached to the grant of the licence or the reasons for a refusal of the application.

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# Agenda Item 6

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of the Local Government Act 1972.

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