

LICENSING SUB COMMITTEE

30 JUNE 2021

Present: Councillors Patmore (Chair), Sinden, Webb and Fernando (in reserve).

64. APPOINTMENT OF CHAIR FOR THIS MEETING

In accordance with the terms of reference of the Licensing Committee, the council solicitor invited nominations for the appointment of Chair for the duration of the meeting. Councillor Webb proposed that Councillor Patmore should take the Chair, seconded by Councillor Sinden.

RESOLVED (unanimously): that Councillor Patmore be appointed as Chair for the duration of the meeting.

65. APOLOGIES FOR ABSENCE

None.

66. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Cllr Webb	67	Personal - trustee of His Place Church near the premises

67. APPLICATION FOR A PREMISES LICENCE, WITH AN OBJECTION. SOUTH STAR, 20 ROBERTSON STREET, HASTINGS

Mr Bryant, the Licensing Lead Officer gave a precis of his report to the Sub-Committee.

On the 6th May 2021 Hastings Borough Council received an application for a new premises licence for South Star, 20 Robertson Street, Hastings, made under section 17 the Licensing Act 2003. The premises is located within Area 2 (Hastings Town Ctr) of the Council's Special Saturation Policy (Cumulative Impact).

As a result of the statutory consultation process a representation was received from Inspector Aidan Cornwall of Sussex Police, requesting a series of 5 conditions.

The applicant subsequently agreed to 4 of the requested conditions in relation to CCTV; staff training; Challenge 25 policy; and an incidents and refusals register. However, no agreement was reached in relation to a 1 hour reduction in operating hours.

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An additional representation was received from Mr John Ballam, Environmental Health Officer, Hastings Borough Council, requesting a further 3 noise related conditions under the prevention of public nuisance.

Ms Rolfe, Sussex Police Licensing Officer, explained that upon review the application was found to be not strong enough to support a premises of this type. Therefore, the applicant was contacted and some agreement was reached, except for in relation to a reduction in operating hours. There was also concern that bar staff would be operating in a dual role as SIA (Security Industry Authority) door operatives.

Inspector Cornwall shared crime data from July 2017 to June 2020 for Castle Ward, where the premises is located. The data showed that individuals are 3 times more likely to be the victim of a violent crime in Castle Ward than any other area in Hastings. The area recorded the highest level of knife crime in East Sussex, and approximately one third of all alcohol related crime in Hastings took place in Castle Ward during that period.

The applicant, Mr Mycock, confirmed that he had been in contact with Environmental Health and had agreed to the additional noise related conditions.

Mr Mycock told the Sub-Committee that he is looking to open a venue which had the facility to operate until 3am, to provide an outlet for people to listen to and play live music in the town centre. The intention is not to create a new nightclub venue and the premises would be an over 25's only venue.

In addressing the issue of bar staff taking on a dual role Mr Mycock confirmed there would be separate bar staff and door operatives in operation. Although bar staff training would be supplemented with SIA training it is not proposed that they operate in a dual role.

Accepting that Castle Ward is an area that needs careful treatment Mr Mycock highlighted that there are already 3 premises in Robertson Street with late night licences and the addition of 1 well managed venue, with the requested conditions, would not make a material impact on the crime statistics.

Mr Mycock said that the premises shouldn't be put at a competitive disadvantage to neighbouring late night venues and an earlier licence would reduce the ability to manage a controlled exit of customers from the venue over a period of time.

The Chair invited questions.

In response to a question about how the over 25 policy would be managed Mr Mycock said this would be partly by marketing as an over 25's only venue, and by a robust Challenge 25 policy.

Mr Bryant read out the suggested conditions submitted by Mr Ballam, Hastings Borough Council Environmental Health Officer, which the applicant had accepted.

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All parties summarised their position.

Councillor Edwards proposed a motion, as set out below, seconded by Councillor Patmore.

RESOLVED (unanimously):

We have listened carefully to all the submissions and we are bound to be directed by the promotion of the Licensing Objectives and Material Consideration of:

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

On balance, the Sub-Committee accepts the evidence provided in support of the application and has decided to grant the application.

In recognising the concerns raised about the specific issues under the Licensing Objectives, and having regard to its Licensing Policy and to the guidance issued by the Secretary of State the application is granted subject to the following conditions:

1. No noise generated on the premises from music, patrons or any mechanical equipment, shall emanate from the premises, nor vibration be transmitted through the structure of the premises, that may give rise to a nuisance at any noise sensitive premises from 11:00 until closing time.
2. The designated premises supervisor or a responsible member of staff shall monitor the impact of possible noise outbreak on neighbouring properties in both Robertson Passage and Robertson Street at the start of any entertainment and periodically throughout the entertainment and take action to reduce noise levels if they are found to be clearly heard at the nearest noise sensitive receptor. A log of the monitoring information should be kept available for the Local Authority to view on request.
3. To ensure that any deliveries or emptying of bottle bins only happens between 08:00 and 18:00 on Monday to Friday, 08:00 and 13:00 on Saturdays and not on a Sunday or Bank Holiday.
4. CCTV:

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- a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems (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.
- b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- c) CCTV footage will be stored for a minimum of 31 days.
- d) 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.
- e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- f) 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.
- g) Any breakdown or system failure will be notified to the police immediately and remedied as soon as is practicable.
- h) 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.

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5. Training/Authorisation

- a) The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
 - i. The lawful selling of age restricted products
 - ii. refusing the sale of alcohol to a person who is drunk.
- b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- c) All such training undertaken by staff members shall be fully documented and recorded and signed by both the employee and the DPS. All training records shall be kept on the premises and made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.
- d) A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.

6. Challenge 25:

- a) The premises will operate an age verification policy set at a minimum of 25 years (e.g. "Challenge 25") whereby any person attempting to buy alcohol who appears to be under the specified age of 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.
- b) Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations in the premises.

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7. Incident/Refusal Log:

- a) An incident/refusal log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
- b) Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.
- c) Any refusals made for alcohol services e.g. underage will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept at the premises for a minimum of twenty four (24) months.

8. SIA registered door staff:

SIA registered door staff will operate at the premises as follows:

- a) When the premises is operating after 23:00.
- b) Two door staff from 20:00 until the premises has closed to the public, licensable activity has ceased, and the venue is completely clear of patrons.
- c) Friday and Saturdays: two door staff from 20:00 and an additional one door staff from 22:00. Total three (3) from 22:00 until the premises has closed to the public, licensable activity has ceased and the venue is completely clear of patrons.

9. Operating Hours to be:

Plays: 11:00 – 02:00 7 days a week

Films: 11:00-02:00 7 days a week

Live music – 23:00 – 02:00 7 days a week

Recorded music – 23:00 – 02:00 7 days a week

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Late night refreshment – 23:00 – 01:30 7 days a week

Supply of alcohol – 11:00 – 01:30 7 days a week

Opening hours – 11:00-02:00 7 days a week

Reasons for granting this application:

1. The Sub-Committee note the Application deals with a Premises located within Area 2 (Hastings Town Centre) of the Council's Special Saturation Policy (Cumulative Impact).
2. The Sub-Committee note the Police crime statistics for that area which were provided at the hearing and are the evidential basis for the Police's objections to the Application.
3. The Sub-Committee noted its Policy and the guidance it provided to Applicants in the Matrix, in respect of operating times for this type of Premises in a Cumulative Impact Area.
4. On hearing from the Parties, the Sub-Committee believe the Applicant has not demonstrated justification for the Sub-Committee to depart from their Policy.
5. The Sub-Committee believe the SIA condition is necessary to promote the Licensing Objectives given the Police crime statistics for the area where the Premises is located and for the safety of staff and public.

(The Chair declared the meeting closed at 11.15am)