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LICENSING SUB COMMITTEE

23 JUNE 2021

Present: Councillors Patmore (Chair), Edwards, Roberts and Cox (in reserve).

59. 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 Roberts proposed that Councillor Patmore should take the Chair, seconded by Councillor Edwards.

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

60. APOLOGIES FOR ABSENCE

None.

61. MINUTES OF PREVIOUS MEETING

RESOLVED (unanimously): that the minutes of the meeting held on 25th February 2021 be approved as a true record.

62. DECLARATIONS OF INTEREST

None.

63. REVIEW OF PREMISE LICENCE, CROWLEY'S 55-56 HAVELOCK ROAD, HASTINGS, TN34 1BE

In recognising the concerns raised about the specific issues under the Licensing Mr Bryant, the Licensing Lead Officer presented a precis of his report. On the 10th March 2021 Hastings Borough Council received an application for the review of an existing premises licence under Section 51 of the Licensing Act 2003 for Crowley's, 55-56 Havelock Road, Hastings, from Chief Inspector Sarah Godley, Hastings and Rother District Commander, Sussex Police.

The application for review cites incidents of drunkenness, disorder, high drug swab test readings, assaults including a stabbing, and refers to non-compliance with the conditions of the licence. As a result, Sussex Police recommended a series of 9 conditions to be considered together with a suspension of the license for no less than six weeks in order to make the necessary adjustments. In addition the application asks the Sub-Committee to consider removal of the Designated Premises Supervisor (DPS) and a reduction in hours for all licensable activities by 2 hours.

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A further representation was received from Mr John Ballam, Environmental Health Officer, Hastings Borough Council, in support of the review. In his submission Mr Ballam comments on the past involvement of the Environmental Health team with the management of the premises and ongoing noise issues, including the service of a noise abatement notice on the DPS and licence holder. Mr Ballam requested, in addition to the existing conditions and those recommended by Sussex Police, that the Sub-Committee consider 4 further conditions, as outlined in the officer's report.

Mr Savill, counsel for Sussex Police, made a submission to the Sub-Committee. Mr Savill outlined that the premises has been connected to drug use, regular drunkenness, significant antisocial behaviour, and violence. All of which undermines the licensing objectives.

The premises has been closed since Halloween and this has offered time for reflection and discussion between the parties, which has narrowed the areas of concern.

Mr Savill informed the Sub-Committee that all the additional conditions (conditions 1-9 in the Sussex Police review application) had been agreed.

The removal of the DPS has already taken place and Mr Savill reminded the Sub-Committee that Sussex Police retain the right to object to any new candidate for DPS. Additionally, due to Covid-19 the premises has been closed for a period significantly longer than the Sub-Committee could impose.

Therefore, the only significant issue to be resolved is the reduction in operating hours. Both parties agreed that there should be a reduction in hours, except for when the premises is open for a live music event, in which case the sale of alcohol may continue for 1 hour after the live music ends. The position of Sussex Police is that this should be limited to 2 events per month, the licence holder contends this should be the case every Saturday.

Mr Grunert, the solicitor for the licence holder, made a submission to the Sub-Committee and reminded members that this is the first such enforcement action against the licence holder and operator of Crowley's. All individuals involved in the venue have experience of operating licensed venues and have regard for the licensing objectives.

It was confirmed by Mr Grunert that the matters raised in the representation from Environmental Health had been accepted and the conditions agreed.

Mr Grunert said that the submission from Sussex Police describes an escalation of issues, however the premises has worked very hard to address these. In relation to drugs, the current readings from swab tests of the premises are such that they would not cause concern. The levels have been suppressed and the readings raised in the police submission are historic in nature. UV lights have been fitted and other

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alterations made in order to deter drug use and the premises has invested in its own swab kits.

Incidents involving drunkenness will be addressed in a number of ways, including staff training; increasing non-alcoholic drink choices; repositioning the premises to attract new customers; and not allowing entry to the venue 1 hour before end of the sale of alcohol.

It was confirmed that the DPS, who is also responsible for other licensed venues in the town, had resigned in order that a new DPS could be appointed with sole responsibility for Crowley's. Additionally, the 'Ask for Angela' scheme will be implemented and all staff will undertake Drink Aware training.

It is proposed by the licence holder that the premises close at midnight on Saturday's unless a live music event is taking place, when it would close 1 hour after the end of the live music event. Mr Grunert said that this is part of the repositioning of the premises, with the principal attraction being live music. A membership scheme will also be in operation offering access to live music events. This will help moderate behaviour as customers will be identifiable. In order to create a new persona for the premises the frequency of the live music events is important in order to generate a new repeat customer base.

Mr Grunert said that it is accepted that trust needs to be rebuilt with the police but the licence holder cannot accept a two thirds reduction in the 2am licence and in these proposals the licence holder is putting the licensing objectives before profit.

The committee adjourned for a comfort break at 11:09am and reconvened at 11:17am.

The Chair invited questions.

In response to a question regarding the membership scheme it was confirmed that this would involve registering with contact details in return for a membership card. A record would be kept of which members attended on which evening and customers would need to be a registered member in order to buy a ticket for a live music event.

Mr Savill asked if the outgoing DPS, Mr Naylor, would have any ongoing involvement in the premises. Mr Grunert confirmed that Mr Naylor would be the employer of the new DPS but disagreed that Mr Naylor is the cause of any of the concerns raised.

The Licensing Lead Officer asked questions of the Licence Holder.

In response it was confirmed by Mr Naylor that when issues related to noise were raised upcoming gigs were immediately cancelled in order that sound proofing could be installed. Environmental Health were notified of the works.

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Mr Grunert said that the venue would give the police a minimum of 2 weeks' notice of any live music events and it is not intended that every live music event go on until 2am.

All parties summarised their position.

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

RESOLVED (unanimously):

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 licence is modified to include the following conditions:

(1) CCTV: Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be turned on and recording at all times the premises licence is in operation.

- a) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- b) CCTV footage will be stored for a minimum of 28 days.
- c) The management will give full and immediate cooperation and technical assistance to Sussex Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- d) The CCTV images will record and display dates and times and these will be checked regularly to ensure their accuracy.
- e) Subject to Data Protection guidance and legislation, the management of the premises will ensure that key members of staff are fully trained in the operation of the CCTV cameras and recording equipment and will be able to download selected footage onto a disk for the Police without difficulty or delay and without charge to Sussex Police.
- f) Any breakdown or system failures of the CCTV cameras and recording equipment will be notified to Sussex Police immediately and remedied as soon as practicable.

(2) SIA registered door staff will be employed at the premises from 21:00hrs until half an hour after the premises has closed on Thursday, Friday and Saturday's plus Bank Holidays, New Years Eve, public holidays and at any time when a temporary event notice is in operation.

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(3) An incident book will be kept and maintained at the premises and made available for inspection by Sussex Police Licensing Officers and Local Authority Officers on request. This incident book shall be solely used for the purpose of recording incidents.

- a) The incident book will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident book will be inspected and signed off by the Designated Premises Supervisor (or a person with delegated authority from the Designated Premises Supervisor) at least once a week.
- b) The incident book should be kept on the premises and be available for inspection at all times the premises are open by Sussex Police Licensing Officers and Local Authority Officers. An incident will be defined as being one which involves an allegation of a criminal offence.
- c) Feedback shall be given to staff to ensure these are used on each occasion that a refusal incident occurs at the premises.

(4) A refusals register will be kept and maintained at the premises and made available for inspection by Sussex Police Licensing Officers and Local Authority Officers on request. Any refusals made for alcohol service eg underage, will be recorded in the refusals register (to be kept in either electronic or written form) and feedback given to staff as relevant. The records within the register will be kept at the premises for a minimum of twenty-four (24) months.

(5) A Personal Licence Holder shall be present at all times when the premises is open to the public.

(6) All staff shall have written authorisation from the Designated Premises Supervisor or Personal Licence Holder to permit them to sell alcohol.

(7) Staff will contact Sussex Police as soon as is practicable if there is evidence of drug use or suspected drug use within the premises.

(8) Zero tolerance notices in relation to drug use will be prominently displayed throughout the premises and a drugs policy will be drawn up and implemented by the management to the satisfaction of Sussex Police.

(9) A challenge 25 policy shall be in operation at the premises and staff will be suitably trained to implement this policy.

(10) No noise generated on the premises from music, patrons or any mechanical equipment shall emanate from the premises, nor vibrations 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.

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(11) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quickly and quietly.

(12) The Designated Premises Supervisor or nominated person will monitor the impact on neighbouring premises throughout any regulated entertainment and therein take action to reduce noise levels if they can be heard at the nearest residential property.

(13) Any queue to enter the premises which forms outside the premises shall be orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

(14) Reduction of hours:

(a) Subject to 14(b), the sale of alcohol, recorded music, live music and dancing to be reduced by 2 hours from 02:00hrs to midnight Thursday to Saturday.

(b) The sale of alcohol, recorded music, live music and dancing to be permitted until 01:00hrs on a maximum of two Saturdays per month subject to Sussex Police being provided with written notice not being less than 30 days of each occasion the premises will be open until 01:00hrs.

(15) No further customers to enter the premises in addition to those already within the Premises between midnight and 01:00hrs on any Saturday where the hours are extended to 01:00hrs under 14(b).

(16) There will be promotion of a range of non-alcohol brands by giving increased exposure on the bar to non-alcoholic beers, wines and spirits. A minimum of 25 low or non-alcoholic products (excluding minerals) will be on sale at the premises.

(17) An "Ask for Angela" scheme shall be in operation at the premises and staff will be suitably trained to implement this scheme.

(18) Staff to receive appropriate training around alcohol safety awareness (including customer vulnerability). All staff to complete the Drinkaware Alcohol Vulnerability Awareness e-learning course within 3 months of commencing employment.

Reasons:

The Sub-Committee makes the above decision for the following reasons:

1. The Sub-Committee is mindful of the history of the premises which includes anti-social behaviour inside and outside the premises, sexual harassment, noise nuisance, excessive levels of intoxication and drug use.
2. The Sub-Committee notes that one cause of the issues was customers were visiting the premises as part of a circuit of different licensed premises which meant that customers were already intoxicated on arriving at the premises.

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3. The Sub-Committee notes what has been said by the Licence Holder's representative about steps they had taken to address issues at the Premises.
4. The Sub-Committee listened to all parties and notes that many of the issues raised by the Review had been addressed prior to the hearing and agreement had been reached in respect of many of the proposed conditions put forward by the Police and Hastings Borough Council's Environmental Health officer.
5. There remained disagreement on the extended operating hours on a certain number of Saturdays per month. On considering the arguments made by the parties, the Sub-Committee agreed with the cautious approach proposed by Sussex Police with regards to limiting the extended hours to two Saturdays per month, given the history of the Premises referred to above. However, the Sub-Committee wish to see the condition be clearly stated with no ambiguity in respect of the activity allowed and time each could be continued until. The Sub-Committee also believed that 30 days written notice was a more reasonable time frame to give notice to Sussex Police to allow for them adapt operationally.
6. The Sub-Committee is of the opinion that the conditions imposed by the Sub-Committee will have a positive impact on running of the Premises in respect of the four licensing objectives.

(The Chair declared the meeting closed at 12:20pm)

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