

LICENSING & GENERAL PURPOSES COMMITTEE
GENERAL LICENSING PANEL
20 August 2018

Minutes of the General Licensing Panel held at the Town Hall, Bexhill-on-Sea on Monday 20 August 2018 at 10.00am.

There were present:

Members of the General Licensing Panel:

Councillors G.S. Browne, S.D. Elford and Mrs S. Hart.

Interested Parties:

Applicant: Mr Witcomb

Representors: B. Bradshaw, B. Dunn, S. O'Sullivan, E. Francisco and C. Briggs

Advisory officers: Deputy Legal Services Manager - Wealden & Rother Shared Legal Services, Senior Environmental Health Officer (Licensing) and Democratic Services Officer.

Also Present: 4 members of the public.

LP18/08. APPOINTMENT OF CHAIRMAN

Councillor Elford was duly appointed as Chairman of the Panel for the hearing.

LP18/09. MINUTES

The Chairman was authorised to sign the minutes of the meetings of the General Licensing Panel held on 29 May and 30 May 2018 as correct records of the proceedings.

LP18/10. APPLICATION FOR A CLUB PREMISES CERTIFICATE – BEXHILL BOXING CLUB, DE LA WARR PARADE, BEXHILL-ON-SEA, TN40 1RT

Consideration was given to the report of the Executive Director that gave details of an application for a Club Premises Certificate for the Bexhill Boxing Club, De La Warr Parade, Bexhill-on-Sea, TN40 1RT for the licensable activity of the sale of alcohol (on sale/supply and off supply) from Monday to Sunday between the hours of 12:00hrs and 23:30hrs. 27 representations had been made in relation to the application covering all four of the licensing objectives.

Prior to the commencement of the hearing, the Deputy Legal Services Manager gave advice to the applicant and the representors regarding the grounds on which the Club Premises Certificate application could be considered.

The Chairman welcomed all who were present and gave general advice in regard to the hearing. The Panel then proceeded to hear the case

following the adopted procedure and all parties present at the hearing were invited to address the Panel.

The Panel heard from Mr Mark Randolph, Senior Environmental Health Officer (Licensing), who presented the report of the Executive Director detailing the application and then from Mr Witcomb, who presented the case for the application.

The Panel also heard from three of the representors present, who detailed their concerns, which were primarily in relation to public nuisance in terms of noise emanating from the premises as they lived very close by and to the parking of visitors' vehicles when any future events were to take place. All letters of objection were given the Panel's full consideration.

The Panel deliberated the application, which was determined having regard to the licensing objectives, together with the Guidance under Section 182 of the Licensing Act and the local Licensing Policy and retired to make their decision in private session.

RESOLVED: That the application for a Club Premises Certificate be granted subject to the conditions as set out in Appendix 1.

CHAIRMAN

The meeting closed at 11.49am

GLP180820.lh

Rother District Council
DECISION NO: WK201804782

GENERAL LICENSING PANEL DECISION NOTICE

Date of General Licensing Panel Meeting: 20 August 2018

Venue: Town Hall, Bexhill-on-Sea

Date of Decision: 20 August 2018

NAME AND ADDRESS OF PREMISES:

Bexhill Boxing Club, De La Warr Parade, Bexhill-on-Sea, TN40 1RT

NAME(S) OF APPLICANT:

Club Secretary – Rian Witcomb

REASON(S) FOR REPORT:

The report had been subject to twenty seven representations covering all four of the licensing objectives

DECISION MADE AND REASONS FOR IT:

Decision – to grant the Club Premises Certificate

Reasons:

The Panel was asked to consider the application for a new Club Premises Certificate for the Bexhill Boxing Club, De La Warr Parade, Bexhill-on-Sea, TN40 1RT. The Panel had, within their papers, the report of the Licensing Officer together with the application; proposed conditions, internal plans, photographs of the outside of the premises, map of the local area and the representations. In addition, the Panel also had regard to their own Statement of Licensing Policy dated 2016 and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003.

The applicant set out the ambitions for the Boxing Club emphasising their charitable status and their need to make the club a self-supporting club. They had received money to assist in the refurbishment of the building, and they had made improvements to the fabric of the building and alterations to some of the former squash courts. Soundproofing had been added to some areas, which should prevent noise escape when music was played. In outlining the application, officers had made the Panel aware that live and recorded music could be played under the deregulation should the Club Premises Certificate be issued. In addressing issues connected to the representations about the supply of alcohol, the club were anxious to explain that they expected to host events at the premises probably around 6-8 times per year. On these occasions there would be nothing compared to the event that had been the source of so many complaints in 2017 when several hundred people attended one event. The club stated they had learnt from that experience and their ambitions were now more modest. Apart from those selected events, most of the time the supply of alcohol would only be to club members attending committee meetings or parents visiting the club. It was stated clearly that the club was not in the business of making alcohol available to children and had a zero tolerance to underage drinking, taking drugs and anti-social behaviour.

The Panel asked a series of questions around the issue of management of the premises and the measures employed to monitor poor behaviour. The club believed they had control of the issues and had not received any direct complaints about poor behaviour from neighbours or indeed the Council. The Licensing Officer, when asked by the Panel, confirmed that there were no recorded complaints about the former squash club, or more recently as a boxing club, on their systems.

The Panel were then addressed by three of the representors, one of whom represented several of those who had made formal representations. Their concerns were focussed around the parking of visitor's vehicles and specifically the large event that had taken place in 2017, which had been addressed by the applicant. They detailed the hostility they had received when making reasonable requests for visitors to the club to move vehicles that were obstructing residents. When asked by the Panel about recent parking issues, it was accepted that parking problems had improved more recently. There were anxieties expressed about the parking of a club minibus on the highway, but there was little the Panel could do to resolve the legal parking of any vehicle. Residents stated they had concerns about noise from club members and visitors using the passageway that led to the club, as this passageway immediately bordered their flats. Concerns over drunkenness and potential drink driving were raised, but there was no evidence to support these concerns. Many of the residents had expressed a view that the club did not need a licence to provide alcohol, but it was explained that need was not an issue the Panel could take into account.

The Panel asked the representors about their experiences following the Temporary Event which had taken place on the 14 July this year and they said there had been no complaints about the event or the parking. It was clarified during the questioning that allegations made by residents that this event was held without a licence were incorrect and that a Temporary Event licence had been correctly issued.

In considering the application, the Panel had to find a balance between the commercial ambitions of the applicant and the wellbeing of local people. They were satisfied, on balance, that problems in recent times had improved. It was accepted by the applicant, and recognised by the Panel, that the large event in 2017 had been chaotic and that local residents had suffered hostility from visitors to the club over issues of parking. The Panel were reassured by the statement made by the applicant that they had no intention to host such a large event again. The Panel felt it was appropriate, in deciding to grant the licence, to restrict the terminal hour to 23:00hrs given the noise sensitivity of neighbouring flats, given some flats were only 10 metres from the club. Additionally they imposed a series of conditions, including those offered by the applicant and several others that the Panel considered appropriate to ensure the effective management control of club members and visitors during events. Importantly for residents this included a requirement to provide a contact telephone number to the residents' company when events were hosted. This would provide a direct portal to raise concerns should they occur, directly with a person in a position to resolve the issue.

Given all the conditions offered by the applicant and imposed by the Panel, it was considered that the licence should be granted with the imposition of additional conditions and a reduction in the hours as stated above. The Panel was satisfied that any future breach of the licensing objectives could be avoided by the conditions within the licence and that the decision reflected a proportionate response, taking into account all the representations from local residents and the upholding of the licensing objectives.

Supply of alcohol (on premises)

Monday to Sunday 12:00hrs to 23:00hrs

Conditions:

1. An incident book will be kept and maintained at the premises and made available for inspection by Police, Police Licensing Officers and Local Authority Officers on request. This book shall solely be used for the purpose of recording incidents.
2. A refusals register will be kept and maintained at the premises and made available for inspection by Police, Police Licensing Officers and Local Authority Officers on request.
3. All staff shall have written authorisations from the sub-committee responsible for the supply of alcohol.
4. A 'Challenge 25' policy shall be in operation at the premises and staff will be suitably trained to implement this policy. The only forms of ID that will be accepted are a passport, a photographic driving licence or a Proof of Age card bearing the 'PASS' hologram.
5. Club persons may not be admitted to membership, or be admitted as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.
6. A maximum of three guests shall be permitted for each member on any one occasion.
7. The name and address of any guest bona fide introduced by a member to the club, together with the name of the member introducing, shall be properly recorded in books kept for the purpose.

Additional Conditions imposed by Licensing Panel

8. No alcohol supplied at the premises shall be taken or consumed outside the front of the premises or in the rear garden.
9. Where the club intends to hold an event, there shall be on the premises, at all times when alcohol is available, a member of the Management Committee to supervise the event.
10. For any event, the Management Committee shall supply the Chairman of the Sutton Place (Bexhill) Residents' Company Ltd and the Management Committee of Homelawn House with a mobile contact number for the purposes of reporting any issues associated with the event.
11. Clear and prominent signs should be maintained asking club members and their guests to leave the premises quietly and respect local residents' entitlement to quiet enjoyment of their homes.
12. Clear and prominent signs should be displayed at the premises prohibiting the

unnecessary loitering of club members and their guests outside the premises and alleyway.

13. The management of the premises shall regularly monitor the garden area and outside the front of the premises to ensure that club members and guests do not cause nuisance to the neighbourhood.

A written or electronic copy of this Notice will be publicly available to all parties, and published on the Council's website.