

LICENSING AND GENERAL PURPOSES COMMITTEE - GENERAL LICENSING PANEL

9 July 2021

Minutes of the Licensing and General Purposes Committee - General Licensing Panel meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Friday 9 July 2021 at 1:00pm.

There were present:

Members of the General Licensing Panel:

Councillors C.A. Madeley, R.B. Thomas and H.L. Timpe.

Interested Parties

Applicant: Mr Kokulan Gnanasundaram, Kokul Services Limited

Applicant's Agent: Mr Richard Baker, RB Retail & Licensing Services Limited

Applicant's Barrister: Professor Roy Light

Representor: Mr Andrew Crotty

Advisory officers: Principal Solicitor - Wealden & Rother Shared Legal Services, Environmental Health Licensing Officer and Democratic Services Officer.

Also present: 5 members of the public via the YouTube live broadcast.

LP21/1 **APPOINTMENT OF CHAIRMAN**

Councillor R.B. Thomas was duly appointed as Chairman of the Panel for the hearing.

LP21/2 **MINUTES**

The Chairman was authorised to sign the Minutes of the meetings of the General Licensing Panel held on 25 March and 30 March 2021 as correct records of the proceedings.

LP21/3 **DISCLOSURE OF INTERESTS**

There were no declarations of interest.

LP21/4 **REPORT OF THE HEAD OF SERVICE ENVIRONMENTAL SERVICES, LICENSING AND COMMUNITY SAFETY**

Consideration was given to the report of the Head of Service Environmental Services, Licensing and Community Safety that gave details of an application for a premises licence for Crown Express, 30 Western Road, Bexhill-on-Sea for the licensable activity of the sale of alcohol (off sales) from Monday to Sunday 06:30 to 23:00hrs. One representation had been made in relation to the application in regard to the licensing objective of the prevention of public nuisance.

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 the Environmental Health Licensing Officer, who presented the report of the Head of Service Environmental Services, Licensing and Community Safety, detailing the application and then from Richard Baker and Professor Roy Light, who presented the case for the Applicant.

The Panel also heard from the representor present, Andrew Crotty, who detailed his concerns, primarily in relation to public nuisance in terms of extra noise in the street. The letter of objection was 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 Premises Licence be granted consistent with the Operating Schedule and with sale/supply times as set out in Appendix 1.

CHAIRMAN

The meeting closed at 2:26pm.

Rother District Council
DECISION NO: WK/202102120

GENERAL LICENSING PANEL DECISION NOTICE

Date of General Licensing Panel Meeting: 9 July 2021

Venue: Town Hall, Bexhill-on-Sea

Date of Decision: 9 July 2021

**NAME AND ADDRESS OF
PREMISES:**

Crown Express, 30 Western Road, Bexhill-on-Sea, East
Sussex, TN40 1DY

NAME(S) OF APPLICANT:

Kokul Services Limited

**REASON(S) FOR
REPORT:**

The report had been subject to one representation on the
grounds of prevention of public nuisance.

DECISION MADE AND REASONS FOR IT:

Reasons for the Decision

Members of the Panel had been asked to consider a new application for a premises licence under S.18 of the Licensing Act 2003 (the Act). One local resident had made a relevant representation against the application.

The Panel was provided with a report that detailed the application, together with the supporting documentation and the representation. In considering the application, the Panel also had regard to the Council's own Statement of Licensing Policy, and the Secretary of State's S.182 Guidance under the Act.

The Panel heard a detailed and well prepared application from the Applicant's Barrister and Agent who were instructed to represent the Applicant (who attended the hearing as well).

The Panel's only real area of mild concern was that of the hours of the licensable activity – the sale/supply of alcohol (off sales) that the Applicant had applied for (06:30 to 23:00). However, the Panel believed that the hours were reasonable and were consistent with the time that the premises was going to be open (being a convenience store). The Applicant had a comprehensive Operating Schedule that alleviated potential concerns as to the promotion of the licensing objectives – in particular that of the prevention of public nuisance. In line with taking steps to promote the licensing objectives and in particular public nuisance, the Panel had regard to what was appropriate to prevent any public nuisance and the effect this licensable activity may have had on those in the immediate locality. With that in mind and given the sensitivity to the issue locally, the Panel stated that it would be appropriate to retain the Operating Schedule as applied for, complete with all the conditions.

Taking everything into account, the Panel were satisfied, on balance, that the Applicant had shown that he could uphold all of the licensing objectives and in particular the licensing objective of "prevention of public nuisance".

Decision Made

That the application for the premises licence be granted consistent with the Operating Schedule and with sale/supply times as outlined below.

Monday to Sunday 06:30 to 23:00hrs (Off the premises)

Conditions offered by the Applicant

General

1. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of internal training prior to them being authorised to sell or supply alcohol.
2. The premises licence guidance manual will be the basis of alcohol sales training.
3. Records of the training programme shall be maintained and made available to Authorised Officers upon request.
4. The Premises Licence holder shall provide a "refresher" training session to all relevant staff members as and when deemed necessary on a case by case evaluation, but as a minimum requirement the refresher training session shall be provided to all staff on at least one occasion every twelve months.
5. The CCTV policy shall incorporate the following basic requirements:
 - Be switched on and fully operational when the licensable activities are being carried out.
 - Record for a minimum rolling period of 31 days
 - Have a camera covering any entrance which will provide a facial shot of evidential quality.
 - Additional external CCTV cameras will be installed covering the store frontage.
 - Have a means of copying any footage to another medium as evidence if requested by the Police.
 - The CCTV system will record & display date and time, which will be checked regularly.
 - Any CCTV breakdown will be reported by email to the Police as soon as it is discovered. The repair will be made as soon as is practicable with the Police advised once the repair is completed.
 - The staff will be trained to assist the Police with recordings subject to GDPR guidance and legislation.
6. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and is seeking to purchase alcohol for consumption on/off the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.
7. A refusal log will be kept and maintained to record the refusal of alcohol beverages to underage or intoxicated persons. The details collated will include a description of the individual refused, the date and time, the details of the product refused, the reason for refusal and the name of the staff member.
8. An incident log will be kept to record instances of crime, disorder or nuisance on the premises. The headings will include details of the incident, whether the emergency services were called, the date/time of the incidents and the staff members name who recorded the details.

9. Beer, lager & Cider ABV will be limited to 6.4% except for premium products, where in those circumstances, Police agreement will be sought before any proposed beer, lager or cider over the limit may be displayed and sold.
10. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of the local community and of acceptable behaviour in public spaces when leaving the premises.
The DPS will ensure staff sweep the pavement area in front of the premises daily

Prevention of Crime and Disorder

1. The CCTV policy shall incorporate the following basic requirements:
2. Be switched on and fully operational when the licensable activities are being carried out.
3. Record for a minimum rolling period of 31 days
4. Have a camera covering any entrance which will provide a facial shot of evidential quality.
5. Have a means of copying any footage to another medium as evidence if requested by the Police.
6. The cctv system will record & display date and time, which will be checked regularly.
7. Any cctv breakdown will be reported by email to the Police as soon as it is discovered. The repair will be made as soon as is practicable with the Police advised once the repair is completed.
8. The staff will be trained to assist the Police with recordings subject to GDPR guidance and legislation.
9. An incident log will be kept to record instances of crime, disorder or nuisance on the premises. The headings will include details of the incident, whether the emergency services were called, the date/time of the incidents and the staff members name who recorded the details.
10. Beer, lager & Cider ABV will be limited to 6.4% except for premium products, where in those circumstances, Police agreement will be sought before any proposed beer, lager or cider over the limit may be displayed and sold.

Public Safety

1. The CCTV policy shall incorporate the following basic requirements:
 - Be switched on and fully operational when the licensable activities are being carried out.
 - Record for a minimum rolling period of 31 days
 - Have a camera covering any entrance which will provide a facial shot of evidential quality.
 - Additional external CCTV cameras will be installed covering the store frontage.
 - Have a means of copying any footage to another medium as evidence if requested by the Police.
 - The CCTV system will record & display date and time, which will be checked regularly.
 - Any CCTV breakdown will be reported by email to the Police as soon as it is discovered. The repair will be made as soon as is practicable with the Police advised once the repair is completed.
 - The staff will be trained to assist the Police with recordings subject to GDPR guidance and legislation.
 - An incident log will be kept to record instances of crime, disorder or nuisance on the premises. The headings will include details of the incident, whether the

emergency services were called, the date/time of the incidents and the staff members name who recorded the details.

Prevention of Public Nuisance

1. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of the local community and of acceptable behaviour in public spaces when leaving the premises.
2. The DPS will ensure staff sweep the pavement area in front of the premises daily

The Protection of Children From Harm

1. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of internal training prior to them being authorised to sell or supply alcohol.
2. The premises licence guidance manual will be the basis of alcohol sales training.
3. Records of the training programme shall be maintained and made available to Authorised Officers upon request.
4. The Premises Licence holder shall provide a “refresher” training session to all relevant staff members as and when deemed necessary on a case by case evaluation, but as a minimum requirement the refresher training session shall be provided to all staff on at least one occasion every twelve months.
5. A refusal log will be kept and maintained to record the refusal of alcohol beverages to underage or intoxicated persons. The details collated will include a description of the individual refused, the date and time, the details of the product refused, the reason for refusal and the name of the staff member.

Rights of Appeal

Under the provisions of Section 181 and schedule 5 of the Licensing Act 2003 there is a right of appeal against the decision of the Licensing Committee if you are aggrieved at the outcome. This right of appeal extends to the Applicant in the case of a refusal or restrictions on the licence, or the imposition of conditions to the licence. The right of appeal also extends to persons who have made representations where the licence has been granted, or that relevant conditions have not been imposed upon the licence. Full details of all the rights of appeal can be found within Schedule 5 of the Act.

Any appeal should be made to the Magistrates Court, Edward Street, Brighton, within 21 days from the date of notification of the decision. You must contact the Magistrates Court to establish the formal procedure for the appeal.

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