

LICENSING AND GENERAL PURPOSES COMMITTEE - GENERAL LICENSING PANEL

6 September 2022

Minutes of the General Licensing Panel held at the Town Hall, Bexhill-on-Sea on Tuesday 6 September 2022 at 2:30pm.

There were present:

Members of the General Licensing Panel

Councillors L. Hacking, C.A. Madeley and A.S. Mier.

Interested Parties

Applicant: PC Buck, Sussex Police

Inspector Tombling, Sussex Police

Premises Licence Holder: Robert Warner, Operations Director for the South, Parkdean Resorts

Premises Licence Holder's Legal Representatives: Philip Kolvin QC, Jonathan Smith, Poppleston Allen, Alex Tomlinson, Poppleston Allen and Tom Bushnell, Hickman Rose.

Responsible Authority: Environmental Health Manager (Food and Safety), Rother District Council Health and Safety Team.

Advisory officers: Environmental Health Manager (Licensing), Senior Environmental Health Officer (Licensing), Democratic Services Officer and Jon Wallsgrove, Solicitor, John Gaunt & Partners.

LP22/1 **APPOINTMENT OF CHAIR**

Councillor Mier was duly appointed as Chair of the Panel for the Camber Sands Holiday Park, Camber hearing.

LP22/2 **MINUTES**

The Chair was authorised to sign the Minutes of the meeting of the General Licensing Panel held on 29 April 2022 as a correct record of the proceedings.

LP22/3 **EXCLUSION OF PRESS AND PUBLIC (EXEMPT INFORMATION)**

RESOLVED: That the press and public be excluded whilst the matter containing exempt information, as prescribed by Part 1 of Schedule 12A of the Local Government Act 1972, as amended, paragraphs 1 and 7 and relating to Minute LP22/04 was under consideration. The report submitted in connection with this item that contained information exempt from publication by virtue of Part 1 of Schedule 12A to the Act shall remain confidential if and so long as, in all the circumstances of the cases, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**APPLICATION FOR FULL REVIEW OF THE PREMISES LICENCE
AT CAMBER SANDS HOLIDAY PARK, NEW LYDD ROAD,
CAMBER EAST SUSSEX, TN31 7RT (PARAGRAPHS 1 & 7)**

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 review of the premises licence for the Camber Sands Holiday Park, Camber relating to the failure of the Premises Licence Holder to uphold the 'prevention of crime and disorder' and 'public safety' licensing objectives. Summary reviews could be undertaken when the Police considered that the premises concerned were associated with serious crime or serious disorder (or both).

The Chair welcomed all who were present and gave general advice regarding 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 Senior Environmental Health Officer (Licensing) who presented the report of the Head of Service Environmental Services, Licensing and Community Safety and then from PC Buck, Sussex Police (the Applicant) who presented the case for review.

The Panel then heard from the Environmental Health Manager (Food and Safety) for the Responsible Authority and then finally from the Premises License Holder's legal representative, Philip Kolvin QC and the Premise Licence Holder, Robert Warner.

The Panel also gave full consideration to the witness statements provided in the report by Sussex Police and the additional information supplied by the Premises Licence Holder.

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 Premises Licence be amended by further conditions to address the causes of the review and promote the licensing objectives of 'prevention of crime and disorder' and 'public safety' licensing objectives, as set out within the Decision Notice at Appendix 1.

CHAIR

The meeting closed at 4:41pm

Rother District Council
DECISION NO: 1

**GENERAL LICENSING PANEL
REVIEW DECISION NOTICE**

Date of General Licensing Panel Review Hearing: 6 September 2022

Venue: Town Hall, Bexhill-on-Sea

Date of Decision: 6 September 2022

**NAME AND ADDRESS OF
PREMISES:**

Camber Sands Holiday Park,
New Lydd Road, Camber, East Sussex, TN31 7RT

**NAME(S) OF PERSON (S) ON
PREMISES LICENCE:**

Park Resorts Ltd

NAME(S) OF APPLICANT:

Sussex Police

REASON(S) FOR REVIEW:

The report had been made on the grounds of the failure of the Premises Licence Holder to uphold the 'prevention of crime and disorder' and 'public safety' licensing objectives.

DECISION MADE:

That the Premises Licence be amended by further conditions to address the causes of the review and promote the licensing objectives of 'prevention of crime and disorder' and 'public safety' licensing objectives.

DECISION MADE AND REASONS FOR IT:

Reasons for the Decision

Firstly, the Panel passed on their condolences to the family and friends of the individual who lost his life.

The Panel had read the Agenda papers prior to the commencement of the hearing. The Panel was addressed by the Senior Environmental Health Officer (Licensing), PC Buck on behalf of Sussex Police, Una Kane on behalf of Environmental Health and Philip Kolvin QC on behalf of the Premises Licence Holder (PLH). Each party was afforded the opportunity of asking questions.

Additionally, the Panel had cognisance of the Guidance issued under s182 of the Licensing Act 2003, the Licensing Authority's own statement of licensing policy, the Human Rights Act and the Equality Act.

The Panel was given only the briefest of information regarding the incident on 5 August 2022, given the ongoing investigation. Accordingly, the Panel made no findings of fact in relation to that incident. The function of the Panel was to identify the cause/s of the

review and to take whatever remedial action was appropriate and proportionate to address that cause/s.

Whilst the evidence adduced by the police was not entirely accepted by the PLH, taking account of the written statements provided by the police, the Panel found that the causes of the review were as follows: first, whether there was an appropriate level of Security Industry Authority (SIA) security working at the premises and whether they were properly trained and second, the levels of intoxication of guests, calling into question the management and training of bar staff. The Panel was satisfied on the witness statements of the Police Officers that, on the balance of probabilities, it was more likely than not that the number of SIA security staff at the premises was insufficient and that there were occasions when guests had consumed excessive alcohol leading to anti-social behaviour.

The Panel was informed that extensive discussions had taken place between the police and the PLH since the last hearing. This had resulted in an agreement between the parties that the proportionate outcome to this review would be the addition of a condition requiring a specific number of SIA security for each day of the week during Peak trading and a different number for each day of the week during Off Peak trading.

The PLH and the Police had agreed that SIA security would be employed by the PLH rather than using contracted services, as previously suggested. On questioning, the PLH assured the Panel that those involved in the incident of 5 August would not be restored to SIA duties until the conclusion of the Police investigation.

The Panel acknowledged that they should look to the police as the principal source of advice in relation to the promotion of the licensing objective of prevention of crime and disorder. The Panel was reassured by the representations of PC Buck that he had full confidence in the PLH they would implement their internal management policies and training, particularly to prevent guests being served if intoxicated.

Una Kane stated that Camber Sands leisure park operated satisfactory health and safety standards with respect to the caravans, leisure facilities and eating establishments on site. Occasionally there had been accident reports and the park management had a history of prompt compliance with requests.

The Panel acknowledged the agreement between the police and PLH had been reached after extensive discussions and hard work. There was no evidence before the Panel which could lead it to reach any other conclusion that such a condition was the most appropriate and proportionate remedial action to take on this review.

The Panel did consider whether other conditions should be imposed. First, whether it should be a requirement for the Designated Premises Supervisor (DPS) to be an employee who normally works at this premises. The Panel heard that the current DPS was on site each day and that is a company policy. With that reassurance, the Panel did not consider it proportionate to impose a condition. Second, whether there should be a condition limiting access to the bars by children, for example 21:00 hours. The Panel did not consider the presence of children where alcohol was being consumed as a cause of the review. The Panel, however, were concerned a number of incidents reported to the police did identify potential issues which could adversely impact on the licensing objective of the prevention of children from harm. Third, whether the DPS should be required to check on the refusal log and incident log, The Panel would expect a responsible DPS to be doing that as part of their due diligence, as both logs are conditions of the premises licence, points 20 and 21.

However, the Panel were concerned to hear that the Local Authority were unaware of the numerous incidents identified by the police in the application and PC Buck's statement, some of which were very serious. The Panel heard that the PLH and police would be meeting once a month to discuss management of the premises and the Panel would like to ensure that appropriate officers of the Local Authority were either invited to attend those meetings or at least received a briefing thereafter.

Decision of the Panel

Having listened carefully to all the submissions, the Panel imposed further conditions to address the causes of the review and promote the licensing objectives of 'prevention of crime and disorder' and 'public safety' licensing objectives.

Additional Conditions to be added to the licence

During Peak Season (Easter and Summer holidays and October half term – the dates of such to be advised to Sussex Police and Rother District Council by the end of January each calendar year) Mondays to Thursdays from 17:00 until 01:00 six SIA door supervisors, Fridays to Sundays seven SIA door supervisors from 17:00 until 01:00.

During Off Peak Season (when any premises in the complex is open for the sale of alcohol for consumption on the premises) Sundays to Thursdays from 17:00 until 01:00 four SIA door supervisors, Fridays and Saturday five SIA door supervisors from 17:00 until 01:00.

The Panel reviewed the interim step imposed to exclude the sale of alcohol and determined that this step be modified, by replacing it with the above two conditions. For the avoidance of doubt, the sale of alcohol may commence immediately. The Panel wanted the condition requiring specific minimum numbers of SIA to be effective immediately, given the serious concerns identified. None of the parties opposed the imposition of this step.

Right of Appeal

Under the provisions of S.181 and schedule 5 of the Licensing Act 2003 there is a right of appeal against the decision of the Licensing Panel 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 and the fees for doing so.

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

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