

**LICENSING AND GENERAL PURPOSES COMMITTEE - GENERAL  
LICENSING PANEL**

26 May 2023

Minutes of the General Licensing Panel meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Friday 26 May 2023 at 2:00pm.

**There were present:**

**Members of the General Licensing Panel**

Councillors K.M. Field, R.B. Thomas and H.L. Timpe.

**Interested Parties**

Applicant: Ben Murray

Representor: Christine Deeprise

Representor: Patricia Morton

**Advisory officers:** Solicitor/Lawyer Litigation - Wealden & Rother Shared Legal Services, Senior Environmental Health Officer (Licensing) and Democratic Services Officer.

Also present: 6 members of the public via the live webcast.

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LP23/1      **APPOINTMENT OF CHAIR**

Councillor Thomas was duly appointed as Chair of the Panel for the Three Legs Brewing Company, Bexhill-on-Sea hearing.

LP23/2      **MINUTES**

The Chair was authorised to sign the Minutes of the meeting of the General Licensing Panel held on 31 January 2023 as a correct record of the proceedings.

LP23/3      **REPORT OF THE HEAD OF SERVICE ENVIRONMENTAL  
SERVICES. LICENSING AND COMMUNITY SAFETY -  
APPLICATION FOR A PREMISES LICENCE**

Consideration was given to the report of the Head of Environmental Services, Licensing and Community Safety that gave details of an application for a premises licence for the Three Legs Brewing Company, Beeching Road Studios, Unit 11, 26 Beeching Road, Bexhill-on-Sea, for the licensable activity of the sale of alcohol (on and off sales) from Monday 12:00 to 20:00, Tuesday to Thursday 12:00 to 22:00hrs, Friday and Saturday 12:00 to 00:00 and Sunday 12:00 to 22:00. In addition, for the showing of films, indoor sporting events and live music for the same hours, and for recorded music from Monday 10:00 to 20:00, Tuesday to Thursday 10:00 to 22:00, Friday and

Saturday 10:00 to 00:00 and Sunday 10:00 to 22:00. Four representations had been made in relation to the application, two in support and two objecting; the representations objecting to the application were concerned with the licensing objectives of crime and disorder and public nuisance.

The Chair 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 Senior Environmental Health Officer (Licensing) who presented the report of the Head of Environmental Services, Licensing and Community Safety, detailing the application and from the Applicant who presented the case for the application.

The Panel then heard from the Representors present, who detailed their concerns, primarily in relation to crime and disorder and public nuisance in terms of increased traffic to and from the premises, noise of patrons emanating from the premises, noise of patrons consuming alcohol outside the premises and noise of patrons leaving the premises. All letters of representation 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 Premises Licence be granted as set out in Appendix 1.

**CHAIR**

The meeting closed at 4:14pm.

Rother District Council

DECISION NO: 1

**GENERAL LICENSING PANEL DECISION NOTICE****Date of General Licensing Panel Meeting: 26 May 2023**

Venue: Town Hall, Bexhill-on-Sea

Date of Decision: 26 May 2023

**NAME AND ADDRESS OF PREMISES:**

The Three Legs Brewing Company, Beeching Road Studios, Unit 11, 26 Beeching Road, Bexhill TN39 3LJ
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**NAME(S) OF APPLICANT:**

The Three Legs Brewing Co Ltd (09004509)
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**REASON(S) FOR REPORT:**

The report had been subject to four representations on the grounds of crime and disorder and public nuisance.
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**DECISION MADE AND REASONS FOR IT:****Reasons for the Decision**

In coming to its decision, the General Licensing Panel read the papers provided to them including the Licensing Officer's report, the operating schedule provided by the Applicant and the conditions agreed between the Applicant and Sussex Police and also read the comments made by the Planning Department and the representations made from interested parties which raised concerns around both potential public nuisance and crime and disorder. The General Licensing Panel also considered photographs provided by one of the objectors on the day of the meeting. While these photographs were late the General Licensing Panel permitted these be included and did not believe their inclusion prejudiced the Applicant.

The General Licensing Panel considered all of the submissions made by the parties at the meeting and had due regard to the up-to-date version of the Revised Guidance issued under Section 182 of the Licensing Act 2003 and also the Council's Licensing Policy.

In coming to their decision, the General Licensing Panel considered whether the Applicant's proposal undermined the Licensing Objectives and believed that the proposal would likely lead to public nuisance, specifically relating to noise and light from the premises as the proposed premises application would have an unreasonable impact on neighbouring residential properties.

The General Licensing Panel considered that while the proposed conditions assisted with the promotion of the licensing objectives, they held the view that further conditions were required to address public nuisance, as detailed directly below:

1. The General Licensing Panel considered the proposed opening times and hours for licensable activity would likely cause nuisance that would have a disproportionate and unreasonable effect on persons living in the area around the premises. Members considered nuisance would likely arise not just from use of

the premises itself but also customers outside the premises, for example noise from people leaving the premises. Members believed the impact of this would be worse in the evening when people living nearby would likely be going to bed and background noise levels would likely be reduced. By requiring the opening hours and licensable activity to cease earlier in the evening than proposed the prevention of public nuisance objective would be upheld.

2. Additionally, the General Licensing Panel addressed noise nuisance by including a condition which prohibited noise or vibration emanating from the premises so as to cause a nuisance to the occupants of nearby properties. Members believed this condition would resolve any noise nuisance during the hours of operation.
3. The General Licensing Panel noted that noise from customers using the outdoor space at the front of the premises was, in particular, likely to cause public nuisance and included a further condition that customers must be seated when consuming alcohol outside to address this concern. The General Licensing Panel believed this would limit customer numbers using the outside space in a way that was proportionate to the space provided.
4. The General Licensing Panel addressed nuisance from light pollution by amending the Outside Areas condition agreed with the police to ensure lighting was directed downwards to avoid light shining into neighbouring properties. This did not however diminish the need for outside areas to be well lit as this was required to promote the prevention of crime and disorder.
5. The General Licensing Panel also amended specific proposed conditions to provide greater clarity of meaning referring to pre-calibrated drinking vessel rather than containers when confirming how alcohol must be sold in accordance with Weights and Measures Regulations and referring to Designated Premises Supervisor or staff instead of the business name which may change over time.

### **Decision Made**

That the application for the premises licence be granted consistent with the Operating Schedule and with sale/supply times, subject to varied and additional conditions, as outlined below.

#### **Retail sale of alcohol**

Monday	12:00 to 20:00hrs
Tuesday	12:00 to 22:00hrs
Wednesday	12:00 to 22:00hrs
Thursday	12:00 to 22:00hrs
Friday	12:00 to 22:30hrs
Saturday	12:00 to 22:30hrs
Sunday	12:00 to 20:00hrs

#### **On and off sales**

#### **Films**

Monday	12:00 to 20:00hrs
Tuesday	12:00 to 22:00hrs
Wednesday	12:00 to 22:00hrs
Thursday	12:00 to 22:00hrs
Friday	12:00 to 22:30hrs
Saturday	12:00 to 22:30hrs

Sunday 12:00 to 20:00hrs

### **Indoor Sporting Events**

Monday 10:00 to 20:00hrs  
Tuesday 10:00 to 22:00hrs  
Wednesday 10:00 to 22:00hrs  
Thursday 10:00 to 22:00hrs  
Friday 10:00 to 22:30hrs  
Saturday 10:00 to 22:30hrs  
Sunday 10:00 to 20:00hrs

### **Live Music**

Monday 10:00 to 20:00hrs  
Tuesday 10:00 to 22:00hrs  
Wednesday 10:00 to 22:00hrs  
Thursday 10:00 to 22:00hrs  
Friday 10:00 to 22:30hrs  
Saturday 10:00 to 22:30hrs  
Sunday 10:00 to 20:00hrs

### **Recorded Music**

Monday 10:00 to 20:00hrs  
Tuesday 10:00 to 22:00hrs  
Wednesday 10:00 to 22:00hrs  
Thursday 10:00 to 22:00hrs  
Friday 10:00 to 22:30hrs  
Saturday 10:00 to 22:30hrs  
Sunday 10:00 to 20:00hrs

### **Hours premises to be open**

(note: opening hours are not a licensable activity):

Monday 10:00 to 20:00hrs  
Tuesday 10:00 to 22:00hrs  
Wednesday 10:00 to 22:00hrs  
Thursday 10:00 to 22:00hrs  
Friday 10:00 to 22:30hrs  
Saturday 10:00 to 22:30hrs  
Sunday 10:00 to 20:00hrs

### **Conditions offered by the applicant**

**General – all four licensing objectives (b,c,d,e):** As an existing business we currently take the steps needed to promote the four licensing objectives to a high standard and will continue to do so if granted this licence, paying particular attention to the sale of alcohol. All staff will be fully trained/retrained in their responsibilities with regard to the sale of alcohol and in accordance with The Three Legs Brewing Company Alcohol Retail Sales Policy

**The prevention of crime and disorder:** No person under the age of 18 will be sold alcohol or given alcohol to sample.

A “Challenge 25” policy is operated where anyone appearing to be under 25 is

asked to provide ID to prove they are over 18. Accepted forms of ID are photo driving licence, passport and card bearing the PASS hologram.

All alcohol sold will be in pre-calibrated drinking vessel or, in the case of beer and cider, multiples of half or third pints, in accordance with the Weights and Measures Regulations.

No drunk or disorderly behaviour will be allowed on or around the premises. Persons who are drunk or disorderly will be refused service and asked to leave. A licencing log book will be kept which will include, but is not limited to, a list of staff members who have been given training and have the authority to sell alcohol on the premises, any incidents affecting the Premises Licence, refusals of sale, checks of ID, staff training, Police and Licensing Authority visits. This log book will be available to the police or council officer on request.

Sufficient trained staff will on the premises during licensable opening hours and any planned events.

**Public safety:** Appropriate fire safety procedures will be in place throughout the building. Fire exits will be located and clearly visible at each end of the building with easily operable openings.

Regular health and safety checks will be carried out on fixtures and fittings, particularly those used by the public, and logged with any action needed to be taken.

Staff will be trained to be alert to any potential danger to customers and react safely and accordingly. If the situation cannot be defused quickly or easily without risk to customers or staff, then staff will be trained and instructed to call the police.

An accident/incident book will be kept on site to record any accident or injury incurred on the premises by customers or staff. A first aid kit will also be kept on site if needed. No medication will be offered to the public.

**The prevention of public nuisance:** As the premises is close to residential areas, noise levels will be continually monitored.

Customers will be asked to leave the premises quietly and respectfully with regard to our neighbours. A sign can be displayed to remind customers of this when exiting the premises.

We will operate a "No Drinks Outside" policy after 10pm to limit noise levels late at night.

Regular checks will be carried out outside the front of the premises and close surrounding areas to ensure a clean and tidy environment.

**The protection of children from harm:** No person under the age of 18 will be sold alcohol, or given alcohol to sample.

A "Challenge 25" policy is operated where anyone appearing to be under 25 is asked to provide ID to prove they are over 18. Accepted forms of ID are photo driving licence, passport and card bearing the PASS hologram.

If it is known that a customer is intending to purchase alcohol to provide to an under 18, then the sale will be refused and recorded in the Licencing Log Book. All children on the premises must be supervised by an adult at all times.

### **Conditions agreed with Sussex Police**

#### **CCTV**

Subject to GDPR guidance and legislation:

- (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrances/exits to the premises as well as any outside space. 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) 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 Police e.g. USB) or provide footage via an online link as initiated by Police, without difficulty or delay and without charge.
- (g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
- (h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by 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.

#### **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:
  - \*The lawful selling of age restricted products
  - \*Refusing the sale of alcohol to a person who is drunk
  - \* An awareness and understanding of Safety Initiatives such as 'Ask For Angela' & 'Safe Space'
- (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.

**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 e.g. 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.

**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 no more than four (4) weeks.
- (b) 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.
- (c) Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.
- (d) Any refusals made for alcohol service 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 24 months.

**Outside Areas**

- (a) Designated Premises Supervisor or staff will have a clear dispersal policy for all events and trading times that upon exiting the premises patrons will be reminded to leave the premises quietly and relevant signage and message to enforce this is to be put in place.
- (b) The Outside area must be kept clean and tidy and any broken glasses or polycarbonates will be disposed/removed and dealt with by staff by the Designated Premises Supervisor or staff.
- (c) Outside areas are to be well lighted with downward directed lighting and promote good visibility to those entering and exiting the premises.
- (d) No open vessels shall be allowed off the premises and can only be consumed within the licensed area
- (e) Customers will not be permitted to take alcohol outside the premises to consume after 2200hrs and all patrons will be asked to relocate into the premises as the outside area will close at 2200hrs.

**OFF Sales**

- (a) All sales of alcohol, for consumption off the premises, to be made in a sealed container.

**SIA**

- (a) All pre-booked events shall be risk assessed by the Designated Premises Supervisor and a minimum of one SIA registered door staff shall be on duty on any occasion where the risk assessment shows it to be necessary. The door staff shall be on duty from 30 minutes prior to the start of the event until 30 minutes afterwards.



**Deliveries:**

- (a) Deliveries of goods necessary for the operation of the business shall be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. The same applies to waste collections.
- (b) All alcohol orders (whether online, completed by the customer on paper, via the phone or verbally face to face) will contain age verification, whereby the customer will be asked to confirm that they are over 18 and a tick box must be marked to confirm this.
- (c) All deliveries of alcohol must be made by a person over the age of 18 years
- (d) Alcohol shall not be delivered to anywhere other than a recognisable permanent business or residential address.
- (e) In the event that there is no one to accept delivery, alcohol shall not be left on the doorstep or any other place. It can however be left securely with a neighbour as long as they are over 18.
- (f) Each and every delivery must be signed for and the person delivering the alcohol must request appropriate photographic ID from the recipient if that person is believed to be under 25 years of age. If no such ID is produced the alcohol will not be delivered.
- (g) Delivery staff must be trained in delivery of alcohol and challenge 25 prior to commencing deliveries.

**Additional Conditions**

- a) Noise or vibration shall not emanate from the premises so as to cause a nuisance to the occupants of nearby properties.
- b) Customers must be seated when consuming alcohol outside.

**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.