

## **Licensing Sub-Committee**

**Minutes of meeting held in Court Room at Eastbourne Town Hall, Grove Road, BN21 4UG on 19 June 2023 at 6.00 pm.**

### **Present:.**

Councillor Amanda Morris (Chair)  
Councillors Jenny Williams and Teri Sayers-Cooper.

### **Officers in attendance:**

Jade Marshall (Specialist Advisor, Licensing), Dean Love (Specialist Advisor, Licensing), Michele Wilkinson (Lawyer (Housing & Regulatory)), Emily Horne (Committee Officer) and Sarah Lawrence (Committee Team Manager).

### **1 Appointment of Chair**

Councillor Sayers-Cooper proposed and Councillor Williams seconded that Councillor Morris be appointed as Chair for this meeting.

**Resolved:** That Councillor Morris be elected Chair of the Sub-Committee for the duration of the meeting.

### **2 Apologies for absence / declaration of substitute members**

Since the publication of the agenda, Councillor Goodyear was unable to attend the hearing and was replaced by Councillor Sayers-Cooper.

### **3 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests as required by the Code of Conduct**

There were none.

### **4 Exclusion of the public and press**

**RESOLVED:** that, under Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005 (as amended), excluding the public and press from the hearing during the discussion on Item 5 on this agenda as it is considered that the public interest in so doing outweighs the public interest in the hearing, of that part of hearing, taking place in public. For these purposes a party and any person assisting or representing a party may be treated as a member of the public.

### **5 Application for the review of a Premises Licence: ATES Supermarket, 2-9 Fife Court, 97 The Hydneye, Eastbourne, BN22 9DD**

Those attending were introduced, and the Chair of the Licensing Sub-Committee welcomed all parties to the hearing and detailed the procedure for the hearing.

The Specialist Advisor for Licensing, Jade Marshall, presented the report to the Sub-Committee and summarised the details.

The Applicant, Sussex Police, addressed the Sub-Committee and responded to questions.

The Representor addressed the Sub-Committee and responded to questions.

The Applicant summed up.

The Representor summed up.

Following all the evidence presented, the Sub-Committee retired to consider and determine the application. Michele Wilkinson, Housing and Regulatory Lawyer was in attendance to assist with any legal queries. The Sub-Committee provided the following decision:

**Resolved:** The Sub-Committee resolved to modify the conditions on the premises licence as per those agreed between the review applicant (Sussex Police) and the premises licence holder.

### **Reasons for the decision**

In discharging its functions, the Sub Committee considered the promotion of the licensing objectives, the Council's own Licensing Policy, the Home Office guidance, the relevant legislation, and the rules of natural justice.

The Sub Committee considered that the proposed conditions would appropriately and proportionately address the concerns raised by the review applicant. The Members were satisfied on the basis that the Police had agreed to regularly monitor the premises to ensure that the amended conditions were being complied with.

The following modified conditions shall replace the existing conditions in Annex 2 of the Premises Licence as outlined on page 45 of the Report.

1. The premises shall install and maintain a comprehensive CCTV system. All public areas of the licensed premises, including all public entry and exit points, will be covered enabling facial identification of every person entering in any light condition.
2. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping (or equivalent).

3. At least one member of staff who is conversant with the operation of the CCTV system shall be available upon request. This staff member must be able to show the police or authorised officer of any responsible authority any data or footage upon request.
4. An incident and refusal log shall be kept at the premises. This log shall be maintained and kept for a minimum of 12 months. It shall be made readily available for inspection by a Police Officer or an authorised officer of any Responsible Authority at any time that the premises are open to the public.
5. The incident log should record the following: -
  - a) The name of the person responsible for the premises at any given time.
  - b) All calls made to the premises where there is a complaint made by a resident or neighbour relating to noise, nuisance or anti-social behaviour by persons attending or leaving the premises. The record shall include the details of the caller, the time and date of the call and the time and date of the incident about which the call was made. The record shall also include details of any action taken to deal with the call.
  - c) All other incidents of noise, nuisance, anti-social behaviour or crime caused or committed by persons attending or leaving the premises of which any member of staff becomes aware, including, where appropriate, whether the Police were called.
6. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly and requesting customers respect the surrounding area and dispose of litter in a responsible manner. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
7. All relevant staff shall receive induction and refresher training (at least every 12 months) provided externally relating to the times and conditions of the premises licence.
8. No person under the age of 18 years shall be employed at the premises.

The Members noted that the premises licence holder had agreed to update all the Challenge 25 conditions, with the wording to be agreed with the Licensing Authority, and to update the condition regarding the refusal register. Those modified conditions are set out below.

9. 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.

10. 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 once every two 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 twenty four (24) months.

The meeting ended at 7.08 pm

Councillor Amanda Morris (Chair)