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LICENSING SUB COMMITTEE

15 JULY 2014

Present: Councillors Roberts (in the Chair), Sinden, Webb with Atkins in reserve

1. APPOINTMENT OF CHAIR

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Webb moved that Councillor Roberts should take the Chair. This was seconded by Councillor Sinden.

RESOLVED (unanimously) that Councillor Roberts be appointed as Chair for the duration of the meeting.

2. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at this meeting.

3. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE: UNION BAR, CAMBRIDGE ROAD, HASTINGS

Councillor Roberts set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice), all parties confirmed they understood this.

The Corporate Director, Environmental Health, submitted a report on an application for the review of a premises licence for Union Bar, Cambridge Road, Hastings.

Mr Brown, Licensing Manager, presented the report. Since the publication of the report, he informed the committee that a discussion had taken place between Mr Steeds, Principal Environmental Health Officer; the Designated Premises Supervisor (DPS) and the Leaseholder regarding the revised conditions proposed by Mr Steeds.

Mr Steeds, Principal Environmental Health Officer, who brought the review made his submission on the grounds of the Prevention of Public Nuisance. He informed the committee that the conditions of the licence had been persistently breached by noise outbreak from patrons and music at the premises.

In support of his review, he referred to the longstanding history of complaints received from local residents regarding noise disturbance at the premises and the witness statements received from the Council's Senior Licensing Officer and the Principal Environmental Health Officer. These complaints and witness statements were appended to the report under Appendix A of the agenda.

Mr Steeds said he had written to the licence holder; designated premises supervisor (DPS) and the leaseholder, routinely regarding complaints received by the Council concerning music escaping from the premises through the windows and doors and

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patrons standing outside the premises. Mr Steeds said the licence holder and DPS had been offered advice from the council to assist them in complying with the current licence condition's, however, at no time had either party engaged with him to resolve these issues.

Since the publication of the agenda, Mr Steeds said he had met with the DPS and Licence Holder to discuss the breach of conditions and his recommendations to revise the licence. His recommendations included eight new conditions and the removal of the current DPS, Mr Francis.

Mr Francis, the DPS, informed the committee that due to a recent change of circumstances, he was no longer the DPS of the second premises, only the Union Bar.

Mr Osmond, the Leaseholder, confirmed he was fully in agreement with what had been said and understood that they needed to change the way they operated. He understood that he had not responded in a satisfactory way and the frustration this had caused.

Mr Steeds, sought clarification from Mr Osmond on how they would change the way they operated. Mr Francis said that if he received a letter from the council he would either respond in writing or by telephone to state what action they were taking.

Mr Brown asked Mr Francis what he understood his duties were as the DPS. Mr Francis said he would make sure he was in compliance with the licensing objectives, for example he would close the premises on time, check ID and support the licence holder. Mr Brown also asked what steps he had taken to resolve these issues. Mr Francis said he contacted Mr Osmond regarding the budget and he would ensure they responded and did the works required.

Councillor Sinden asked why they had not taken the time to address the noise outbreak from the doors and windows. Mr Osmond said he had addressed the front of the building by installing acoustic rated glass windows and a second door, and at the rear of the building acoustic rated back doors had been installed. He confirmed the back garden was now open to customers and he would manage the smokers.

Councillor Webb asked Mr Osmond how he would improve the relationship with his neighbours. Mr Osmond said he would be happy to supply and post cards giving their contact details.

Councillor Roberts asked if they had used SIA staff before. Mr Osmond confirmed they had for events with a significant number of people attending, because it made the event easier for them to manage. Councillor Roberts went on to ask what training Mr Francis had undertaken and whether he was still the DPS of another premise. Mr Francis confirmed that he had undertaken training and that he had given up the position of the DPS at the other premises. Councillor Roberts advised him that he should have responded and engaged with Mr Steeds. Mr Francis acknowledged this.

Mr Brown clarified the legal responsibilities of the DPS and advised that the main purpose of the DPS was for day to day running of the premises and to be the point of accountability. He also pointed out that Mr Francis continued to be the DPS of a bar

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in St. Leonards and at this time, he had not received a request to remove him from that position.

RESOLVED (unanimously) that, the Sub-Committee uphold the review subject to the retention of the Designated Premises Supervisor (DPS); a site survey for the rear of the premises and the following conditions:-

1. The premises licence holder shall ensure that on Fridays, Saturdays and Sundays at least one Security Industry Authority (SIA) approved supervisor will be present when live and recorded music is taking place:

- **Ensure that orderly queuing is maintained.**
- **Ensure that noise is kept down from those who are queuing at the front entrance of the premises.**
- **Ensure that noise is kept down from those who are using the back garden.**
- **Assist with the dispersal of customers 30 minutes after the licensable activity has ceased.**

2. From Monday to Thursday a responsible member of staff shall be in attendance in the vicinity of the exits to assist with the dispersal 30 minutes after the licensable activity has ceased to ensure that patrons disperse quietly.

3. Noise and music arising from the licensed premises is to be barely audible at the facade of, or in, any residential premises. Noise shall include that arising from all mechanical or electrical equipment used by the premises and noise arising from customers in the premises.

4. The premises licence holder must carry out the written scheme of sound proofing to the rear of the premises in accordance with the site survey (site survey of the rear of The Union Bar, 57 Cambridge Road, Hastings, TN34 1EL) within 2 months of the hearing. On completion of all relevant works the premises must be approved by the Environmental Protection Team.

5. Persons using the front of the building shall not be permitted to take drinks out with them.

6. Where the premises operates with live or recorded music all doors and windows at the front and rear of the premises are to remain closed, save for access and egress.

7. To prevent the escape of music and noise from customers inside the premises the lobby shall not be used for any other activity by patrons or staff save for access or egress.

8. The premises will make available to local residents a contact number of the designated premises supervisor or representative so that any complaints can be dealt with promptly.

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Reason - The Committee believe that Mr Francis has previously not engaged fully with his duties as DPS. The Committee hope that this process has assisted him in realising those duties.

The Committee is encouraged that there has been meaningful contact between the Council's Environmental Health Department and the licensed premises.

The Committee have had regard to it's own licensing policy and the guidance issued by the Secretary of State.

(The Chair declared the meeting closed at. 6.38 pm)