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Alcohol Harm Reduction Unit

28th March 2017

Licensing Manager
Environment and Safety Directorate
Muriel Matters House
Breeds Place
Hastings
East Sussex
TN34 3UY.

Dear Mr. Brown,

RE: APPLICATION FOR TRANSFER OF PREMISES LICENCE AT THE ROYAL GEORGE (formerly Frank's Front Room, 32 STATION ROAD, HASTINGS, EAST SUSSEX, TN34 1NJ TO MR. NIGEL LEWIS.

NOTICE Of OBJECTION under Section 42 (6) of the Licensing Act 2003.

Notice is hereby given on behalf of the Chief Officer of Police for Sussex that the exceptional circumstances of this case are such that he considers that the granting of this application would undermine the crime prevention objective.

On 16th March 2017 Sussex Police received an application to transfer the premises licence at the above address from Priory (Sussex) Ltd to Bar Hastings Ltd. A search of Companies house indicates that Mr Nigel Lewis is the sole director of the latter company.

Mr Lewis became the Premises Licence Holder of the Zar Zar bar, 91 – 92 Queens Road, Hastings, TN34 1HL on 17th July 2012. Both Mr Lewis and the Designated Premises Supervisor failed to run the premises in accordance with conditions on the premises licence. namely:- that food must always be available & the premises shall be operated as a café encouraging light alcohol consumption.

On 19th November 2013 Sussex Police received an application for a personal licence to be granted to Mr Nigel Lewis. Sussex Police objected to the application on the grounds of the prevention of crime and disorder, considering that Mr Lewis was unsuitable to hold a personal licence due to his extensive criminal convictions for relevant offences which were unspent under the Rehabilitation of Offenders Act 1974. Hastings Council Licensing Committee listened to the police concerns at a hearing, and refused the application.

Between May 2014 & April 2015 Police became aware of 14 incidents relating to, or associated with the Zar Zar bar; these included drunkenness, disorder and assaults resulting in various degrees of injury, including skull fractures.

Due to the number of incidents of crime and disorder Police requested an Action Plan of the premises management on 5th February 2015; this plan was to bring about an improvement in the way the premises was operated.

On Monday 16th February 2015 at 17:32hrs Sussex Police received a report concerning a male suspect pulling out a gun in a premises. The suspect producing the firearm from behind the bar in the premises was Mr Lewis. It was later established that the firearm was an air rifle. When police attended this incident, officers saw Mr Lewis in Queens Road holding a gun by his side, he was arrested for possession of a firearm & later charged under 16A and Schedule 6 of the Firearms Act 1968, possession of a firearm with intent to cause fear of violence.

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On the 13th April 2015 Sussex Police made an application to Hastings Borough Council for a review of the premises licence for Zar Zar Bar. At the hearing on 8th June 2015 the Licensing Sub-Committee supported the application and in order to promote the licensing objectives, a number of conditions were applied to the Premises Licence.

With regard to the incident involving Mr Lewis and the firearm, on 25th September 2015 at Lewes Crown Court he was found guilty of affray and was sentenced to 18 months imprisonment suspended for 2 years, an unpaid work requirement of 300 hours and forfeiture and destruction of the air rifle. The Judge directed that the offence of possessing a firearm with intent to cause fear of violence lie on file.

Mr Lewis has an extensive history of 26 criminal convictions for 73 offences between 1st January 1965 and 25th September 2015. Between 10th November 1972 and 8th January 1993 Mr Lewis has been sentenced to a total of 19 years and 3 months imprisonment for eight separate offences. The most serious of these being the offence of Arson with Intent to Endanger Life in 1993 for which he was sentenced to eight years imprisonment. Under the Rehabilitation of Offenders Act 1974 this conviction will never be spent. Between 21st May 1975 and 25th September 2015 Mr. Lewis has received a total of five years and 1 month suspended prison sentences for four separate offences, the most recent of these relate to the affray of which he was found guilty on 25th September 2015; this conviction will not be spent until 25th March 2021.

Paragraph 8.94 of the 'Revised Guidance issued under Section 182 of the Licensing Act 2003 states 'In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder).

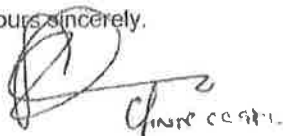
Sussex Police contend that the 'exceptional circumstances' in this case have been met due to:

- Mr Lewis' application for a personal licence being refused by the Licensing sub-committee due to his previous convictions.
- The premises Mr Lewis previously owned, Zar Zar bar, was placed on an action plan, however following no improvements, the premises was subject to Premises Licence Review proceedings.
- Mr Lewis' conviction history, in particular the most recent conviction in 2015 which he committed in his own licensed premises.

In light of the above Sussex Police believe that granting the transfer would undermine the crime prevention objective.

Sussex Police therefore invite the committee to refuse the application.

Yours sincerely,



Chief Inspector Stephen Curry – Hastings & Rother District Commander

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