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LICENSING SUB COMMITTEE

8 SEPTEMBER 2022

Present: Councillors Patmore (Chair), O'Callaghan, Jobson and Collins (in reserve).

24. APPOINTMENT OF CHAIR FOR THIS MEETING

In accordance with the terms of reference of the Licensing Committee, Councillors were invited to nominate a Chair for the duration of the meeting.

Councillor O'Callaghan proposed that Councillor Patmore take the Chair, seconded by Councillor Jobson.

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

25. APOLOGIES FOR ABSENCE

None received.

26. MINUTES OF PREVIOUS MEETING

RESOLVED – (Unanimously) that the minutes of the meeting held on 15th June 2022 be approved as a true record.

27. DECLARATIONS OF INTEREST

None received.

28. VARIATION OF A PREMISES LICENCE WITH REPRESENTATIONS. FLAMES GRILL, HAVELOCK ROAD, HASTINGS

The Licensing Lead Officer, Mr Bryant, introduced his report. Hastings Borough Council received an application to vary the premises licence of Flames Grill, Havelock Road, Hastings on 17th May 2022. Flames Grill is located within Area 1A (Hastings Town Centre) of the Council Special Saturation Policy (Cumulative Impact).

The full variation application requests an extension to late night refreshment and opening times, as set out in the report.

The Council's Licensing Policy matrix shows that an application for a 'Late night takeaway' premises within a Saturation Area would not be acceptable and the applicant would need to demonstrate that the issue of such a licence would not cause problems to the area or add to any existing identified problems.

Mr Bryant said the applicant made no mention of the Cumulative Impact Zone in their application, or the issues raised by the matrix. However, a few days before the Sub-Committee hearing a Cumulative Impact Zone statement and draft Dispersal Policy were submitted by the applicant via their agent.

LICENSING SUB COMMITTEE

8 SEPTEMBER 2022

The application is required to be advertised by approved notice and shared with responsible authorities. Following this process two representations were received, from Sussex Police and the Hastings Borough Council licensing team.

Mr Bryant noted that in February 2020 a Licensing Sub-Committee hearing was held to review the premises licence for Flames Grill following a request from Sussex Police under the licensing objectives “the Prevention of Crime and Disorder” and “Public Safety”. The review referred to eleven separate incidents.

At that time the Licensing Sub-Committee applied conditions to the licence. This decision was appealed and subsequently a consent order was granted by the court and is included within the premises licence.

PC Spalding, Licensing Officer for Sussex Police, made a submission.

A formal objection to the application for a major variation was submitted on 24th May 2022. The objection states that the application does not address the fact that the premises falls within the Cumulative Impact Zone or how increasing operating hours will not have a negative impact on the licensing objectives. The late submission of the Cumulative Impact Zone statement does not address these issues and increasing the operating hours would only take the premises further away from the approach set out in the Council’s Licensing Policy matrix.

PC Spalding said that there is already a high demand on Sussex Police and other emergency services within the vicinity of the premises at 3am. An increase in the operating hours is likely to increase this demand.

The latest crime statistics show that Havelock Road has the second highest level of public place violent crime in Hastings and in the last three years there have been twenty violent crimes reported at or directly outside the premises.

PC Spalding referred to the draft Dispersal Policy submitted by the applicant and said such procedures should already be in operation, considering the previous review of the premises licence.

In conclusion Sussex Police believe that granting the application would result in an increase in public place violent crime within an area which already suffers above average crime. Regardless of measures taken by the applicant crime would no doubt increase due to delayed dispersal of intoxicated people out of the town centre if the premises operating hours were extended.

Mrs Worth, Licensing Officer, Hastings Borough Council, made a submission and noted that no reference was made to the Cumulative Impact Policy or the Council’s Licensing Policy in the application. The matrix clearly states that late-night takeaways would not be acceptable as a new application or a full variation in the area. The only

LICENSING SUB COMMITTEE

8 SEPTEMBER 2022

other food related business in the Cumulative Impact Zone to have a licence for late night refreshment is KFC which closes at midnight.

Mr Hopkins, who represented the applicant, asked if the licensing authority has received any complaints made against the premises in relation to its operation? Mrs Worth said she was not aware of any complaints.

Mr Hopkins made a submission on behalf of the applicant. The applicant is aware of the matrix policy and that the premises is within the Cumulative Impact Zone. The application is to add an additional hour to the operating hours and does not seek to remove any existing conditions. The applicant is offering the draft Dispersal Policy to be added as a condition to the licence and SIA door staff will be trained on the policy.

The application will not lead to additional intoxication and the premises has a strict no alcohol policy. Rather, by opening for an additional hour the premises will help to reduce intoxication and the rush for the taxi rank in the town centre, thereby reducing potential conflict.

The premises has been refurbished within the past year and redesigned to aid queuing in order to reduce the risk of violence on the premises. The applicant also has letters of support from nearby late-night venues who welcome the application.

The applicant feels the premises can make a positive contribution by reducing the rush to the taxi rank and providing an opportunity for people to sober up after leaving local venues by consuming fast food. With Flames Grill closing at 3am there is currently nowhere for people leaving nearby venues to go other than the taxi rank. A well-managed premises can reduce the impact of excess alcohol consumption and a more staggered dispersal from the town centre via an extension of operating hours will relieve demand on the police and other emergency services.

Mr Hopkins said the previously granted Temporary Event Notices demonstrate that the premises can operate successfully until 4am. No incidents were reported on those occasions.

No other responsible authorities, local businesses or residents objected to the application and the premises cannot be held responsible for crime taking place over the road at the taxi rank.

Mr Hopkins said the Cumulative Impact Policy and the matrix are guidance, and the application must be considered on its own merits.

All parties summarised their positions.

The Sub-Committee retired to consider the application.

RESOLVED (unanimously):

REFUSE

LICENSING SUB COMMITTEE

8 SEPTEMBER 2022

We have listened carefully to all the submissions and we are bound to be directed by the promotion of the Licensing Objectives and Material Consideration of:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

On balance, the Sub-Committee DOES NOT ACCEPT the evidence provided in support of the application and therefore the application fails to satisfy the principal material considerations.

We refuse the application for the following reasons:

1. The application goes against the Culminative Impact Policy as set out in the Council's Licensing Policy.
2. The Sub-Committee have considered this case on its own merits and being mindful of the licensing objectives, the Sub-Committee believe the proposed changes to the licence would add to the cumulative impact caused by licenced premises and challenges already experienced in the area, and would undermine the promotion of the Licensing Objectives specifically Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance.
3. The Sub-Committee considered the submissions made by the Applicant but did not believe these sufficiently addressed that impact and challenges to justify the Sub-Committee departing from the Council's Policy.

(The Chair declared the meeting closed at 1.17pm)