

LICENSING BOARD, 19 MARCH 2003

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Present: - Councillors Charlesworth, Daniel (In the Chair), Pragnell (as the duly appointed substitute for Councillor Lock), Rushbrook and Soan.

Apologies for absence were received from Councillor Lock.

46. MINUTES

RESOLVED – that the minutes of the meetings held on 22 January and 20 February 2003 be approved.

47. DECLARATIONS OF INTEREST

The following Councillors declared an interest in the following item: -

Councillor	Minute No.	Interest
Daniel	50 – Application to	Personal
Rushbrook	Vary a Public Entertainments Licence – High Beech Hotel	Personal

48. EXCLUSION OF THE PUBLIC

RESOLVED – that the public be excluded from the meeting during the consideration of the items of business listed below because it is likely that, if members of the public were present, there would be disclosure to them of “exempt” information as defined in the paragraphs of Schedule 12A to the Local Government Act 1972 referred to in the relevant report.

Minute No.	Subject Matter	Paragraph No.
53(E)	Application for a Hackney Carriage/Private Hire Vehicle Drivers' Licence- DR057 Medical Report Indicates Alcohol Misuse/Dependency	4

**49. APPLICATION TO VARY A PUBLIC ENTERTAINMENTS' LICENCE
– HEROES, 56 HAVELOCK ROAD**

The Head of Environment and Highways reported on an application from the Trinity Street Partnership to vary the hours of the current Public Entertainment Licence (PEL) for Heroes, to allow music and dancing until 02.00 hours on Thursday to Saturday nights, on the ground floor of the premises. This would establish the same hours of operation on both floors.

Following public consultation a petition and one letter of objection had been received from local residents. One of the Ward Councillors had also registered an objection.

A letter in support of the application signed by six local residents had also been received.

The Police and Fire Service had been consulted and raised no objections.

Mr R Falconer, the applicant, was in attendance and spoke in support of the application.

Councillor P Brown, one of the Ward Councillors, was in attendance and spoke on behalf of the petitioners to explain their reasons for objecting.

RESOLVED – (Unanimously) that the application to vary the Public Entertainments Licence for Heroes, 56 Havelock Road, to provide music and dancing until 02.00 hours Thursday to Saturday on the ground floor be granted subject to the following conditions:-

- 1) the provision of secondary glazing to the first floor windows, which are to remain closed and meet the approval of the Principal Environmental Health Officer (Pollution Control);**
- 2) the applicants' to become members of the Pub Watch Scheme;**
- 3) the ground floor of the premises be used as a 'quiet' area after 23.00 hours i.e. entertainment including the provision of amplified or live music shall not be provided in this area after this hour;**
- 4) the permitted occupancy for the premises be – ground floor - 50 persons, first floor - 70 persons, when not closely seated;**
- 5) no readmissions or new admissions into the premises after 23.00 hours**

**50. APPLICATION TO VARY A PUBLIC ENTERTAINMENTS' LICENCE
– HIGH BEECH HOTEL, EISENHOWER DRIVE**

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The Head of Environment and Highways reported on an application from the proprietors of the High Beech Hotel to vary the hours of the current Public Entertainments Licence to allow music and dancing until 02.00 hours on Monday to Saturday nights and until 12.00 midnight on Sundays.

Following public consultation fifteen individual letters of complaint had been received from local residents.

A letter in response to the complaints, from the applicants' solicitor had been received and forwarded to the objectors. They had unanimously indicated their wish to maintain their objections.

The Police and Fire Service had been consulted and raised no objections.

Ms R Upton, the applicants' legal representative was in attendance and explained the reason for their application.

Mrs Cornelius was in attendance on behalf of the petitioners and submitted written information compiled by the residents of Eisenhower Drive explaining the reasons for their objections.

Cllr J Wilson, one of the Ward Councillors, spoke against the proposal for a variation to the Public Entertainments Licence for six nights per week.

RESOLVED – (By 3 votes to 2) that the application to vary the Public Entertainments Licence in respect of the High Beech Hotel, Eisenhower Drive, be approved until 02.00 hours Thursday, Friday and Saturday only in the interests of local amenity and the applicants be encouraged to seek additional parking spaces for the premises, subject to the necessary planning conditions.

51. PUBLIC ENTERTAINMENTS' LICENCE – G SPOT, 39 GEORGE STREET

The Head of Environment and Highways asked the Board to consider the renewal of the Public Entertainments Licence in respect of G Spot Night Club, 39 George Street, following an objection from Sussex Police received during the renewal process.

Mrs C Wolfe was in attendance on behalf of Sussex Police and explained the reasons for their objections.

Mr K Johnson, the applicant, was in attendance together with Mr R Ogden, his legal representative. They gave reasons why the licence should be renewed.

Mr P Andrews, Club Manager and joint licensee and Mr P Gillis, Club DJ, were called as witnesses by the applicant and spoke in support of the renewal application.

RESOLVED –that the renewal of the Public Entertainments Licence for G Spot Night Club, 39 George Street, Hastings be refused on the grounds of public safety and for the reduction of crime and disorder, due to the unacceptable level of violent and serious incidents associated with the premises during the last twelve months and the perceived inability of the management to adequately control the safe running of the establishment. This includes concerns with regard to poor management, failure to ensure Door Supervisors are properly registered and present in sufficient numbers and ratios at the relevant time and in the appropriate place.

52. ADOPTION OF POLICY GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS WHEN DETERMINING APPLICATIONS FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Head of Environment and Highways submitted formal policy guidelines for determining applications when convictions need to be considered. The new guidelines would ensure a consistent approach to applicants.

RESOLVED- that the revised policy guidelines, as set out in the Head of Environment and Highway's report, be recommended to Cabinet for formal adoption.

53(E). APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE – DR057 MEDICAL REPORT INDICATES ALCOHOL MISUSE/DEPENDENCY

The Head of Environment and Highways reported on an application for a hackney carriage/private hire vehicle driver's licence during which the applicant's medical report revealed that he had been diagnosed as having a serious drink problem in 2001.

The applicant was in attendance and addressed the Board.

RESOLVED – that the application for a hackney carriage/private hire vehicle driver's licence from DR057 be granted subject to:-

- 1) any subsequent advice received from DVLA;
- 2) the applicant attend a qualified medical practitioner at 3 monthly intervals, commencing on the second week of June 2003, for 12 months, for appropriate blood tests to check his alcohol levels and provide to the Council's Licensing Officer a satisfactory medical report confirming levels of alcohol and his fitness to drive a hackney carriage/private hire vehicle;
- 3) the costs of all tests and reports be met by the applicant;

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- 4) **Failure to provide such tests and reports as required, or unsatisfactory results will lead to the immediate revocation of the licence by Officers after consultation with the Chair and Vice Chair.**

54. ADJOURNMENT

In accordance with Rule 9 of the Constitution, the Board unanimously agreed to continue the meeting at 10.00 pm.

(The Chair declared the meeting closed at 10.16 pm)