



HASTINGS BOROUGH COUNCIL  
13 SEP 2011

**BEXHILL-ON-SEA POLICE STATION**  
East Sussex Division

Your Ref: HOP50281                      Our Ref:                      Date: 8 September 2011  
Contact Name: Insp Johnson                      Tel. Extension: 64951                      Direct Dial No: 01424-456127

Dear Mr Brown

**Application by Hastings Borough Council Environmental Health Department for a Review of the Premises Licence of the London Trader, 3-7 East Beach Street, HASTINGS**

Mr David Bell, the Principal Environmental Health Officer for Hastings Borough Council has submitted an application to review the premises licence of the London Trader, 3-7 East Beach Street, HASTINGS. Sussex Police are seeking to join in this review of the premises licence as being necessary to promote the licensing objective of prevention of crime and disorder and prevention of public nuisance.

The London Trader is located on the A259 just as the road turns left to head up the hill to Ore. At this point the road has a low level central reservation separating it into two carriageways. The London Trader is located directly across the road from The Stade, an amusement area that is very popular with families. The premises has a pavement licence for tables and chairs to be placed in front of the premises but this ends at 2300hrs. There are 7-8 heavy wooden trestle tables with benches across the front of the premises. There is a short area of pavement before the edge of the road which is marked with a double yellow line at this point, restricting parking. This means that there is no protection from parked vehicles to those on the pavement in front of the premises.

The licensable activities allowed are supply of alcohol, live music, recorded music, dancing and indoor sporting events. The hours vary according to the day of the week and the type of activity. Live and recorded music are allowed between 0900hrs to 2300hrs on Monday to Wednesdays and one hour later, 0900hrs to 0000hrs on Thursdays to Saturdays. The supply of alcohol is allowed 0900hrs-0000hrs on Mondays to Wednesdays and 0900hrs-0100hrs on Thursdays to Saturdays and 1000hrs-2330hrs on Sundays. The opening hours of the premises start at 0900hrs and last 30 minutes after the final licensed activity.

There have been a number of incidents of violence at the London Trader over the past 12 months and a schedule is attached. These included customers throwing drinks, hitting the victim over the head with a glass causing a cut, using a bar stool to hit a victim and using a pool cue to hit several victims. These incidents were as a result of drunken behaviour by the patrons and prompted the extra staff training in the action plan.

.../2

Mr B Brown  
Licensing Manager  
Hastings Borough Council  
Aquila House  
Breeds Place  
Hastings  
TN34

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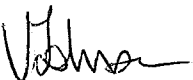
Sussex Police has received a complaint about noise from music and customers at the London Trader at 0056hrs on Sunday 13 March 2011. This resulted in a meeting with the DPS Mr Stephen Foot on 23 March 2011 where he was asked to take control of the front of his premises and ensure that noise nuisance was reduced. At 1937 hrs on 24 April 2011 PC Ash noted that the customers standing outside the London Trader had blocked the pavement and were spilling into the carriageway. PC Ash took a photograph on his mobile phone of this encroachment. On 9 May 2011 he showed the photograph and discussed the situation with the DPS, Mr Stephen Foot and as a consequence an action plan was drawn up to address the issue. This action plan was signed by Mr Foot to begin on 28 May 2011. The action plan was to address the problem of customers drinking outside the external designated area, taking glasses and bottles outside the designated area and improvement in staff training around the sale of alcohol. The action plan was not completed as this review application was submitted in the interim.

The Licensing Officer has also witnessed customers using the benches outside past the terminal hour of 2300hrs. Furthermore when the premises has been busy the volume of customers has meant that the pavement was completely obstructed forcing pedestrians into the road at this busy corner. Indeed the lack of control of customers in the vicinity of the premises has led to them standing in the road and obstructing the traffic. This has been commented upon by other officers on various occasions.

A police patrol car was passing on Saturday 30 July 2011 and noted that in excess of 40 patrons were standing on the pavement area and drinking alcohol without a visible barrier of demarcation. As a consequence pedestrians were forced to walk in the road. There were 5/6 customers actually standing in the road. The officer stopped her car and asked the customers to move into the enclosed area. One patron shouted at her, "WHAT ENCLOSED AREA!"

The committee is invited to add condition that the seating area outside the premises is controlled by an SIA registered supervisor from 2300hrs and from 1200hrs on Saturdays, Sundays and Bank Holiday Mondays.

Yours sincerely



V. Johnson  
Licensing Inspector

Enclosed;  
Schedule of incidents  
Action plan dated 28 May 2011  
Statement from PC Ash  
Statement from Cathie Wolfe  
Statement from Tony Masters

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### **Review of The London Trader 6 October 2011**

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## Incidents at the London Trader between July 2010 and August 2011.

Incident Details			No
Day & Date	Time		
Saturday 10/07/2010	00:16hrs.	A male aggrieved who was within the premises was causing a nuisance to other patrons as a result of his drunken demeanour. The aggrieved has had a minor disagreement with another male and female who were seated at a table. The aggrieved has thrown the remainder of his drink over the couple after which the male suspect has stood up and punched the aggrieved once to the face. The suspect has left the premises prior to police attendance. On the 15 <sup>th</sup> July 2010 the suspect was arrested for assault - grievous bodily harm but no further action was taken as a result of a Crown Prosecution Service decision relating to insufficient evidence.	1
Sunday 05/09/2010	00:39hrs	A report of a fight at the premises, information that someone had been 'glassed'. The officers had only been there for a short time when they saw a male(1) approach another male(2), grab him by the neck, and start a fight. The officers intervened, separated them and arrested them both for affray. Male(1) was searched and a small bag of white powder was found and he was further arrested for Possession of a Class A Drug. When male(2) was searched Cannabis Resin was found and he was further arrested for Possession of a Class B drug. While the males were being placed in separate vehicles a male(3), with a cut above his eye, approached the officers and tried to get to male (1). A witness then stated that male(2) had assaulted male(3) before walking away. Another witness said that male(4) had also been involved in the fracas that had, at one point, included all the males. Due to this fact both male(4) and male(3) were arrested for affray.	2
Saturday 11/12/2010	23:16hrs	Staff at the premises witnessed a male having an argument with his girlfriend. The incident was initially stopped by the DJ after which the male grabbed his girlfriend around the throat, dragging her outside. No injury was caused but part of the aggrieved's clothing was ripped. The male was arrested for common assault(battery) and received a caution.	3
Saturday 26/02/2011	23:10hrs	A number of females have been dancing within the premises during which time the suspect has barged the aggrieved. A relative of the aggrieved has attempted to steer her away from any potential problems but the suspect has continued to follow, pushing the aggrieved. After this the suspect has started to be verbally aggressive towards the aggrieved culminating in the suspect throwing the contents of her glass over the aggrieved before hitting her to the head with the empty glass. The aggrieved sustained a small cut to the top of the head. The suspect was arrested for assault - actual bodily harm for which she was charged.	4
Sunday 13/03/2011	00:56hrs	The informant was staying at an adjacent B & B and made a complaint relating to the sound of music emanating from the premises in addition to patrons continuing to drink, spilling out into the street and causing a racket.	5

## Incidents at the London Trader between July 2010 and August 2011.

Sunday 03/04/2011	20:06hrs	Report of a male causing a disturbance within the premises, throwing drinks about. The male was ejected by staff and no further information was received relating to him.	6
Monday 25/04/2011	21:34hrs	At 1930hrs on Monday 25th April 2011 an aggrieved male was assaulted by a male(1). The aggrieved was punched to the face but refused to provide the attending officers with any details and he made no allegations. Male(1) left prior to police attendance. At 2134hrs police officers attended the premises again with regard to a reported fight. Male(1) had returned to the premises and from the CCTV images he is seen to be dancing and provoking the same aggrieved male from the first incident. An unknown male(2) has then struck male(1) over the head with a bar stool. The bar stool is also believed to have struck the partner of male(1). Male(2) is still to be identified at this time. Whilst the suspect had been restrained male(3) was seen to punch the suspect to the head a number of times. Male(3) was arrested for assault - actual bodily harm. In assisting to restrain the suspect male(4) has held the suspects legs in an excessive manner obviously causing pain. Male(4) was also arrested for assault - actual bodily harm. The fight then subsides and male(1) is able to get to his feet standing on one side of the pool table. He picks up a pool cue and starts swinging it around into the crowd. It is believed that a number of persons were struck by his actions. Male(1) is arrested for assault - actual bodily harm. Male(1) is charged with 6 X assault - actual bodily harm and male(3) receives a caution for assault - actual bodily harm. No further police action was taken against Male(4).	7
Saturday 07/05/2011	23:55hrs	Staff reporting a drunk female in the premises throwing drinks about. Staff concerned that the situation may result in a fight. The female was removed.	8
Sunday 29/05/2011	00:57hrs	Report of a fight at the premises involving two groups. All was quiet when police officers attended. No further action required.	9
Sunday 17/07/2011	00:29hrs	A disturbance has occurred immediately outside of the premises. The known male suspect, who was barred from the premises (not Barwatch), has punched another male. The suspect went to cause this male further injury and the aggrieved has intervened. The suspect has then assaulted the aggrieved, punching him to the face which caused the aggrieved to fall back onto the ground hitting his head on the pavement. It is believed that the aggrieved was knocked unconscious. The suspect has then made off. The aggrieved sustained an inch long gash to the back of the head and was transported to the Conquest Hospital. At that time the aggrieved was unwilling to assist the police with the investigation. The victim has failed to give an account to police and as such it is not known how this injury was caused. In addition there is no CCTV and no eyewitnesses were willing to provide an account.	10

## Incidents at the London Trader between July 2010 and August 2011.

<p style="text-align: center;">Sunday 17/07/2011</p>	<p style="text-align: center;">01:23hrs</p>	<p>The victim was at the premises celebrating her sisters birthday. Her ex husband (suspect) was also at the premises who she ignored. The new partner of the victim attended the premises but she asked him to leave believing his presence would cause problems between the two. The victim has gone outside followed by her ex husband and there was a verbal altercation between the two of them. The new partner has followed them outside and witnessed the altercation. The ex husband is then seen to punch the victim to the head causing her to fall to the ground. The victims partner and other members of the public have then restrained the ex husband. Both the victim and her partner have then left. The victim was contacted later but to date has refused to assist police officers with the investigation. The partner has also refused to assist the police without the consent of the victim. The suspect has a harassment order against him but the aggrieved still refused to assist the police officers with their enquiries. Investigation ongoing.</p>	11
<p style="text-align: center;">Saturday 30/07/2011</p>	<p style="text-align: center;">00:00hrs</p>	<p>Report of ten males fighting outside of the premises. The situation had calmed when police officers had arrived. Altercation between two groups, no allegations made and some of those involved were directed to leave the area by the police officers.</p>	12
<p style="text-align: center;">Friday 05/08/2011</p>	<p style="text-align: center;">21:39hrs</p>	<p>Information of a fight outside of the premises, persons hitting each other with pool cues. The victim walked off and declined ambulance treatment.</p>	13
<p style="text-align: center;">Sunday 07/08/2011</p>	<p style="text-align: center;">23:23hrs</p>	<p>Report by ESAMB of a female being assaulted at the premises, sustaining facial injuries. The female stated that she had fallen out of the door from the premises although others stated that this was probably not true. The aggrieved later signed a PNB entry not making any allegations.</p>	14
<p style="text-align: center;">Monday 29/08/2011</p>	<p style="text-align: center;">00:08hrs</p>	<p>The aggrieved is immediately outside of the premises talking with a friend. Her attention is drawn to the female suspect within the premises, who is banging on the window making obscene gestures towards the aggrieved and her friend's. The suspect then exits the premises, approaches the aggrieved and there is a verbal altercation. The male partner of the suspect is then involved, also being abusive towards the aggrieved. The aggrieved and her friend's initially walk away from the premises but then the aggrieved returns realising one of the group was still within the premises. On exiting the premises the aggrieved is again confronted by the same female suspect who continues to be abusive towards her. Whilst the aggrieved walks away the suspect pulls her to the ground by the hair and then proceeds to punch the aggrieved and bang her head against the pavement. She is the additionally assaulted by the male partner of the suspect. As a result of the assault the aggrieved sustained a cut and bruising to the head and a scratch to the face. The male suspect was arrested at the scene for assault - ABH. His arrest was hampered by the number of drunken persons outside of the premises. The female suspect left the scene prior to police attendance but was located and arrested for assault - ABH.</p>	15



## Premises Action Plan

**Premises:** LONDON TRADER

**Address:** 3- 7 EAST BEACH STREET

**Maximum Capacity:** n/a

**Premises Licence Holder:** ENTERPRISE INNS      **Signature:**      **Date:** 25.05.2011

**DPS:** Mr Stephen FOOT      **Signature:**      **Date:** 25.05.2011

**Licensing Officer:** PC JOHN ASH/ANTHONY MASTERS      **Signature:**  
**Date:**

**Commencement Date:** 28<sup>h</sup> MAY 2011      **Review Date:** 20 AUGUST 2011

Problem:	Solution:	Performance Measurement:	Relevancy to Crime, Disorder & Theft:	Achievement Timescale
<p>Customers drinking outside external designated area. Physical barriers need to be replaced thereby identifying customer base .</p> <p>Barriers to be provided immediately this bank holiday weekend from the 27.5.11 including a front barrier.</p> <p>Dps has been given until the 15.06 11 to provide barriers on all Saturdays. This is to allow for purchase time.</p>	<p>Staff to ensure customers remain within licensed area. Side barriers need to be used permanently as per highways licence. Front barriers need to be used on busy periods That will include all Saturdays and any Sunday preceding a bank holiday and Bank holidays themselves.</p> <p>This will include special events on the Hastings Calender : CARNIVAL , HASTINGS WEEK and any other events/ festivals taking place in HASTINGS as notified by Sussex Police.</p>	<p>Monitor incident logs Reports from officers.</p>	<p>East Beach Street is a Designated Alcohol Free Zone and therefore customers drinking outside the curtilage of the premises are committing an offence. Crowds congregating outside the designated areas.</p>	<p>From 27.05.11</p>
<p>Customers leaving external designated area with bottles/glasses.</p>	<p>staff to prevent this happening. Staff to wear identifiable shirts making themselves obvious to customers.</p>	<p>As above.</p>	<p>Bottles and glasses can be used as weapons. Therefore, in order to reduce the likelihood of this happening, ALL bottle and glasses should be kept within the</p>	<p>From 27.05.2011</p>



				licensed areas. Broken glass in the street is a potential hazard for members of the public.	
					From 27.05.2011
Staff not observing law relating to service of alcohol.	Introduce a comprehensive training manual. All staff to be trained and sign to state training received before being allowed to work in premises.	Ability to produce up to date and fully maintained training manual to police and other responsible officers on request.	Direct correlation between alcohol consumption and public place violent crime.		
a) serving people who are drunk.	Improved training for all staff but particularly for part-time weekend staff.	A reduction in incidents involving those who are drunk.			
b) serving underage people.	Increased vigilance by both door and bar staff in checking ID. Increased awareness regarding different types of fake ID.	Number of people refused entry recorded on head door supervisor's nightly incident sheet.			
CCTV training for management and any other appropriate member of staff when manager/DPS not on premises. CCTV to be offered	Evidence available for investigation	Reduction in bail dates	Evidence of offence		27.05.2011

immediately after incident and officers warrant number taken as evidence of point of contact					
DPS to be Jacky Turner so she has overall control of premises as she is in premises on a day to day basis.	Accountability for the way the premises is managed and closer relationship with Licensing officer	Reduction in incidents Training Inspires Loyalty	DPS should be in day to day control of premises	15.06.2011	

**RESTRICTED (when complete)****WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

URN

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Statement of: JOHN ASH

Age if under 18: 018

(if over 18 insert 'over 18')

Occupation: POLICE OFFICER

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:

Date 02/09/2011

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the neighbourhood licensing officer for Hastings and St Leonards and hold the National Certificate for Licensing Practitioners and I am a personal licence holder.

At 19.37 hours on the 24 April 2011 I was in a marked police vehicle when I drove past the London Trader in Hastings. I noticed that the premises were particularly busy as it was a dry warm evening and a huge number of customers had blocked the pavement outside and were spilling into the main carriageway. There was a white van parked right outside the premises and owing to the music coming from the premises it was clear the vehicle belonged to the live band playing inside. My main concern was that many of the customers were drinking outside and in stepping into the carriageway would run the risk of being injured by passing traffic. I took a photograph on my own personal phone my exhibit JAA/1 with a view of demonstrating to the Designated Premises Supervisor Mr Stephen Foot that this situation was unacceptable and had been discussed as an issue before. In fact only the previous month 23 March 2011 I had been in a meeting with Mr Foot and discussed a raft of licensing issues which I felt needed addressing paying particular attention to controlling customers outside the London Trader.

On the 9 May 2011 the issues were discussed again in a formal meeting with Mr Foot, Sergeant Maynard and the Licensing Officer Tony Masters and it was agreed that an action plan was the only way to progress the situation. The action plan covered a number of licensing requirements and specific instructions were given in relation to barriers which were on design, use, frequency and how to monitor the change with staff. The deadline for this action was the 27/05/2011 to allow for purchase of the equipment and this was carried out satisfactorily.

Signature:

Signature witnessed by:

MG11 5/2007

**RESTRICTED (when complete)**

**RESTRICTED (when complete)**

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

URN 

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Statement of: Cathie WOLFE

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Licensing Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:

Date

Tick if witness evidence is visually recorded  (supply witness details on rear)

At approximately 17:45 hrs on Sunday 31<sup>st</sup> July 2011 I was driving from my home address to Hastings Railway Station. The weather was fine, it was a busy Sunday afternoon and as a result the traffic was heavy. As I drove from The Bourne on to the seafront the traffic was stationary and therefore I drew to a halt adjacent to The London Trader Public House. I had the driver's window partially open and whilst waiting for the traffic to move I became aware of loud music emanating from the premises. The music was so loud that it dominated the noise from The Stade amusements which was closest to me on my left hand side. As I looked over to the premises I could see between twenty and thirty people outside the premises drinking. Some were sitting at the benches but between eight and ten people were right on the edge of the pavement next to the road. I looked more closely at the outside area and saw that there were neither barriers to the side nor to the front of the external seated area. The traffic then began to move and I drove off to the station.

Signature:

Signature witnessed by:

MG11 5/2007

**RESTRICTED (when complete)**

**RESTRICTED (when complete)****WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1)

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Statement of: Anthony David MASTERS

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Sussex Police Licensing Officer

This statement (consisting of \_\_\_\_\_ page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false or do not believe to be true.

Signature:

Date 24<sup>th</sup> August 2011Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the Sussex Police Licensing Officer for the area controlled by the Hastings Borough Council. My primary function relates to the enforcement of the Licensing Act 2003 relating to public houses, clubs, restaurants and late night refreshment premises. I oversee the applications relating to new premises licences, variations, temporary event notices etc. I also monitor licensed premises relating to the licensing objectives of the prevention of crime and disorder and the protection of children from harm. I collate information / evidence to show how a licensed premises may have contravened the licensing objectives or conditions as contained within the premises licence or club premises certificate. The information gathered by me maybe used in any formal court proceedings, licensing authority hearings in addition to formal warnings or action plans.

Whilst conducting my role it became apparent that the licensed premises, London Trader East Beach Street Hastings East Sussex. TN34 3AR were experiencing issues of crime and disorder on a more frequent basis. The severity of the incidents reported giving rise to the question as to whether the premises were being suitably managed. A schedule of these incidents accompanies my statement marked ADM/1.

As a result of the rise in number of reported incidents, I organised a meeting for Monday 9<sup>th</sup> May 2011 between representatives of the Sussex Police and management from the premises in question. In attendance were myself, Sergeant Maynard (Licensing Department), P.C Ash (Licensing Department), the Premises Licence Holder and Designated Premises Supervisor Mr. Stephen Foot and the manageress, Mrs. Jackie Turner. The incidents relating to the premises were discussed resulting in the management agreeing to the premises being placed on an 'action plan' for approximately three months. The action plan was instigated on the 28<sup>th</sup> May 2011 with the review date being the 20<sup>th</sup> August 2011.

During the late afternoon of Sunday 31<sup>st</sup> July 2011 I was travelling east along the A259 East Parade Hastings East Sussex, when I was required to stop just prior to the junction of East Parade and Rock a Nore Road. I was stationary adjacent to the London Trader and took the time available to me to observe the

Continuation of statement of

premises. Both the front and side doors were permanently open and the sound of very loud music could be heard emanating from the premises. Barriers consisting of two stands with an extendable tape between them were positioned at the front of the premises. One at either end of the frontage protecting the wooden bench seats allowed to be positioned at the front of the premises under the authority of a Highways Permit. I was unable to see if a barrier had been placed at the front of this area due to the number of patrons using the enclosed area and spilling across the pavement, upto the kerb line. These customers were obstructing the footpath causing problems to pedestrians wishing to pass the premises. Although my period of observing the premises was short it was obvious to me, and therefore must have been obvious to the staff on duty, that the customers should have been requested to move within the cordoned area.

The positioning of these barriers had been agreed with the Premises Licence Holder / DPS as part of the action plan to keep patrons within the cordoned area, maintaining control and order and prevent obstruction of the pavement.

Signature .....

Signature witnessed by: .....

PTO