

**LICENSING SUB COMMITTEE**  
**13 OCTOBER 2011**

Present: Councillors Dowling, Stevens, Vallery-Peters (Chair), and Finch in Reserve for agenda item 7.

**4. APPOINTMENT OF CHAIR**

In accordance with the terms of reference of the Licensing Committee, the Senior Lawyer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Stevens moved that Councillor Vallery-Peters should take the Chair. This was seconded by Councillor Dowling.

**RESOLVED (unanimously) that Councillor Vallery-Peters be appointed as Chair for the duration of the meeting.**

**5. DECLARATIONS OF INTEREST**

Councillors made no declarations of interest at this meeting.

**6. APPLICATION FOR A PREMISES LICENCE: THE KEBAB HUT, 1 CLAREMONT, HASTINGS**

Councillor Vallery-Peters set out the procedure that the Sub-Committee would adopt (in accordance with the Standard Practice), both the applicant and the interested party confirmed they understood this.

Mr Alan Aylott of Dadds LLP Licensing Solicitors was present, he said that due to a delay in receiving the paper work and following recent discussions he had with the police concerning their representation, he needed more time to prepare for the meeting and requested the meeting be adjourned.

Mr Peter Savill, Counsel for Sussex Police Authority, was present and confirmed that a phone conversation had recently taken place between Mrs Jean Irving, Licensing Officer for Sussex Police Authority and Mr Alan Aylott, of Dadds LLP Licensing Solicitors, concerning the proposals. The phone conversation was made without prejudice and no agreement had been concluded regarding the application.

Mrs Jean Irving, Licensing Officer, added that at no point during the conversation did she say Sussex Police would withdraw their representation. Furthermore, she could not verify any decision without taking instruction from other people. As such, their representation remained as submitted.

LSC.6

**LICENSING SUB COMMITTEE**  
**13 OCTOBER 2011**

Both Mr Bob Brown, the Licensing Manager, and Mr David Bell, the Principal Environmental Health Officer, were present and confirmed that no additional contact had been made with them concerning the proposals.

The Senior Lawyer confirmed the invitation letter to attend the meeting and agenda were sent by First Class Mail to the agent, Mr Tuitt, of dm3 Licensing Ltd. on 28 September 2011.

Councillor Stevens, proposed the meeting should go ahead, unless the application was fully withdrawn. The Licensing Sub-Committee agreed unanimously, to proceed with the meeting.

The Senior Lawyer suggested the Interpreter, Mr Metin Dogrucan, ask for stoppage time at any point during the course of the meeting to allow him to relay information to the applicant, Mr Sen Akar. The Committee adjourned the meeting for 5 minutes to allow the interpreter to inform the applicant of the Committee's decision to proceed with the meeting.

Mr Aylott, said that a break down in communication had occurred and offered his apologies to Sussex Police. He confirmed that he was able to proceed with the meeting.

The Senior Lawyer asked that all parties confirm they received the supporting statement and letter concerning the Kebab Hut, received from Mr Tuitt, dm3 Licensing Ltd. on 12<sup>th</sup> October. The Committee confirmed they had received it.

Corporate Director, Environmental Health, submitted a report on an application for a premises licence at The Kebab Hut, 1 Claremont, Hastings, as a result of representations received.

Mr Brown, Licensing Manager, emphasised the application did not address the fact that the premises was within the Special Saturation Policy Area 1.

Mr Bell, the Principal Environmental Health Officer, spoke regarding the prevention of public noise nuisance and his concern for the disturbance of local residents. With the agreement of the Chair, Mr Bell, circulated a plan showing the location of the Kebab Hut, in relation to other commercial and residential premises in the area, for members to consider. He stated that approximately 63 residential premises within 50m of the site were likely to be effected by noise; and 126 residential premises at 75m, and 175 residential premises at 100m radius. He added that he had received comment from two hotels which had drawn his attention to adverse comments received from guests regarding noise issues. Having regard to the past history of the premises; that the fact that no complaints had been received since the licence had been revoked in February

**LICENSING SUB COMMITTEE**  
**13 OCTOBER 2011**

2010, Mr Bell concluded that he was very much opposed to the application and that existing problems would be made worse if the application was approved.

Mr Savill, Counsel for Sussex Police Authority, made his representation regarding the Cumulative Impact Policy, he stated that the operating schedule did not demonstrate there would not be any negative cumulative impact and that relevant guidance and the licensing policy had not been followed. He said that the conditions proposed on the operating schedule were the sort of conditions that anyone would expect to find on any licence. Furthermore, the extension of hours would hold people in the area and delay the disposal of people leaving the area.

Mr Aylott, emphasised the fact that the business had been operating correctly, he suggested that if the operating hours were reduced to 1am this would address concerns regarding the Cumulative Impact Policy. People would not come into the area to go to the Kebab Hut at 1am, but those that were in the area who had a drink would want food afterwards.

Mr Aylott, asked that members consider a list of proposed and amended conditions which would supersede those originally listed in the Premises Licence; appended to this were the Risk Assessment; Staff Safety and Workplace Violence Policy, and a Health and Safety Policy. He stated that if the amended conditions were accepted they would meet the concerns regarding the Cumulative Impact Policy. With the agreement of the Chair, the Committee took time to read the documents. Mr Savill confirmed with Mr Aylott that these documents were generic and not specific to the premises.

Mr Brown stated that the information contained within the application regarding the operating times of neighbouring operators was incorrect. Members and Officers raised concern regarding anomalies concerning the amended conditions, operating schedule and risk assessment which Mr Aylott produced for the Committee to consider.

Cllr Stevens sought clarification regarding the change in operating hours. Mr Aylott confirmed the original application sought a terminal operating time of 5am in order to apply for the maximum time permissible for the business to operate, this was changed to 2am in light of police representations; previous history and the Cumulative Impact Policy. A further final amendment to change the terminal operating time to 1am was proposed following a discussion undertaken by his colleague with Sussex Police. Mr Aylott also confirmed that whilst he had amended the application to 1am, the preferred terminal operating time would be 5am.

**RESOLVED (unanimously) that the application be REFUSED for the following reason:**

LSC.8

**LICENSING SUB COMMITTEE  
13 OCTOBER 2011**

**The applicant has failed to demonstrate that no negative cumulative impact would occur should the licence have been granted. Furthermore the applicant has failed to demonstrate in their Operating Schedule that there will be no negative cumulative impact on any of the four Licensing Objectives, in line with the guidance published by the Secretary of State and the Councils own Licensing Policy.**

**7. STADE HALL, THE STADE, OLD TOWN, HASTINGS**

Councillor Vallery-Peters set out the procedure that the Sub-Committee would adopt (in accordance with the Standard Practice), both the applicant and the interested party confirmed they understood this.

Corporate Director, Environmental Health, submitted a report on an application for a premises licence at Stade Hall, The Stade, Hastings.

The Senior Lawyer asked that all parties confirm they had received the supplementary information concerning the 'Stade Hall - Alcohol License Management Policy' received from Mr Edwards, Chairman of Hastings Old Town Residents Association on 12<sup>th</sup> October. The Committee confirmed they had received it.

The Licensing Manager, Bob Brown, presented the report on grounds of representations received.

Kevin Boorman, Head of Communications & Marketing, applicant for Hastings Borough Council was present, he said that any licence which is granted will be managed by the trustees of Stade Hall. The trustees had raised concern regarding the sale of alcohol within the community facility and for that reason they recommended the total time of the sale of alcohol should be limited. Mr Boorman stated that they were not proposing to sell alcohol 104 hours per week, however, the sale of alcohol would provide Stade Hall with the flexibility to be able to participate in community events such as wedding breakfasts which there were a shortage of in the Old Town, and also larger scale events such as Hastings Seaford and Wine Festival. He added that several formal events maybe held during a week. Furthermore, the trustees will assess each event individually on its own merits to ensure appropriate measures are in place concerning the sale of alcohol.

**RESOLVED (unanimously) that the application be GRANTED as amended with the following conditions:**

LSC.9

**LICENSING SUB COMMITTEE  
13 OCTOBER 2011**

- 1. For events involving the supply of alcohol by retail at pre-planned arrangements, event organisers/premises users will provide their own Personal Licence Holders who will act as the Designated Premises Supervisor for that specific event. A completed written consent form will be submitted to the Licensing Authority and Sussex Police not less than fourteen days prior to the event. Sussex Police reserve the right to object to the proposed Designated Premises Supervisor if it is deemed that the licensing objectives, prevention of crime and disorder and protection of children from harm will not be promoted.**
- 2. The premises License Holder / Event Organiser will ensure that the number of persons permitted on the licensed part of the premises, as described, at any one time will not exceed 100 persons seated at tables or 120 persons standing.**
- 3. The premises will not be hired to any person under the age of eighteen years for the purpose of a pre-planned event.**
- 4. The Stade Hall shall retain its focus as a community venue, with its primary use being a venue for community events. It shall not become a vertical drinking establishment, where alcohol and/or regulated entertainment become its primary mode of operation.**
- 5. In the event that the Management Committee become the Premises Licence Holder, they shall nominate a Personal Licence Holder who will take the position of permanent Designated Premises Supervisor of the premises.**
- 6. The premises will employ SIA Approved/Registered Door Supervisor to facilitate the management of the premises and conduct a security role when the risk assessment undertaken by the Premises License Holder/Designated Premises Supervisor indicates events/operating hours as medium or high risk. Door staff shall enter their details i.e. full name, date of birth and SIA badge number and the incident book prior to the commencement of duty.**
- 7. The receptacles in which alcohol is dispensed will be subject to the nature of the event and the outcome of the appropriate risk assessment. Large public events will continue to require the dispensing of all drinks into plastic/polycarbonate receptacles, whilst smaller private receptions may permit the use of glass.**
- 8. A 'Challenge 25' policy be adopted and only photographic ID such as a passport, driving licence, proof of age standards scheme (PASS)**

LSC.10

**LICENSING SUB COMMITTEE  
13 OCTOBER 2011**

**cards, identify cards of the armed forces and citizen cards be acceptable. Staff are to be trained to request the appropriate ID from anyone who appears to be under the age of 25 years, and that alcoholic drinks are refused unless that ID is produced.**

- 9. When the risk assessment undertaken by the Premises License Holder/Designated Premises Supervisor indicates events/operating hours as medium or high risk, Sussex Police will be given a twenty one days written notice of such an event taking place. Sussex Police will have the absolute power of veto.**
- 10. The premises Licence Holder will ensure that the hire/event organiser signs a written undertaking to accept responsibility for being in charge of and on the premises at all times when the public are present and for ensuring that all conditions of the premises licence and terms and conditions concerning the hire of the premises relating to management and supervision are met.**

**Reason for the decision:**

**The Committee has listened very carefully to all the evidence and are satisfied that the application fulfils the Licensing Objectives.**

(The Chair declared the meeting closed at 1.20pm)