



**HASTINGS POLICE STATION  
EAST SUSSEX DIVISION**

Your Ref:

Our Ref: EOX/110

Date: 12 August 2011

Contact Name: Inspector Johnson Tel. Extension: 64951

Direct Dial No: 01424 456127

Dear Mr Brown

**SUSSEX POLICE REPRESENTATION AGAINST THE APPLICATION FOR A  
PREMISES LICENCE UNDER THE LICENSING ACT 2003**

**1 Claremont, Hastings, East Sussex, TN34 1HA**

Sussex Police object to the application for a Premises Licence submitted by Mr. Sen Akar for 1 Claremont Hastings East Sussex TN34 1HA. The basis for this opposition is that the grant of a licence for these premises will not promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance, but instead, will give rise to potential negative cumulative impact via an increase in public nuisance and crime and disorder.

This premises is situated within Area 1 of the Special Saturation (Cumulative Impact) Policy in which there is a presumption that any new premises licence will be refused. This policy was introduced and reviewed because of the pressure created by the density of licensed premises in Hastings Town Centre. Hastings Borough Council Licensing Policy says,

“This policy relates to applications for the grant and/or variation of premise licences, club premises certificates or the issue of provisional statements. Each application will be taken on its own merit..... There will be a presumption against the grant of such licence or certificate unless the applicant can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.”

Paragraph 13.29 of the Secretary of State’s Guidance to the Licensing Act 2003 provides,

“The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licenses...that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives”.

Mr. R. Brown  
Licensing Manager  
Hastings Borough Council  
Breeds Place  
Hastings  
East Sussex



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Contrary to the Secretary of State's Guidance, the applicant has failed to demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. The application makes no reference to cumulative impact whatsoever, and nothing in the application or the operating schedule either rebuts the presumption of refusal contained within Hastings Borough Council's licensing Policy, or provides any reason for the Licensing Authority to depart from its special policy.

The hours requested within the application will result in the premises being open 24 hours a day, seven days a week. The location of this premises is at the far end of Robertson Street which will inevitably delay dispersal as it will draw customers away from the taxi marshalled rank and buses provided in Havelock Road. This will prolong the presence in the town centre of people just as the extra police shift dedicated to the night-time economy ends at 0400hrs. This is one hour earlier than the proposed closure time of 0500hrs.

This is a premises with a notorious history and the previous premises licence was revoked by a Licensing Sub-Committee on 2<sup>nd</sup> February 2010. Prior to revocation of the Premises Licence this premises held a licence for the sale of alcohol by retail until 0230hrs, regulated entertainment until 0230 hrs and provision of late night refreshment until 0500hrs. Sussex Police presented evidence to Licensing Authority of a significant history of a high level of violent incidents occurring at the premises or in the immediate vicinity, some involving the staff from the premises. There was a successful prosecution of the management of the premises for operating as a late night refreshment venue past 2300hrs on 16<sup>th</sup> October 2010, contrary to the Licensing Act 2003 .

The measures included in the application to promote the crime and disorder objective are solely the provision of CCTV and having 2 staff on duty. As there is a large seating area at the rear of the premises with tables and chairs that is out of the line of sight of staff serving at the counter there is need for a member of staff to be in this rear area. There is no mention of SIA door supervisors to assist in maintaining order anywhere on the application.

Sussex Police object to the issue of a new premises licence for 1 Claremont Road, Hastings as it would not promote the licensing objectives and . In view of the above, Sussex Police invite the Licensing Authority to refuse the application.

Yours sincerely,

Jean Irving  
Force Licensing & Public Safety Manager

Please quote: Kebab Hut  
Your reference:  
Date: 12 August 2011  
Please ask for: David Bell  
Telephone direct: 01424 451079  
E-mail: [dbell@hastings.gov.uk](mailto:dbell@hastings.gov.uk)  
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**Environmental Protection Team**  
Aquila House, Breeds Place  
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Mr B Brown  
Licensing Manager  
Hastings Borough Council  
Aquila House  
Breeds Place  
Hastings  
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Dear Mr Brown

### **Licensing Act 2003 – Kebab Hut, 1 Claremont, Hastings – New Licence Application for Late Night Refreshment**

Under the licensing regime the role of the Environmental Protection Team is to avoid the creation of situations where new or varied licenses, by virtue of their proposed activities, their locations, or times of operation, give rise to nuisance to local residents. In this respect the provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. However, as the DCMS guidance recognises these may not, by themselves, be sufficient to protect local residents.

I have considerable concern about this application. These premises were previously licensed for regulated entertainment and sale of alcohol as well as late night refreshment but the licence was revoked as a result of a review initiated by Sussex Police, with which I joined. Whilst the current application is for late night refreshment only and, it would seem, from someone unconnected with the previous premises licence holder I am not sure that there is likely to be much difference from what happened previously in terms of the licensing objectives – Prevention of Public Nuisance or Prevention of Crime & Disorder. It was clearly demonstrated at the review hearing that the premises were a focus of violent incidents and serious disorder with the consequent noise.

I consider the operating schedule in the application to be extremely weak in proposals to promote the licensing objectives. No thought appears to have been given to the fact that people attracted to the premises between 23:00 and 05:00 will have consumed considerable quantities of alcohol and will, therefore, be noisy and disorderly. I feel sure that the Police will also have a view on this. There is also likely to be a considerable increase in the number of people attracted to Claremont at unsocial hours if this application were to be granted.

No regard has been had to the fact that the premises are located in an area subject to the Special Saturation (Cumulative Impact) Policy. There is absolutely nothing within the application to rebut the presumption that the grant of a licence would undermine the licensing objectives.

I am of the very firm view that this application should be refused and that a licence is not granted.

Yours sincerely

A handwritten signature in black ink that reads "David Bell".

David Bell  
Principal Environmental Health Officer

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