

HASTINGS BOROUGH COUNCIL Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

15 AUG 2011

LIENSING
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I David Bell, Principal Environmental Health officer

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

London Trader
4-7 East Beach Street

Post town Hastings

Post code (if known) TN34 3AR

Name of premises licence holder or club holding club premises certificate (if known)

Stephen Foot

Number of premises licence or club premises certificate (if known)

HOP50281

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

WK201119468

3) a member of the club to which this application relates (please complete (A)
below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address David Bell Principal Environmental Health Officer Environmental Protection Team Hastings Borough Council 4 th Floor Aquila House Breeds Place Hastings TN34 3UY
Telephone number (if any) 01424 451079
E-mail address (optional) dbell@hastings.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

The Premises Licence Holder, Stephen Foot, who is also the Designated Premises Supervisor, is failing to promote the Licensing Objective - Prevention of Public Nuisance by showing a flagrant disregard for conditions attached to the Premises Licence and the impact on surrounding residents and businesses from noise arising from the business.

Please provide as much information as possible to support the application
(please read guidance note 2)

At the time of writing 16 complaints about noise associated with the London Trader have been recorded in the last 12 months. Letters were sent to Stephen Foot on 23 August 2010, 17 February 2011 and 15 April 2011 (copies attached). Information received from those complaining clearly indicates that the problems experienced are persistent, frequent and ongoing. Mr Foot does not appear to have had any regard whatsoever to the letters sent to him. Indeed, the last letter which specifically requested a response in writing elicited no more than an email on 28 April claiming that he had tried to contact me without success and asking that I contact him to arrange a meeting. That I found extremely difficult to understand and I responded to him the same day offering to meet him any time the following Tuesday which, due to public holidays, was the only day available before I went on leave until 23 May. I attach a copy of the emails exchanged. I have received no further communication from Mr Foot. Meanwhile, complaints have continued to be received - 9 of the 16 complaints mentioned above have been received since the letter of 15 April. Breaches of licence conditions were witnessed by colleagues on the night of 22/23 April (loud music and use of outside tables) and, as can be seen, I made Mr Foot aware of that in my email. Further breaches of the same licence conditions were witnessed by myself and the Licensing Manager on the night of 29/30 July and by the Licensing Manager and the Senior Licensing Officer on the night of 5/6 August. I can draw no conclusion other than that Mr Foot is showing a flagrant disregard for the conditions attached to his Premises Licence and the impact on surrounding residents and businesses from noise arising from his business and is doing nothing whatsoever to promote the Licensing Objective - Prevention of Public Nuisance. I have no alternative, therefore, but to make this request for a review of the Premises Licence. It is my opinion that serious consideration should be given to revoking the Premises Licence. At the very least a considerable scaling back of times and permitted activities is required and if revocation is not considered appropriate I would request, as a minimum, the following: -

- 1) Removal of live music and dancing;
- 2) Recorded music to be background only and not audible outside the building;
- 3) Restrict hours of recorded music, indoor sporting events and supply of alcohol to 09:00 to 23:00 hrs Monday to Saturday and 09:00 to 22:00 hrs Sundays the only exception being for New Years Eve when such activities may continue until 01:00 hrs on New Years Day.
- 4) Opening hours of the premises to be 09:00 to 23:30 hrs Monday to Saturday and 09:00 to 22:30 hrs Sunday the only exception being for New Years Eve when the premises may remain open until 01:30 hrs. on New Years Day

with the following conditions being attached to the revised licence: -

- 1) Noise from music played in the premises shall not be audible outside the confines of the building;
- 2) Noise from all mechanical or electrical equipment used by the premises or from customers in or in the immediate vicinity of the premises shall not be audible, as perceived by an authorised officer of Hastings Borough Council, at the façade of any building containing residential or guest house accommodation;
- 3) There shall be no use of external tables or seating after 23:00 hrs and all such tables or seating shall be removed by that time every evening.
- 4) The area where external tables are located under a licence from the Highways Authority shall have removable barriers around the perimeter to clearly denote the area and customers shall not be permitted to congregate outside that area. These barriers shall be removed together with and at the same time as the tables and seating.

5) Clearly legible and prominent notices shall be displayed at all exit doors requesting customers "Please consider our neighbours be quiet when outside and leave quickly and quietly when going home".

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

26 August 2005, in respect of an application to convert the Justices Licence to a Premises Licence and simultaneously vary the conditions of that Licence, when I expressed concern about the lack of satisfactory proposals for the control of noise on the premises, in particular that arising during the requested periods for extended hours of opening. I suggested conditions to be placed on any licence granted and these were imposed by the Licensing Sub-Committee at a meeting on 25 October 2005 when the application was granted in part.

15 September 2009, in respect of an application to vary the Premises Licence, when I again had concerns about the noise implications of the proposals and recommended refusal although indicating that it may be acceptable to extend times of some activities subject to amendment of a condition. The Licensing Sub-Committee at a meeting on 15 October 2009 accepted my recommendations and granted the application in part with the amended condition and refused the remainder of the application.

Both the above representations were made with regard to the Licensing Objective - Prevention of Public Nuisance.

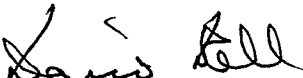
Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 
.....

Date 15 August 2011
.....

Capacity
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.