

cc of D164

HASTINGS BOROUGH COUNCIL

STATEMENT OF WITNESS

The Magistrates' Courts [Forms] Rules 1981 as amended by the magistrates' Courts[Forms] [Amendment] Rules 1997
CJ Act 1967 S 9; MC Act 1980, ss5A [3][a] and 5B; MC Rules 1981 R 70
MC [Witnesses Addresses] Rules 1990

Statement of: Trevor Charles SCRASE

Age of Witness [if over 18 enter 'over 18']: Over 18

Occupation of Witness: Senior 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 in anything
which I know to be false or do not believe to be true.

Date: Signature:

I am employed as a Senior Licensing Officer for Hastings Borough Council, based at Aquila House, Breeds Place,
Hastings, TN34 3UY. I have held this position since June 2006, previously I was the Licensing Development Officer
from November 2004. Prior to employment with Hastings Borough Council, I was a police constable in Sussex
Police, completing thirty years service in November 2004.

I am the holder of the BIIAB National Certificate for Personal Licence Holders certificate, which is an accredited
qualification. I am also the holder of a personal licence number 08 / 00276 / LAPER issued by Rother District Council
on 19th April 2008.

I am also the holder of a BIIAB National Certificate for Licensing Practitioners of the Licensing Act 2003, which is an
accredited qualification.

I am an authorised person as specified under section 108 (5) (a) of the Licensing Act 2003, being an officer of the
licensing authority in whose area the premises are situated.

The London Trader, 4 - 7 East Beach Street, Hastings, TN34 3AR, was granted a premises licence under the
Licensing Act 2003 on the 25th October 2005, following a licensing sub committee hearing. I produce a copy of the
minutes of the licensing sub committee as item marked TCS / 1 Exhibit number). This premises licence
became the sole authorisation for the combined sale by retail of alcohol and regulated entertainment on the 24th
November 2005, when the Licensing Act 2003 came into full effect.

Premises licence number HOP50281 was issued to Mr Stephen FOOT, as the premises licence holder and

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designated premises licence holder on the 8th December 2005.

Since date of grant of the premises licence there have been various applications to change the designated premises supervisor, vary the premises licence in respect of changing times of licensable activities and changing conditions on the premises licence. On the 15th October 2009, following an application to vary the premises licence, the licensing sub committee granted the variation in part but refused the remainder of the application. I produce marked as item TCS/ 2 (Exhibit number) a copy of the decision notice.

The amended premises licence HOP50281, in respect of the licensing sub committee hearing decision was issued to Stephen FOOT as the premises licence holder and designated premises supervisor on the 17th November 2009. The reason for the delay was to withhold the re – issue of the premises licence to allow for an appeal to be lodged to the magistrates court, in the twenty eight day period following the decision notice being served on Mr Stephen FOOT. No appeal was lodged, so the amended premises licence was issued on the 17th November 2009.

I produce a copy of the current premises licence HOP50281, as item marked TCS / 3 (Exhibit number).

1-44 On Friday the 5th August 2011, I was engaged on late night licensing visits in company with Mr Bob BROWN, Licensing Manager. At 23.26 hours we visited the London Trader. The premises was open and trading with a disco operating inside the premises. The tables located outside of the premises on the footpath were in use by customers, who were seated and standing around drinking and talking. From a position on The Stade, on the opposite side of the road, I made a count of the number of customers still using the outside tables and counted approximately 50 persons in total, of those approximately 10 persons were seated with persons also at tables located at the eastern end of the building. The conditions on the operating schedule (Annex 2) of the premises licence and in Annex 3 – Conditions attached after a hearing by the licensing authority, specifically state as follows:- There shall be no use of the external tables after 23.00hours. I telephoned the cctv control room and requested that a recording was started on the activity outside of the London Trader. After observing the premises for a short while we then walked into Rock a Nore Road and at a position outside The Dolphin Inn, which is some 200 metres approx. to the east of the London Trader, the sound of recorded music from the disco being played inside the London Trader was clearly audible. We stopped to listen and check on the noise at various locations around the London Trader and the recorded music noise was clearly audible in Hastings Wall and Winkle Island Pleasant Row. We went away to visit other licensed premises returning to the London Trader again at midnight. The recorded music noise was still clearly

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audible and the number of customers, with drinks in their hands or seated at tables drinking appeared to have increased from our earlier visit. The tables were fully in use by customers both standing and seated and I could not see any obvious member of the bar staff clearing the tables outside. We went away again into Hastings town centre and returned again to check on the London Trader at 00.55 hours on Saturday the 6th August 2011. The disco was still in action with the music volume clearly audible from the opposite side of the road at The Stade. Again the tables were still in place and available being used by customers seated at and standing around them, with drinks.

We went away, returning for a fourth visit at 01.16 hours, when the recorded music from the disco had stopped. However there continued to be a smaller number of customers, approximately 16 persons, seated at the tables and standing around with drinks. There were no covers on the tables which were still freely available for customers to use and at 0138 hours bar staff started clearing the glasses from the outside tables.

There are additional conditions in place on the operating schedule of the premises licence as follows:- A responsible member of staff shall be in attendance in the vicinity of the premises after 23.00hours until close of business to ensure patrons disperse quickly and quietly. I can confirm that at no time on any of the four visits made to the premises that evening had I seen any person I could identify as acting in a manner that could have been a member of bar staff complying with this condition. A further condition is on the operating schedule as follows:-

Noise and music arising from the licensed premises shall be no more than barely audible, as perceived by an authorised officer of Hastings Borough Council, at the façade of any building containing residential premises at any time. For the avoidance of doubt noise shall include that arising from all mechanical or electrical equipment used by the premises and that noise arising from customers in the immediate vicinity of the premises. I can confirm that on each of the four occasions we visited this premises this condition was also being breached. I was present when Mr Brown spoke to a female member of staff outside the premises but I took no part in that conversation.

The weather on the evening of Friday the 5th August into Saturday the 6th August 2011, was fine and clear. The recorded images from the cctv control room, that I requested, have been obtained, which I produce as items marked TCS / 4 (Exhibit number).

Signature:Witnessed by: