

Your Ref: Our Ref: ESX/LIC/CI Date: 13th February 2012
Contact Name: Chief Inspector Keating Tel. Extension: 60221 Direct Dial No: 01424 456171

Dear Mr Brown

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

John Logie Baird 29-31 Havelock Road Hastings, East Sussex, TN34 1BE.

Sussex Police object to the application for the variation of a premises licence submitted by JD Wetherspoon plc., on the 27th January 2012, relating to the John Logie Baird 29-31 Havelock Road Hastings East Sussex. TN34 1BE. The basis for the opposition is that the variation of the premises 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

The premises in question have a premises licence for the following activities.

Supply of alcohol.

Sunday to Thursday 0900hrs - 0030hrs Friday & Saturday 0900hrs - 0100hrs

Late Night Refreshment.

Sunday to Thursday 2300hrs - 0030hrs Friday & Saturday 2300hrs - 0100hrs

The premises licence also includes the provision of regulated entertainment but this licensable activity is not subject of this variation.

To accommodate seasonal and special events the licensable activities are all subject to the extension of the terminal operating times.

The hours the premises are open to the public are:-

Sunday to Thursday 0700hrs - 0130hrs Friday & Saturday 0700hrs - 0200hrs.

The application for variation of the premises licence seeks to vary the terminal time of the following:-

To extend the terminal hour for the sale of alcohol on Friday and Saturday until 0200hrs.

To extend the terminal hour for late night refreshment of alcohol on Friday and Saturday until 0200hrs.

To extend the terminal hour for the opening of the premises on Friday and Saturday until 0300hrs.

Mr. R. Brown
Licensing Manager
Environment and Safety Directorate
Aquila House
Breeds Place
Hastings
East Sussex.

The applicant also wishes an addition hour on the standard hours requested for Christmas Eve, Boxing Day, Maundy Thursday and Sundays preceding Bank Holiday Mondays.

The concentration of licensed premises within a small area of the town causes problems of crime and disorder and public nuisance. In consequence of this, following extensive consultation in 2007, the Licensing Authority in January 2008 believed it was both appropriate and necessary to introduce the Special Saturation (Cumulative Impact) Policy. The policy was reviewed in 2009 when small amendments were made. A further review took place in January 2011 resulting in the three areas being retained with no additional modifications.

Paragraph 13.29 of the Secretary of State's Guidance to the Licensing Act 2003, amended in October 2010 provides,

"The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises license, club premises certificates or variations 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".

This principle is reflected in the Hastings Borough Council Special Saturation (Cumulative Impact) Policy contained within the Hastings Borough Council Licensing Policy.

These premises are situated within Area 1 of the Special Saturation (Cumulative Impact) Policy in which there is a presumption that any new premises licence or variation 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."

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 Special Saturation (Cumulative Impact) Policy and nothing in the application or the operating schedule either rebuts the presumption of refusal contained within Sect 1.11 of the Hastings Borough Council's Licensing Policy, or provides any reason for the Licensing Authority to depart from its special policy.

The applicant has failed to recognise the importance and significance of the policy, stating within Sect. P operating schedule, 'No change to existing measures', for each of the licensing objectives.

In view of the above, the Licensing Authority is invited to refuse the application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'H. Keating'. The signature is written in a cursive style with a small dot above the 'i'.

C/I H. Keating
District Commander.
Hastings.

Please quote: Wetherspoons
Your reference:
Date: 21 February 2012
Please ask for: David Bell
Telephone direct: 01424 451079
E-mail: dbell@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
Aquila House, Breeds Place
Hastings, East Sussex TN34 3UY

Mr B Brown
Licensing Manager
Hastings Borough Council
Aquila House
Breeds Place
Hastings
TN34 3UY

Dear Mr Brown

Licensing Act 2003 – Variation Request – John Logie Baird, 29-31 Havelock Road, Hastings

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.

As you are aware I am concerned about the general climate of noise and disorder in the town centre area at unsocial hours; particularly at weekends. This arises from the concentration of licensed premises within a relatively small area. As a result the area is one of the parts of the town subject to the Special Saturation (Cumulative Impact) Policy.

On looking at this application I find that no regard has been had to the fact that the premises are located in such an area. There is absolutely nothing within the application to rebut the presumption that the grant of the variation to the licence would undermine the licensing objectives. On the contrary the operating schedule simply states "No change to existing measures" in the operating schedule against each of the licensing objectives.

I am of the opinion, therefore, that there is no alternative but to refuse the application.

Yours sincerely

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

David Bell
Principal Environmental Health Officer

