

**LICENSING SUB-COMMITTEE
18 MAY 2012**

Present: Councillors Dowling, Finch (in the Chair), Sabetian and Wilson in Reserve

1. APPOINTMENT OF CHAIR

In accordance with the terms of reference of the Licensing Committee, the Principal Solicitor invited nominations for the appointment of Chair for the duration of the meeting. Councillor Sabetian moved that Councillor Finch should take the Chair. This was seconded by Councillor Dowling.

RESOLVED (unanimously) that Councillor Finch be appointed as Chair for the duration of the meeting.

2. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at this meeting.

3. APPLICATION FOR A PREMISES LICENCE: THE ST LEONARD P.H, LONDON ROAD, ST LEONARDS ON SEA

Councillor Finch set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice), the applicant and all the interested parties confirmed they understood this.

The Director of Environmental Services, submitted a report on an application for a premises licence at The St. Leonard P.H, London Road, St. Leonards on Sea, as a result of representations received.

Mr Brown, Licensing Manager, presented the report to the committee. The report referred to an application which sought consent for a premises licence.

Inspector Ross and Mr Tony Masters, Licensing Officer for Sussex Police were present. Their representation related to the licensing objective of the prevention of crime and disorder. Inspector Ross stated that the premises was situated in Area 3 of the Special Saturation (Cumulative Impact) Policy and referred to guidance issued by the Secretary of State on the Licensing Act 2003. Inspector Ross stated that if the committee were minded to allow this application in order to support the regeneration of the area that Sussex Police recommend it be subject to conditions.

Mr Bell, Principal Environmental Health Officer (Pollution) was present. His representation related to the licensing objective of the prevention of public nuisance. He said that the premises was sited within the Special Saturation (Cumulative Impact) Policy Area 3, and that he did not feel the application addressed the implications of the Special Saturation (Cumulative Impact) Policy in order to rebut the presumption that granting a licence would undermine the licensing objectives.

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Furthermore, he said that those most likely to be adversely affected by public nuisance would be the residents living next to the premises; the building contained a total of 6 flats, two on each floor.

He went on to say that he agreed with the concept of a traditional local neighbourhood pub which would help the regeneration of the area, and recommended a number of conditions that would cover potential issues relating to public nuisance.

Miss Danica Haslop, neighbour, was present and made her representation regarding noise and disturbance and the effect on her and her immediate neighbours, some of whom were children. She raised concern regarding existing noise issues, in particular the accumulation of customers leaving public houses nearby who convened outside her flat and the problems with smokers. She added that children should only be allowed inside the premises until a reasonable time. She went on to say the proposal was for a nice venue, as long as it was kept that way.

Miss Susan Bowden, neighbour, was present and made her representation regarding noise and disturbance. She stated that the area was primarily residential and that she did not want the responsibility of dealing with rowdy customers and the effects of cigarette smoke emanating from the pub below her flat.

Mr Leech, applicant, was present and informed the committee that he wished to run an upmarket establishment for young professionals and that he accepted the conditions proposed by Sussex Police and the Environmental Health Officer, with the exception of Condition 1 of the list of conditions circulated by Mr Bell which proposed that drinks be served to people who are seated and limited the number of patrons to 70. He said that the premises would be a non vertical drinking establishment, and that he did not want customers standing, however, if someone came in and they did not want to be seated, he would be breaching this condition.

Members discussed conditions to be added to the grant of the licence, if approved.

RESOLVED – (Unanimously) that the application be GRANTED with the following conditions:-

- 1. The premises will be run as a substantially seated establishment.**
- 2. Live sporting events will not be screened and gaming machines will not be installed on the premises.**
- 3. A notice shall be displayed in the premises encouraging patrons who wish to call a taxi to do so through the bar staff.**

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- 4. When calling a taxi, staff will request that drivers call the premises on arrival so that staff may advise the patron(s). At that time the driver will be requested to switch off the vehicle engine whilst waiting.**
- 5. There will be no horizontal surfaces within the toilet areas and WC's will not be fitted with lids.**
- 6. A contract will be taken out and maintained with a suitably qualified company in respect of fire safety. This contract shall include provision of a fire safety risk assessment and staff training together with the supply fitting and maintenance of required fire detection devices, alarms and extinguishers.**
- 7. Staff will be trained in fire evacuation and safety procedures and a record of all such training will be kept available for inspection by the relevant authorities.**
- 8. Any incidents involving members of the public or authorities will be recorded in the daily manager's report and kept available for inspection by the relevant authorities**
- 9. Rowdy or loud behaviour will not be tolerated and anyone behaving in such a manner or who appears to be intoxicated will be refused service, or further service, and requested to leave the premises.**
- 10. Noise from the premises shall not be more than barely audible, as perceived by an authorised officer of Hastings Borough Council, in any of the residential flats above during licensing hours. For the avoidance of doubt noise shall include that arising from the playing of music, singing or speech through electronic equipment, electrical or mechanical equipment used on the premises or staff or patrons in and in the immediate vicinity of the premises.**
- 11. items such as bottles or cans which will create noise when placed into bulk collection bins shall only be placed in those bins between 09:00hrs and 18:00hrs daily.**
- 12. Refuse collections from the premises shall take place after 07:00hrs and before 18:00hrs Monday to Saturday and after 09:00hrs and before 18:00hrs on Sundays and Bank Holidays.**
- 13. Clearly legible notices shall be maintained at exit doors requesting patrons to take care not to cause nuisance to local residents from noise, smoke or bad language when smoking outside the premises and to leave the area quickly and quietly when going home.**

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- 14. Occupiers of the flats above shall be provided with a telephone number through which they may make immediate contact with a responsible member of staff should they experience any problems and necessary corrective action shall be implemented immediately.**
- 15. The standard hours the premises will be open to the public are Monday – Saturday 12:00hrs to 23:20hrs and Sunday 12:00hrs to 23:00hrs, with no seasonal or special event variations.**
- 16. Times requested for the licensable activities are:-
Supply of Alcohol (consumption on the premises only).
Monday to Saturday 12:00hrs–23:00hrs. Sunday 12:00hrs–22.30hrs (no seasonal or special event variations).
Provision of regulated entertainment (recorded music).
Monday to Saturday 12:00hrs–23:00hrs Sunday 12:00hrs–22.30hrs (no seasonal or special event variations).**
- 17. The holder of a personal licence under the Licensing Act 2003 will be present at the premises from 19:00hrs until close every Friday and Saturday.**
- 18. Both male and female toilets will be inspected by staff on a regular basis, every 2 hours, after 20:00hrs every Thursday, Friday and Saturday.**
- 19. Ensure that the premise remains an active member of Barwatch as long as such a scheme remains active in the Borough.**
- 20. A ‘Challenge 25’ policy be adopted and only photographic ID such as a passport, driving licence, citizen cards and proof of age standards scheme (PASS) 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**
- 21. Children will only be permitted on the premises, when accompanied and supervised by a responsible adult. No children will be permitted in the premises after 20:00hrs.**
- 22. Customers will not be permitted to consume or take drinks outside of the premises.**
- 23. Receptacle for smoking refuse will be provided outside the London Road entrance only and a notice put inside the building requesting use of it.**

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Reason for the decision - The Committee has listened very carefully to all the evidence given and are satisfied that the conditions uphold the licensing objectives. The Committee has had regard to the Special Saturation Policy and we are satisfied that the applicant can rebut the presumption that the granting of a licence would undermine the licensing objectives with the imposition of conditions.

(The Chair declared the meeting closed at 8.50pm)