



UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

Washington, D. C. 20530

Dear Sir:

REPLY TO YOUR LETTER

of the 10th instant, in which you requested information regarding the

status of the application for the registration of the trademark of the
"United States Department of Justice" in the name of the
"United States Department of Justice".

The application for the registration of the trademark of the
"United States Department of Justice" in the name of the
"United States Department of Justice" was filed on the 10th day of
January, 1964, and is currently pending before the Trademark
Office.

The Trademark Office is currently reviewing the application and
will advise you of the results of its review as soon as possible.

If you have any questions regarding the status of the application,
please contact the Trademark Office at (202) 504-1800.

Sincerely,
Attorney General

John Edgar Hoover
Attorney General

Very truly yours,
John Edgar Hoover

Special Counsel to the Attorney General

Assistant Attorney General

Assistant Attorney General

Assistant Attorney General

Please quote: St Leonard
Your reference: WK/201128152
Date: 19 April 2012
Please ask for: David Bell
Telephone direct: 01424 783222
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 – The St Leonard, 16 – 18 London Road, St Leonards-on-Sea

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.

These premises are located on the corner of London Road / Shepherd Street and share the same building as Warriors Gate Apartments, which comprises 6 residential flats, 2 on each of the 1st, 2nd and 3rd Floors, having the postal address 40 Shepherd Street. It is the occupants of these flats who will be most affected by any impact from the proposed St Leonard.

The Hastings Borough Council Licensing Policy contains a Special Saturation (Cumulative Impact) Policy which covers particular areas of the Borough. Area 3 includes these premises. The effect of this policy is that where relevant representations are received in relation to applications for new premises licences there will be a presumption against grant of the licence unless the applicant, in the operating schedule, can rebut the presumption that the granting of the licence would undermine the licensing objectives. The Policy states, however, that each application will be considered on its own merit. In addition Government Guidance states that "A special policy should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted." (Para 13.34).

In the application the applicants did not directly address the implications of the Special Saturation (Cumulative Impact) Policy. As a result I considered the rebuttal of the presumption for refusal to be weak with measures to prevent undesirable impact being extremely limited and not being set out clearly as conditions to be applied to any licence which may be granted. An additional submission does improve on the original document expanding on what is proposed and being somewhat more detailed with regard to measures to promote the licensing objectives.

From this additional information it is clear that what is proposed for these premises is an establishment of some quality that should have little or no impact on neighbours and could have a significantly beneficial impact in the regeneration of the area. The key is, I believe, to ensure that suitable conditions are agreed and applied to any licence so as to prevent any substantial departure from the currently proposed concept.



The applicants have made a number of statements which will require to be translated into suitably worded conditions. These relate to issues such as no vertical drinking, no big-screen televisions, no gaming machines, working with Bar Watch, no horizontal surfaces within the toilet area, no drinks outside, no loud music, smokers, calling taxis, refuse collection times and placing bottles into bins, etc.

Conditions which I consider to be particularly appropriate with respect to prevention of public nuisance are as follows: -

- 1) 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.
- 2) Items such as bottles or cans which will create noise when placed into bulk collection bins shall only be placed in those bins between 09:00 hrs and 20:00 hrs daily.
- 3) Refuse collections from the premises shall take place after 07:00 hrs and before 18:00 hrs Monday to Saturday and after 09:00 and before 18:00 hrs on Sundays and Bank Holidays.
- 4) 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.
- 5) 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.

If the above and other suitably worded conditions arising from the applicants' supplementary submission can be agreed then I do not believe that it would be necessary for the application to be considered by the Licensing Sub-Committee subject, of course, to any other representations which may be received. If this proved to be impossible then I would wish to have the opportunity of presenting this representation to the Committee.

I will be quite happy to participate in discussions with the applicants and others if and as necessary to try to agree conditions.

Yours sincerely



David Bell
Principal Environmental Health Officer

