

Your Ref: Our Ref: ESX/LIC/CI Date: 22nd May 2012.  
Contact Name: C/I Keating Tel. Extension: 60221 Direct Dial No: 01424 456171

Dear Mr Brown

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

**Electric Stag G/F 53 Robertson Street Hastings East Sussex. TN34 1HY.**

Sussex Police wish to make representation against the application for the grant of a premises licence submitted by Aslit Ltd. on the 9<sup>th</sup> May 2012, relating to Electric Stag G/F 53 Robertson Street Hastings East Sussex. TN34 1HY.

The basis for the opposition is that the grant of a 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. Details of the application are as follows.

The standard hours the premises will be open to the public are Monday - Sunday, 06:00hrs to 04:30hrs. Non standard times '*On any Sunday immediately preceding a Bank Holiday Monday the hours will be the same as any Saturday*', The seasonal variation '*From normal terminal hour on any New Years Eve to the normal opening hour on any New Years Day*'.

The application for the grant of a premises licence is made under Section 17 of the Licensing Act 2003, for the licensable activities of supply of alcohol, the provision of regulated entertainment, the provision of facilities for entertainment and the provision of late night refreshment.

Times requested for the licensable activities are:-

Supply of Alcohol (consumption both on and off the premises).

Monday to Saturday 11:00hrs - 03:30hrs, Sunday 12:00hrs - 03:30hrs

Provision of regulated entertainment (films, live music, performance of dance and entertainment similar to live music, recorded music performance of dance etc). (Indoors only)

Monday to Sunday 08:00hrs - 04:00hrs.

Recorded music

Monday to Sunday 06:00hrs - 04:00hrs

Mr. R. Brown  
Licensing Manager  
Environment and Safety Directorate  
Aquila House  
Breeds Place  
Hastings  
East Sussex.  
TN34 3UY

Provision of facilities for making music, dancing or entertainment of a similar description (Indoors only)

Monday to Sunday 08:00hrs - 04:00hrs

Provision of late night refreshment. (Indoors only)

Monday to Sunday 23:00hrs - 04:00hrs.

The premises have a capacity of 38 when seated at twelve tables or a capacity of 60 standing. The latter recommended by the East Sussex Fire Brigade relating to Temporary Events held within the premises.

The concentration of licensed premises within a small area of the town of Hastings causes problems of crime and disorder and public nuisance. In consequence of this, following extensive consultation in 2007, the Licensing Authority in January 2008 concluded 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.

During the evening of Friday 20th April 2012, the date of a temporary event held at the premises, Anthony Masters Sussex Police Licensing Officer attended the premises and met with the premises user, Mr. Bilalis. Mr. Bilalis is also the proposed Designated Premises Supervisor as stated within the application. During their discussion relating to the premises Mr. Bilalis let it be known that the owner of Electric Stag also owned the former Honey Lou Lous and The Crypt and that it is their intention to obtain premises licences for all three venues. All three premises were originally under one premises licence before it was surrendered by the previous owners. Mr. Masters informed Mr. Bilalis that all three premises were within the area covered by the Special Saturation (Cumulative Impact) Policy. He was also informed that the operation and management of an individual premises, under the authority of a Temporary Event Notice, would not be taken into consideration, when considering granting or refusing an application, as a Cumulative Impact policy was designed to deal with the cumulative effect of a concentration of premises in one area.

Mr. Bilalis was informed relating to the importance and significance of that policy as outlined by the Hastings Borough Council Licensing Policy and Section 182 Guidance of the Licensing Act 2003, as below:

Paragraph 13.29 of the Secretary of State's Guidance to the Licensing Act 2003, amended in April 2012 provides,

*"The effect of adopting a special policy of this kind in the licensing policy statement is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the 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 the area of the 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 considered on its own merit..... Where relevant representations are received in relation to applications for the grant of a new premises licence, club premises certificate or provisional statement; 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.”*

Paragraph 8.34 of the Secretary of State's Guidance to the Licensing Act 2003, amended in April 2012 provides, *‘In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.*

Paragraph 8.36 of the guidance states *‘Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy’.*

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. Section P of the application makes no reference to the 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.

In view of the above, Sussex Police invite the Licensing Authority to refuse the application.

Yours sincerely.



Chief Inspector H. Keating  
District Commander.  
Hastings.

