

**LICENSING SUB-COMMITTEE
14 AUGUST 2012**

Present: Councillors Finch (in the Chair), Poole and Wilson with Councillor Batsford in Reserve.

10. APPOINTMENT OF CHAIR

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Wilson moved that Councillor Finch should take the Chair. This was seconded by Councillor Poole.

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

11. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at this meeting.

12. APPLICATION FOR A PREMISES LICENCE: THE GENERAL HAVELOCK PUBLIC HOUSE, 27 HAVELOCK ROAD, HASTINGS

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 Head of Environmental Services submitted a report on an application for a variation of premises licence at The General Havelock PH Hastings, 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 variation of premises licence.

Mr Duncan Milne, Barrister for the Police and Sergeant Jules Maynard, Licensing Officer for Sussex Police were present. Mr Milne stated the police's representation related to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. He questioned the understanding of the applicant with regard to cumulative impact as there is no mention of this in the operating schedule. There was no real evidence or information to rebut the presumption that this would not cause cumulative impact. There are concerns about the applicant's understanding of the policy and that there had been no effort made to discuss the application with the police. When asked Mr O'Toole said he was not aware of the Secretary of State's guidance. The applicant needs to be very clear about how to mitigate risks and has not demonstrated that there will be no negative cumulative impact.

Mr Casey, Manager, Environmental Protection was present in place of Mr Bell, the Principal Environmental Health Officer. His representation related to

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the licensing objective of the prevention of public nuisance. He said that he was worried that the premises would give rise to negative cumulative impact as he had concerns about the noise climate in the town centre at unsocial hours both from amplified music and noise from people in the street. Mr Casey circulated a map identifying the location of The General Havelock Public House in proximity to residential premises. He said that approximately 10 residential premises within 50m of the site were likely to be affected by noise; 18 premises within 75m and 33 at 100m radius.

The premises licence holder, Mr Jamie Butler, was present and was represented by Mr Terry O'Toole who said that Mr Butler wanted to take a town centre public house with a bad reputation and create a safe adult environment. He went on to say that Mr Butler and Enterprise Inns had invested a considerable amount of money in the premises and employed 9 staff and that there is a need to be competitive but this is difficult with the early closing hours. He said there is no intention to have Discos or Karaoke and that the application is negotiable. Mr O'Toole said that they had found reading through the application document a difficult task and that they tried to cover all bases so that they did not fall foul of licensing regulations.

Members asked for clarification on the types of entertainment and the times at which it would conclude.

Mr Brown stated that the forms are Government forms, not the Council's, and that everything is explained in the forms and on the website. He went on to say that there has been a saturation zone in Hastings for 5 years and that it has been reviewed twice. He explained that the application can be amended.

RESOLVED – (Unanimously) that the application be REFUSED.

Reason for the decision - The Committee must have regard to the guidance issued by the Secretary of State. Paragraph 13.29 states that an application for a variation of premise licence would normally be refused 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. In this case the Prevention of Public Nuisance and Crime and Disorder.

Whilst the Committee were pleased that the applicant was willing to amend the operating schedule, at the present time it falls short of the required legal test.

The Committee has also had regard to its own policy.

(The Chair declared the meeting closed at 11.25am)