

Please quote: General Havelock
Your reference:
Date: 17 July 2012
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Mr B Brown
Licensing Manager
Hastings Borough Council
Aquila House
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Dear Mr Brown

Licensing Act 2003 – Premises Licence Variation – The General Havelock, 27 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.

These premises re-opened in April 2012. This application involving longer hours and extended activities is, therefore, made after only about 2 months of operation under its current management. A previous premises licence held by another individual was revoked in 2011 as a result of a review requested by Sussex Police which I supported in light of the information provided by the Police. On appeal by the owners of the premises (who did not hold the previous premises licence) they were permitted to retain the premises licence by a Consent Order granted by Sussex Eastern (Hastings) Magistrates Court on 8 August 2011. Their premises licence was, by agreement of all parties, for restricted hours and activities, as compared to previously, and was subsequently transferred to the applicant earlier this year. He now seeks to include additional activities to the sale of alcohol and extend both operating and closing times particularly for Friday & Saturday night.

Considering the activities requested, I do not have a problem with Plays & Films until 23:00 hrs as I don't consider that these are likely to give rise to much in the way of noise outside the premises. I do, however, have concerns about amplified music both live and recorded whether being the entertainment activity or associated with dance, open mic nights, karaoke, etc. As you are aware I have long had concerns about the general noise climate in the Town Centre area during unsocial hours especially on Friday & Saturday nights. Noise arises both from amplified music emanating from premises as well as people being noisy in the vicinity of premises and in the street. I am concerned that these proposals will add to the noise.

The original application contained very little by way of proposals to promote the licensing objective – the prevention of public nuisance. Simply, "I would have 2 door staff, no drink outside after 11 pm & CCTV". A subsequent communication goes a little further referring to the physical barrier and furniture to the front pavement area, no drinks will be allowed outside this area at any time and no drinks will be allowed in the outside seating / smoking area after 23:00, windows and doors to be closed during any music events and staff to monitor and maintain reasonable volume levels at all times, door staff to monitor. It is not clear what Mr Butler considers reasonable volume levels. It is interesting to note that he refers to being the licensee of the North Star Inn for the past two and a half years. Whilst I would not normally refer to our involvement



with other premises, in the circumstances I feel that it is reasonable to point out that complaints were received about music volume from those premises. As a result of investigation into those complaints in September 2011 a Noise Abatement Notice was served on Mr Butler in respect of amplified music which was confirmed to be a nuisance in residential premises. To be fair the situation has been better since then. The resident in whose property the nuisance was witnessed reported one incident of loud music in November and in response to an enquiry from me this week she reported the problem as being "much improved" and "if it is too loud the volume is turned down when I telephone". There was an anonymous complaint about loud music on Friday 13 April this year.

Mr Butler has stated "I am fully aware of the implications of being in the middle of a saturation / cumulative impact policy area and hope this will satisfy any concerned parties, I once again state my intention in working together with all agencies concerned to ensure the four licensing objectives are met and to create a safe, clean environment for people to enjoy themselves at The General Havelock."

He has not, in my opinion, demonstrated that there will be no negative cumulative impact nor rebutted the presumption against the grant of the variation. I do not consider it sufficient to say that he is "fully aware of the implications and hope this will satisfy any concerned parties". I believe that the onus is very firmly on him as the applicant to state what he proposes to prevent any negative cumulative impact. I am not clear what he means by his "intention in working together with all the agencies concerned" as he has not been in touch with the Environmental Protection Team. I understand that you have suggested to him that he should allow a longer period of operation without problems before seeking a variation for extended activities and longer hours but he has chosen to ignore that suggestion.

In the circumstances, I consider that the application should be refused at the present time

Yours sincerely



David Bell
Principal Environmental Health Officer