

Your Ref: Our Ref: ESX/LIC/CI Date: 6<sup>th</sup> July 2012.  
Contact Name: C/I H. Keating Tel. Extension: 60221 Direct Dial No: 01424 456171

Dear Mr Brown

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

**The General Havelock 27 Havelock Road Hastings East Sussex. TN34 1BP.**

Sussex Police wish to make representation against the application for the variation of a premises licence submitted by Mr. Jamie Butler on the 19<sup>th</sup> June 2012, relating to The General Havelock 27 Havelock Road Hastings East Sussex. TN34 1BP.

The basis for the opposition is that the grant of a variation for the 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 via an increase in public nuisance and crime and disorder.

The standard hours the premises are at present open to the public are:-

Monday - Saturday 10:00hrs- 24:00hrs Sunday 11:00hrs - 2330Hrs.

There are no seasonal or special event variations to these times.

This venue has a premises licence authorising the following licensable activities:-

Supply of Alcohol.

Monday - Saturday 10:00hrs- 23:30hrs Sunday 11:00hrs - 2300Hrs.

There are no seasonal or special event variations to these times.

The application for the variation of the premises licence, made under Section 34 of the Licensing Act 2003, is 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 relating to this application are:-

**Plays.** (provision for plays/poet events)

Monday to Saturday 11:00hrs - 23:00hrs, Sunday 12:00hrs - 23:00hrs

**Films.** (Provision to show films for special events).

Monday to Saturday 10:00hrs - 23:00hrs, Sunday 11:00hrs - 23:00hrs

**Live Music** (Indoors) (with upto five band members with amplified music).

Monday -Thursday 11:00hrs - 23:00hrs, Friday - Saturday 11:00hrs-01:00hrs

Sunday 12:00hrs - 23:00hrs.

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

**Recorded music** (indoors)(recorded music with amplifier).

Monday -Thursday 11:00hrs - 24:00hrs,                      Friday - Saturday 11:00hrs-02:30hrs  
Sunday 12:00hrs - 24:00hrs.

**Performance of dance** (indoors)

Monday -Thursday 11:00hrs - 24:00hrs,                      Friday - Saturday 11:00hrs-02:30hrs  
Sunday 11:00hrs - 24:00hrs

**Provision of facilities for making music.** (open mic. nights, karaoke, talent shows with amplified music)

Monday -Thursday 11:00hrs - 24:00hrs,                      Friday - Saturday 11:00hrs-02:30hrs  
Sunday 11:00hrs - 24:00hrs.

**Provision of facilities for dancing.**

Monday -Thursday 11:00hrs - 24:00hrs,                      Friday - Saturday 11:00hrs-02:30hrs  
Sunday 11:00hrs - 24:00hrs.

**Provision of facilities for entertainment.**(including amplified music)

Monday -Thursday 11:00hrs - 24:00hrs,                      Friday - Saturday 11:00hrs-02:30hrs  
Sunday 11:00hrs - 24:00hrs.

**Late night refreshment.** (indoors)

Friday - Saturday 23:00hrs-02:30hrs.

There are no seasonal or special event variations for these licensable activities.

**Supply of alcohol** (consumption on the premises).

Monday -Thursday 11:00hrs - 24:00hrs,                      Friday - Saturday 11:00hrs-02:30hrs  
Sunday 12:00hrs - 24:00hrs.

Seasonal variation for alcohol to be supplied on all Bank Holidays, Christmas Eve and New Years Eve until 02:30hrs.

Hours premises are open to the public.

Monday -Thursday 11:00hrs - 24:00hrs,                      Friday - Saturday 11:00hrs-02:30hrs  
Sunday 12:00hrs - 24:00hrs.

Seasonal variation for alcohol to be supplied on all Bank Holidays, Christmas Eve and New Years Eve until 02:30hrs.

The application also includes the variation for the operating times of the SIA staff.

Existing condition.

Two SIA staff are to be employed on Fridays and Saturdays between 20.00hrs and close of business. Also on Sundays and Mondays of a Public Bank Holiday weekend. Hastings Bonfire, Beer Festival and Carnival, St Patrick's Day, St George's Day, Halloween, Christmas Eve and New Years' Eve.

Variation

Change of hours for door staff as follows. One starting at 2100hrs and one at 2200hrs both remaining on the premises until close.

Within Sect. P of the variation, additional steps to be taken by the applicant to promote the four licensing objectives, Mr. Butler has actually suggested changing the condition relating to the requirement to have SIA door staff present, reducing the time they are required to be on the premises.

On the 20<sup>th</sup> June 2012, Mr. Butler presented a letter to the Licensing Authority in support of his application. Within this letter he has stated that he is fully aware of the implications of being within the area of the Special Saturation (Cumulative Impact) Policy. He makes generalisations into actions already required to be taken as a result of the current premises licence and those expected to be taken by an operator of this type of premises. Within the letter he does amend the operating times for the sale of alcohol, until 02:00hrs on a Friday and Saturday.

On the 29<sup>th</sup> September 2011, Anthony Masters Sussex Police Licensing Officer for the Hastings District met with Mr. Butler. At that time Mr. Butler was not aware of the contents of the licence relating to licensable activities, times or conditions. He was advised with regard to the history of the premises and the actions taken against the then Designated Premises Supervisor which resulted in the present premises licence. Mr. Butler was advised that some period of time would need to elapse before consideration could be given to any variation of the premises licence.

Both Sergeant Maynard (Licensing Dept) and Anthony Masters met with Mr. Butler on Tuesday 26<sup>th</sup> June 2012 to discuss his application for variation of the premises licence. Mr. Butler stated that he had no intention of amending his application. He did disclose that although the premises had been closed for approximately twelve months, to that date the premises had only been operating for approximately two and a half months.

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

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,

A handwritten signature in black ink that reads "H. Keating". The signature is written in a cursive style with a large, stylized 'y' at the end.

Chief Inspector H. Keating  
District Commander.  
Hastings.