

Please quote: London Trader
Your reference:
Date: 9 August 2009
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

Dear Mr Brown

Licensing Act 2003 – Temporary Event Notice – London Trader, 4-7 East Beach Street, Hastings – 20:00 – 00:30 on Friday 24 & Saturday 25 August and 20:30 – 00:30 on Sunday 26 August.

Ms Sarah Jo-Anne Reynolds has provided me with a copy of her application for the above. I have visited and spoken with her about this application. In particular I asked how the disco music was to be transmitted through the building. Ms Reynolds stated that they would not have large speakers but would use several small speakers which they have been using for recorded music including recent event days – pirates day, pram race and carnival – without problems although she acknowledged that this had not been played for dancing.

I am satisfied that allowing the premises to be used in accordance with the temporary event notice would undermine the licensing objective – prevention of public nuisance. I wish, therefore, to give notice of objection to the Temporary Event Notice. My reasons for being satisfied that the licensing objective - prevention of public nuisance – would be undermined are given below.

It is my view that disco music for dancing is likely to be played at a substantially higher volume than music played for entertainment without dancing. In addition there is the fact that amplified music will continue for one and a half hours on the Friday and Saturday nights and two and a half hours on the Sunday night beyond the end time permitted by the premises licence for recorded music. In addition there is likely to be considerable noise from inebriated patrons outside the premises during the extended hours. I am of the opinion that all of this is likely to have adverse impact on the occupiers of residential premises in the vicinity, as well as on any guests who may be in the neighbouring guest house, well after the time when people should have an expectation of being able to sleep without disturbance.

I consider that regard should also be had to the fact that as a result of numerous complaints and witnessed incidents of noise nuisance these premises were the subject of review requested by myself on 15th August 2011 and supported by Sussex Police. The review hearing was held on 25 October 2011 when the outcome was a curtailment of both permitted activities and hours with the licence subject to conditions. The decision was subject to appeal to the Magistrates Court with a hearing held on 10 April 2012. The outcome of that hearing was that the decision of the Licensing Sub-Committee was varied – “Instead of excluding a licensable activity (live music and dancing) from the scope of the licence altogether, there shall be no live music at the premises, except on Sundays until 21:00 hours.” An additional condition was added to reflect this change - “noise from live music played in the premises permitted on Sundays only up to 21:00 hours shall be barely audible outside the confines of the building.”

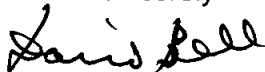


The premises have only been operating for some four months under the revised licence. In this time we have received a complaint that the volume of live music was excessive on Sunday 1 July.

I believe that the temporary event should be refused but if the Licensing Sub-Committee were minded to grant the event it should be subject to conditions.

A copy of this objection notice is being delivered to the London Trader for Ms Reynolds and to Hastings Police Station for the Chief Officer of Police.

Yours sincerely



David Bell

Principal Environmental Health Officer



**HASTINGS POLICE STATION
EAST SUSSEX DIVISION**

Your Ref: Our Ref: ESX/LIC/CI Date: 9th August 2012.
Contact Name: Chief Inspector Keating Tel. Extension: 60221 Direct Dial No: 01424 456171

Dear Mr. Brown

**SUSSEX POLICE REPRESENTATION CONCERNING THE NOTIFICATION OF A TEMPORARY EVENT
UNDER THE LICENSING ACT 2003.**

London Trader, 4 - 7 East Beach Street, Hastings, East Sussex. TN34 3AR.

Please accept this letter as a representation that Sussex Police object to the Temporary Event Notice applied for by Ms. Sarah Reynolds (premises user) for the London Trader 4 - 7 East Beach Street Hastings East Sussex. TN34 3AR. Ms. Reynolds is also the current Designated Premises Supervisor. This objection is necessary to promote the licensing objectives of Prevention of Crime and Disorder and Prevention of Public Nuisance.

Ms. Reynolds has given notice of her intention to extend the hours for the licensable activities, sale by retail of alcohol, provision of regulated entertainment (disco and dancing) and the provision of late night refreshment on the following dates:-

Friday 24th August 2012 20:00hrs - 00:30hrs.
Saturday 25th August 2012 20:00hrs - 00:30hrs
Sunday 26th August 2012 20:30hrs - 00:30hrs

Prior to the August 2011 the premises were subject of a large number of incidents relating to both crime and disorder and public nuisance. All of which are well documented by Sussex Police and the Environmental Health Department.

On the 15th August 2011, Mr. David Bell, Principal Environmental Health Officer, initiated a review of the premises licence, supported by Sussex Police. A Licensing Sub Committee Hearing was held on the 25th October 2012, and following this changes were made to the licensable activities which authorised the times the activities were permitted to take place, in addition to adding a number of conditions to the licence. Mr. Stephen Foot, who was the Premises Licence Holder and Designated Premises Supervisor at that time, appealed the decision.

This appeal was heard on 10th April 2012 at Hastings Magistrates Court. The Magistrates found no reason to question this decision and as such upheld the decision made by the Licensing Sub Committee.

It is felt that Ms. Reynolds is using Temporary Event Notices, this application being one such notice, in order to circumvent the conditions imposed by the Licensing Subcommittee on this premises licence at the review hearing which have only been in effect since 10th April 2012.

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

Police Station Bohemia Road Hastings East Sussex TN34 1JJ Telephone 0845 60 70 999 Fax (01424) 456017

Website: <http://www.sussex.police.uk>



**HASTINGS POLICE STATION
EAST SUSSEX DIVISION**

Since the date of the hearing there have been three incidents of note relating to the premises:-

- Approximately 16.28hrs Wednesday 11th July 2012. The victim has been subject of an assault within the premises by a male suspect known to him. The assault occurred as a result of an ongoing dispute between the two. Although this initially appeared to be a spontaneous unprovoked attack, a member of staff stated the following in a witness statement.
'When I started work a male I know to be (named suspect) was in the bar. I have known him as a customer at the London Trader for about three months now. It looked like (named suspect) had had quite a bit to drink and was in a bit of a mood. Our handyman mentioned to me that the (named suspect) had just 'started' on him and that he wanted him to leave him alone'.
The same member of staff was also aware that a verbal altercation had taken place between the suspect and victim, within another licensed premises close by, before the assault took place. There was also a minor verbal and physical altercation between the two prior to the assault when the suspect was warned regarding his behaviour. If the staff had taken the relevant action at the outset, the resulting assault may not have taken place,
- Approximately 1826hrs Sunday 22nd July 2012. PC Ash was required to attend the premises as a result of patrons who were standing outside the cordoned area, as indicated on the premises licence, obstructing the footpath and the eastbound carriageway of the A259 East Beach Street.
- Approximately 21.30hrs Saturday 4th August 2012. Mr. Anthony Masters Sussex Police Licensing Officer attended the premises due to the barriers at the front of the premises being incorrectly positioned. Specific measurements are contained within the premises licence relating to the positioning of the barriers. By moving the barriers further from the premises than is permitted, provides Mr. Foot more room for his customers whilst reducing the width of the footpath to pedestrians. Mr. Masters spoke with Mr. Stephen Foot, the Premises Licence Holder concerning the contravention. He rejected his observations and the barriers remained in place.

Sussex Police object to the notification of a temporary event for the London Trader on the dates specified. The notification of the extension of the hours as applied for, would not promote the licensing objectives. In view of the above, Sussex Police invite the Licensing Authority to consider this representation and issue a counter notice.

Yours sincerely,

P.p. *Rosie Ross*

Inspector Rosie Ross DR497

Chief Inspector H. Keating
District Commander.
Hastings.

c.c. Ms. Sarah Reynolds.

Please quote: Wk201204464
Your reference:
Date: 10th August 2012
Please ask for: Bob Brown
Telephone direct: 01424 451042
E-mail: bbrown@hastings.gov.uk
Web: www.hastings.gov.uk/licensing



Licensing Team
Aquila House, Breeds Place
Hastings, East Sussex, TN34 3UY

Miss Sarah Jo-Anne REYNOLDS
374 Old London Road
Hastings,
TN35 5BB

Dear Miss Reynolds,

TEMPORARY EVENT NOTICE – COUNTER NOTICE PROHIBITING EVENT - TEN 1145 / 12.

Premises name & address: London Trader, 4 – 7 East Beach Street, Hastings, TN34 3AR;

Date / time:

Friday 24th August 2012 from 20.00 – Saturday 25th August 2012 at 00.30 hours;

Saturday 25th August 2012 from 20.00 – Sunday 26th August 2012 at 00.30 hours;

Sunday 26th August 2012 from 20.30 – Monday 27th August 2012 at 00.30 hours.

The nature of the event:- Disco & dancing, late night refreshment & service of alcohol.

Objection notices have been received from the police and environmental protection, who believe that allowing the event to go ahead would undermine the licensing objectives:-

- the prevention of crime & disorder and
- the prevention of public nuisance..

This letter is a COUNTER NOTICE which prohibits the event from taking place.

As a result of both of the objections, a licensing hearing **MUST** be held to determine whether the event may proceed. The hearing will be held at Town Hall, Queens Road, Hastings, on Friday 17th August 2012 at 10.00.

You are advised that a hearing may not be required, if all parties agree that it is unnecessary. This may occur if you as the applicant modify your application so that the concerns raised by the police and environmental protection are satisfactorily addressed.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'B. Brown', with a long horizontal line extending to the right.

Licensing Manager