

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I David Bell, Principal Environmental Health Officer, Hastings Borough Council
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Wishing Tree 63 Wishing Tree Road North	
Post town St Leonards-on-Sea	Post code (if known) TN38 9LJ

Name of premises licence holder or club holding club premises certificate (if known) Peter Norman Farhall & Sharon Diane Farhall
--

Number of premises licence or club premises certificate (if known) HOP50147

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address David Bell Principal Environmental Health Officer Environmental Protection Team Hastings Borough Council 4th Floor Aquila House Breeds Place Hastings TN34 3UY
Telephone number (if any) 01424 451079
E-mail address (optional) dbell@hastings.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

Mr P N & Mrs S D Farhall in their capacity as the Premises Licence Holders, with Mrs S D Farhall also in her capacity as Designated Premises Supervisor, are failing to promote the licensing objective - prevention of public nuisance - having insufficient regard to and failing to take effective action to minimise the impact on surrounding residents of activities at the premises and the behaviour of their customers on and in the immediate vicinity of the premises.

Please provide as much information as possible to support the application
(please read guidance note 2)

Whilst I had some dealings with the premises licence holders with regard to complaints about noise and disturbance in September 2010 following them taking over the premises licence in July that year, it was not until September 2011 that I became aware that problems were continuing. I was then advised by PC Ash that the occupiers of 5 addresses in the vicinity were complaining about noise and antisocial behaviour associated with the premises. The main thrust of the complaints related to patrons being drunk, disorderly and very rowdy with much swearing until the early hours of the morning on a regular basis with times being quoted beyond those permitted under the Premises Licence. I wrote to Mr & Mrs Farhall on 29 September 2011 about this. Complaints continued from residents, primarily to PC Ash who passed them on to me. As a result he and I visited the premises on 23 April 2012 when we spoke with Mr Farhall about the ongoing issues. He appeared to accept that the basic problem was the fact that they were opening much beyond the traditional licensing hours and indicated that they would revert back to traditional hours voluntarily and cease having live bands and discos, as they did not have direct control of volume levels and were not in the right location for such activity, although he was not prepared to submit a variation application to formalise this. He indicated that he expected some resistance from customers and would need some time to implement the change and suggested 3 weeks. This seemed reasonable and I indicated that would be acceptable. I also advised that, in view of his concern about customer resistance, I would write to him in a manner as to suggest these changes were being imposed. He also asked if it would be acceptable to continue with karaoke the volume for which was within their control. I informed him that I would enquire with those affected and get back to him. On 3 May I delivered two letters addressed to Mr & Mrs Farhall which I handed to him. One of these letters summarised what we had agreed with him whilst the second was for them to show to customers if they wished. I exchanged emails with Mr Farhall on 14 and 15 May in which I advised about further complaints received via PC Ash and asked if the revised operating arrangements were in place. He indicated that they were. Despite this complaints have continued. In total approximately 31 occasions when people have been disturbed as a result of activities associated with the premises have been brought to my attention since September 2011. Approximately 12 of these incidents have been since the revised operating arrangements were said to be in effect. PC John Ash has made me aware of 2 occasions when he was present and had to intervene to get customers to quieten down - 23 June at 01:18 hrs and 15 July after 01:20 hrs. He has also advised of being able to hear a live band playing in the premises when he was at the Junction of Wishing Tree Road North / Old Church Road - a distance of approximately 250 metres - at 23:10 hrs on 14 July. He has further advised me that on 23 June after getting the premises clear of customers in discussion with the Farhalls they advised that they could not sustain the business closing earlier claiming that noise and disorder was not a regular event. They had not made any contact with either myself or PC Ash to discuss opening, etc. beyond what they had informally agreed with us. The Environmental Protection Team has also obtained recordings of noise from the premises which were recorded in a resident's bedroom at 00:12 hrs and 00:17 hrs on 3 June, 01:33 hrs on 10 June and 23:28 hrs on 29 June. On 1 June 2012 Mr Farhall obtained retrospective planning permission for a smoking shelter. A condition of this consent was that "The smoking shelter shall not be used except between the following hours: - 09:00 - 22:00 Monday to Sunday (including Bank Holidays). In addition to this, any heaters that may be provided in the shelter shall be switched off outside the above hours of opening." The condition was imposed to safeguard the amenity of adjoining residents. Despite this, information received and borne out by PC Ash's personal observations clearly indicates that use of the shelter is freely permitted until well after 22:00 hrs.

In all the circumstances I feel that there is no alternative but to request a review of

the premises licence with a view to scaling back times and activities. I would request that the premises licence be amended by removing live music entirely and limiting recorded music, including karaoke, to 11:00 hrs - 23:00 hrs Monday to Saturday and 12:00 hrs - 22:00 hrs Sunday with supply of alcohol being limited to the same hours and opening hours of the premises being 11:00 hrs to 23:30 hrs Monday to Saturday and 12:00 - 22:30 hrs Sunday. In addition I would request that the licence be subject to the following conditions to promote the licensing objective - prevention of public nuisance: -

- 1) The volume level of recorded music and karaoke played on the premises shall be controlled so that it is not audible beyond the boundary of any residential premises as perceived by an authorised officer of Hastings Borough Council.
- 2) Use of the smoking shelter shall not be permitted after 22:00 hrs each day.
- 3) Patrons shall not be permitted to take any drinks outside after 22:00 hrs each day.
- 4) Clear and prominent notices shall be displayed at exit doors, in the smoking shelter and at external seating areas requesting customers "Please show consideration for our neighbours and keep noise levels down when outside and leave the area quickly and quietly when going home".
- 5) External seating shall be provided to the front of the building only, shall not extend beyond the building frontage and be not less than 10 metres from the boundary with residential premises.
- 6) The external seating area and smoking shelter shall be monitored and managed to ensure that customers do not cause nuisance to neighbouring residents.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

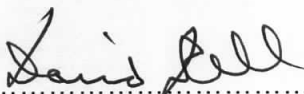
Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 31 July 2012

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Please tick yes

- I have sent copies of this form and enclosure to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

THIS AN OFFENCE UNDER SECTION 138 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 2 - Signature (please read guidance note 3)

Signature of applicant or applicant's author or other duly authorised agent (please note 4) If signing on behalf of the applicant please state in what capacity

[Handwritten Signature]

31 July 2015

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Postcode	
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The grounds for review must be based on one of the licensing objectives.
2. Please list any additional information or checks for example date of previous which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we will use to correspond with you about this application.