

**LICENSING SUB-COMMITTEE
16 OCTOBER 2012**

Present: Councillors Finch, Sabetian and Wilson, with Councillor Howard in reserve.

16. 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 Sabetian .

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

17. DECLARATIONS OF INTEREST

Councillors Finch, Sabetian and Wilson declared a personal interest in that the witness, Mr Richard Vallery-Peters was known to them as a former Councillor.

18. APPLICATION FOR VARIATION OF A PREMISES LICENCE: THE LONDON TRADER, 4-7 EAST BEACH STREET, HASTINGS

Councillor Finch set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice), all parties confirmed they understood this.

The Corporate Director, Environmental Health, submitted a report on an application for the variation of a premises licence at The London Trader, 4-7 East Beach Street, Hastings.

The Committee confirmed receipt of the evidence bundle submitted after distribution of the agenda, by Clare Eames from Poppleston Allen Solicitors, representing the Licence Holder, Mr Foot.

The meeting was adjourned for 10 minutes on request to allow for discussions that may have led to an agreement concerning additional amendments to the application. No agreement was reached.

Mr Brown, Licensing Manager, presented the report to the committee as a result of representations received. The report referred to an application which sought consent for the variation of the premises licence.

Clare Eames, referred to the evidence bundle and subsequent amendments to the application that had been discussed during the adjournment.

LICENSING SUB-COMMITTEE
16 OCTOBER 2012

Mr Peter Savill, Counsel for Sussex Police Authority, was present, he made his representation regarding the Prevention of Crime and Disorder and Prevention of Public Nuisance. He said the licence had been amended following the review by the Licensing Sub-Committee on 25 October 2011 and the decision was upheld at the appeal hearing by Hastings Magistrates Court on 10 April 2012, but problems had continued at the premises since the appeal decision. He said the Magistrates Court could have amended the decision, but did not consider it would promote the licensing objectives. He emphasised the point that the application had been submitted too early after the appeal hearing and the licensing objectives for the Prevention of Crime and Disorder and Prevention of Public Nuisance had not been promoted. He said that he had concerns regarding the amended conditions and recommended that there should be an inaudibility condition or a particular measurement of sound to be objective.

Mr Casey, Manager, Environmental Protection was present in place of Mr Bell, the Principal Environmental Health Officer. His representation related to the licensing objective of the prevention of public nuisance. He said that the premises had caused problems for a long period of time resulting in a number of complaints which led to the review of the premises and the current conditions imposed by the Magistrates Court at appeal on 10th April 2012. He raised concern specifically regarding the potential for noise disturbance to local residents.

Councillors sought clarification on noise levels and relevant conditions.

Mr Dick Edwards from the Hastings Residents Old Town Association was present, in his submission he said The London Trader had been identified by residents of the Old Town as a focal point for Crime and Disorder. He referred to the compound (highway permit area) which had been extended further, accumulating in problems for wheelchair users and those with visual impairment. Furthermore, he said patrons stand outside the compound drinking. Music he said could be heard by properties as far as 100m away. He agreed to the comments made by the police in that the application was premature.

Mr Brown read two letters of objection to the committee, received from local residents. The letters had been anonymised at their request, for fear of reprisals.

The Chair adjourned the meeting at 11.10am for a short break.

In her submission, Clare Eames said that Mr Foot, the Licence Holder, had been operating in Hastings for over 20 years and had 5 licensed businesses in Hastings. She said from the date of the appeal, the London Trader had been trading under the modified licence which she was seeking to change.

She went on to say that Mr Foot's Head Office was over the London Trader this enabled him to exert direct control over the running of the premises. She added that Mr Foot accepted that 12 months ago there was significant room

**LICENSING SUB-COMMITTEE
16 OCTOBER 2012**

for improvement in relation to how the premises was trading. Since then measures had been put in place to resolve issues; a new DPS had been employed, sound engineer consulted and improvements implemented to contain music and to control sound levels. The barriers outside the premises have been repositioned to improve access and a door supervisor employed in respect of a dispersal policy and conditions imposed by the appeal court. Furthermore, steps had been made to engage with residents. In respect of the proposed hours of operation, she said they were seeking to close at 12.15pm, whereas other premises in the area close at 12.30pm. This would not lead to customers moving onto another premises and staying in the cumulative impact zone.

Clare Eames clarified the incidents mentioned by Mr Savill in the Police's statement which had occurred at the London Trader since the appeal was upheld by the Magistrates Court on 10 April 2012.

Regarding the highway permit area, she said discussions had taken place with ESCC & the Highways Officer. A new area had been agreed to improve the management of outside area. She highlighted the fact that the application sought to change supervision only regarding this area.

Mr Vallery-Peters gave an account of an incident that occurred in the premises, where he was the victim. He was very impressed with the manner the incident was dealt with by staff.

In answer to a question posed by Councillor Wilson seeking how long the police believed would be a suitable time of operation by the premises following the appeal, Inspector Ross, Sussex Police, stated that she would want to see the premises running for at least 12 months to see how the premises operated.

In his summary, Mr Savill said there was not enough evidence to say the premises had sufficiently turned a corner so not to undermine licensing objectives.

Mr Casey, echoed the comments made by the Police in that the application had been submitted too soon.

RESOLVED (unanimously) that the application be GRANTED IN PART. The licence will be amended as follows.

- 1. Hours of the sale of alcohol to 09.00 to 23.30hrs Monday to Wednesday, 09.00 to 23.45hrs Thursday to Saturday and 09.00 to 23.00hrs Sunday, and 23.45 on all Sundays preceding Bank Holiday, and Christmas Eve and Boxing Day where they fall on a Sunday to Wednesday. The only exception being New Years Eve when such activities may continue until 01.00hrs on New Years Day.**

**LICENSING SUB-COMMITTEE
16 OCTOBER 2012**

- 2. Hours of the premises to be 09.00 to 24.00hrs Monday to Wednesday, 09.00 to 00.15hrs Thursday to Saturday and 09.00 to 23.30hrs Sunday, and 00.15 on all Sundays preceding Bank Holiday, and Christmas Eve and Boxing Day where they fall on a Sunday to Wednesday. The only exception being New Years Eve when the premises may remain open until 01.30hrs on New Years Day.**

- 3. Hours of recorded music, to 09.00 to 23.30hrs Monday to Wednesday, 09.00 to 23.45hrs Thursday to Saturday and 09.00 to 23.00hrs Sunday, and 23.45 on all Sundays preceding Bank Holiday, and Christmas Eve and Boxing Day where they fall on a Sunday to Wednesday. Recorded music shall be barely audible at the boundary of the nearest domestic dwelling. The only exception being New Years Eve when such activities may continue until 01.00hrs on New Years Day.**

- 4. Hours of indoor sporting events to 09.00 to 23.30hrs Monday to Wednesday, 09.00 to 23.45hrs Thursday to Saturday and 09.00 to 23.00hrs Sunday, and 23.45 on all Sundays preceding Bank Holiday, and Christmas Eve and Boxing Day where they fall on a Sunday to Wednesday. The only exception being New Years Eve when such activities may continue until 01.00hrs on New Years Day.**

The following additional conditions will apply:

Recorded music to be barely audible at the boundary of the nearest domestic dwelling.

Noise from live music to be barely audible at the boundary of the nearest domestic dwelling.

The seating area (hatched in black on the attached plan) is to be controlled by SIA registered supervisor from 21.00hrs to close of business on Fridays. 18.00hrs to close of business on Saturdays and 30 minutes before during and after the performance of any live music on Sundays. This condition is to only apply from 1 April to 31 October and on recognised other special occasions as agreed with Hastings Borough Council Licensing Authority to include Hastings Carnival, Hastings Bonfire Celebrations, May Day Bank Holiday Monday,

**LICENSING SUB-COMMITTEE
16 OCTOBER 2012**

**Jack in the Green Event, Biker May Day Rally and Pirate's Day,
and other Bank Holidays.**

**The premises will operate a dispersal policy at the premises
which will be made available on request to the Police
Licensing Officer and the Licensing Officer of Hastings
Borough Council.**

**The premises will make available to the local residents a
contact telephone number for the Designated Premises
Supervisor so any complaints can be dealt with promptly.**

**Where the premises operates with recorded or live music
beyond 21.00hrs, all doors and windows will remain closed
save for access and egress.**

**Reason - We are not satisfied that the applicant has
demonstrated that the Licensing Objectives would be met in
full at this time. However, with the implementation of the new
procedures (in full) i.e. dispersal policy, sound system and the
conditions we believe that the will meet the Licensing
Objectives in the future.**

(The Chair declared the meeting closed at 2.11pm)