

Your Ref:

Our Ref: ESX/LIC/CI

Date: 14th November 2012

Contact Name: C/I Keating

Tel. Extension: 60221

Direct Dial No: 01424 456171

Dear Mr Brown

**SUSSEX POLICE REPRESENTATION AGAINST THE APPLICATION FOR THE GRANT OF A
PREMISES LICENCE UNDER THE LICENSING ACT 2003**
**Ground Floor and Basement (Formerly The Crypt and Honey Lou Lou's) 53-57 Robertson Street
Hastings East Sussex. TN34 1HY.**

Sussex Police wish to make representation against the application for the grant of a premises licence submitted by Mr. Darren Langeveld (Licensing Consultant), on behalf of Aslit Ltd., relating to the Ground Floor / Basement 53-57 Robertson Street Hastings East Sussex. TN34 1HY.

The basis for the opposition is that the grant of a 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.

Details of the application are as follows.

The standard hours the premises will be open to the public.

Monday - Sunday, 00:00hrs to 24:00hrs.

Non Standard Times

On any Sunday immediately preceding a Bank Holiday Monday the hours shall be the same as any Saturday.

Seasonal variation.

From normal terminal hour on any New Years Eve to the normal opening hour on New Years day.

The application for the grant of a premises licence, made under Section 17 of the Licensing Act 2003, is for the licensable activities of supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

Times requested for the licensable activities are:-

Plays. (indoors).

Monday to Sunday 00:00hrs - 24:00hrs.

Films. (indoors).

Monday to Sunday 00:00hrs - 24:00hrs.

Live Music. (indoors).

Monday to Sunday 00:00hrs - 24:00hrs.

Recorded Music. (indoors).

Monday to Sunday 00:00hrs - 24:00hrs.

Performance of dance. (indoors).

Monday to Sunday 00:00hrs - 24:00hrs.

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

Anything of a similar description to recorded music, live music and performance of dance. (indoors).
Monday to Sunday 00:00hrs - 24:00hrs.

Provision of late night refreshment. (indoors)
Monday to Sunday 23:00hrs - 05:00hrs.

Supply of Alcohol (for consumption both on and off the premises).
Monday to Sunday 12:00hrs - 08:00hrs (the following day).

Non standard times for all the above licensable activities.

On any Sunday immediately preceding a Bank Holiday Monday the hours shall be the same as any Saturday.

Seasonal Variation times for all the above licensable activities.

From normal terminal hour on any New Years Eve to the normal opening hour on any New Years Day

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 October 2012 provides,

"The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licenses 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. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application".

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 taken on its own merit..... 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 October 2012 provides, *'In completing an operating schedule, applicants are expected to have had 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. The application makes no reference to 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.

Within an accompanying letter to the application, Mr. Langeveld Licensing Consultant to the applicant has stated, *'We have paid special attention to the Hastings Borough Council's Statement of Licensing Policy, in particular the Special Saturation (Cumulative Impact) Policy outlined in Sect. 1.11. We respectively draw both yours and the Responsible Authorities attention to Section M of the application form, and the 35 measures that will ensure the premises cannot add to the local issues highlighted to us in meetings with Relevant Responsible Authorities, our prior research and local experience'*. Within Section M of the application the applicant has detailed those steps to be taken to support of the licensing objectives i.e. CCTV, SIA doorstaff, Challenge 25, refusals register, etc. All are actions that an operator of this type of venue would be expected to take in order to support the licensing objectives. This section makes no mention of the Special Saturation (Cumulative Impact) Policy or the steps to be taken to support that policy. The measures mentioned in Section M relate to the operation of the premises and no thought given to the actions of their patrons when leaving the premises.

The capacity of the venue will be 440 persons and Sussex Police contend that it would be naïve to suggest that those persons leaving the premises would not cause a negative impact on the Cumulative Impact Policy. On the accompanying plan there does not appear to be any facility within the premises to provide substantial food. Therefore there is every expectancy that a large number of those customers attending the premises will leave in order to purchase food from the nearby late night refreshment house with the probability of incidents of crime and disorder occurring.

The premises are opposite the taxi rank meaning that its operation has a significant impact on the dispersal of patrons from the night-time economy. The taxi rank is the main one for the centre of Hastings and attracts customers from the many licensed premises in the town. The taxi rank is such a 'hotspot' that it requires taxi marshals to supervise the queue. Customers arrive here at the end of the evening, having completed their consumption of alcohol. Havelock Road was the location of the night bus service that operated on Saturday nights until 0400hrs on the Sunday morning, but this has now ceased. The operating times as specified in the application would mean customers remaining in the area beyond the terminal time for the transport systems and the police patrols. This will inevitably impact upon the licensing objectives

Sussex Police contend that the applicant has failed to demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives and therefore invite the Licensing Authority to refuse the application.

Yours sincerely,

Rosie Ross

Chief Inspector H. Keating
District Commander.
Hastings.