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Hastings Police Station

Your Ref: Our Ref: ESX/LIC/A.C.I. Date: 8th May 2013.
Contact Name: T.C.I. P. Phelps Tel. Extension: 60221 Direct Dial No: 01424 456171

Dear Mr Brown

Re: APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003
The Printworks, Ground Floor, First Floor & Fourth Floor, 14 Claremont Hastings, East Sussex.
TN34 1HA.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the application for the grant of a premises licence, submitted by Mrs. Lorna Dyke and Mr. Bryan Dyke.

The basis for the opposition is that the grant of a premises licence for these premises will not promote the licensing objectives, specifically 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 premises are a Grade 2 listed building constructed over five floors including the basement area. The fourth floor contains two rooms for use as 'bed and breakfast' facilities and are part of the application. The third floor is used by the applicants for their own apartment. The second floor consists of an office and artist studio space. The first floor and ground floor are the main areas to which this application applies. The front of the ground floor is a shop and this area is not included within this application. The basement area will be used for storage and again is not subject of this application.

Details of the application are as follows.

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

Monday - Sunday, 09:00hrs to 04:00hrs.

Non Standard Times

The non standard / seasonal variations would be Public Bank Holidays and the Summer Solstice, 21st June each year. However the applicant has not specified on the application the times the premises would be open to the public on these particular days.

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

The times requested for the licensable activities are:-

Supply of alcohol. (ground floor, first floor and fourth floor only)

Monday to Sunday 09:00hrs - 03:30hrs

Supply of alcohol for the Bed and Breakfast rooms on the 4th floor - 24 hrs.

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

Regulated Entertainment.

Plays. (indoors).

Monday to Sunday 09:00hrs - 04:00hrs.

Films. (both indoors and outdoors).

Monday to Sunday 09:00hrs - 04:00hrs.

The applicants have requested both indoors and outdoors as certain events may include the projection of images on adjacent buildings.

Indoor Sporting Events.

Monday to Sunday 09:00hrs - 04:00hrs.

Live Music. (indoors).

Monday to Sunday 09:00hrs - 04:00hrs.

Recorded Music. (indoors).

Monday to Sunday 09:00hrs - 04:00hrs.

Performance of dance. (indoors).

Monday to Sunday 09:00hrs - 04:00hrs.

Anything of a similar description to recorded music, live music and performance of dance. (indoors).

Monday to Sunday 09:00hrs - 04:00hrs.

Provision of late night refreshment. (indoors)

Monday to Sunday 23:00hrs - 04:00hrs.

Non Standard Times

The non standard / seasonal variations would be for the Summer Solstice, 21st June each year. However the applicant has not specified on the application the times the premises would be open to the public on this particular day for the licensable activities and bank holidays have not been included.

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. Further reviews took place in January 2011 and February 2013 resulting in the three areas being retained.

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 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. 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.... 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, in the operating schedule, 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 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.

Sussex Police notes that in the last seven months the premises have conducted events under Temporary Event Notices. The initial Temporary Event Notices were for events, with capacities of 310 and 250 persons. East Sussex Fire Brigade were consulted and they recommended that the maximum capacity for the premises, the ground floor and first floor should be restricted to 150 persons. When all structural alterations are completed to the satisfaction of East Sussex Fire Brigade the maximum capacity for the building will be 330 persons. With this capacity Sussex Police contend that persons leaving the premises would have a negative impact on the area covered by Hastings Borough Council Cumulative Impact Policy.

Within the operating schedule the applicants have 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 relate to the operation of the premises and no consideration is given to the actions of patrons when leaving the premises.

Anthony Masters Sussex Police Licensing Officer for the Hastings District met with both applicants on Tuesday 24th April 2013 at the premises in order to discuss in with more detail the business they intend to conduct and the operating procedures to be adopted.

The applicants have stated that the premises will only be used for pre booked / arranged special events and functions. The premises will not be open to the general public. However there is nothing in the application to support this statement. Similarly the applicants have stated to Mr. Masters that the premises will only conduct a maximum of four pre booked / arranged events and functions per month. Within the newspaper notice, required by the Licensing Act 2003 to advertise the application, it quotes the type of events and states *'Approximately four events a month'*.

Again there is nothing to support this statement within the application. To date many of the events have been special events with a limited capacity. Should a licence be granted and the premises are permitted to operate at full capacity, Sussex Police contend that there will nothing to prevent regular large type events, for example,

live music, DJ nights etc.

The applicants have stated within an accompanying memo that the premises have been used to hold varying types of events such as birthday parties, wedding receptions, South Coast College events as well as many others. Yet within the operating schedule 'prevention of crime and disorder' the applicants have stated that '*No person under 18 will be allowed to remain on the premises after 11.00pm*'. This would appear to be at variance line with the business they are intending to promote.

The applicants have not given any information regarding either a search or drugs policy. When asked what action would be taken if persons were found within the premises either using or in possession of a controlled drugs the applicants stated they would ask the persons concerned to leave. This action obviously does not support the licensing objective prevention of crime and disorder, as Sussex Police would expect to be called to deal with the incident.

Sussex Police contend that the applicants have 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.

Acting Chief Inspector P. Phelps.
District Commander.
Hastings.

Please quote:
Your reference:
Date: 15th May 2012
Please ask for: G Casey
Telephone direct: 01424 451079
E-mail: gcasey@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

Dear Mr Brown

Re: Licensing Act 2003 – The Printworks, 14 Claremont, Hastings.

The Environmental Protection Team wish to make representation against the application for the grant of a new premises licence for the above.

Under the licensing regime the role of the Environmental Protection Team is to avoid the creation of situations where new or varied licenses, by virtue of their proposed activities, their locations, or times of operation, give rise to nuisance to local residents, and subsequently to take action to deal with problems arising from premises holding a licence. In this respect the provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. However, as the DCMS guidance recognises these may not, by themselves, be sufficient to protect local residents.

The Town Centre has long been considered to present an unacceptable noise environment to those people living in the area. The changes to the licensing regime and the effects of the smoking legislation have exacerbated this situation.

The causes of the excess noise are twofold. Music noise, typically low frequency bass beat, can occasionally be heard from some premises some of the time. This is caused by premises having insufficient sound insulation and or operators playing music at levels too high for the standard of insulation available to them. This issue can be responded to by ourselves.

The second source of noise is that arising from the gathering of customers on the streets as they arrive and depart premises in the area and as they congregate outside premises because of the smoking legislation. In practice there is little that can be done to control or reduce this source of noise.

The premise subject to the application is situated in a part of the town centre that can be described, particularly at later times of the night, as less affected by the general more boisterous environment found in other parts of the saturation area.

There are 27 flats identified as being liable for Council tax in Claremont.

This application is for a premise that currently holds a valid licence under the Act. At the Appendix below I have compared the hours that the existing licence allows with those applied for as part of this current application. It is clear the application wishes to see much extended hours for most licensable activities over 7 days of the week.



INVESTOR IN PEOPLE

Bob Brown

From: Bill Smith
Sent: 13 May 2013 10:32
To: Bob Brown
Cc: Ian Wheeler; Sally Nicholls
Subject: Application for Premises Licence - The Printworks, 14 Claremont

The Commercial Section, Environmental Health would wish to make Representation on this application, as submitted, in respect of compliance with the Local Government (Miscellaneous Provisions) Act 1976, in particular the standards adopted by the Hastings Borough Council concerning toilet provision.

Given the nature of the application the most relevant requirement would be for discotheques/licensed refreshment houses/public houses. On the basis of the details supplied on the submitted plans, the facilities available (1 x disabled WC ground floor & 2 x WC 1st floor) the maximum permitted numbers attending an event would be 100.

To accommodate 350 persons the requirements must be increased to 3 x WC plus 2 x wash basins for females and 2 x WC, 6 x Urinals and 2 x wash basins for males.

Bill Smith

Senior Technical Officer
Food; Health & Safety Team
Hastings Borough Council
Aquila House
Hastings TN34 3UY
tel (01424) 783232

Trevor please find attached a letter indicating our intention to make representations against this application. We are waiting for confirmation from the applicants that they have done the works required to allow and control the numbers mentioned. If we get this confirmation we will withdraw our representation, if not we will continue to hearing.

Regards

Begin forwarded message:

From: "Karen Benton" <Karen.Benton@esfrs.org>
Date: 14 May 2013 11:55:42 BST
To: "George O'Reilly" <George.OReilly@esfrs.org>, "James Portnell" <James.Portnell@esfrs.org>
Cc: "Richard Hurst" <Richard.Hurst@esfrs.org>
Subject: Licensing application for 14 Claremont

George

Please find attached that James has just spoken to you about.

Do you want me to email it to Trevor with the original 'pp'd by James?

Karen

Karen Benton

Hastings Technical Fire Safety
Hastings Fire Station (Stn 08)
Bohemia Road, Hastings
Tel 01323 462133
karen.benton@esfrs.org

D G Prichard OBE, QFSM, CDir
Chief Fire Officer & Chief Executive

East Sussex Fire & Rescue Service
Hastings Borough Fire Safety Office
Bohemia Road
Hastings
East Sussex
TN34 1EX

Tel: 01323 462133
Switchboard: 0303 999 1000

Fax: 01424 420040

E-mail: hastings.firesafety@esfrs.org

In the case of emergency please dial 999

Mr B Dyke & Ms L Lloyd
The Printworks
14 Claremont
HASTINGS
TN34 1HA

14 May 2013

please ask for
George O'Reilly
george.oreilly@esfrs.org

our ref
GOR/KB/40001245

your ref
N/A

Dear Sir and Madam

LICENSING ACT 2003

PREMISES: THE PRINTWORKS, 14 CLAREMONT, HASTINGS, TN34 1HA

With reference to the application dated 8 May 2013 concerning the above-mentioned premises, the application has been examined and **the Fire Authority wish to make a representation** to the Licensing Committee that the public safety objective of the Licensing Act has not been adequately addressed.

The applicant has been informed that the Fire Authority will be making a representation to the Licensing Committee.

The items that are of concern to this Authority are detailed in the attached schedule.

Please advise us, at your earliest convenience, the date and time of the Licensing Committee hearing.

Should you require further advice or clarification, please do not hesitate to contact a Fire Safety Inspector at the above address.

Yours faithfully

**FIRE SAFETY INSPECTOR
FOR CHIEF FIRE OFFICER & CHIEF EXECUTIVE**

EAST SUSSEX FIRE & RESCUE SERVICE

SCHEDULE

DATE OF ISSUE: 14 MAY 2013

PREMISES ADDRESS: **THE PRINTWORKS**
 14 CLAREMONT
 HASTINGS
 TN34 1HA

LEGISLATION: **LICENSING ACT 2003**

With regard to public safety, the accommodation limits that are proposed to be permitted on the premises would appear to be excessive until the works listed in the current fire risk assessment for the premises have been completed. Confirmation of the completion of these works and suitable procedures for managing the numbers on the two floors would be required before these numbers could be considered.