

**LICENSING SUB-COMMITTEE
22 OCTOBER 2013**

Present: Councillors Martin, Sabetian (in the Chair) and Sinden,
with Howard in reserve.

The meeting was adjourned for 15 minutes on request by the applicant to allow for discussions between the parties with a view to reach an agreement.

5. 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 Sinden moved that Councillor Sabetian should take the Chair. This was seconded by Councillor Martin.

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

6. DECLARATIONS OF INTEREST

Councillors made no declarations of interest at this meeting.

7. MINUTES

RESOLVED – That the minutes of the meeting held on 6 June 2013 be approved and signed by the Chair as a true record.

8. APPLICATION TO VARY THE PREMISES LICENCE: THE LONDON TRADER PUBLIC HOUSE, 4-7 EAST BEACH STREET, HASTINGS

Councillor Sabetian 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 to vary the premises licence at The London Trader P.H, 4-7 East Beach Street, Hastings.

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 to vary the premises licence. Mr Brown referred to an error on page 8, paragraph 10 of the report which he amended to include the words “to Saturday”. For completeness, paragraph 10 was amended to read: “To add the facility for late night refreshment Sunday to Wednesday 23.00hrs to 00.00hrs and Thursday to Saturday 23.00hrs to 02.30hrs.”

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Mr Stemp, Counsel for Sussex Police Authority, made his representation under the Prevention of Crime and Disorder and the Prevention of Public Nuisance. He advised the Committee that further to the written representation submitted by the Police on 12th September 2013, an incident occurred on 5th October 2013 at the London Trader P.H. which required Police intervention. A précis of the incident was circulated for the Committee to read.

Sergeant Vokins from Sussex Police Licensing Team referred to the written representation submitted by the Police on 12th September. He felt the application was insufficient in that the conditions were lacking clarity and were therefore unenforceable. He addressed the key issues listed in the Police's representation and explained why they were too vague. He raised concern regarding the management of the incident which occurred on 5th October in that none of the staff who were present during the incident were Security Industry Registered (SIA) and that he would expect the application to be more robust if the applicant was wishing to extend hours of the premises.

Mr Foot, applicant and premise licence holder asked Sergeant Vokins how many cases of crime and disorder had been attributed to the premises since August 2011. Mr Stemp stated the committee were considering events from October 2012 onwards and that prior events to that date were relevant to the previous review and not to this application.

Mr Casey, Principal Environmental Health Officer (Pollution), made his representation on the grounds of the prevention of public nuisance and referred to his written submission. He stated there had been an improvement in the premises since the review due to the times and conditions imposed. He believed the impact would be adverse to local residents if the current application to extend the hours were to be granted. He said The London Trader would be a magnet for public nuisance issues if it were to close at 03.00hrs, which is significantly beyond the 01.00hrs closing time for other premises.

Mr Edwards, representing Hastings Old Town Residents Association (HOTRA) in his submission said prior to the last review of the premises there had been a serious case of disorder at the rear of the London Trader, an incident which involved 30 to 40 men brawling. The police attended, but the incident was not reported at the last review. He went on to say the premises were like an island whereby patrons go round the back and to the sides of the building. It attracts excitable clientele he said. His concern was that if the application was granted for extra hours, the premises would revert back to how it was before the review. Furthermore, if the hours of music were extended, it would be detrimental to so many lives. He said the efforts made so far had brought about significant gains.

Mr Brown read to the Committee the three additional representations that had been received from local residents which were appended to the agenda on pages 45, 46 & 47. Two of the representations received were from residents who sought anonymity for fear of reprisals. Both residents accepted that doing so would possibly dilute the weight of their comments.

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In his submission, Mr Foot, said he had been at the London Trader since 2005. He accepted that poor management had contributed to the problems at the London Trader. Furthermore, on 15th August 2011 when the licence was under review, he removed the manager and changed the sound system. This resulted in reduction of noise from the London Trader. He stated that up until 10th April 2012 the premises had operated on its existing licence until 1pm and during that period there were no incidents reported of crime and disorder or noise complaints. He stressed that the improvements were not purely because of the reduction in hours put on the premises since the appeal hearing at Hastings Magistrates Court on 10th April 2012, other measures had helped such as security barriers, keeping the windows shut and the new sound system.

Mr Edwards asked Mr Foot if he felt the application sought too much too soon and went on to say the community wants measures that are lasting and effective and do not want the premises to revert back to the level it was before the last review. He urged the committee to reject the application.

The meeting adjourned at 11.45am for a 10 minute break.

Mr Brown clarified the position regarding the highways permit area which had formally been agreed with ESCC. Since writing the report, the plan had been updated following a meeting with relevant parties to move the security barriers because it blocked the entrance to No. 3 East Beach Street. The amended plan had not been received.

RESOLVED (unanimously) that the application be REFUSED.

The Committee has listened very carefully to all the evidence submitted this morning and must be mindful of the four Licensing Objectives.

The Committee consider the application as lacking in specificity and enforceability and any steps proposed as addressing the Licensing Objectives are either existing, mandatory or too vague to be enforceable.

The premises has been operating more successfully, although not without problems, under the existing Licence (as varied in October 2012) and the Committee do not have confidence that were the hours to be further extended, that the Licensing Objectives of Prevention of Crime and Disorder and Prevention of Public Nuisance would be upheld.

The Committee have had regard to the guidance issued by the Secretary of State in June 2013 and its Licensing Policy.

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(The Chair declared the meeting closed at 1pm)