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## Hastings District

12th September 2013

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

Dear Mr. Brown,

**RE: APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003.  
London Trader 4 - 7 East Beach Street Hastings East Sussex TN34 3AR.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

Due to the conduct of the premises, a review of the Premises Licence was submitted by the Environmental Health Department on the 15<sup>th</sup> August 2011 and on 25<sup>th</sup> October 2011, the Licensing Sub-Committee decided to reduce the hours for licensable activities and imposed a number of conditions. The Applicant appealed the decision which was heard on the 10th April 2012 at Hastings Magistrates Court. The Magistrates on hearing the evidence, dismissed the appeal.

On the 23<sup>rd</sup> July 2012 the Applicant submitted an application for the variation of the premises licence. Sussex Police, Environmental Health Department and three interested parties submitted representations against the application. A Licensing Sub Committee hearing was held on the 16<sup>th</sup> October 2012 where the application was granted in part.

- The application for variation seeks to extend very substantially the hours during which licensable activities are carried on, particularly from Thursdays until Sundays.

The additional steps proposed to be taken to promote the four licensing objectives are insufficient and unenforceable and seek to increase the hours of operation but reduce the numbers and hours door staff work at the premises. The areas of concern to Sussex Police are as below;

a) General

*To ensure adequate door security are present ½ hour before and ½ hour after any event.*

This proposed step only relates to events and does not take into account the extended hours requested particularly on a Thursday, Friday and Saturday, where there is a potential for crime and disorder to occur. The word 'adequate' is a subjective word and therefore would be unenforceable.

b) Prevention of Crime and Disorder.

Three out of the five listed as 'additional steps' are already contained within the current premises licence.

The limiting of drinks promotions to prevent crime and disorder brings into question the types of promotions conducted.

'Security person(s) on duty at appropriate times'. This proposed condition is unenforceable as it neither defines the number of Door Staff to be employed nor does it define 'appropriate times'.

**Hastings Police Station**  
Bohemia Road Hastings East Sussex. TN34 1JJ

Telephone: 101 | Ext. 560221

The Application also seeks to reduce the months the premises are required to have SIA door staff from April to May. The Applicant makes no mention of the additional SIA door staff which would be expected to cover the additional times, particularly Thursday, Friday and Saturday.

The proposed condition for use of the CCTV system lacks definition relating to the storage of the recorded images, the standard of images for identification and persons capable of downloading recorded images etc.

Many of the other proposed conditions listed are already conditions on the Premises Licence.

Since October 2012 there have been no recorded incidents of crime and disorder at the premises, however, Sussex Police contend that this is attributable to the reduction in hours, the use of door staff and the conditions imposed by the Licensing Authority at the Review Hearing.

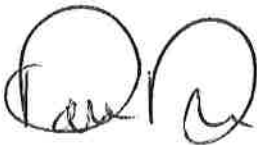
The times within the current premises licence are less than the hours on the original premises licence. The times requested for the licensable activities within the variation exceed the times on the original premises licence, which gave cause for the review.

If the variation is granted these premises will be permitted to open later than other licensed premises in the area.

Sussex Police contend that, given the history of the premises, and the failure of the Applicant previously to promote the licensing objectives, should the variation be granted permitting hours of operation, which are longer and later than those originally operated by the premises, the premises management will not promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Therefore Sussex Police invite the licensing committee to refuse this variation application.

Yours sincerely,



**Paul Phelps**  
Chief Inspector  
Hastings District Commander  
East Sussex Division

Please quote: London Trader  
Your reference:  
Date: 26<sup>th</sup> September 2013  
Please ask for: G Casey  
Telephone direct: 01424 451079  
E-mail: [gcasey@hastings.gov.uk](mailto:gcasey@hastings.gov.uk)  
Web: [www.hastings.gov.uk/environmental\\_protection](http://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  
Aquila House  
Breeds Place  
Hastings  
TN34 3UY

Dear Mr Brown

**Licensing Act 2003 – Variation Application, 30<sup>th</sup> August 2013 – London Trader, 4-7 East Beach Street, Hastings**

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. 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.

I wish to make representation against the application for a variation to the premises licence for the London Trader. It is my opinion that granting the variation requested will not promote the licensing objective – prevention of public nuisance. In considering this application to vary the premises licence it is my view that regard must be had to the fact that, as a result of numerous complaints and witnessed incidents of noise nuisance, these premises have been the subject of an extensive process involving review, Magistrates Court appeal and subsequent further application for variation which has resulted in the current premises licence.

The above process has resulted in an improvement in the management of the premises and thus an improvement in the local environment for the local residents. This has been acknowledged by local residents who equally understandably do not wish to see a return to the adverse conditions experienced previously, conditions which resulted in the start of the initial review process and which have as indicated by the results of the previous hearings and appeals, been acknowledged as unacceptable. However whilst recognising the improvements made it must be made clear that since the last review of the licence complaints have continued (at a lower level than previously) and breach of licence conditions have been noted.

On Tuesday the 12<sup>th</sup> February 2013 a live band was seen to perform on the premises in breach of the condition restricting live music to Sundays only.

On The 4<sup>th</sup> July 2013 a live band performed on the premises under the permission of a Temporary Event Notice. Music levels were noted as being subjectively acceptable at the time observed (21.45hrs) but noted that at a later time in the evening they were at such a level as to be likely to interfere with sleep in nearby premises.

On the 31<sup>st</sup> July 2013 the pollution team received a complaint from a local resident that on the previous weekends of the 20<sup>th</sup> and 27<sup>th</sup> July recorded music from the premises had been audible in their home at a distance in excess of 50m from the premises.



INVESTOR IN PEOPLE

On the 1<sup>st</sup> August at approximately 22.30 to 22.40hrs the doors of the premises were seen to be open, in breach of the licence condition, and an Elvis impersonator was performing on the front apron of the pub this performance along with the screams of the audience was audible on Winkle Island (approximately 50 metres away).

On the 21<sup>st</sup> September 2013 approximately between 22.00hrs to 22.45hrs the doors of the premises were again open and recorded music was clearly audible at a distance of 20 metres, as noted with the 4<sup>th</sup> July visit these noise levels were such that later in the night they would be likely to cause sleep disturbance to local residents.

In relation to the statements in the application regarding steps to be taken to promote the licensing objective of the prevention of public nuisance:

The new sound system has been mentioned a number of times in the past, no details are available in the application but it is believed to have been installed on the basis that a smaller number of speakers in closer proximity to the audience gives greater control of the overall volume. This may be correct but ultimately the control of the volume emitted from the speakers/premises is entirely in the hands of the management of the premises.

The statement that doors and windows will be kept shut is already a condition of the licence and as shown above is not always observed.

The formal proposal to introduce sound monitoring at the nearest dwelling is to be welcomed but it really is a simple consequence of the existing licence condition relating to audibility of music levels at nearby premises, and as a consequence should be something that is already carried out, and on the evidence above, if it is done is not always done effectively.

The application is for hours and activities stated in full elsewhere in the report to the Sub-Committee; my comments are made mainly with regard to the requested later periods of operation of the various licensable activities, but the sale of alcohol Thursday to Saturday until 02.30hrs with closure at 03.00hrs is a key part of my representation against grant of this application, other activities are clearly related to these timings.

A recent survey of 15 of the currently operating pubs and bars in the Old Town in the locality of the London Trader, highlights that on the busy Friday and Saturday nights, 9 cease the sale of alcohol by midnight with the other 6 ceasing sale by 1am. 6 of the 15 are closed by midnight with the remaining 9 closing by 1am. NB: These figures do not include the times for the single Old Town "nightclub" which normally opens longer hours.

This survey would demonstrate that the current hours for supply of alcohol (Thursday to Saturday 23.45) and closure of 00.15 at the London Trader are broadly in line with many establishments in the Old Town area. Grant of this application is therefore likely to create a situation where one public house in the Old Town is selling alcohol until 02.30 and closing at 03.00hrs which is likely to increase the various impacts of that premises on local residents and extend the period during which the noise of patrons leaving the area is extended.

The existing (improved) regime for playing of recorded music has not demonstrated sufficient control of noise levels to give me confidence that extending this regime to 02.30 hrs will not result in unacceptable levels of disturbance to local domestic premises. I attach a map showing premises within 50 metres and a table of residential premises within 100 metres (numbers prepared for the previous review)

I have concerns re the proposal to play live music till 23.00 hrs 7 days a week. Live Music is without doubt the activity with the potential to cause the highest levels of noise nuisance to local residents. This arises from the nature of many of the performers used and the significant lack of control of music levels that is often given up by the licensee of the premises. The proposed additional steps to prevent nuisance do not seem to contain any measures directly relevant to the control of noise levels from live music.



INVESTOR IN PEOPLE

The premises does have the benefit of a County Council Licence to use the highway to the front of the premises for tables and chairs between the hours of 10am and 23.00hrs. This has the intent of limiting the impact the noise of customers outside undoubtedly has on neighbours at later hours of the night. There has previously been a condition on the premises licence requiring that use of tables and chairs cease at 23.00hrs, however whilst the area referred to is mentioned in the current licence the condition requiring cessation of use of the tables and chairs at 23.00 is not currently on the licence. I would ask that this condition be added to the current licence. The condition is one that is on a number of licences in the immediate area.

For the reasons outlined above I would invite the Committee to refuse the application and reinstate the condition with regard to the outside tables and chairs.

G. Casey  
Environmental Protection Manager.

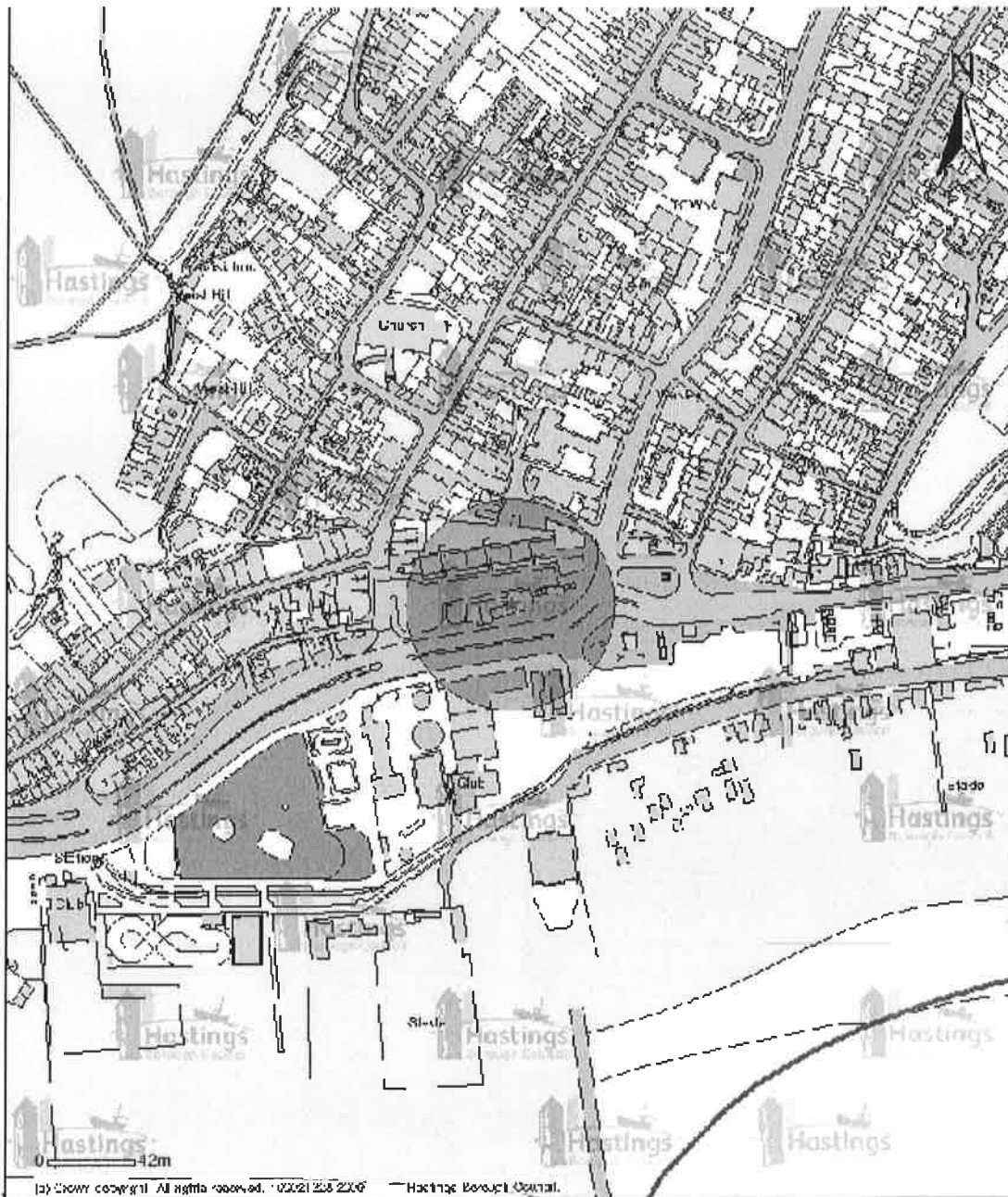



## London Trader, 4-7 East Beach Street. Hastings

### Details of Residential Premises in Vicinity – Number of Premises Within Stated Radius

<b>Street</b>	<b>50 metres</b>	<b>75 metres</b>	<b>100 metres</b>
Hastings Wall	18	18	18
East Street	1	1	1
High Street	0	5	17
East Beach Street	2	2	2
Winding Street	3	9	9
Pleasant Row	0	2	4
The Bourne	0	1	39
George Street	0	1	9
East Parade	0	0	1
West Street	0	0	3
All Saints Street	0	0	1
East Bourne Street	0	0	1
<b>Total</b>	<b>24</b>	<b>39</b>	<b>105</b>

In addition to the above residential properties there is a guest house immediately next door to the premises, another within 75 metres and a third within 100 metres.

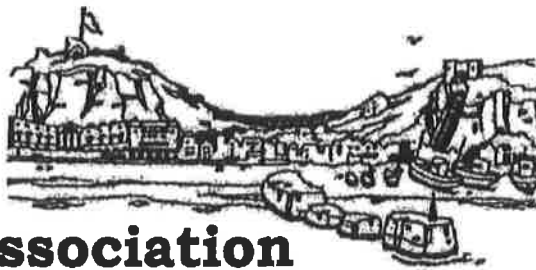


	<p><b>Title:</b></p> <p style="text-align: center;"><b>London Trader 50 Metre Radius</b></p>	<p><b>Scale:</b> 1:2500</p> <p><b>Date:</b> 18 / 10 / 2011</p>
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London Trader: Premises within 50 metres.

# Hastings Old Town Residents' Association



*President:*  
Amber Rudd MP

*Chairman:*  
Dick Edwards

*Please reply to:*

East Hill House 13 Tackleway Hastings TN34 3DE 24/9/13 [dick@hotra.org.uk](mailto:dick@hotra.org.uk)

**Bob Brown HBC Licensing Manager**

**Aquila house, Breeds Place Hastings**

**Dear Mr Brown**

**re application to vary the licensing conditions for the London Trader**

Please record our objections to the proposed relaxation of the existing conditions.

We are concerned that there will be a return to Crime and disorder as the licensee was previously unable to exercise reasonable control of the patrons.

We are also concerned about the impact of any increase in hours for the performance of music on those residents living nearby.

It is undoubtedly true that there have been fewer problems since the last review but what is being sought is too much, too soon.

Yours Sincerely



HASTINGS BOROUGH COUNCIL

27 SEP 2013

AQUILA HOUSE



**Trevor Scrase**

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**From:** Sharon Yoshida [foyleshastings@yahoo.com]  
**Sent:** 27 September 2013 15:03  
**To:** Trevor Scrase  
**Subject:** OBJECTION TO LICENSE VARIATION LONDON TRADER

Dear Mr Scrase

I am the owner of Foyles Bed and Breakfast , 3 East Beach St Hastings. I am located next door to the public house the London Trader.

It has just been brought to my attention that they have requested a later license for music and dancing. I have not seen any notification or signage of this which I understand should be displayed in a clear position.

I feel I must object to this and am very worried about it.

My business suffered previously when the London Trader had a late music license. My guests were continually disturbed at night by the noise of loud music and customers leaving the pub. Customers from the Trader would use foul language and behave in an abusive way after leaving the pub. Many of the customers hung around outside my premises where guests were trying to sleep. Fighting and screaming would go on until well past 3am.

This caused my guests to feel threatened and the police were called on many occasions. Due to a disturbed and generally unpleasant stay I had to refund guests in full and lose future bookings. Often guests booked for 2 or 3 nights left after only one night, and with a very bad impression of Hastings Old Town.

The current license is acceptable, and the pub has a much nicer atmosphere.

My biggest concern is that the Trader will revert back to the unruly and noisy pub that it used to be, which is totally unacceptable not only for me and my guests, but for other families and residents at the rear of the Trader. This is after all a residential area. The London Trader is a Public House and not a NIGHTCLUB !

Yours sincerely

Sharon Yoshida

Proprietor Foyles B&B

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27/09/2013

Mr.B.Brown,  
Licensing Manager,  
Hastings Borough Council,  
Aquila House,  
Breeds Place,  
Hastings,  
East Sussex TN34 3UY.

Dear Mr. Brown,

Re: London Trader, 4-7 East Beach Street, Hastings.

I understand, Mr.S.Foot has applied for an extension of the licence, relating to the above premises and I write to express my deep concern.

The London Trader is sited some 100 metres from my house, which has been my home for a considerable period of time. There are other licensed premises in the immediate vicinity and I appreciate, there would be an element of noise emanating from these premises, in the evenings. I have no wish to regurgitate the histrionics of the period, from 2005 to the present date, save to say, the London Trader has periodically been a major source of distressing noise nuisance during unsociable hours, resulting in sleep deprivation. In short, the activities of the London Trader impinged into my life at home. The Council holds on its files, such formal complaints, made by myself.

The current premises licence, granted in October 2012 has significantly ameliorated noise nuisance, public nuisance and public disorder, emanating from the London Trader but I regret to add that as recently as 31st July 2013, I was again compelled to raise with Mr.G.Casey, of the Council's Environmental Protection Team, matters of:

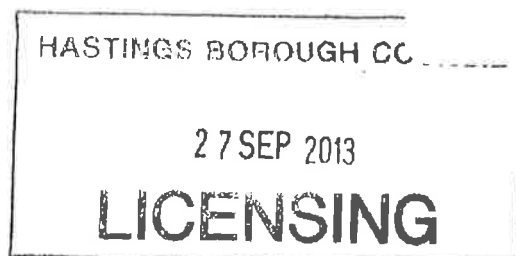
- thumping base beat to recorded music and lyrics to songs played being clearly audible in my home between the hours of 9pm and midnight;
- windows and doors to the London Trader, being left opened after 9pm at night and
- rowdy behaviour of clientele, using the tables at the frontage to the London Trader

all of which are contraventions to the conditions, imposed by the Council's licensing sub-committee in October of 2012.

The current premises licence has, in general, maintained a "status quo" between the business activities of the London Trader and the ability of residents in neighbouring properties, to seek respite from such activities during unsociable hours. My concern is that if the present application is approved and the opening hours of the London Trader are extended, the element of "respite" from noise nuisance, public disorder, generally associated with the activities, offered by this establishment, will be diminished.

I should be most grateful if you could remove my name and address from this representation, as I have no wish to attract repercussion and I accept, this request will dilute the weight of comments made.

Yours sincerely,



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**From:** Gregory Casey  
**Sent:** 19 September 2013 10:06  
**To:** Bob Brown  
**Subject:** FW: London Trader

**From:** Gregory Casey  
**Sent:** 19 September 2013 08:27  
**To:** Gregory Casey  
**Subject:** London Trader

Dear Mr Casey

Many thanks for your correspondence regarding change of hours for the London Trader. As things stand at present we have no problems with noise or fighting etc from the London trader. If the hours are changed back to opening until 2:30 at the weekend I fear we will go back to having the same problems with people who have already had enough to drink coming along to the Trader after other pubs have closed and having more drinks and causing more anti social behaviour. We live in a residential area and should be able to go to our beds to sleep – not to be woken up by loud music and anti social behaviour until 3 in the morning.

We already have more than enough noise with the bands in the Standard.

If this application is even considered I fear we will be back to square 1.

I am happy for my concerns to be raised but I must remain anonymous.

Can you please let me know what are the chances of this application being passed?

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