

# Licensing Sub Committee Agenda

**Monday, 8 June 2015 at 9.30am**

Committee Room 1 - Town Hall, Queens Road, Hastings TN34 1QR

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<b>Members of the Licensing Sub Committee to sit on this hearing are:</b>		
<b>Councillors Charlesworth, Roberts and Sinden with Councillor Webb in reserve.</b>		
1.	Appointment of Chair for this meeting	
2.	Apologies for Absence	
3.	Minutes of the meeting held on 12 January 2015	1 - 6
4.	Declarations of Interest	
5.	Notification of any additional urgent items	
6.	Application for the Review of a Premises Licence: Zar Zar Bar, 91-92 Queens Road, Hastings	9 - 60
7.	Application for a Premises Licence: Grand Elektra, 53-57 Robertson Street, Hastings <i>(Corporate Director, Environmental Services)</i>	61 - 116
8.	Additional urgent items (if any)	



# Agenda Item 3

## LICENSING SUB COMMITTEE

12 JANUARY 2015

Present: Councillors Sabetian, Dowling, Lee and Roberts (Chair)

### 8. APPOINTMENT OF CHAIR FOR THIS MEETING

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 Sabetian moved that Councillor Roberts should take the Chair. This was seconded by Councillor Dowling.

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

### 9. APOLOGIES FOR ABSENCE

None.

### 10. MINUTES OF THE MEETING HELD ON 15 JULY 2014 (FOR INFORMATION)

**RESOLVED** – That the minutes of the meeting held on 15 July 2014 be approved and signed by the Chair as a true record.

### 11. DECLARATIONS OF INTEREST

None.

### 12. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

### 13. APPLICATION FOR REVIEW OF GAMBLING PREMISES LICENCES: ADULT GAMING CENTRE AREAS 1 & 2, FLAMINGO ARCADE, EAST BEACH STREET, HASTINGS

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

The Chair agreed after hearing from the Chief Legal Officer, that parties had requested time for discussion and that once all parties had made their submissions a short adjournment would take place.

The Corporate Director, Environmental Health, submitted a report on a review of a gambling premises licence at Adult Gaming Centre Areas 1 & 2, Flamingo Arcade, East Beach Street, Hastings.

An amendment to the wording of the report was noted to paragraph 11 of the report as follows: the words 'November 2014' were replaced with the words 'October 2014'.

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Councillor Sabetian asked Mr Brown if the Council had written to the premises licence holders advising they segregate the areas of family entertainment from the adult areas within the premises and he sought clarification on the physical separation of the two areas. Mr Brown confirmed the segregation of the two areas was included in the conditions of the licence and defined in law. The conditions were appended to the report under Appendix C of the agenda. He stressed that both areas have to be separate and should be clearly defined by signage. Mr Brown stated that it is common practise that where there is a break between the two areas some premises put up a barrier and operate a buzzer to alert staff when customers move between the two areas. He said this advice is supported by the Gambling Commission and is enforced by the Council.

Mrs Davies, Licensing Officer, who brought the review made her submission on the grounds of the licensing objective "Protecting Children and other vulnerable persons from being harmed or exploited by Gambling". She said the review was necessary because the premises had failed two test purchases. The tests were designed to test the effectiveness of underage gambling policies and procedures in the absence of adequate data provided by the licensees themselves.

The first test purchase took place in April, 2 young people (aged 16yrs and 17yrs) were allowed unchallenged access to the premises and were able to use restricted machines. The premises failed; the compliance manager interviewed and a warning letter followed. Mrs Davies said they were assured that procedures would be tightened up. The second test purchase took place 6 months later in October, during half term week, 2 different young people (both aged 15yrs) were allowed unrestricted access to the premises and allowed to play restricted machines; they were not challenged by staff. The witness statements were appended to the report under Appendix A of the agenda. Both operations were led by staff from Hastings Borough Council supported by officers from both Sussex Police and the Gambling Commission.

Mrs Davies said that 5 other premises were also tested, and failed the initial test purchase, but the Flamingo Arcade was the only premises that failed twice. She went on to say the review was fully justified because the compliance manager had already been warned after failing the first test purchase and she was promised that procedures would be tightened up.

In support of the review, Mr Isaacs from the Gambling Commission made his submission on the licensing objective section 1(c) of the Act, "protecting children...from being harmed or exploited by gambling", and the Commission's codes of practice issued under section 24 of the Act, specifically the social responsibility code provision 3.2 concerning "access to gambling by children and young persons". He said the premises was controlled by dual regulation. The two adult gaming centre premises licences in respect of the two units situated within the Family Entertainment centre, were issued by the local Authority. The separate operator licence was issued by the Gambling Commission and reinforced by conditions that the operator has a duty to comply with". He said it is an offence under S47 of the Gambling Act 2005 for a young child to enter an age restricted area, the operator has a responsibility to manage the premises legally. Due to repeated failings he said he fully supported the review.

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Mr Lucas, Solicitor, representing Flamingo Arcade said the arcades were managed by 2 directors who between them had 80 years of combined experience and owned a number of seaside arcades. He stated that this was the first occasion they had been brought to a review. He said their company fully accepted the obligations of their licences. Furthermore, two years ago they held two training sessions for staff which covered basic training principles with an emphasis on underage training. He said that training had obviously not been sufficient and that following the failed test purchases in April they had a meeting with Jan Hall who was responsible for compliance and Mr Brown, Licensing Manager. Since Jan Hall left the company in July 2014, compliance was the responsibility of Mr Moore. Mr Lucas said that Mr Moore felt that procedures were robust enough to prevent test purchases in other premises and that there had been some training, but it was not enough.

Moving forward, Mr Lucas said they had looked to identify areas in which training could be improved along with the physical arrangements of the premises, to ensure procedures were more robust for all of their premises. Mr Lucas read out a list of actions, the majority of which had taken place. These included:- the separation of the family entertainment centre and the adult gambling area; Staff will have radio pagers so that they can communicate with each other at all times; CCTV is to be mounted on site and remotely transmitted to Mr Moore and his colleagues; Additional signage will be placed in the entrance and foyer; Refresher training will be provided to all staff; All staff will be presented with badges 'Are You 21' or similar and asked to wear them at all times. Mr Moore added that emphasis was on compliance, they would check the age of people entering the premises under 'Challenge 21' and if ID was not provided they would ask them to leave.

Mr Isaacs from the Gambling Commission asked Mr Moore if he was a member of the Trade Association and asked if the test purchase was a mandatory requirement of the Trade Association. In his response, Mr Lucas said it was not mandatory and that the BACTA toolkit manual provided a summary of all requirements and refers to various policies and procedures.

Councillor Sabetian asked Mr Lucas why he thought the failings took place. Mr Lucas said the company previously did not have sufficiently robust procedures in place and they had not put enough emphasis on members of staff regarding compliance.

Councillor Sabetian asked if they thought there was enough staff to ensure the checks and monitoring was carried out? Mr Moore said that every member of staff attended training. Additional staff were employed during the summer season, and they attend a 2 hour induction regarding procedures. Mr Lucas added that emphasis was placed on a test at the end of the training session, so staff had to demonstrate they understood it. He said this information was monitored.

Councillor Dowling asked whether the cashier's desk was in full view of the adult entertainment area and whether the cashier would be able to see who was going to the adult area. Mr Lucas said the reason they looked at providing pagers was the cash box was not always manned. On the pager system he said you could guarantee that someone was always there.

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With the agreement of the Chair, the meeting was adjourned to allow for discussions concerning additional conditions to the licence.

Following discussions with the Licensing Officer, Mr Lucas read out a number of suggested conditions that had been proposed for the committee to consider.

The Chair sought confirmation from Mr Isaacs from the Gambling Commission that he was happy with the recommended conditions. Mr Isaacs confirmed he was in agreement.

In his summary, Mr Brown said the review was supported by the Gambling Commission, the Council had taken a robust stance against underage gambling and they would continue to carry out test purchasing. Other premises owned by Mr Moore which failed first time were checked again to ensure they were operating correctly.

**RESOLVED (unanimously) that the review be upheld subject to the following conditions:-**

- 1. Physical barrier (ie: supermarket metal type or similar) acceptable to the Licensing Authority and operated in conjunction with the existing monitored alert system to be put in place within 3 months.**
- 2. Compulsory third party test purchasing on a twice yearly external system and the results to be reported to the Local Authority. In the first 12 months 2 additional internal test purchase operations to be carried out.**
- 3. No machine on the unlicensed family entertainment centre to be sited within 1 metre of the adult gambling centre entrance.**
- 4. New and seasonal staff must attend induction training. All existing staff must attend refresher training every 6 months.**

**Reasons:**

**The licence holder has made significant improvements to their operating procedures and policies.**

**All staff have received further training with a commitment for a regular training programme to be delivered.**

**Pagers are in place to bring to staff attention anyone entering the Adult Gambling Centre. Staff can then check that the person is the appropriate age to enter. Staff can keep in contact with each other by a radio controlled system.**

**The Committee have had regard to the guidance issued by the Secretary of State and its own policy.**

**LICENSING SUB COMMITTEE**

**12 JANUARY 2015**

The Chair thanked all parties involved in coming to an agreement.

**14. ADDITIONAL URGENT ITEMS (IF ANY)**

None.

(The Chair declared the meeting closed at. 11.30 am)

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# Agenda Annex

## Licensing Review Procedures

### 1. Introductions

- Chair introduce Members and Officers. Invite applicant / Licence Holder / representatives to table. Ask to introduce themselves.
- Chair explain procedure. Ask if Parties received report and ready to proceed.
- In the event that any Party to the hearing fails to attend Members consider whether to adjourn the hearing or to proceed in the Party's absence.

### 2. Summary of report by Licensing Manager / Officer.

### 3. Applicant / Representative (for eg Environmental Health, Police, Trading Standards) submissions on the application / call any witnesses.

Any Questions for Applicant / Representative

- Statutory Consultees?
- Licence holder?
- Officers?
- Members?

### 4. Statutory Consultees (for eg Police, Fire Service, Environmental Health) submissions on the application.

Any questions for Statutory Consultees from

- Applicant / Representative?
- Licence holder?
- Officers?
- Members?

### 5. The Licence Holder's submission on the application.

Any questions for Licence Holder from

- Applicant / Representative?
- Statutory Consultee?
- Officers?
- Members?

### 6. Do Members require any clarification from the Licensing Manager / Officer?

If clarification given, questions on clarification only from:

- Applicant / Representative?
- Licence holder?
- Statutory Consultees?
- Members?

### 7. Summaries (if required)

- Licensing Manager / Officer summing up
- Statutory Consultees summing up
- Licence Holder summing up
- Applicant/Representative summing up

### 8. Decision Making

- Members retire to discuss the application, propose and second a recommendation and vote on this.
- They may take legal advice from the Legal Advisor. The Legal Advisor will advise the Parties of any legal advice given to the sub-committee. No other person may retire with the Sub-committee.
- The decision is announced by the Chair giving full reasons for the decision, together with any conditions, which are to be attached to the grant of the licence or the reasons for a refusal of the application.

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# Agenda Item 6



**Report to:** Licensing Sub-Committee

**Date of Meeting:** 08.06.2015.

**Report Title:** Review of Premises licence. Zar Zar Bar, Queens Road, Hastings.

**Report By:** Mike Hepworth  
Head of Environmental Services

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## Purpose of Report

To consider an application to review the Premises Licence as a result of representations received.

Responsible Authorities. Three.

Interested Parties. One.

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## Recommendation(s)

- 1. Members consider the content of the report, the options available and reach a decision.**

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## Reasons for Recommendations

The Licensing Act 2003 requires a licensing sub committee to consider such applications when appropriate representations have been made. The decision reached at the sub committee can be subject to appeal at the Magistrates Court by any party to the hearing who is aggrieved by the decision.

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## Introduction

### 1.0 Background

1. On 7th February 2005 the Licensing Act 2003 came into force for all local authorities, marking the practical commencement of the Government's new liquor licensing regime.
2. On the 14th April 2015 Hastings Borough Council received an application for the review of an existing premises licence for Zar Zar Bar, 91-92 Queens Road, Hastings, TN34 1HL, from Sussex Police District Commander Paul Phelps, made under Section 51 the Licensing Act 2003. (Attached at Appendix A).
3. Zar Zar Bar has operated in Queens Road, Hastings under its current name and licence holder since July 2012, the premises licence holder being Mr Nigel Lewes trading as Zar Zar Bar Ltd. (Attached map Appendix B).
4. The premises currently holds a premises licence under the Licensing Act 2003. (Attached Appendix C).
5. The existing premises licence covers the use of the premises for live music, recorded music, late night refreshment and the supply by retail of alcohol.
6. It currently operates under trading hours that vary according to the type of licensable activity and the day of the week. The opening hours for the premises being Monday to Sunday 09.00 to 03.00, however different hours exist for each licensable activity on the licence. In addition the licence hours are extended on all bank holidays, Christmas and New Year to the terminal hour of Saturdays.

### 2.0 Application

7. The grounds for review made by Sussex Police are under the licensing objectives "The Prevention of Crime and Disorder" and "The Prevention of Public Nuisance", I have considered the application and consider it valid and in line with the central government guidance issued on such matters.
8. In their application they refer to a series of 14 incidents over past 12 months several of which have resulted in persons sustaining injuries, they also comment extensively about the poor management of the premises by the licence holder and his staff. They seek a minimum of 4(four) weeks suspension of the licence and a series of 6 (six) conditions to be added to the licence.
9. When submitting an application for a review under the Licensing Act 2003 the applicant is required to send copies of the review application to the other responsible authorities listed under the Act and a copy to the premises licence holder, this has been done.
10. In addition, the licensing authority is required to place a copy of the notice on the premises concerned and the public notice board situated at the Town Hall this has been done, in addition the review notification has been placed on the Council

website. These notices must remain in place for 28 days to allow further representations to be made.

11. An application for review cannot be considered by the Council's Licensing Sub-Committee until the 28 day representation period has elapsed, in this case that ended at midnight on the 12th May 2015.

### **3.0 Consultation**

12. As a result of this consultation period, the Authority has received further representations from two other responsible authorities. Mr John Ballam, Environmental Protection Officer, comments on the existing noise problems around the premises involved under the licensing objective "The Prevention of Public Nuisance", this is considered valid under the government guidance. Mr Trevor Scrase, Senior Licensing Officer of Hastings Borough Council comments about the history of the premises, the failure of the management to engage with the Authority and issues found on his visits to the premises under the licensing objectives "Prevention of Crime and Disorder" and "Prevention of Public nuisance", this is considered valid under government guidance (Attached appendix D).
13. A further representation has been received in the form of an e mail from a local business, they comment on the ongoing problems with the premises and the effect it is having on the residents and passers-by. (Attached Appendix D).

### **4.0 Legal Considerations**

14. The Licensing Act 2003 is now the only process to licence and control premises for all forms of entertainment, late night refreshment and the sale of Alcohol.
15. The review process is laid down in statute and allows for representations to be made by specified groups of people provided they are relevant to one or more of the licensing objectives listed in the Act and are not considered frivolous, vexatious or repetitive.
16. If a relevant representation is made by either a responsible authority or an interested party, a hearing must be held.
17. The Department for Culture, Media and Sport has issued guidance under Section 182 of the Licensing Act 2003. This guidance is provided to Licensing Authorities to assist them in carrying out their functions.
18. Hastings Borough Council has developed, published and reviewed its Statement of Licensing Policy as required by the Licensing Act 2003.
19. All members of the Licensing Committee have been supplied with copies of the DCMS Government guidance and the Hastings Borough Council Statement of Licensing Policy.
20. Human rights considerations must be taken into account fully in balancing licensing issues, in particular, Article 1 of the first protocol and article 8. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property. Holding a justices licence would be considered a possession. Article 8 relates to

the right to respect for private and family life, home and correspondence. These are however qualified rights and can be deprived of “in the public interest”. Interference is permissible if what is done:-

21. Has its basis in law;
22. Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
23. Is proportionate to the aims being pursued; and,
24. Is related to the prevention of crime; or, the protection of public order or health.
25. The licence holder has a right of appeal to the Magistrates Court against any decisions made by the licensing Sub-Committee with respect to this application for review.

## 5.0 Options

26. To modify the conditions of the licence.
27. To exclude a licensable activity from the scope of the licence.
28. To remove the designated premises supervisor.
29. To suspend the licence for a period not exceeding three months.
30. To revoke the licence.

Members are reminded they must give written reasons for their decision, to ensure that the appeal procedure can be progressed.

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### Wards Affected

Castle

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### Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	Yes
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

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## **Additional Information**

Appendix A. Application for review.

Appendix B. Map of Venue.

Appendix C. Copy of current licence.

Appendix D. Additional representations (Mr Ballam, Mr Scrase)

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## **Officer to Contact**

Bob Brown Licensing Manager

bbrown@hastings.gov.uk

01424 783249

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Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure  
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I Chief Inspector Paul Phelps, Hastings District Commander, for and on behalf of  
the Chief Constable of Sussex Police

(Insert name of applicant)

apply for the review of a premises licence under Section 51 of the Licensing Act  
2003.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Zar Zar Bar 91-92 Queens Road Hastings East Sussex.	
Post town Hastings	Post code (if known) TN34 1HL.

Name of premises licence holder or club holding club premises certificate (if known) Mr. Nigel LEWIS 91-92 Queens Road Hastings East Sussex. TN34 1HL.
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Number of premises licence or club premises certificate (if known) HOP 50421
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Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

Recd 14/4/2015  
Eds 12/5/2015.



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Chief Inspector Paul PHELPS Hastings Police Station Bohemia Road Hastings East Sussex.  For and on behalf of the Chief Constable
Telephone number (if any) <b>101</b>
E-mail address (optional)

**This application to review relates to the following licensing objective(s)**

- Please tick one or more boxes ✓
- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review (please read guidance note 2)**

Sussex Police contend that the above two licensing objectives have been undermined by the carrying on of licensable activities at the Zar Zar Bar since May 2014.

Since May 2014 there have been 14 incidents relating to the premises, 5 concerning victims being subject of an assault, sustaining injuries of varying degree. A recorded incident concerned the Premises Licence Holder, Mr. Nigel Lewis being involved in an incident where he had possession of a firearm (air rifle). He was charged under Section 16A and Schedule 6 of the Firearms Act 1968. The most recent incident involved three males causing a disturbance at the premises. This occurrence taking place after the new Designated Premises Supervisor was appointed.

On the 19<sup>th</sup> November 2013 Sussex Police received a copy of an application from Mr. Nigel Lewis, making an application for the grant of a personal licence. Sussex Police objected to the application with regard to the licensing objective, crime and disorder.

On the 28<sup>th</sup> May 2014, Mr. Trevor Scrase Licensing Officer Hastings Borough Council sent a letter to Mr. Lewis concerning the conduct of the business and its patrons. The management and staff had clearly allowed the premises to operate in a manner which fell short of promoting the licensing objectives and complying with the conditions contained within the premises licence.

Since taking control of the premises both Mr. Lewis and the Designated Premises Supervisor Lindsey Shirley have permitted the premises to function in a manner contravening the conditions within the premises licence, namely:-

- (1) That food must always be available.
- (2) The premises shall be operated as a café encouraging light alcohol consumption.

Please provide as much information as possible to support the application (please read guidance note 3)

**19<sup>th</sup> November 2013.**

**This information is restricted and is found within Annex 1 of this application. The information is to be viewed by members of the licensing sub committee only.**

- (1) **Wednesday 7<sup>th</sup> May 2014** at approximately 00:40hrs two males were drinking within the premises. The victim had upset one of the other customers (suspect) which resulted in the suspect punching the victim three times to the face. The victim went home and called the police. Police attended the victim's home address, however he was found to be drunk and refused to make a formal complaint.
- (2) **Monday 12<sup>th</sup> May 2014.** Call received by Sussex Police at 10:24hrs reporting that on the previous Saturday (10/05/14) night into the Sunday (11/05/14) morning, she was present at the Zar Zar Bar. The informant reported that whilst there she witnessed persons who she believed to be underage and that drugs were openly being sold. The informant witnessed small bags being exchanged and money being passed. The informant also stated that the barman was involved in an altercation with a group of black males outside of the premises. In addition there was an altercation between a female member of staff and another female customer. No one from the premises made a formal complaint.
- (3) **Sunday 1<sup>st</sup> June 2014.** At 01:34hrs an informant made a complaint concerning very loud music and persons shouting very loudly. The informant stated this happened every weekend. Information forwarded to the Environmental Health Department.
- (4) **Thursday 19<sup>th</sup> June 2014.** Approximately 23:30hrs an informant was walking along the road past the Zar Zar Bar when he heard a female shout about him being a paedophile. There were several males outside the premises and one of them was heard to say "GET THE LIGHTER, SET FIRE TO HIM". The informant states that none of the males got up but a lighter was seen before he left the area. The aggrieved did not know any of the males and would not recognise any of them again. The aggrieved was asked how any one would know that he was a convicted sex offender to which he replied "I WAS IN THE PUB A WHILE AGO AND I MIGHT OF SHOWN SOME PEOPLE A NEWSPAPER ARTICLE ABOUT ME WHEN I WAS SENT TO PRISON".
- (5) Same victim as above reported that on occasions he had to walk past the premises and certain members of staff shouted out comments such as 'paedophile'. Victim did not take any of the threats seriously and did not wish to make a formal complaint.
- (6) **Tuesday 7<sup>th</sup> October 2014.** The victim stated that between 22:00hrs and 23:30hrs she had been assaulted in the premises by being punched to the side of the body and head by a female. The female then dragged the victim outside and continued to punch and hit her until she was on the ground. Police spoke to staff at the bar and they confirmed that a fight had taken place in the pub and that the victim was drunk. At no time did the staff contact Sussex Police to report the incident. Apparently the victim had called the female's boyfriend a name. CCTV was unavailable and the member of staff (witness) would not provide a statement.
- (7) **Sunday 26<sup>th</sup> October 2014** at approximately 03:49hrs, a member of the public was passing the premises when a male started shouting at her and then threw a bottle against the wall. Staff requested the informant contact the police as the male was causing problems and would not leave. Police officers attended and the drunk male was transported home by the officers.

- (8) **Saturday 1<sup>st</sup> November 2014.** Approximately 00:20hrs the informant contacted Sussex Police concerning loud music emanating from the premises. The informant stated that the premises did not have a music licence and that it was supposed to operate as a restaurant. There is a condition within the premises licence which states the following '*The premises shall be operated as café encouraging light alcohol consumption*'. Informant lived above the premises and the problem was effecting her in addition to her 10 month child. The informant advised that this was happening on a regular basis. The informant went on to state that some of the customers had been outside drinking and shouting. Police Officers attended and asked the staff to turn the music down which was done. The Environment Health Department were advised of this report.
- (9) **Saturday 8<sup>th</sup> November 2014.** Approximately 00:31hrs, the same informant as the serial above again complaining of very loud music emanating from the premises. Informant alleged this time that the premises had problems when they close due to fights taking place. The Environment Health Department were advised of this report.
- (10) **Tuesday 16<sup>th</sup> December 2014.** Approximately 01:41hrs on Sussex Police were called to a report by the Sussex Ambulance Service of an intoxicated male who had a shoulder injury. The offender had walked away. A female standing outside of the Zar Zar Bar, who was very drunk, was asked what she had witnessed. She stated that the victim had been drinking in the bar from 10am until 1:15am. She was standing by the Zar Zar bar door when she saw someone kick the victim which made him fall over. The victim, who was also very drunk, would not give much detail and said that he had just fallen over. CCTV showed the male lying on the floor. Another male exited Zar Zar Bar and a kick action can be seen towards the victim. An ambulance was called and it was confirmed that the male had a dislocated shoulder and was taken to hospital. Due to the victims injuries this incident was recorded as an Actual Bodily Harm. The victim was not willing to assist the police with the investigation and there were no other lines of enquiry.
- (11) **Monday 22<sup>nd</sup> December 2014.** At 03:22hrs Sussex Police were called to the premises by a member of staff who stated she had seen an assault on one of the patrons. The male was on the ground near to the Forbidden Fruit, another licensed premises, a short distance from the Zar Zar Bar and appeared to be unconscious, although possibly due to being drunk. The informant, a member of staff, stated that the victim and his friend had been in the bar since 12:10hrs. A male had been constantly approaching the victim and appeared to be looking for a fight. The male was asked to leave the bar but refused. He kept asking for drinks. He was heard to say to the victim " what are you looking at". The male left the bar but returned and appeared to be trying to get the victim to leave bar and asked the victim for a fight. Words were exchanged and shortly afterwards the victim left the bar and the suspect followed. The victim and his friend were walking along road and a staff member saw the suspect run towards the victim. Victim fell to the floor and was kicked several times. The male then ran off and police were called. Police attended the Conquest Hospital but the victim was too intoxicated to provide a statement. There was CCTV in the premises but the staff member did not know how to use system. The victim did not want to support prosecution and there were no other lines of enquiry, so the matter was filed as no further action.
- 12<sup>th</sup> January 2015.** P.C. Trevena and Anthony Masters (Licensing Officer) invited Mr. Nigel Lewis (Premises Licence Holder) and Lindsey Shirley (Designated Premises Supervisor) to Hastings Police Station. The meeting was to discuss the recent increase in serious incidents in addition to the poor management of customers. Other subjects discussed included the use of the existing CCTV system, although not a requirement under the current premises licence, incident books and staff training.

- (12) **17<sup>th</sup> January 2015.** Retrospective Report – The victim reported that on New Years Eve he went to premises and between 00:00hrs and 02:00hrs he was seriously assaulted. He remembered going to the car and getting home about 02:00hrs but did not remember anything between the above times. He went to bed for almost a day and woke up with bad head pain. He went to the hospital where it was confirmed that he had several fractures to his skull and bleeding on his brain. He has had to return to the hospital for regular check ups and brain scans. He did not report the incident at the time as he could not remember anything that had happened. However, numerous people have told him what happened. Apparently he called the barmaid a name and barmaid's boyfriend assaulted the victim who then got up and walked home. The offender had worked at premises but the victim is not sure if he still does. At the time of preparing this application the investigation is ongoing.

**5<sup>th</sup> February 2015.** P.C. Trevena met with both Mr. Nigel Lewis and Lindsey Shirley to discuss ongoing problems and concerns. As a result of the number of serious incidents they agreed that the premises should be placed on an 'Action Plan' to assist them in the management of the premises. The 'action plan' was explained to them in detail and after proposed amendments by them they both signed the document agreeing to accept the requirements contained therein. The management plan covered issues such as management of ejections, management of refusals, reduction in alcohol related violence, reduction of illegal controlled drugs, and maintenance of and effective CCTV monitoring

- (13) **Monday 16<sup>th</sup> February 2015.**  
**This information is restricted and is found within Annex 2 of this application. The information is to be viewed by members of the licensing sub committee only.**

**Wednesday 25<sup>th</sup> March 2015**

Mr, Lewis (Premises Licence Holder) submitted an application for the variation of the premises licence to name Mr. Jason Burgess as the proposed Designated Premises Supervisor

- (14) Wednesday 1<sup>st</sup> April 2015. At 17.12hrs Sussex Police received a report, from a member of staff, of a disturbance at the premises involving three males. The call taker has recorded on the serial that there was a lot of background noise and was unable to obtain further details. The Hastings Borough CCTV operator has identified a male on the floor immediately outside of the premises who was seen to re enter the premises. The male victim would not assist the attending police officers and no one else present were prepared to assist the officers in their enquiries. The police officers ensured that the males involved were caused to leave in separate ways.

On Wednesday 8<sup>th</sup> April 2015 at 12:06hrs, Anthony Masters Licensing Officer for the Hastings District contacted Mr. Jason Burgess, the new Designated Premises Supervisor. It was established that Mr. Lewis had not provided Mr. Burgess with a copy of the action plan to which the premises was subject of or even inform Mr. Burgess of the 'action plan'. Sussex Police are concerned that this important document had not been shared with the new DPS who is responsible for ensuring the premises promotes the licensing objectives.

It is the submission of Sussex Police that the management of these premises has fallen far below an acceptable standard, and in consequence, the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance have been seriously undermined.

Licensable activities have repeatedly been carried on at the premises other than in accordance with the terms of the premises licence:-

The premises shall be operated as café encouraging light alcohol consumption'. PC Trevena has visited the premises on a number of occasions and during his visits has never seen food being served to patrons.

The former Designated Premises Supervisor, Lindsey Shirley, was the partner of the Premises Licence Holder, Mr. Nigel Lewis at the time the majority of the incidents occurred. She was replaced on the 25<sup>th</sup> March 2015 by the new Designated Premises Supervisor, Mr. Jason Burgess. Since his appointment there has already been an incident at the premises, (Incident 14 above).

Sussex Police are extremely concerned that incidents are occurring at the premises but not being reported to police, preventing full investigation and ensuring offenders are brought to justice. Having regard to the serious nature of the incidents occurring in and in connection with these premises (of which many are connected with the consumption of excess alcohol), and the failure of the management both to address them and to comply with the requirements of the licence, Sussex Police invite the sub-committee to seriously consider the following:-

The suspension of the premises licence for a period of four weeks for the following reasons:-

- Provide time for the management to put in place new operating procedures.
- Provide management time to fully instruct staff on the requirements of the Licensing Act 2003 and on crime scene preservation.
- To break the relationship between the current clientele and the premises to instil a new ambience within the premises.
- To act as a deterrent to this and other premises in the area that this type of behaviour will not be tolerated by the Licensing Authority.
- To break the cycle of crime and disorder which appears to be the normal practice within the premises.

The operating times for the premises be amended to the following times, this is appropriate and proportionate due to the number incidents which occur when the premises operates past these hours:-

Opening times for the premises	Monday – Sunday	09:00hrs – 00:00hrs (midnight)
Licensable activities		
Supply of alcohol	Monday – Sunday	09:00hrs – 23:30hrs
Live music	Thursday – Saturday	09:00hrs – 23:45hrs
Recorded Music	Monday – Sunday	09:00hrs – 23:45hrs
Provision of facilities for making music.	Thursday - Saturday	09:00hrs – 23:45hrs
Provision of late night refreshment (not takeaway).	Monday – Sunday	23:00hrs – 23:45hrs

**Sussex Police further contend that it is proportionate and appropriate to apply the following conditions to the licence:**

**Condition1**

- Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises.
  - The system shall be on and recording at all times the premises licence is in operation.
- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- CCTV footage will be stored for a minimum of 31 days.
- The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
- Any breakdown or system failure will be remedied as soon as practicable.

This will ensure that should any further incidents occur at the premises full and comprehensive CCTV images will be available to assist Sussex Police with an investigation where no other lines of enquiry are available.

**Condition 2.**

A Challenge 25 policy be adopted and it is recommended that only photographic ID such as a passport, driving licence, citizen cards and proof of age standards scheme (PASS) cards be acceptable. Staff are to be trained to request the appropriate ID from anyone who appears to be under the age of 25 years of age and that alcoholic drinks are refused unless that ID is produced.

**Condition 3.**

A refusals register, written/electronic, shall be kept and all refusals shall be recorded. The DPS shall take responsibility for training staff in the use of the register and will regularly check to ensure entries are being made. The register will be made available to a representative of the Sussex Police or Licensing Authority on request.

**Condition 4.**

Two Security Industry Authority registered doorstaff to be on duty at the premises from 21:00hrs until all customers have left the premises.

This is to facilitate the management of the premises and the orderly dispersal of patrons from the premises and the immediate vicinity.

**Condition 5.**

Maintain an incident book at the premises and ensure that all staff use it to record details of any incident of crime or disorder including date and time, details and/or descriptions of the people involved, exact location of the incident and which staff are present when the incident took place.

The use of such a book will ensure that all staff are aware of any ongoing problems and the persons responsible can be identified.

**Condition 6.**

Staff are to prevent customers taking glasses and open bottles out of the premises into the street or other public place.

Sussex Police believe that the implementation of the above conditions and proposals are proportionate, appropriate and relevant to the operation of the premises. Sussex police contend that the above will allow the premises to operate within the requirements of the Licensing Act 2003 and to promote the licensing objectives.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

None

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date **13<sup>th</sup> April 2015**

Capacity **Chief Inspector. District Commander Hastings District**

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Hastings Police Station  
Bohemia Road  
Hastings  
East Sussex.

**Post town**  
Hastings

**Post Code**  
TN34 1JJ.

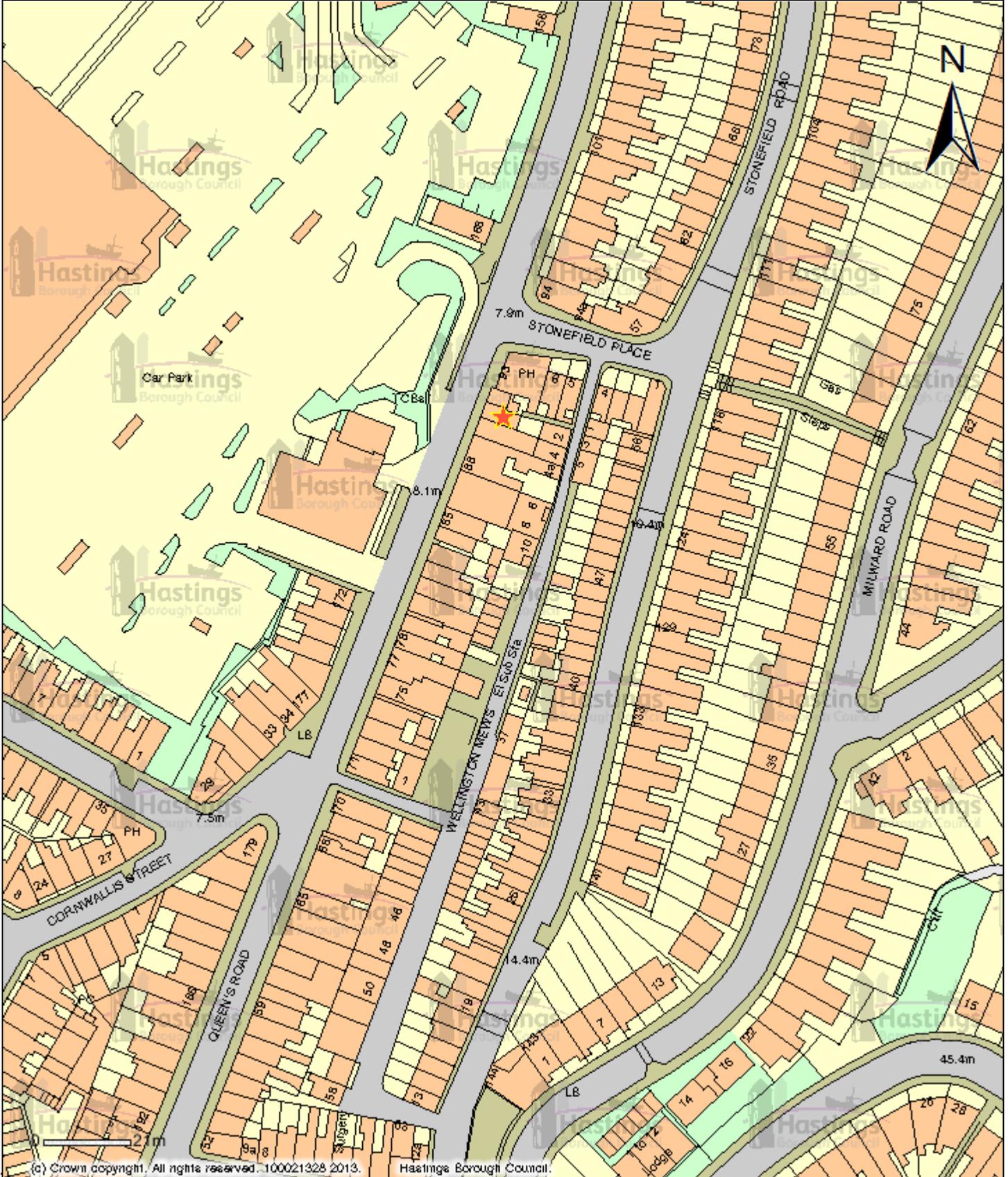
**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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**Title:**

appendix B zar ZAr Bar

**Scale:**

1:1250

**Date:**

13 / 5 / 2015

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## PREMISES LICENCE

Premises licence number

HOP 50421

## Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

ZAR ZAR BAR  
91 – 92 QUEENS ROADPost Town  
HASTINGS, EAST SUSSEXPost Code  
TN34 1HL

Telephone number None given

Where the licence is time limited the dates  
NONE

Licensable activities authorised by the licence

LIVE MUSIC  
RECORDED MUSIC  
PROVISION OF FACILITIES FOR MAKING MUSIC  
PROVISION OF LATE NIGHT REFRESHMENT  
SUPPLY OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

LIVE MUSIC	SUNDAY – WEDNESDAY THURSDAY – SATURDAY	09.00 – 23.00 09.00 – 00.00
RECORDED MUSIC	MONDAY – SUNDAY	09.00 – 02.00
PROVISION OF FACILITIES FOR MAKING MUSIC	SUNDAY – WEDNESDAY THURSDAY – SATURDAY	09.00 – 23.00 09.00 – 00.00
PROVISION OF LATE NIGHT REFRESHMENT (NOT TAKEAWAY)	MONDAY – SUNDAY	23.00 – 03.00
SUPPLY OF ALCOHOL	MONDAY – SUNDAY	09.00 – 02.30

ON ALL BANK HOLIDAYS (EXCEPT CHRISTMAS) TO INCLUDE THE PRECEDING DAY (AT EASTER TO ALSO INCLUDE THE PRECEDING THURSDAY).  
 FOR CHRISTMAS (TO INCLUDE CHRISTMAS EVE) AND NEW YEARS EVE UP TO THE TERMINAL HOUR SET FOR SATURDAYS

The opening hours of the premises

MONDAY – SUNDAY 09.00 – 03.00

ON ALL BANK HOLIDAYS (EXCEPT CHRISTMAS) TO INCLUDE THE PRECEDING DAY (AT EASTER TO ALSO INCLUDE THE PRECEDING THURSDAY).  
 FOR CHRISTMAS (TO INCLUDE CHRISTMAS EVE) AND NEW YEARS EVE UP TO THE TERMINAL HOUR SET FOR SATURDAYS

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION ON AND OFF THE PREMISES

**HASTINGS BOROUGH COUNCIL**

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

NIGEL LEWIS  
91 – 92 QUEENS ROAD  
HASTINGS,  
TN34 1RL

(Change of Limited Company on 8<sup>th</sup> May 2013)

(Transfer, change of trading name and change DPS on 23<sup>rd</sup> July 2012)

(Change of licence holder name 8<sup>th</sup> November 2013)

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

JASON BURGESS  
60 BOHEMIA ROAD  
ST. LEONARDS ON SEA  
TN37 6RQ.

(Change of DPS on 27<sup>th</sup> March 2015)

(Change of DPS address on 2<sup>nd</sup> December 2013)

(Change of DPS on 8<sup>th</sup> November 2013)

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

PERSONAL LICENCE NUMBER: HO20298

ISSUING AUTHORITY: HASTINGS BOROUGH COUNCIL

## HASTINGS BOROUGH COUNCIL

### Annex 1 – Mandatory Conditions

- 1) If this premises licence authorises the supply/sale of alcohol, the following two conditions apply:
  - (i) No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
  - (ii) Every supply/sale of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
  
- 2) If this premises licence authorises the exhibition of films the admission of children to the exhibition of any film must be restricted in accordance with this section.

Hastings Borough Council will expect the age restrictions of the British Board of Film Classification (BBFC) or authority designated under Section 4 of the Video Recordings Act 1984 to be complied with. Only in exceptional cases will variations of this general rule be granted by the Council and then only with the appropriate safeguards

- 3) If this premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity (as defined by the Private Security Industry Act 2001) then such individuals must be licensed by the Security Industry Authority.

## HASTINGS BOROUGH COUNCIL

### **Annex 1A – Additional mandatory licensing conditions.**

#### **In accordance with the Licensing Act 2003 (Mandatory Conditions) Order 2014.**

#### **Effective from the 28th May 2014.**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
  - (a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979 (a);
  - (b) 'permitted price' is the price found by applying the formula –  $P = D (D \times V)$

Where –

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994 (b).

#### **In accordance with the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014, with effect from the 1<sup>st</sup> October 2014**

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
  - a. Games or other activities which require or encourage, or are designed to require or encourage, individuals to -
    - i. Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - ii. Drink as much alcohol as possible (whether within a time limit or otherwise);
  - b. Provision of unlimited or unspecified quantities of alcohol free or fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - c. Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - d. Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - e. Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

## HASTINGS BOROUGH COUNCIL

### Annex 1A – Additional mandatory licensing conditions.

2. The responsible person must ensure that free potable water is provided on request to customer where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
  - (a) A holographic mark, or
  - (b) an ultraviolet feature.
4. The responsible person must ensure that –
  - (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
    - (i) beer or cider: 1/2 pint;
    - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
    - (iii) still wine in a glass: 125ml:
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## HASTINGS BOROUGH COUNCIL

### Annex 2 – Conditions consistent with the operating schedule

#### **GENERAL**

Operate the premises in line with the recommendations of the Portman Group Prove it ID scheme.

Licensed area under supervision from bar.

Advice posters displayed re alcohol consumption.

#### **THE PREVENTION OF CRIME AND DISORDER**

Ensure staff challenge customers who are visibly drunk or intimidating and refuse them service.

Staff trained in conflict resolution, due diligence.

Work in conjunction with local partnerships ie. Police and “Bar Watch” scheme.

Last orders taken 40 minutes before closing. Food always available. Music turned off and lights on 20 minutes before closing.

#### **PUBLIC SAFETY**

Ensure all fire exits and extinguishers are regularly and properly maintained.

Ensure staff are trained in fire procedures, and routinely tested.

Ensure fire resistant bins are provided in the seating area, behind bar and outside the premises for food packaging waste.

Advice notices are displayed encouraging responsible drinking and warning of the dangers of over consumption.

To ensure head counts are routinely taken on occasions of events to remain with the capacity limit of 45 persons maximum on the premises at any one time

#### **THE PREVENTION OF PUBLIC NUISANCE**

***At the end of the consultation period the applicant accepted the following condition requested by the Principal Environmental Health Noise Pollution Officer:-***

- ***The premises shall be operated as a café encouraging light alcohol consumption;***
- ***Clear and prominent notices requesting patrons to ‘Please consider our neighbours and be quiet when outside and when going home’, shall be displayed at the exit.***

Most events to be finished by midnight, during the week and at 01.00am on Friday & Saturday.

**The following condition as agreed with the Interim Principal Environmental Health Officer:-**

- 1) **Noise and music arising from the premises shall not be audible in any residential premises. For the avoidance of doubt, noise shall include that arising from all mechanical or electrical equipment used by the premises and that noise arising from customers in the premises;**

**HASTINGS BOROUGH COUNCIL**

**Annex 2 – Conditions consistent with the operating schedule**

**THE PREVENTION OF PUBLIC NUISANCE continued**

- 2) A responsible member of staff shall be in attendance in the vicinity of the exit from 23.00 hours until close of business each evening to ensure that patrons disperse quietly and quickly;
- 3) The proprietor shall provide and maintain suitable and sufficient litter bin(s) outside the premises during opening hours and shall, at the close of business each night, cause the street for a 200 metre radius of the premises to be checked for and cleared of all litter that may have arisen as a consequence of the business. If desired these measures may be undertaken in conjunction with the proprietors of other similar establishments in the vicinity, but, in any event the Licensing Manager shall be advised in writing and approve of the arrangements made and any subsequent change in those.

**THE PROTECTION OF CHILDREN FROM HARM**

Persons under 18yrs only permitted in the premise with a recognised responsible adult.

No children permitted on the premises after 22:00hrs, except for private parties until midnight.

Strict policy displayed ‘ If you look under 21 you will be asked to prove you are 18’.

Only accept photographic evidence as proof of age, ie. Passport, driving licence, Portman approved id cards.

**HASTINGS BOROUGH COUNCIL**

**Annex 3 – Conditions attached after a hearing by the licensing authority**

Nil

Annex 4 – Plans

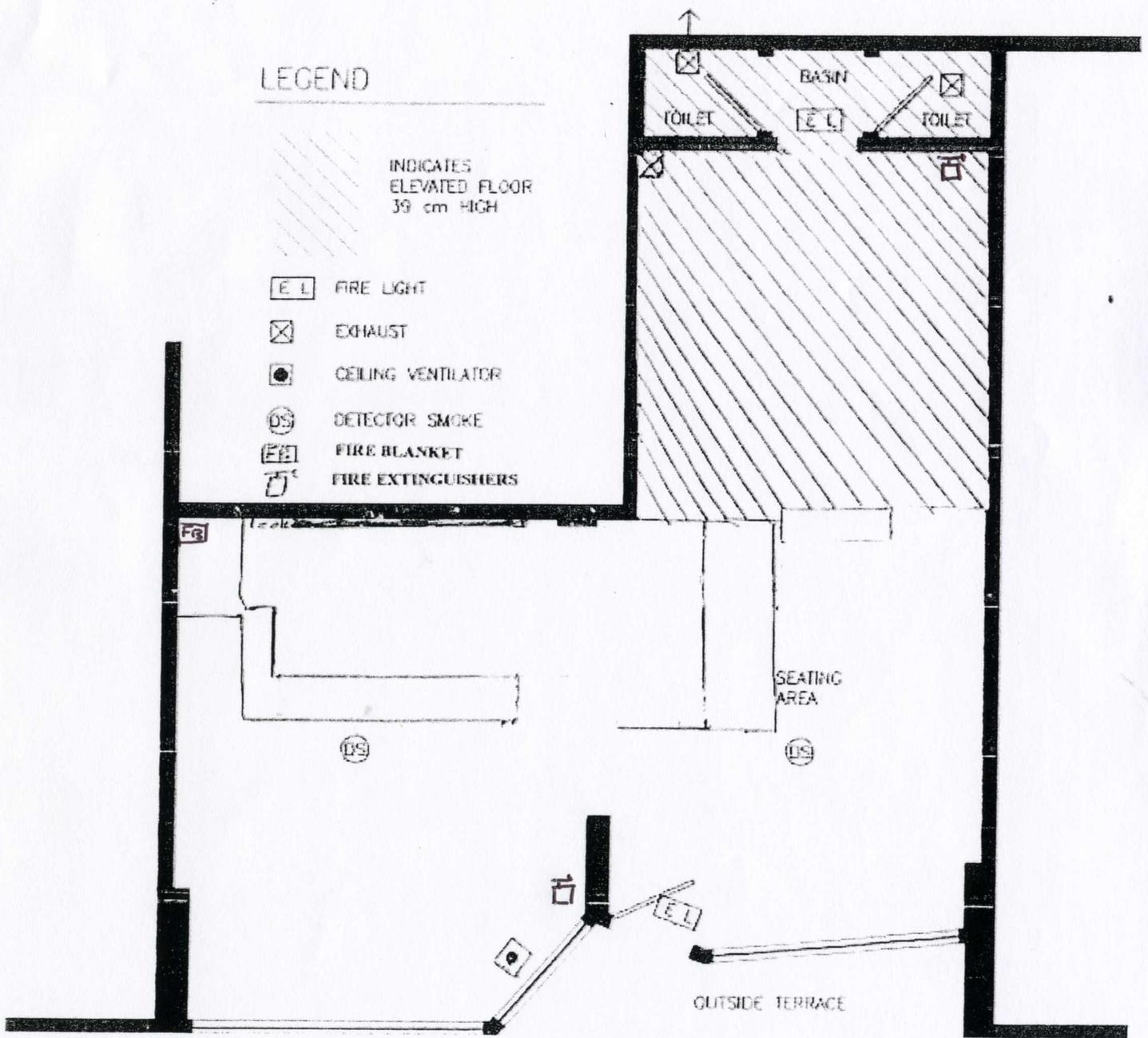
91 / 92 QUEENS ROAD, HASTINGS TN341RL

SCALE 1 cm = 100 cm  
TOTAL COVERS = 45

LEGEND

 INDICATES  
ELEVATED FLOOR  
39 cm HIGH

-  FIRE LIGHT
-  EXHAUST
-  CEILING VENTILATOR
-  DETECTOR SMOKE
-  FIRE BLANKET
-  FIRE EXTINGUISHERS



# MEMORANDUM



Date: 8<sup>th</sup> May 2015  
From: John Ballam -Environmental Protection Officer  
To: Licensing  
My Ref: WK201500409  
Your Ref:

---

Application Number: WK201500409  
Address: Zsar Zsar Bar, 91-92 Queens Road, Hastings, TN34 1RL

Proposal: Review Application

Dear Mr. Brown

An application for a review of the premises licence for the above premises was received by the Licensing Authority on 14<sup>th</sup> April 2015.

The application has been made by Chief Inspector Paul Phelps, District Commander of Police, Hastings, under the licensing objective the prevention of crime and disorder.

In order to explain the history of this premises license in respect of noise complaints, I will outline the following dates to assist:

On 6<sup>th</sup> December 2010. A premises licence was granted to Benson Properties (Hastings) Ltd, 89 Queens Road, Hastings for a premises licence for an unnamed premises at 91 – 92 Queens Road. Andrew Benson is the owner of this property. The premises licence was granted following the acceptance by the applicant of additional conditions under the licensing objective – the prevention of public nuisance. These are:-  
**THE PREVENTION OF PUBLIC NUISANCE**

*At the end of the consultation period the applicant accepted the following condition requested by the Principal Environmental Health Noise Pollution Officer:-*

- The premises shall be operated as a café encouraging light alcohol consumption;*
- Clear and prominent notices requesting patrons to 'Please consider our neighbours and be quiet when outside and when going home', shall be displayed at the exit.*

Most events to be finished by midnight, during the week and at 01.00am on Friday & Saturday.

The following condition as agreed with the Interim Principal Environmental Health Officer:-

- 1) Noise and music arising from the premises shall not be audible in any residential premises. For the avoidance of doubt, noise shall include that arising from all mechanical or electrical equipment used by the premises and that noise arising from customers in the premises;
- 2) A responsible member of staff shall be in attendance in the vicinity of the exit from 23.00 hours until close of business each evening to ensure that patrons disperse quietly and quickly;



- 3) The proprietor shall provide and maintain suitable and sufficient litter bin(s) outside the premises during opening hours and shall, at the close of business each night cause the street for a 200 metre radius of the premises to be checked for and cleared of all litter that may have arisen as a consequence of the business. If desired these measures may be undertaken in conjunction with the proprietors of other similar establishments in the vicinity, but, in any event the Licensing Manager shall be advised in writing and approve of the arrangements made and any subsequent change to this.

Environmental Protection at Hastings Borough Council have previously received noise complaints about the above premises, in May 2014 and November 2014. On both occasions a letter was sent to the Designated Premises Supervisor and diary sheets were sent to the complainants. No noise nuisance was witnessed by an authorised officer and no diaries were returned, therefore the complaints were unsubstantiated.

This department, upon discussion with Trevor Scrase, Licensing Officer at Hastings Borough Council, is aware that other noise complaints have been received directly by the Licensing department and a further investigation undertaken by them.

We are also aware that there have been further incidents relating to the licensing objectives that have been linked to this premises that have had a negative impact on the surrounding area and as such has shown that there has been a lack of compliance and poor management shown by Nigel Lewis in respect of the licensing objectives, primarily the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

We support the Police application made by Chief Inspector Paul Phelps under the Licensing objective the Prevention of Crime and Disorder for a review of the premises license.

Kind Regards



John Ballam  
Environmental Protection Officer  
(On Behalf of Ian Wheeler – Environmental Health Manager)

# MEMORANDUM



Date: 7<sup>th</sup> May 2015  
From: Trevor Scrase, Senior Licensing Officer  
To: Bob Brown, Licensing Manager  
My Ref: Wk201500409  
Your Ref:

## Licensing representation – review of premises licence – Zar Zar Bar, 91 – 92 Queens Road, Hastings.

An application for a review of the premises licence for the above premises was received by this Licensing Authority on 14<sup>th</sup> April 2015.

The application has been made by Chief Inspector Paul Phelps, District Commander of Police, Hastings, under the licensing objective the prevention of crime and disorder.

Hastings Borough Council Licensing are a responsible authority, under the Licensing Act 2003 (amended), I submit this report as representation for the review hearing.

I include below a time line of the premises licence HOP 50421 (Zar Zar Bar).  
In order to explain the history to this premises licence I have outlined the dates of transactions on the licence.

**6<sup>th</sup> December 2010.** A premises licence was granted to Benson Properties (Hastings) Ltd, 89 Queens Road, Hastings for a premises licence for an unnamed premises at 91 – 92 Queens Road. Mr Andrew Benson is the owner of this property. The premises licence was granted following the acceptance by the applicant of additional conditions under the licensing objective – the prevention of public nuisance. These are:-

### THE PREVENTION OF PUBLIC NUISANCE

*At the end of the consultation period the applicant accepted the following condition requested by the Principal Environmental Health Noise Pollution Officer:-*

- *The premises shall be operated as a café encouraging light alcohol consumption;*
- *Clear and prominent notices requesting patrons to 'Please consider our neighbours and be quiet when outside and when going home', shall be displayed at the exit.*

Most events to be finished by midnight, during the week and at 01.00am on Friday & Saturday.

The following conditions as agreed with the Interim Principal Environmental Health Officer:-

- 1) Noise and music arising from the premises shall not be audible in any residential premises. For the avoidance of doubt, noise shall include that arising from all mechanical or electrical equipment used by the premises and that noise arising from customers in the premises;
- 2) A responsible member of staff shall be in attendance in the vicinity of the exit from 23.00 hours until close of business each evening to ensure that patrons disperse quietly and quickly;



- 3) The proprietor shall provide and maintain suitable and sufficient litter bin(s) outside the premises during opening hours and shall, at the close of business each night, cause the street for a 200 metre radius of the premises to be checked for and cleared of all litter that may have arisen as a consequence of the business. If desired these measures may be undertaken in conjunction with the proprietors of other similar establishments in the vicinity, but, in any event the Licensing Manager shall be advised in writing and approve of the arrangements made and any subsequent change in those.

The premises licence was granted authorising the regulated entertainment / licensable activities as:-

**The times the licence authorises the carrying out of licensable activities**

LIVE MUSIC	SUNDAY – WEDNESDAY THURSDAY – SATURDAY	09.00 – 23.00 09.00 – 00.00
RECORDED MUSIC	MONDAY – SUNDAY	09.00 – 02.00
PROVISION OF FACILITIES FOR MAKING MUSIC	SUNDAY – WEDNESDAY THURSDAY – SATURDAY	09.00 – 23.00 09.00 – 00.00
PROVISION OF LATE NIGHT REFRESHMENT (NOT TAKEAWAY)	MONDAY – SUNDAY	23.00 – 03.00
SUPPLY OF ALCOHOL	MONDAY – SUNDAY	09.00 – 02.30

ON ALL BANK HOLIDAYS (EXCEPT CHRISTMAS) TO INCLUDE THE PRECEDING DAY (AT EASTER TO ALSO INCLUDE THE PRECEDING THURSDAY).  
FOR CHRISTMAS (TO INCLUDE CHRISTMAS EVE) AND NEW YEARS EVE UP TO THE TERMINAL HOUR SET FOR SATURDAYS

**The opening hours of the premises**

MONDAY – SUNDAY 09.00 – 03.00

ON ALL BANK HOLIDAYS (EXCEPT CHRISTMAS) TO INCLUDE THE PRECEDING DAY (AT EASTER TO ALSO INCLUDE THE PRECEDING THURSDAY).  
FOR CHRISTMAS (TO INCLUDE CHRISTMAS EVE) AND NEW YEARS EVE UP TO THE TERMINAL HOUR SET FOR SATURDAYS

**20<sup>th</sup> April 2011.** The premises licence was transferred into the name of Bottles & Cans Ltd, 15 Salisbury Road, St. Leonards on Sea and run by Mr Erol Ciftci until it was transferred again on the 23<sup>rd</sup> July 2012 by Nigel LEWIS trading as Zar Zar Bar Ltd.

**23<sup>rd</sup> July 2012.** Nigel LEWIS (trading as Zar Zar Bar Ltd) formally transferred the premises licence, changed the trading name and changed DPS, appointing Miss Kayleigh Banfield, who is a personal licence holder, to authorise the sale of alcohol on the premises licence. Nigel LEWIS was not a personal licence holder.

**15<sup>th</sup> December 2012.** Whilst engaged on late night licensing enforcement with the Licensing Manager I visited the Zar Zar Bar at 22.20 hours. Nigel Lewis was not present, neither was Kayleigh Banfield (DPS). Enquiries to establish if she was still employed were met with vague replies by the bar staff, a female. The list of staff of staff authorised by Kayleigh to sell alcohol was requested but unable to be produced. The female bar staff on duty admitted she wasn't the holder of a personal licence. I left an envelope and card with the barmaid requesting a call from Nigel Lewis. During the course of our visit a male

customer, clearly heavily intoxicated by alcohol and still drinking, questioned the identity and purpose of our visit, he and the female bar member was given clear advice.

**17<sup>th</sup> December 2012.** Nigel Lewis attended our offices and submitted an application to replace Kayleigh Banfield as the DPS by Mandy Kennell. He was appraised of the result of our visit and given advice.

**2<sup>nd</sup> April 2013.** Mandy Kennell notified this licensing authority that she was withdrawing her consent as the DPS. The reasons for this are explained in her email as follows, *The licensing concerns were that I had been made aware that a minor (under 18) had been served alcohol without any request for identification and the second incident was a minor (under 18) still in attendance on the premises after 10pm. I'm sure you are aware that these issues are unacceptable and I felt they were not fully addressed by both management and proprietor.*

**4<sup>th</sup> April 2013.** Tracey Perry was nominated as the DPS. No objections from police.

**8<sup>th</sup> April 2013.** I was updated by Mr Anthony Masters, Police Licensing Officer for Hastings, of follow up visits made by police over the weekend of the 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> April 2013.

**8<sup>th</sup> May 2013.** Nigel Lewis changed the holding name from Zar Zar Bar Ltd to Hastings Pubs Ltd.

**8<sup>th</sup> November 2013.** Nigel Lewis changed the holders name from Hastings Pubs Ltd to his own name. Simultaneously he nominated a new personal licence holder as the DPS – Lindsey Shirley – personal licence holder HO21003, issued by this authority on the 28<sup>th</sup> October 2013. No representations were made by the police to this nomination.

**20<sup>th</sup> January 2014.** A letter of suspension of the premises licence was delivered to Nigel Lewis at the premises. This was following non-payment of the annual fee of £180.00, for the premises licence due by the 5<sup>th</sup> December 2013. Under amendments to the Licensing Act 2003, licensing authorities were able to suspend a premises licence for non-payment by the due date. Payment was subsequently made and the suspension lifted. Copy attached appendix A

**27<sup>th</sup> May 2014.** A complaint regarding noise from the Zar Zar Bar was received by email to this authority. The complainant requested anonymity but explained issues arising on the spring bank holiday 26<sup>th</sup> May 2014 involving a barbecue outside the front of the premises, with six to eight customers outside drinking, smoking and shouting with loud music playing. It also referred to a previous date, 15<sup>th</sup> May, as being 'exceptionally bad'. I replied to the complainant and subsequently a strong letter was delivered to Nigel Lewis at the premises. Copy attached appendix B.

**29<sup>th</sup> May 2014.** Copy of letter attached from John Ballam, Environmental Protection Officer regarding the noise complaint on the 27<sup>th</sup> May 2014. Copy attached Appendix C.

**31<sup>st</sup> July 2014.** Letter sent to Nigel Lewis by Mrs Michelle Davies, Licensing Officer regarding the non-compliance of the display of the Licensed Premises Machine Notification . Copy attached together with Mrs Davies's inspection report as appendix D.

**14<sup>th</sup> August 2014.** Complaint received about the use of seating in use by customers immediately outside of the premises and alcohol consumption outside on the pavement. Another formal warning letter was delivered personally to Nigel Lewis at the premises. Copy attached appendix E.

**30<sup>th</sup> October 2014.** Reply received from Judith Warren, Development Control Officer, HBC, regarding the planning conditions applicable to 91 – 92 Queens Road, Hastings. The premises was granted change of use from A1 (furniture shop) to A3 (Café) on the 20<sup>th</sup> September 2005. For clarification A3 is Restaurants and Cafés, for the sale of food and drink for consumption on the premises. (Comment – this decision was following application by a previous premises licence holder at 91 – 92 Queens Road, who subsequently surrendered the premises licence on vacation. This required the new application as referred to on grant 6<sup>th</sup> December 2010. The history regarding that previous premises licence is not relevant to this report).

**7<sup>th</sup> November 2014.** A complaint regarding noise from the Zar Zar Bar, following complaint to police recorded by them at 00.20 on 1<sup>st</sup> November 2014. A further noise complaint also made to the police on the 8<sup>th</sup> November at 00.31 hours. As a result, enquiries made with Andrew Benson, the property owner which resulted in both Nigel Lewis and Lindsey Shirley (DPS) presenting themselves at our offices on Monday the 10<sup>th</sup> November 2014. The topic of the discussion was the ongoing non-compliance with the conditions of the premises licence, with reference to the ‘planning use as a café’ and the condition under prevention of public nuisance of ***The premises shall be operated as a café encouraging light alcohol consumption.*** I attach a copy of my PNB entry following their visit with advice given. Appendix F.

**22<sup>nd</sup> November 2014.** Whilst I was on late night licensing enforcement visits, at 23.10 the recorded music from Zar Zar Bar was audible from the forecourt of Morrison’s petrol station opposite. Noted in PNB.

**11<sup>th</sup> December 2014.** A letter of suspension of the premises licence for non-payment of the £180.00 annual fee was served on the premises at 14.08 hours, for the immediate attention of Nigel Lewis. The premises licence annual fee was subsequently paid and the suspension lifted. Attached appendix G.

**18<sup>th</sup> December 2014.** I was informed by PC Chris Trevena – Police Licensing Enforcement of an incident to which police had been called on the 16<sup>th</sup> December 2014.

**23<sup>rd</sup> February 2015.** As a result of weekly sanitised incident reports regarding licensed premises, we were informed by police of an incident at Zar Zar Bar on the 16<sup>th</sup> February 2015, involving Nigel Lewis and Lindsey Shirley (DPS). As a result of this Andrew Benson submitted a notification of interest under Section 178 of the LA2003, as the owner of the premises. This was submitted to avoid the premises licence lapsing if it was surrendered by Nigel Lewis. I was informed by Andrew Benson that Nigel Lewis was overdue on his rent and he was in the process of instigating action to remove him from the premises. The premise was subsequently closed and not trading for a period of time, with additional information received that Lindsey Shirley was no longer the DPS.

**26<sup>th</sup> March 2015.** At 12.15 hours on a visit to Zar Zar Bar, 91 – 92 Queens Road, I found the front door open and a male on the premises, on the public side of the bar, with a partially consumed pint glass of beer on the bar counter. I advised him that as the licensing officer I was aware that there was no personal licence holder nominated as the DPS and as a result no alcohol could be sold or displayed for sale on the premises. I advised that he left and locked up the premises. The premise was subsequently closed.

**27<sup>th</sup> March 2015.** Nigel Lewis nominated Jason Burgess as the DPS. The premises subsequently recommenced trading authorised to sell alcohol.

**15<sup>th</sup> April 2015.** Following receipt of the review application from police, I attended the premises at 11.45 where I saw Jason Burgess. I subsequently placed the blue site notice of review in the window.

### **Comments.**

The purpose of the date line is to show the 'life' of the current premises licence from grant in December 2010, to show the transfer in July 2012 to Nigel Lewis as the premises licence holder.

As can be seen the issues relating to the dates specified, although relatively minor, have involved advice, letters, emails, formal warning letters, all to show a progressive course of action against Nigel Lewis for what is in my opinion a very poor management of the premises overall. He applied for a personal licence himself but this was refused. Details of this are contained in the police review application as confidential. Many of the issues date lined could collectively lead to a prosecution for 'Unauthorised licensable activities', contrary to section 136 of the Licensing Act 2003.

On summary conviction the maximum penalty is a fine of up to £20,000 or six months imprisonment, or both. However any prosecution and subsequent conviction does not affect the premises licence itself. This can only be changed as a result of the decision of a licensing committee at a licensing sub committee hearing. Hence the collation of incidents and complaints to gather evidence for the most appropriate action if it becomes required.

### **Conclusion.**

I submit this report in my capacity as Senior Licensing Officer, Hastings Borough Council, for consideration by the Licensing Manager, as a representation in support of the review instigated by the police.

The purpose of this representation is to show the ongoing continued lack of compliance and poor management of the premises licence, throughout the holder ship of Nigel Lewis, or his previous companies Zar Zar Bar Ltd, or Hastings Pubs Ltd.

It is my opinion that the documented non-compliance and poor management shown, undermines the licensing objectives the prevention of crime and disorder and the prevention of public nuisance, as outlined.

I hold the following qualifications to support my knowledge of the Licensing Act 2003.

Holder of the BIIAB National Certificate for Personal Licence Holders certificate;

Holder of a personal licence number 08 / 00276 / LAPER issued by Rother District Council.

Holder of a BIIAB National Certificate for Licensing Practitioners of the Licensing Act 2003.

Trevor Scrase  
Senior Licensing Officer.

App. A

Please quote: Invoice number 5099331  
Your reference:  
Date: 20th January 2014  
Please ask for: Bob Brown  
Telephone direct: 01424 451042  
E-mail: [bbrown@hastings.gov.uk](mailto:bbrown@hastings.gov.uk)  
Web: [www.hastings.gov.uk/licensing](http://www.hastings.gov.uk/licensing)



**Licensing Team**  
Aquila House, Breeds Place,  
Hastings, East Sussex TN34 3UY

Mr Nigel Lewis  
Zar Zar Bar  
91 – 92 Queens Road  
Hastings,  
TN34 1RL.

Dear Mr Lewis,

**Re: Annual Fee Suspension  
Premises Licence – Zar Zar Bar;**

According to our records the annual fee for the premise licence under the Licensing Act 2003 was due on 5<sup>th</sup> December 2013. You are reminded that the Licensing Act 2003 requires you to pay an annual fee, which is £180 on the anniversary date of the grant of your licence.

**Failure to pay this fee has now resulted in the Authority decision to suspend your premises licence/club premises certificate with immediate effect on Thursday 23<sup>rd</sup> January 2014. Any future licensable activities carried on at the premise will make you liable to prosecution, should you pay the outstanding fee we will reinstate the licence once the fee has cleared our finance system.**

Please therefore forward your fee to this office, please make all cheques payable to Hastings Borough Council, we also accept payment by credit/debit card over the phone. We will acknowledge your payment by letter enclosing a copy of your receipt within 14 days.

Should you have any queries please do not hesitate to contact me, on the above telephone number, during normal office hours.

Yours sincerely



Bob Brown  
Licensing Manager

Please quote: Wk201401751  
Your reference:  
Date: 28th May 2014  
Please ask for: Trevor Scrase  
Telephone direct: 01424 451042  
E-mail: [tscrase@hastings.gov.uk](mailto:tscrase@hastings.gov.uk)  
Web: [www.hastings.gov.uk/licensing](http://www.hastings.gov.uk/licensing)

App. B



**Licensing Team**  
Aquila House, Breeds Place  
Hastings, East Sussex, TN34 3UY

Mr N Lewis  
Zar Zar Bar  
91 – 92 Queens Road  
Hastings,  
TN34 1HL

Dear Sir,

Complaint – Zar Zar Bar, 91 – 92 Queens Road, Hastings, TN34 1HL.

I have received a complaint regarding your premises which I need to bring to your attention.

The complaint refers to a recent late afternoon, when it is alleged that your customers were on the footpath outside of your premises, drinking alcohol. Some of these customers were smoking, which is lawful but in the course of being outside these persons were shouting and subsequently blocking the footpath area to other persons.

It is also alleged that there was an electric barbeque operating outside, on an afternoon when the weather was described as 'foul', this added to the general disruption and noise.

Clearly if this is the case and I have no information to suggest it isn't, there are a number of issues that need to be outlined to you.

The conditions of your premises licence are quite specific as to its operation and the promotion of the four licensing objectives, with additional comments as in red as follows:-

## **Annex 2 – Conditions consistent with the operating schedule**

### **GENERAL**

Operate the premises in line with the recommendations of the Portman Group Prove it ID scheme.

Licensed area under supervision from bar.

Advice posters displayed re alcohol consumption.

### **THE PREVENTION OF CRIME AND DISORDER**

Ensure staff challenge customers who are visibly drunk or intimidating and refuse them service.

**From the conduct and behaviour alleged this has clearly not been enforced.**

Staff trained in conflict resolution, due diligence.

Work in conjunction with local partnerships ie. Police and "Bar Watch" scheme.

Last orders taken 40 minutes before closing. Food always available. Music turned off and lights on 20 minutes before closing.

### **PUBLIC SAFETY**

Ensure all fire exits and extinguishers are regularly and properly maintained.

Ensure staff are trained in fire procedures, and routinely tested.

Ensure fire resistant bins are provided in the seating area, behind bar and outside the premises for food packaging waste.

Advice notices are displayed encouraging responsible drinking and warning of the dangers of over consumption.

To ensure head counts are routinely taken on occasions of events to remain with the capacity limit of 45 persons maximum on the premises at any one time

### **THE PREVENTION OF PUBLIC NUISANCE**

***At the end of the consultation period the applicant accepted the following condition requested by the Principal Environmental Health Noise Pollution Officer:-***

- ***The premises shall be operated as a café encouraging light alcohol consumption; This appears not to be complied with, with alcohol consumption as the primary function.***
- ***Clear and prominent notices requesting patrons to 'Please consider our neighbours and be quiet when outside and when going home', shall be displayed at the exit.***

Most events to be finished by midnight, during the week and at 01.00am on Friday & Saturday.

**The following condition as agreed with the Interim Principal Environmental Health Officer:-**

- 1) **Noise and music arising from the premises shall not be audible in any residential premises. For the avoidance of doubt, noise shall include that arising from all mechanical or electrical equipment used by the premises and that noise arising from customers in the premises; This has clearly been breached based on the information received.**
- 2) **A responsible member of staff shall be in attendance in the vicinity of the exit from 23.00 hours until close of business each evening to ensure that patrons disperse quietly and quickly;**
- 3) **The proprietor shall provide and maintain suitable and sufficient litter bin(s) outside the premises during opening hours and shall, at the close of business each night, cause the street for a 200 metre radius of the premises to be checked for and cleared of all litter that may have arisen as a consequence of the business. If desired these measures may be undertaken in conjunction with the proprietors of other similar establishments in the vicinity, but, in any event the Licensing Manager shall be advised in writing and approve of the arrangements made and any subsequent change in those.**

### **THE PROTECTION OF CHILDREN FROM HARM**

Persons under 18yrs only permitted in the premise with a recognised responsible adult.

No children permitted on the premises after 22:00hrs, except for private parties until midnight.

Strict policy displayed ' If you look under 21 you will be asked to prove you are 18'.

Only accept photographic evidence as proof of age, ie. Passport, driving licence, Portman approved id cards.

#### **Comment:**

You are reminded that any breach of your conditions is an offence under section 143 of the Licensing Act 2003, the penalty for which on summary conviction is a fine of up to £20,000 and or 6 months imprisonment, or both.

Any use of the footpath outside of your premises for the consumption of alcohol is unlawful under the borough wide designated public place order(DPPO). Such alcohol consumption can only lawfully take place within a highways permit area for tables and chairs, which you do **not** have. Any customers outside smoking should not be allowed to take their drinks with them.

The use of a barbeque outside the front of your premises could also be unlawful as not only could it be considered an unlawful obstruction but also require a street trading consent which requires £10 million

public liability insurance. The cost for a street trading consent is £20 per day and subject of a minimum 28 day application in advance of the date. Any cooking of food should remain within the confines of the premises. It is extremely unlikely that such a consent would be granted as you have no outside area available.

I am sure you will appreciate that persons are somewhat reluctant to pass too close to persons engaged in drinking outside a licensed premises for fear of some form of confrontation. . Any person(s) trying to pass your customers outside on the footpath MUST NOT be required to step out into the road due to the obstruction of the footpath by your customers

As a result of this complaint you will receive a letter from the Principal Environmental Health Noise Pollution Officer. You should be aware that we have recently had one review of a licensed premises in the town centre, with another in its consultation period. A review of your premises licence could be instigated if you do not take steps to remedy these issues and ensure full compliance with the Licensing Act conditions.

I will be discussing the complaint with Police Licensing and you can expect to receive attention as a result.

However, I understand that this occasion may have been a 'one off' event on the recent bank holiday weekend. If that was the case, I hope the contents of this letter explain why such issues should not be repeated.

The purpose of this letter is to make you aware of the complaint, outline the issues and allow you the opportunity to ensure that such issues do not arise in the future.

Yours sincerely,

Trevor Scrase  
Senior Licensing Officer

Cc  
Anthony Masters – Police Licensing  
Christopher Trevena – Police Licensing Enforcement  
David Steeds – Principal Noise Pollution Officer HBC  
Mr Benson – property owner.

App C

Please quote: WK/201401794  
Your reference:  
Date: 29<sup>th</sup> May 2014  
Please ask for: John Ballam  
Telephone direct: 01424 451079  
E-mail: [envprotection@hastings.gov.uk](mailto:envprotection@hastings.gov.uk)  
Web: [www.hastings.gov.uk/environmental\\_protection](http://www.hastings.gov.uk/environmental_protection)



**Environmental Protection Team**  
4<sup>th</sup> Floor, Aquila House  
Breeds Place, Hastings  
East Sussex, TN34 3UY

Mr Nigel Lewis  
ZAR ZAR BAR  
91-92 Queens Road  
Hastings  
East Sussex  
TN34 1RL

Dear Mr Lewis

**ENVIRONMENTAL PROTECTION ACT 1990 – NOISE COMPLAINT**  
**ADDRESS: ZAR ZAR BAR, ZAR ZAR BAR, 91-92 Queens Road, Hastings, East Sussex, TN34 1RL**

I regret that I have to draw your attention to a complaint received by this section about noise from the above premises.

The complaint relates to noise from music and customers

If this is indeed the case, and I have no reason, presently, to doubt the information provided, I must advise you that any repetition is likely to constitute a statutory nuisance and result in a noise abatement notice being served on you. The effect of such a notice would be to make any further incident of nuisance an offence punishable, on conviction in the Magistrates Court, by a fine of up to £20,000.

Incidents of this nature could also result in a review of your licence being requested by those affected or this section under the provisions of the Licensing Act 2003.

I hope that, with your co-operation, neither course of action will become necessary.

If you wish to discuss this matter further please do not hesitate to contact me. If telephoning please call between 9.30am and 10.30am or between 3.00pm and 4.00pm.

Yours sincerely

John Ballam  
Environmental Protection Officer

App 0

Please quote: mld  
Your reference:  
Date: 31<sup>st</sup> July 2014  
Please ask for: Michelle Davies  
Telephone direct: 01424 451042  
E-mail: mdavies@hastings.gov.uk  
Web: [www.hastings.gov.uk/licensing](http://www.hastings.gov.uk/licensing)



**Licensing Team**  
Aquila House  
Breeds Place  
Hastings  
East Sussex  
TN34 3UY

Mr Nigel Lewis  
Zar Zar Bar  
91-92 Queens Road  
Hastings  
TN34 1HL

Dear Mr Lewis

**Re Gambling Act 2005-Notification of 2 or less Gaming Machines**

On inspection of our records and your premises recently it was noted that your Licensed Premise Machine Notification was not displayed on your premise which is a legal requirement under The Gambling Act 2005.

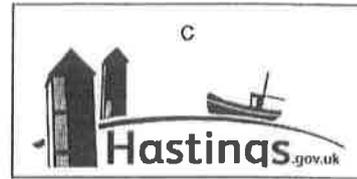
**If you wish to continue to have the machines operating on the premise you must be able to produce this to me within the next 7 days. If you have difficulty with this please contact me.**

Please note the permit is non-transferable, therefore it will remain in force unless the Premise Licence (Alcohol) changes hands. There is no annual fee payable.

Should you have any queries please do not hesitate to contact me during normal office hours.

Yours sincerely

Michelle Davies  
Licensing Officer



## Inspection guide – Alcohol Licensed Premises

This template may assist authorised local authority officers with their compliance visits. It provides a list of the matters which are provided for licensed premises gaming machine permits under Schedule 13 of the Gambling Act 2005. It also outlines further requirements set out in the legislation and within the codes of practice issued by the Gambling Commission. Section 153 of the Gambling Act 2005 requires Licensing Authorities to exercise its functions in accordance with relevant codes of practice and those listed in this template aim to ensure that gambling is fair and safe for all.

Premises name and address	ZAR ZAR BAR 91-92 QUEENS ROAD HASTINGS
Premises person(s) present	CLAIRE BRILL
Authorised Officer(s)	MICHELLE DAVIES
Signature of Authorised Officer(s)	<i>Michelle Davies</i>
Date and time of the assessment	29/07/14 2.20pm

Legislative Requirement	Comment
The licensed premises gaming machine permit must be kept on the premises (GA05 Schedule 13 paragraph 8).	NOT ON DISPLAY <del>✗</del> <i>Colte</i>
Offence to employ a child or young person to work in premises where gaming machines are situated where such persons may be required to perform a function in connection with the gaming machine (GA05 Section 54).	—
Gaming machines permitted: Category C and D gaming machines in line with allowances detailed under the premises permission.  Category C = £1 stake / £100 prize Category D = 10p stake / £5 money prize or 30p stake / £8 non-money prize or 10p stake / £8 prize of which £5 maximum is money. Coin pusher only: 20p stake / £20 prize of which £10 maximum is money Crane grabs only: £1 stake / £50 non-money prize (GA05 Sections 282 or 283).	ALLICE QUEEN OF HEARTS CAT C, £100 JACKPOT.
Gaming machines satisfy SI 2007 / 2319 and SI 2007 / 2320 which include requirements that	

<p>gaming machines display:</p> <ul style="list-style-type: none"> <li>• what category it is?</li> <li>• the name and telephone number for assistance with problem gambling</li> <li>• that the machine is not to be used by child / young person unless it s a category D and % return to player.</li> </ul>	<p>1 x CAT C ✓ ✓</p>
<p>All gaming machines must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means (Code of practice for gaming machines in clubs and premises with an alcohol licence – For club gaming permits, club machine permits and alcohol licensed premises - March 2012).</p>	<p>A10</p>
<p>All gaming machines must be located in a place that requires a customer who wishes to use any ATM machine to cease gambling at the gaming machine in order to do so (Code of practice for gaming machines in clubs and premises with an alcohol licence – For club gaming permits, club machine permits and alcohol licensed premises - March 2012).</p>	<p>A10</p>
<p>If Skill with Prizes machines are available at the premises, checks should be made to ensure no category C or D machines are included within the software.</p>	
<p>The premises must be not be mainly used for making gaming machines available (GA05 Schedule 13 paragraph 16).</p>	
<p>If facilities for equal chance gaming are provided then it must comply with the conditions below:</p> <ul style="list-style-type: none"> <li>• that no amount is deducted or levied from the sums staked or won</li> <li>• that there is no participation fee charged</li> <li>• that there is no linking of games with games played in other premises</li> <li>• that persons under 18 are excluded from the gaming</li> </ul> <p>(GA05 Section 279).</p>	
<p>If facilities for equal chance gaming are provided then it must comply with the stakes and prize regulations below:</p> <ul style="list-style-type: none"> <li>• All gaming (other than dominoes and cribbage) has a stakes limit of £5 per person per game. Poker carries an aggregate stakes limit per day of £100.</li> </ul>	

<ul style="list-style-type: none"> <li>• Poker has a prize limit of £100 per game. Other gaming (excluding bingo) has no prize limits (SI 2007 / 1940).</li> </ul>	
<p>Bingo: in any 7 day period the aggregate stakes or prizes for bingo must not exceed £2000. If that limit is exceeded the Gambling Commission must be notified. An offence is committed if the limit is exceeded more than once in any rolling year and an appropriate operating licence is not in place (GA05 Section 281).</p>	
<p>Premises, and designated persons, that offer exempt gaming should ensure the following code provisions are satisfied:</p> <ul style="list-style-type: none"> <li>• games are held in areas restricted to adults</li> <li>• that checking of age is carried out for potentially underage players</li> <li>• games are conducted in supervised places</li> <li>• equipment is supplied by the premises and secured when not in use</li> <li>• rules should be displayed or otherwise available</li> </ul> <p>(Gambling Commission Code of Practice for Equal Chance gaming for clubs and alcohol licensed premises – Dec 2009).</p>	
<p>Commercial betting isn't allowed in pubs. This includes the premises acting as "bookmaker", the premises acting as an intermediary by accepting bets on behalf of a licensed operator and a licensed operator (or their agent) directly accepting bets on the premises (GA05 Sections 33 and 37).</p>	
<p>Lotteries are a form of gambling and must be offered in compliance with the requirements primarily laid out within Schedule 11 of the Gambling Act 2005. It defines exempt lotteries and applicable conditions covering areas such stakes and prizes, ticket information and suitability for fundraising.</p>	

App E

Please quote:  
Your reference:  
Date: 14th August 2014  
Please ask for: Trevor Scrase  
Telephone direct: 01424 451042  
E-mail: [tscrase@hastings.gov.uk](mailto:tscrase@hastings.gov.uk)  
Web: [www.hastings.gov.uk/licensing](http://www.hastings.gov.uk/licensing)



**Licensing Team**  
Aquila House, Breeds Place  
Hastings, East Sussex, TN34 3UY

Mr Nigel Lewis  
Zar Zar Bar  
91 – 92 Queens Road  
Hastings,  
TN34 1HL

Dear Sir,

Complaint received.

I am writing to inform you that a complaint has been received about your customers drinking alcohol outside of the premises and also placing chairs on the footpath outside. Enquiries with ESCC Highways confirm that you do not have any permit to place chairs onto the pavement area of Queens Road, outside your premises.

There is a borough wide street drinking ban and if persons are under the influence and by their conduct or behaviour cause other persons harassment, alarm or distress, they could render themselves and your staff and yourself liable to formal action.

Although you may have a very narrow area immediately in front of your premises, it is only in that area that your customers are allowed to drink.

If they are outside smoking, they should not have their drinks with them.

I hope that this occurred only during the recent hot weather and is unlikely to be repeated.

However you should be aware that your premises is coming to our notice more frequently and I hope that everything is being run in full compliance with your premises licence.

You may recollect I wrote to you on the 29<sup>th</sup> May 2014, regarding a noise complaint, for which I did not receive any response from you.

Your premises licence has conditions which **MUST** be complied with otherwise you render yourself liable to prosecution under section 136 of the Licensing Act 2003 for unauthorised licensable activities. On summary conviction you could make you liable to a maximum fine of £20,000 and or 6 months imprisonment and / or both.

Yours sincerely,

Trevor Scrase  
Senior Licensing Officer

02

Rd and rec noise / m phone  
& clearly audible which  
received drastically when  
door opened with customers  
entering or leaving.

2335

Sat in car on rd from New Bar Rd.  
at rear of Car Cozy clearly  
audible noise of voice &  
acorn music of performance.

2340

Super Pizza - customer going in  
still open.

2345

Union Bar, Cambridge Rd. Sit +  
2 customers outside. All quiet

2350

Super Pizza - still open with  
customers inside.

0000

Off duty 12 hrs total

Nov 10 Nov 2014

1005

Aquila Hse. Visited by

02

03

Nigel Lewis (PLM for ZorZor  
Bar) & Lindsey Smeley (DOS)

Explained reason for request for  
visit. Non compliance of  
premises lic conditions re  
Food always available &  
operate as a cafe with light  
alcohol consumption.

Recent noise complaint 1/2 Nov.  
Letter sent re noise back in  
summer but they didn't  
contact re delegated to their  
manager.

They explained - following  
refurb & move of bar kitchen  
yet to be fully restored.  
Outlined conditions on their  
premises licence that have  
been there all the time

03

04

of their holdship.

Advice given to give them opportunity to rectify & comply.

Planning use as a cafe not a BAR.

1030

left Aquila.

THURS 20 NOV 2014

1322

Super Pizza, White Rock  
Delivered letter addressed to Mr. Taylor.

Veh X36 SHK Nissan

Nissan silver double panel c/s.

3 mths in process. Export

no an fee not paid by

17 Jan 2014 and my trade

after 2300hrs is unlawful

& illegal.

04

05

SAT 22 NOV 2014

2155

On duty

2200

The Coast, Harley Street Rd  
TV on customs watching sports  
B/ board als two mischiefs out of  
line of visit.

2215

Collected Tam Wood EM.

2220

Old King John Middle Rd

No custom out on the side,  
over A10.

2235

Clive Vale Soc Club, Attleboro  
Rd see Andrew Tapsell & 3  
after comm mths. Discussed  
river export at newnes.

2305

Leard.

2310

Zar Zar Bar 91-92 Queens Rd  
See noise rise available for  
garage opp.

2315

Page 55 fruit 119 Queens Rd

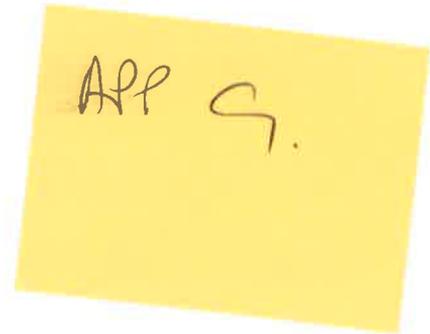
05

Please quote: Invoice5207083  
Your reference:  
Date: 11th December 2014  
Please ask for: Bob Brown  
Telephone direct: 01424 451042  
E-mail: [bbrown@hastings.gov.uk](mailto:bbrown@hastings.gov.uk)  
Web: [www.hastings.gov.uk/licensing](http://www.hastings.gov.uk/licensing)



**Licensing Team**  
Aquila House, Breeds Place,  
Hastings, East Sussex TN34 3UY

Mr Nigel Lewis  
Zar Zar Bar  
91 – 92 Queens Road  
Hastings,  
TN34 1RL.



Dear Licence Holder,

**Re: Annual Fee Suspension  
Premises Licence – Zar Zar Bar, 91 – 92 Queens Road;**

According to our records the annual fee for the premise licence under the Licensing Act 2003 was due on 5<sup>th</sup> December 2014. You are reminded that the Licensing Act 2003 requires you to pay an annual fee, which is £180.00 on the anniversary date of the grant of your licence.

**Failure to pay this fee has now resulted in the Authority decision to suspend your premises licence with immediate effect from Tuesday the 16<sup>th</sup> December 2014. Any future licensable activities carried on at the premise will make you liable to prosecution, should you pay the outstanding fee we will reinstate the licence once the fee has cleared our finance system.**

**This suspension which prohibits any sale or supply of alcohol on or from your premises from the 17<sup>th</sup> J'l;December 2014, means that you cannot trade selling alcohol in any form, on what is expected to be the busiest weekend on the year, the 20<sup>th</sup> and 21<sup>st</sup> of December, unless this overdue fee is paid immediately.**

Please therefore make payment of the fee, following the instructions on the rear of the invoice and quoting the invoice number, as a matter of some urgency.

Payment can also be made by cash, debit or credit card or cheque at the Hastings Borough Council, Tourist Information Centre, Aquila House, Breeds Place, Hastings, in person if preferred. The invoice should be quoted for reference to ensure the records are recorded correctly and confirm your payment has been made.

Should you have any queries please do not hesitate to contact me, on the above telephone number, during normal office hours.

Yours sincerely



Bob Brown  
Licensing Manager

**PERMISSION WITH CONDITIONS**

**Town and Country Planning Acts**

**Application Number:** HS/FA/05/00542      **File Number:** QU80091/QU80092

**Applicant:** Out in the Alley Limited

**Address:**  
91-92 QUEENS ROAD, HASTINGS, TN34 1RL

**Description:**  
Change of use from furniture shop (A1) to Cafe (A3)

In pursuance of its powers under the Town and Country Planning Acts, and all other powers, the Council hereby permits the development described in the Plans and Application specified above, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The use shall not commence until detailed drawings of the proposed bridge threshold from the street into the cafe have been submitted to and approved in writing by the local planning authority. Thereafter no development shall take place other than in accordance with the approved detail and the use shall not commence until such time as the works have been completed to the satisfaction of the Local Planning Authority.
3. The premises shall not be used at any time for the preparation of hot food unless the ventilation fans and exhausts have been fully installed and maintained at all times in accordance with the manufacturers instructions.
4. Prior to the use commencing, an area for the storage of refuse shall be provided in accordance with detailed drawings to be prior submitted to and approved in writing by the local planning authority. Thereafter no development shall take place other than in accordance with the approved details.

The reasons for the imposition of the said conditions are:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that adequate disabled access is provided. (Hastings Local Plan 2004 Policy CN1)
3. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)

4. In the interests of the amenity of the neighbouring residential occupiers.  
(Hastings Local Plan 2004 Policy DG1)

Notes to the Applicant

You are advised:-

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Should the premises remain open after 23.00 hrs, a premises licence will be required under the Licensing Act 2005.
3. A separate application will be required for any external changes to the building including the installation of an external ventilation/extraction system.

The reason for granting this permission is:

1. Having regard to local plan policy and to all other material considerations and taking account of comments and objections from interested parties the proposed use is considered to be acceptable. There will be no material harm to the neighbourhood in general or to adjoining residents in particular

This permission relates only to that required under the Town and Country Planning Acts and does not include any consent or Approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Dated: 20 September 2005

To: Out in the Alley Limited  
112 Stonefield Road  
Hastings  
East Sussex  
TN34 1QA

  
Borough Planning Officer

Application No. HS/FA/05/00542

## Bob Brown

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**From:** lalawaugh@hotmail.co.uk  
**Sent:** 12 May 2015 00:56  
**To:** Licensing  
**Subject:** Hastings Online e-Forms - Enquiries or Comments form Ref no:SITE-EOC-132494 submitted

An instance of the Enquiries or Comments form has been submitted on 00:55:48 12 May 2015

The form reference is: SITE-EOC-132494

Start of Form Data

-----  
To: [licensing@hastings.gov.uk](mailto:licensing@hastings.gov.uk)

From: [lalawaugh@hotmail.co.uk](mailto:lalawaugh@hotmail.co.uk)

Enquiry or Comment:

Dear Sir/Madam,

I have just been made aware of the review of the licence of The Zar Zar Bar, Queens Road, Hastings and after speaking to a member of the Licensing Department by telephone this afternoon I would like to take this opportunity to ask you to please consider the following:

We are residents of The Fountain Music Bar, 93 Queens Road, Hastings directly next door to The Zar Zar Bar and we are deeply concerned that none of the four licensing objectives are being adhered to by them.

They allow customers to drink outside the bar from opening until close which often forces pedestrians to have to walk on a very busy road also some of their customers are quite aggressive drunks who abuse people trying to pass which causes a lot of trouble. There is always noise from the customers outside the bar at night especially Friday and Saturday when they can be open until 3am which makes it impossible for the people residing in the surrounding flats etc to sleep until they have closed which is ruining the quality of life for these residents.

There is often fighting and shouting outside the bar which can be extremely frightening for residents and members of the public trying to pass. there seems to be no sense of responsible sale of alcohol taking place at all and the situation has now become intolerable.

We would be very grateful if you could take these points into consideration when you review their licence and will gladly discuss this matter with your Licensing Officers at your convenience.

Yours Sincerely

Caroline Waugh

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End of Form Data

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This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit:  
<http://www.star.net.uk>

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# Licensing Sub Committee Procedures

## Annex

### **1. The Chair's Introduction and Explanation of the Procedure, which will be followed**

- Introduce Members and Officers and invite the applicant, objectors and any representatives to the table, asking them to introduce themselves.
- Explain that the hearing will follow a procedure, and that is that the Officer will make his report, followed by the Consultees such as the Police and then the Objectors and finally the Applicant. There will be an opportunity for questions. Members may ask for clarification from the Licensing Officer and Summaries may be given if required.
- Ask if the Parties received the report and are ready to proceed.
- If any Party to the hearing fails to attend ask Members to consider whether to adjourn the hearing or to proceed in the Party's absence.

The Hearing of each application will then follow the order set out below:

### **2. Summary of report by Licensing Manager / Officer.**

### **3. Statutory Consultees (eg Police, Fire Service, Environmental Health) submissions on the application.**

Any questions for Statutory Consultees from

- Applicant / Representative?
- Objectors?
- Officers?
- Members?

### **4. Other Objectors each make submissions on the application.**

Any questions for Objectors from

- Applicant / Representative?
- Statutory Consultee?
- Officers?
- Members?

### **5. Applicant / Representative make submissions on the application / call any witnesses.**

Any Questions for Applicant / Representative / Witnesses from

- Statutory Consultees and Objectors?
- Officers?
- Members?

### **6. Do Members require any clarification from the Licensing Manager / Officer?**

If clarification given, questions on clarification only from:

- Applicant / Representative?
- Statutory Consultees and Objectors?
- Members?

### **7. Summaries (if required)**

- Licensing Manager / Officer summing up
- Statutory Consultees and Objectors' summing up
- Applicant/Representative summing up

### **8. Decision Making**

- Members retire to discuss the application, propose and second a recommendation and vote on this.
- They may take legal advice from the Legal Advisor. The Legal Advisor will advise the Parties of any legal advice given to the sub-committee. No other person may retire with the Sub-committee.
- The decision is announced by the Chair giving full reasons for the decision, together with any conditions, which are to be attached to the grant of the licence or the reasons for a refusal of the application.

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# Agenda Item 7



**Report to:** Licensing Sub-Committee

**Date of Meeting:** 8th June 2015

**Report Title:** Application for a Premises licence with representations. Grand Elektra, 53-57 Robertson Street, Hastings.

**Report By:** Mike Hepworth  
Head of Environmental Services

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## **Purpose of Report**

To consider the application for a new premises licence as a result of representations received.

Responsible Authorities.Four.

Interested Parties.One.

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## **Recommendation(s)**

- 1. Members consider the content of the report, the options available and reach a decision.**

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## **Reasons for Recommendations**

The Licensing Act 2003 requires a licensing sub committee to consider such applications when appropriate representations have been made. The decision reached at the sub committee can be subject to appeal by any party to the hearing who is aggrieved by the decision.

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## Introduction

### 1.0 Background History

1. On 7th February 2005 the Licensing Act 2003 came into force for all local authorities, marking the practical commencement of the Government's new liquor licensing regime.
2. On the 13th April 2015 Hastings Borough Council received an application for a new premises licence for the ground floor and basement of 53 - 57 Robertson Street, Hastings from Woodfines Solicitors on behalf of Invest Nightlife Ltd, GPG House, Walker Avenue, Wolverton Mill, Milton Keynes. MK12 5TW, made under section 17 the Licensing Act 2003. (Attached at Appendix A).
3. This premises is a new venture but is on the site of the old West Exit Club and Electric Stag Bar in Robertson Street, those licences having lapsed, following the operating company going into voluntary liquidation in March 2015. (Map attached at Appendix B.)
4. The premise is located within Area 1 (Town centre) of the Council Special Saturation Policy (Cumulative Impact).

### 2.0 Application

5. The application requests the following:
6. To have performance of plays, films, live music, recorded music, dance, anything similar to music and dance and supply of Alcohol (on and off sales), Monday to Thursday 11.00 hrs to 03.00hrs, Friday and Saturday 11.00hrs to 04.00hrs and Sunday 11.00hrs to 02.00hrs.
7. To have late night refreshment, Monday to Thursday 23.00hrs to 03.00 hrs, Friday and Saturday 23.00hrs to 04.00hrs and Sunday 23.00hrs to 02.00hrs.
8. To have opening hours of the premises, Monday to Thursday 08.00 hrs to 03.30hrs, Friday and Saturday 08.00hrs to 04.30hrs and Sunday 08.00 to 02.30hrs.
9. In addition, under all licensable activities, to have the hours agreed extended to 08.00hrs to 04.00hrs on Thursday preceding Good Friday and Sundays preceding Bank Holiday Mondays. On New Year's Eve to extend the hours to 08.00hrs to 06.00hrs.
10. .When submitting an application for a licence under the Licensing Act 2003 the applicant is asked to describe what steps they intend to take to promote the four licensing objectives:-
  - the prevention of crime and disorder,
  - public safety,

- prevention of public nuisance,
- protection of children from harm.

11. In this case the applicant has made a full declaration on the pages in section M of the application.(See appendix A)

### 3.0 Consultation

12. The Licensing Act 2003 requires an applicant to advertise their application once in a local newspaper and on the premises by way of an approved notice for 28 days to allow for representations to be made, this has been done.

13. Copies of the application are required to be served on a list of responsible authorities at the same time as placing the application before the local authority, this has been done. This process has resulted in 5 (five) representations being received by the Authority.

14. A representation has been received from Ch Insp Phelps, Hastings Police Commander, Sussex Police, he comments on the application and the history of the premises commenting on the new layout which combines two premises that were separately licenced in the past. He also comments on the applicant's failure to demonstrate adequately that there will be no negative cumulative impact, as the premises is within the town centre saturation zone. Sussex police invite the subcommittee to refuse the application. I consider this a valid representation under the licensing objectives (Prevention of crime and Disorder and Prevention of Public Nuisance) (Attached Appendix C.)

15. A further representation has been received from Mr Ballam, Environmental Protection Officer (Pollution), he comments on the past problems of the area and the fact that the town centre has presented an unacceptable noise level to residents late at night. He comments on the application and its potential for considerable noise from customers as a result of its extended opening hours. He comments about the Special Saturation Policy and the fact that the applicant has failed to demonstrate that there will be no negative cumulative impact and as a result recommends refusal. I consider this to be valid representation under the licensing objective (Prevention of Public Nuisance). (Attached Appendix C).

16. A representation form Mr Trevor Scrase, Senior Licensing Officer, Hastings Borough Council comments on the application and the previous history of the premises, he also comments that the applicant has failed to demonstrate that the extended hours of the premises will not undermine the licensing objectives, which is situated in the town centre saturation area. (Attached appendix C).

17. A representation has been received from East Sussex Fire and Rescue Service, they comment on the lack of information supplied to them by the applicant and as a result they are unable to judge as to whether the licensing objective of "Public Safety" has been adequately addressed. (Attached appendix C).

18. A letter of representation has been received from a local resident in Cambridge Road, Hastings, she comments on the past noise problems with the premises and the potential for this to increase with the extended hours. I consider this to be a valid representation. (Attached appendix C).

19. The Special Saturation Policy (Cumulative Impact) is contained within the Council's Licensing Policy; it states "Each application will be considered on its own merit. Where no representations are received any application will be granted in terms consistent with the operating schedule. Where relevant representations are received in relation to applications for the grant of a new premise licence, club premise 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." Applicants are advised to seek legal advice if making an application for a licence in a Special Saturation Area.
20. The applicants did meet with officers from Hastings Borough Council Licensing and Sussex Police in March and the situation in respect of the saturation area was explained in greater detail.
21. In addition, the applicant included a letter of support from a local Councillor with their application. Whilst this does not form part of the laid down licensing process it is attached for information. (Appendix D)

#### **4.0 Legal Considerations**

22. The Licensing Act 2003 is now the only legislation that allows premises to be licensed for either the sale of Alcohol or the supply of regulated entertainment.
23. If a relevant representation to an application is made by either a responsible authority or an interested party and no compromise can be reached between the parties, a hearing must be held.
24. The Department for Culture, Media and Sport has issued guidance under Section 182 of the Licensing Act 2003. This guidance is provided to Licensing Authorities to assist them in carrying out their functions.
25. All members of the Licensing Committee have been supplied with copies of the DCMS Government guidance and the Hastings Borough Council Statement of Licensing Policy.
26. Human rights considerations must be taken into account fully in balancing licensing issues, in particular, Article 1 of the first protocol and article 8. Article 1 relates to the protection of property and the peaceful enjoyment of possessions and property. Article 8 relates to the right to respect for private and family life, home and correspondence. These are however qualified rights and can be deprived of "in the public interest". Interference is permissible if what is done:-
27. Has its basis in law;
28. Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
29. Is proportionate to the aims being pursued; and,
30. Is related to the prevention of crime; or, the protection of public order or health.

31. If members chose to refuse the application in full or in part, the applicant has a right of appeal to the Magistrates' Court. There is also a right of appeal to conditions imposed as a result of the hearing by any person affected by the decision.

## 5.0 Options

32. Grant the application in full

33. Grant part of the application

34. Grant the application with conditions relevant to the application

35. Refuse the application.

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### Wards Affected

Castle

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### Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	Yes
Risk Management	No
Environmental Issues	Yes
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

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### Additional Information

Appendix A. Application for licence.

Appendix B. Map of location.

Appendix C. Representations.

Appendix D. Letter of support.

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### Officer to Contact

Bob Brown. Licensing Manager.

bbrown@hastings.gov.uk

01424 783249

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**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Invest Nightlife Ltd

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
<b>Grand Elektra Ground Floor &amp; Basement 53-57 Robertson Street</b>			
<b>Post town</b>	Hastings	<b>Postcode</b>	TN34 1HY

Telephone number at premises (if any)	<b>07540 469111</b>
Non-domestic rateable value of premises	<b>£49500</b>

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
- i. as a limited company  please complete section (B)
- ii. as a partnership  please complete section (B)
- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)

PREM 513  
110PS0504  
W1201500418

Recd 13/4/15.  
Gds 12/5/15.

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Invest Nightlife Ltd
Address GPG House Walker Avenue Wolverton Mill Milton Keynes MK12 5TW
Registered number (where applicable) 09210772
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 07540 469111 – Oliver Ibrahim
E-mail address (optional) oliver@oliveribrahim.com

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY	
1	1	0	5
2	0	1	5

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY	

Please give a general description of the premises (please read guidance note 1)

Nightclub, Event Space & Café Bar Premises

The premises are located in a commercial area in the heart of the Town Centre. It sits amongst shops and other licensed premises. The building comprises of basement event space with a bar that serves alcohol, a dance floor, a lounge bar and performance area. There is a link attached ground floor café bar and eatery. Within this area there is a kitchen that services food provision to the rest of the building.

The remodelled premises will enhance the local area and provide users of Hastings leisure economy, a venue of diverse entertainment and recreation. Further supporting tourism, the local community and a growing university.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	03:00	<b>Please give further details here</b> (please read guidance note 3) Performance of plays. Amplified background music, amplified microphones.  Whilst the provision covers a broad range of hours, the timings of when productions may take place are periodic. Productions will most likely take place during core weekend hours.  <b>State any seasonal variations for performing plays</b> (please read guidance note 4)      <b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Thursdays preceding Good Friday, hours vary to 11:00-04:00 Sundays preceding bank holiday Mondays, hours vary to 11:00-04:00 New Years Eve hours vary to 11:00-06:00		
Tue	11:00	03:00			
Wed	11:00	03:00			
Thur	11:00	03:00			
Fri	11:00	04:00			
Sat	11:00	04:00			
Sun	11:00	02:00			

**B**

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	03:00	<b>Please give further details here</b> (please read guidance note 3) Films to be shown with amplified sound. Whilst hours are a broad range, films will only be shown periodically.		
Tue	11:00	03:00		Premises will also periodically be used as a training space during the daytime and as such, educational and training videos may be shown.	
Wed	11:00	03:00	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur	11:00	03:00			
Fri	11:00	04:00	<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Thursdays preceding Good Friday, hours vary to 11:00-04:00 Sundays preceding bank holiday Mondays, hours vary to 11:00-04:00 New Years Eve hours vary to 08:00-06:00		
Sat	11:00	04:00			
Sun	11:00	02:00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) Live music provision to be amplified. Whilst applied provision is broad, live music will be provided only on occasion throughout these hours.		
Mon	11.00	03:00			
Tue	11:00	03:00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed	11:00	03:00			
Thur	11:00	03:00	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri	11:00	04:00			
Sat	11:00	04:00	Thursdays preceding Good Friday, hours vary to 11:00-04:00 Sundays preceding bank holiday Mondays, hours vary to 11:00-04:00 New Years Eve hours vary to 11:00-06:00		
Sun	11:00	02:00			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	08:00	03:00	<b>Please give further details here</b> (please read guidance note 3) Background music and DJ performance. Recorded music to be amplified through sound system. Whilst hours cover a broad range, it is not the intention of the business to operate as a nightclub during the entirety of these hours. The core hours for Dj performance in event space, would between the hours of 21:00 and 04:00 at weekends. The applied provision allows for background music use for café bar and occasional corporate, educational training sessions & functions.	Both	<input type="checkbox"/>
Tue	08:00	03:00			
Wed	08:00	03:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	08:00	03:00			
Fri	08:00	04:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Thursdays preceding Good Friday, hours vary to 08:00-04:00 Sundays preceding bank holiday Mondays, hours vary to 08:00-04:00 New Years Eve hours vary to 08:00-06:00		
Sat	08:00	04:00			
Sun	08:00	02:00			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11.00	03.00	<b>Please give further details here</b> (please read guidance note 3) Performance of dance within the event space with background amplified music		
Tue	11:00	03:00			
Wed	11:00	03:00	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur	11:00	03:00			
Fri	11:00	04:00	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Thursdays preceding Good Friday, hours vary to 08:00-04:00 Sundays preceding bank holiday Mondays, hours vary to 08:00-04:00 New Years Eve hours vary to 08:00-06:00		
Sat	11:00	04:00			
Sun	11:00	02:00			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing  Provision of Facilities for Comedy shows, Cabaret, Karaoke & Dancing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	11:00	03:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	03:00	<b>Please give further details here</b> (please read guidance note 3) Amplified music, microphones, visuals and dancefloor.		
Wed	11:00	03:00	Core hours of provision to be during weekends		
Thur	11:00	03:00	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri	11:00	04:00			
Sat	11:00	04:00	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun	11:00	02:00	Thursdays preceding Good Friday, hours vary to 08:00-04:00 Sundays preceding bank holiday Mondays, hours vary to 08:00-04:00 New Years Eve hours vary to 08:00-06:00		

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>			
Mon	23.00	03.00	<b>Please give further details here</b> (please read guidance note 3)  Kitchen on ground floor bar for provision of food to entire premises		
Tue	23:00	03:00			
Wed	23:00	03:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23:00	03:00			
Fri	23:00	04:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)  Thursdays preceding Good Friday, hours vary to 08:00-04:00 Sundays preceding bank holiday Mondays, hours vary to 08:00-04:00 New Years Eve hours vary to 08:00-06:00		
Sat	23:00	04:00			
Sun	23:00	02:00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	11:00	03:00			
Tue	11:00	03:00			
Wed	11:00	03:00			
Thur	11:00	03:00			
Fri	11:00	04:00			
Sat	11:00	04:00			
Sun	11:00	02:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  Thursdays preceding Good Friday, hours vary to 08:00-04:00 Sundays preceding bank holiday Mondays, hours vary to 08:00-04:00 New Years Eve hours vary to 08:00-06:00		
Thur	11:00	03:00			
Fri	11:00	04:00			
Sat	11:00	04:00			
Sun	11:00	02:00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name Oliver Ibrahim	
Address 44A Luton Road Toddington Beds	
Postcode	LU5 6DF
Personal licence number (if known) 05/0360/LAPER	
Issuing licensing authority (if known) Rother District Council	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).**  
 N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	08.00	03.30	<p><b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 5)</p> <p>Thursday preceding Good Friday, hours vary to 08:00-04:30            Sundays preceding bank holiday Mondays, hours vary to 08:00-04:30            New Years Eve hours vary to 08:00-06:30</p>
Tue	08:00	03:30	
Wed	08:00	03:30	
Thur	08:00	03:30	
Fri	08:00	04:30	
Sat	08:00	04:30	
Sun	08:00	02:30	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

Staff will be comprehensively trained and inducted. Specific interest given to the following areas; Responsibilities under the 2003 licensing act, Intoxication & Refusals, Health & Safety, Fire Safety, Food Hygiene & Security. The DPS is an experienced and long running licence holder.

Strict management policies are in place to ensure the possibility of public nuisance arising from odours, noise, litter and lighting are minimized.

Due to the premises being within a local authority defined cumulative impact area, special consideration has been given to policies and management processes in order to prevent crime and disorder. Both within the premises and directly in the vicinity. We will comply with the licensing guidance and policy applicable to Hastings.

Due to the multi-function of the business, special care has been given to ensure the prevention of children from harm is widely explored and controlled. Processes for ID scanning and data recording are to be implemented wherever reasonably possible. Hours when children may be permitted on the premises have been restricted. When regulated entertainment may give cause for concern, namely the showing of films, special conditions have been volunteered to ensure that features meet government guidelines and those of the British board of film. No visible alcohol or advertising of alcohol will take place during specific under 18 events.

**b) The prevention of crime and disorder**

1. A written dispersal policy will be in place and will cover a 30 minute management and security supervised dispersal.
2. Where practical an ID scanner will be used during club sessions to photograph and record patron data. Data to be made available at the request of a police officer.
3. The maximum occupancy of the building or venue at any one time will be restricted in respect of certain areas, parts or floors as specified by the Fire Authority.
4. The number of persons admitted to the premises on any one occasion shall not exceed the maximum occupancy (such number is inclusive of staff and performers working at the premises). This is in agreement with the responsible authorities notably based on fire safety issues, available floor space and the sanitary accommodation.
5. A suitable system to control entry to the premises will be used to count the number of persons entering and leaving the premises, or parts of the premises where appropriate, to ensure that the maximum specified occupancy is not exceeded at any one time. The counting system is sufficiently accurate to inform an authorized person, on request, of the number of persons in the premises or part of the premises as appropriate.
6. We will employ an appropriate method for checking the number of people entering and leaving the premises and ensure that steps are taken so that, once the maximum occupancy is reached, no further persons are admitted. Clickers will be used to count in and out.
7. As far as is practical, persons leaving the Premises will be reminded to conduct themselves in an orderly manner. Signage to this affect to be displayed.
8. Clear and conspicuous notices warning of potential criminal activity such as pick pockets and handbag thieves within the premises, who may target patrons of the premises, will be displayed.
9. CCTV capable of covering both inside and outside the premises in positions which satisfy both the Council and the Police, will be provided to enhance the safety of patrons and staff where deemed appropriate. All cameras will be maintained in good working order and must continually record. Data retained for a minimum of 14 days and to be made available to the police, where the police demand them to be of evidential value.
10. Sufficient numbers of door supervisors who are suitably trained will be provided on the premises,

depending on the site-specific risk assessment, activities or entertainment. Door supervisors will all be Security Industry Authority accredited.

11. A register of all staff, including door supervisors, who are working at the premises whilst the public is present, will be maintained. Any person employed or engaged on the premises in a security activity such as the vetting of customers and/or the maintenance of public order at either any entrance to the premises or any part within, shall hold the appropriate Security Industry Authority accreditation.
12. When on duty every door supervisor shall wear a uniform, distinctive dress or armband
13. The premises will be a member of the local bar watch scheme. Effective two-way communication via Night Net radio, between the designated premises supervisor or their representative and the Police and other clubs or licensed premises in the locality. The equipment/system will be kept in working order at all times that the premises are open to the public ensuring that all instances of crime and disorder are reported to an agreed police contact point and any police instructions/directions will be complied with whenever given.
14. Telephone numbers of the DPS and management team will be available to the police.
15. Where practical the premises will implement a search policy. A specified CCTV covered area has been identified to search entrants. A management scheme is in place to ensure the search is operated in accordance with the recommendations of the "Safer Clubbing Guide." Where necessary, appropriate metal detection equipment will be used in searches. A female supervisor will be available for searches that might be conducted on female customers.
16. A written drugs policy is in force at the premises with the objective of securing, as far as reasonably practicable, the safety of patrons and others attending the premises. A secure drug deposit box of a type approved by Sussex Police for the safe storage and containment of any drugs found or seized on the premises is located on the premises. A hardbound drugs register is maintained in accordance with guidelines laid down by Sussex Police.
17. The provision of plastic glass and bottles will be provided depending on the type of entertainment provided, time of day and the number of patrons.
18. Drinks, whether in drinking glasses or in opened bottles, may not be taken outside of the licensed area.
19. Off sales will be restricted after 20:00.
20. Any daytime event including a regulated activity will be notified in advance to the police and local authority.
21. Staff will be suitably trained in refusals and intoxication, to prevent the sale of alcohol to under 18's or persons deemed to be intoxicated.
22. Regular glass and bottle collection policy will be undertaken throughout the premises.
23. As a premises adjacent to a "no drinking zone" specified by the Council, the licensees will take steps in the form of advertising to their patrons on exit, that they are entering a "No Drinking Zone".

#### **c) Public safety**

1. A log book shall be kept upon the premises in which shall be entered particulars of inspections made; Dependant on specific items, checks will be made daily, weekly or monthly as dictated by the area of inspection. Management will take specific interest in areas connected to fire and health and safety. The logbook shall be kept available and produced for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
2. Adequate access and policy will be provided for emergency services as per house crisis manual.
3. Where patrons wait in a queue for admission, all reasonable steps will be taken to ensure that such persons do not obstruct exits, yards, passageways, stairways and ramps leading to the outside of the premises.
4. Barriers will be provided to control queuing patrons to prevent crushing. Portable barriers/guards will be available where queues for entry can be envisaged.
5. All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition.
6. A area separate from the main dance area is provided with adequate seating and suitable means of

- providing cool air (either by air conditioning or ventilation to the external air) and, so far as is practicable, respite from music.
7. Cold drinking water is available at the bar and a notice of the availability is displayed at suitable locations within the premises.
  8. At least one qualified first-aider will be present on the premises during the whole time the premises are made available for regulated entertainment. If more than one suitably qualified first-aider is required then their respective duties must be clearly defined. The date on which any staff have obtained first aid qualifications or received refresher training shall be recorded and kept within a logbook. Facilities and equipment suitable for the number of patrons and the type of event undertaken are provided to enable first-aid treatment to be given promptly in the event of injury to patrons or staff.
  9. Persons will not be allowed to stand, sit or otherwise remain in any gangway or exit way. Curtains will not be hung across gangways, exit ways or over staircases. Where hung over doorways or across corridors, they shall draw easily from the centre and slide freely and shall be clear of the floor. All doors and fastenings will at all times be kept in proper working order. Gangways, exit routes and steps will be maintained in good order with non-slippery and even surfaces. Seating will at all times ensure free unobstructed access to all exit doors.
  10. All parts of the premises will be adequately illuminated and those portions to which the public has access and all routes of escape for performers and staff shall be provided with adequate means of illumination.
  11. In the event of failure of the general lighting, the public shall be required to leave the Premises forthwith.
  12. In the event of the failure of the emergency lighting, the building shall be immediately fully illuminated by the general lighting and the public shall be required to leave the Premises forthwith.
  13. Emergency lighting shall be inspected on a daily basis before the public are admitted to the Premises. They shall be of such capacity and so maintained as to be capable of supplying at normal voltage the full load of the emergency lighting during the time required for "safe escape" of the public in an emergency.
  14. No illuminate other than an electric light shall be employed upon the stage, basement, or stores.
  15. No explosive or highly inflammable material shall be brought into the premises and no cotton wool or other similar highly inflammable material shall be used for scenery, decoration or costume.
  16. Pyrotechnics or indoor fireworks will be stored in a fire retardant vessel and will be used only by trained members of staff.
  17. Smoke machines (and similar vapour producing apparatus) will:- limit the amount of smoke/vapour to the minimum necessary for the desired effect and will not impede means of escape or obscure exit signs. The machines will be in a fixed position and protected against unauthorised interference and be manned by or readily accessible to a competent operator at all times when it is in use.
  18. Any special effects or mechanical installation will be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.
  19. When disabled people are present on the premises adequate arrangements will be in place to enable their safe evacuation in the event of an emergency and disabled persons on the premises must have been made aware of those arrangements.
  20. Noise protection steps within the premises resulting from the operation of any musical instrument or amplified equipment will be regulated so as to protect the hearing of any employee therein in accordance with current standards. Where appropriate noise limiters will be installed.
  21. To encourage dispersal a specific taxi operator has been nominated for staff and customers use. The company's telephone number is advertised to customer

d) The prevention of public nuisance

1. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management. Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly. The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will prevent disturbance to nearby properties. Deliveries of kegs, bottles, food or other materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents. Doors, windows and acoustic lobbies will be kept shut during entertainment, to reduce noise break out. (save those for ingress and egress) Staff will check prior to entertainment, and periodically check throughout, that all windows and doors are shut. Staff will monitor and document external sound levels during entertainment. A management scheme will be in place to ensure this situation remains.
2. Entry via Number 53 Robertson Street will be restricted to 1am and doors will be closed.
3. Door staff will be positioned at exits, particularly at closing times to ensure noise from patrons leaving the premises is minimized.
4. The external areas will be maintained and cleaned regularly throughout use. Regular litter patrols will be in place to control waste emanating from the premises.
5. Odours from waste and bottle refuse areas will be managed collected and cleaned regularly.
6. Noise from extract fans and H&V will be attenuated as not to cause a nuisance to others.
7. External lighting will be designed so as not to cause unnecessary light pollution or disturbance to neighbouring premises.

e) The protection of children from harm

1. The premises will operate a "Challenge 25" policy on sales of alcohol
2. Where practical an ID scanner will be used during club sessions. If patrons clearly meet the challenge 25 criteria and are unable to provide ID, patrons will still be photographed on their way into the venue and data stored on the ID scan system.
3. Staff will ensure that no unaccompanied children are permitted on the premises at any time. Children below the age of 18, shall be excluded from the premises after 20:00. (Save for specific under 18 events.) Such events are to be individually risk assessed and agreed by Sussex Police.
4. In further interest of protecting children from harm, No film shall be exhibited unless: it has received a "U", "PG", "12", "15", or "18" certificate issued by the British Board of Film Classification.
  - a. No person under the age of eighteen years will be admitted to any exhibition at which there is to be shown any moving picture which has received an "18" certification from the British Board of Film Classification.
  - b. No person under the age of fifteen years will be admitted to any exhibition at which there is to be shown any moving picture which has received an "15" certification from the British Board of Film Classification.
  - c. No person under the age of twelve years will be admitted to any exhibition at which there is to be shown any moving picture which has received an "12" certification from the British Board of Film Classification.
5. During events that will have an attendance of under 18's not alcohol will be advertised or visible to young persons.

--

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 11).  
**If signing on behalf of the applicant, please state in what capacity.**

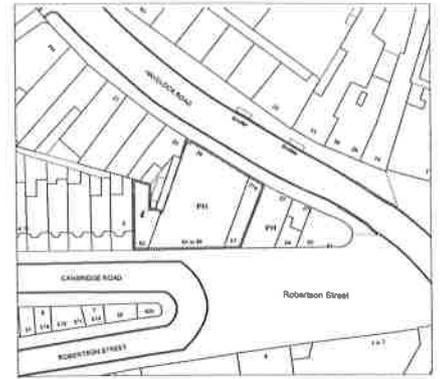
Signature	Oliver Ibrahim 
Date	13 <sup>th</sup> April 2015
Capacity	Director

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

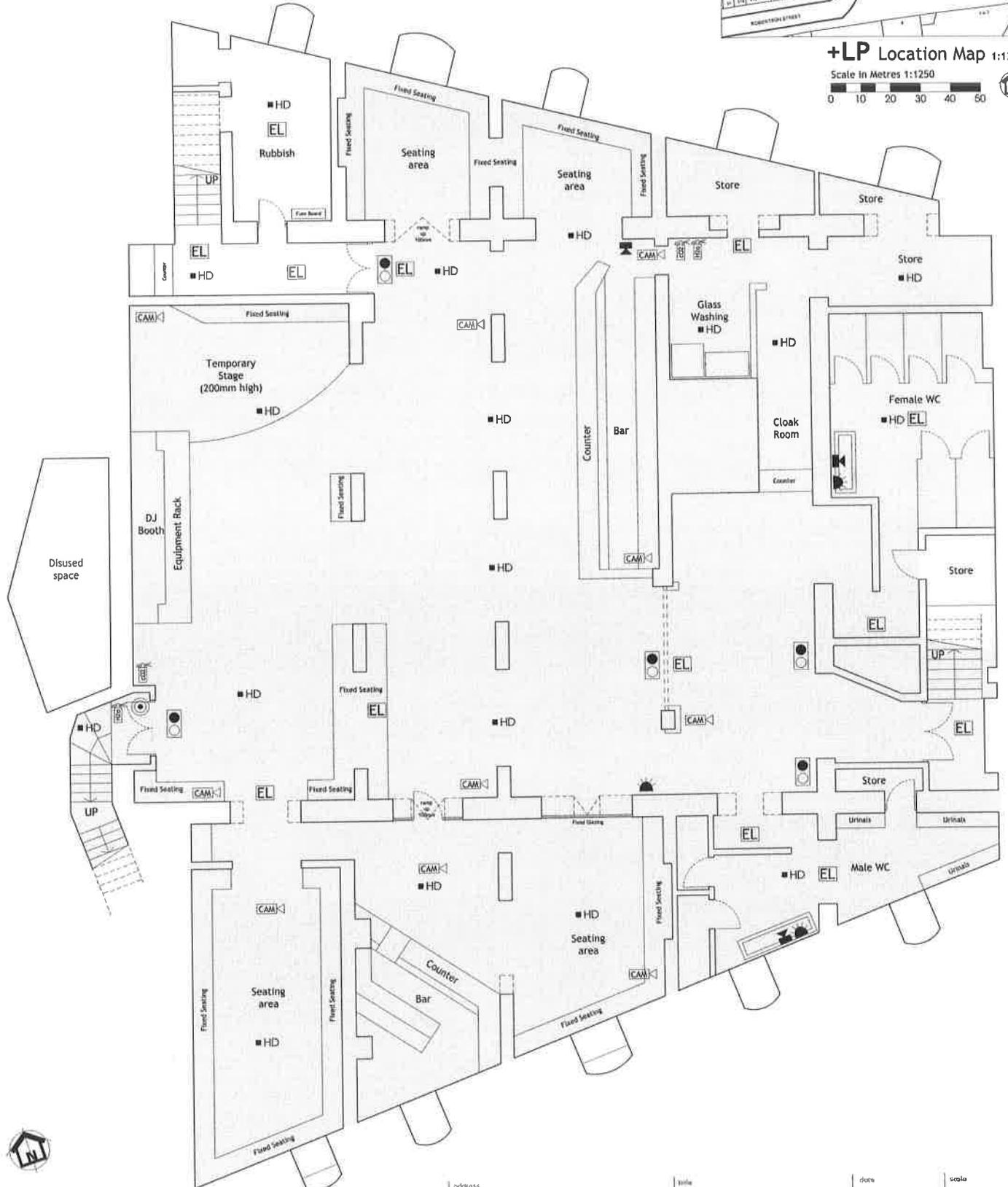
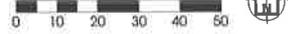
**+KEY**

	Fire Extinguisher - CO2		Roasting Beacon
	Fire Extinguisher - Water		Alarm Sounder
	Bunkered 'Exit' sign boxes		Heat Detector
	Break Glass call point		Push Bar Escape Door
	Emergency Light		CCTV Camera



**+LP Location Map** 1:1250

Scale In Metres 1:1250



**-01 Basement Plan** 1:100

Scale In Metres 1:100



address  
53-57 Roberton Street  
Hastings  
East Sussex

title  
Licensing Plans

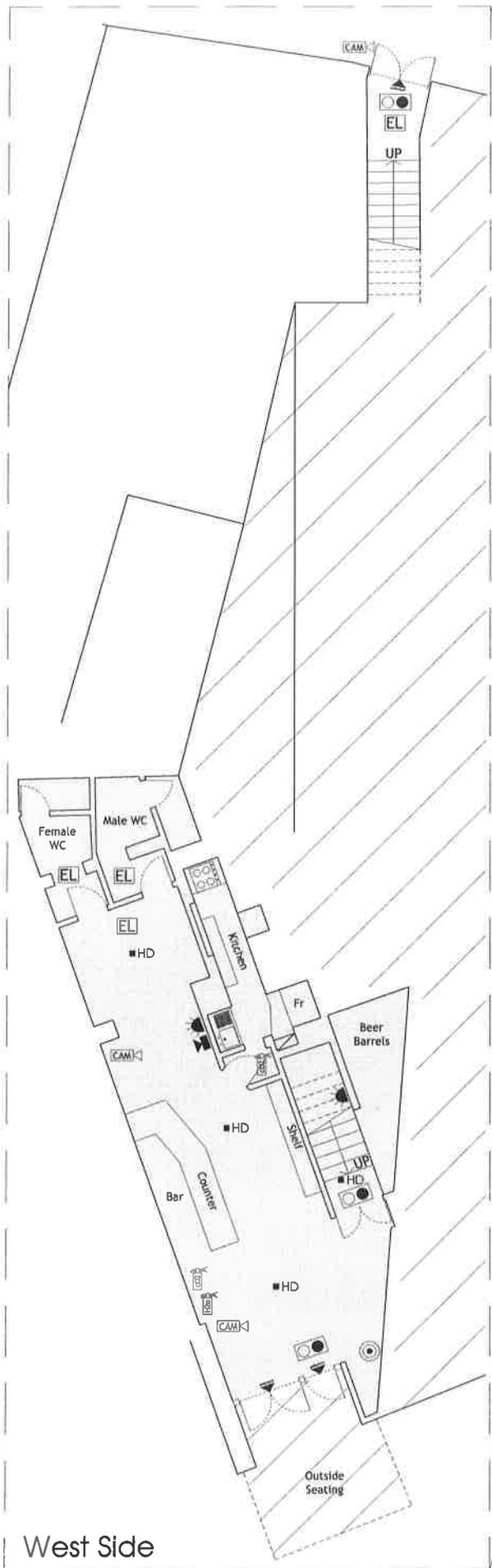
date  
April 2015

scale  
As shown@A3

city no.  
626-1

revision  
A





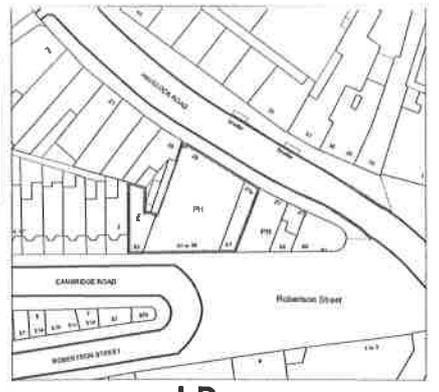
West Side

**+00** Ground Floor Plan 1:100

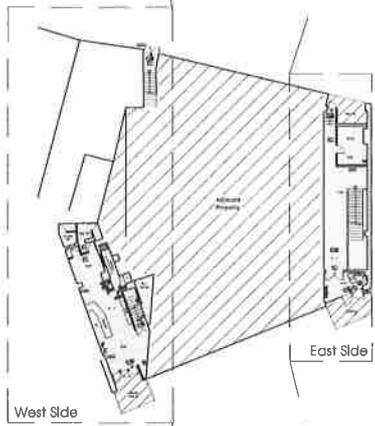
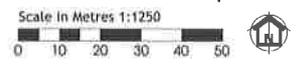


**+KEY**

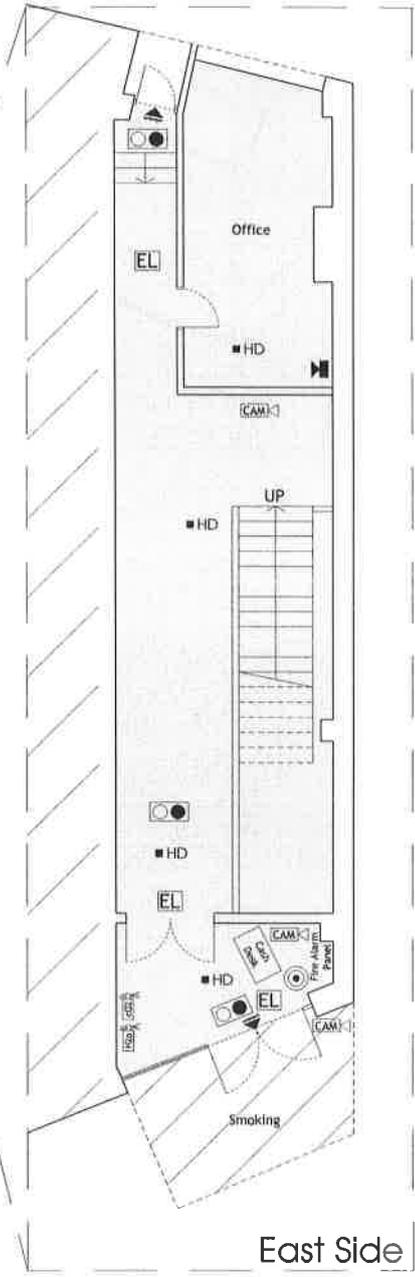
	Fire Extingisher - c02		Flashing Beacon
	Fire Extingisher - Water		Alarm Sounder
	Illuminated 'Exit' sign boxes		Heat Detector
	Break Glass call point		Push Bar Escape Door
	Emergency Light		CCTV Camera



**+LP** Location Map 1:1250



**+SP** Schematic Plan 1:500



East Side

address  
53-57 Robertson Street  
Hastings  
East Sussex

title  
Licensing Plans

date  
April 2015

drawn by  
As shown@A3

drawn no.  
626-2-2

© Brighton Licencing plans 2015



HASTINGS BOROUGH COUNCIL, Aquila House, Breeds Place,  
Hastings, TN34 3UY.

**Consent of individual to being specified as premises supervisor**

I OLIVER IBRAHIM  
[full name of prospective premises supervisor]

of

44A LUTON ROAD, TOPPINGTAN, BEDS LU5 6DF.  
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premise Licence  
[type of application]

by

INVEST NIGHTLIFE LTD  
[name of applicant]

relating to a premises licence \_\_\_\_\_  
[number of existing licence, if any]

for

GRAND ELEKTRA, 53-57 ROBERTSON STREET, HASTINGS, TN34 1HY  
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

INVEST NIGHTLIFE LTD  
*[name of applicant]*

concerning the supply of alcohol at

GRAND ELEKTRA, 53-57 ROBERTSON STREET, HASTINGS, TN34 1HY  
*[name and address of premises to which application relates]*

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

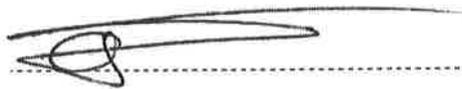
Personal licence number

OS10360/LAPER  
*[insert personal licence number, if any]*

Personal licence issuing authority

ROTHER DISTRICT COUNCIL  
*[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed



Name (please print)

OLIVER IBRAHIM

Date

13/04/2015

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town

Postcode

Telephone number (if any)

07702 497239 / 07540469111

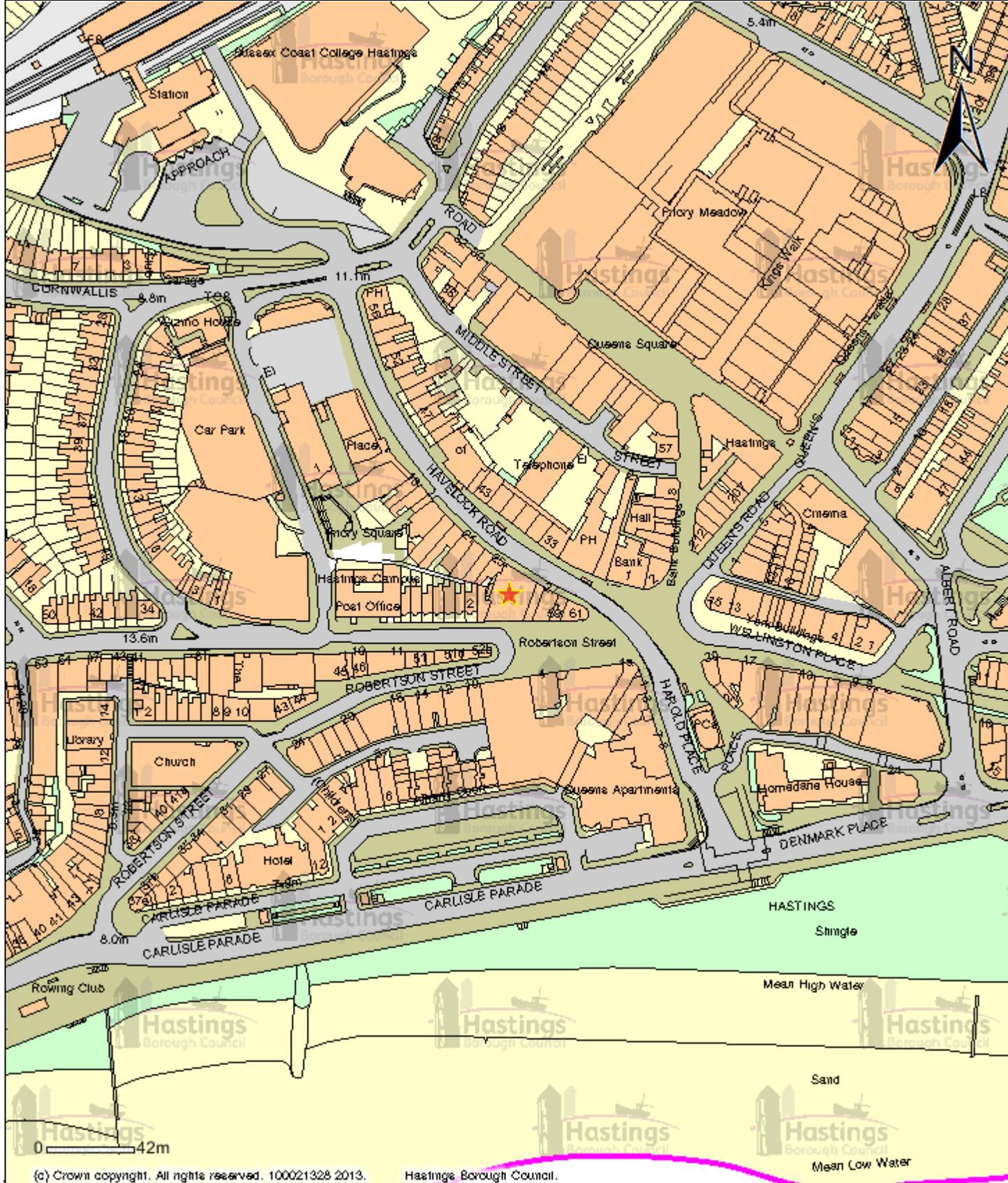
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Oliver@oliveibrahim.com

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.





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Hastings Borough Council.



**Title:**

**Appendix B**

**Scale:**

**1:2500**

**Date:**

**15 / 5 / 2015**

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**Sussex Police**  
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## Hastings District

Licensing Manager  
Environment and Safety Directorate  
Cavendish House  
Breeds Place  
Hastings  
TN34 3AA

6th May 2015

Dear Mr Brown,

**APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE FOR GRAND ELEKTRA,  
(FORMERLY WEST EXIT & ELECTRIC STAG) GROUND FLOOR AND BASEMENT, 53-57  
ROBERTSON STREET, HASTINGS, EAST SUSSEX TN34 1HY**

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 that the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance will be undermined. The premises is located in the Cumulative Impact Area (CIA) as defined in the Hastings Borough Council Statement of Licensing Policy,

This application relates to a property which in the past was divided into two separate premises, known as The Crypt and Honey Lou Lou's and most recently, West Exit and Electric Stag. Each premises had its own premises licence, allowing for a number of licensable activities to take place during the relevant periods. The times for licensable activities to take place at the Electric Stag being some two hours shorter than the permitted hours for West Exit. This application seeks to amalgamate the previous two, lapsed, premises licences into one. Details of the application are as follows.

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

Monday to Thursday	08:00hrs - 03:30hrs
Friday and Saturday	08:00hrs – 04:30hrs
Sunday	08:00hrs - 02:30hrs

Continued/

Non Standard Times:

Thursday preceding Good Friday 08:00hrs - 04:30hrs  
Sunday preceding Bank Holiday Monday 08:00hrs - 04:30hrs

Seasonal variation:

New Years Eve 08:00hrs – 06:30hrs

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; the times of which are listed in the Application and the Officers report.

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 with no additional modifications.

Paragraph 13.30 of the Secretary of State's Revised Guidance issued under Section 182 of the Licensing Act 2003, amended in March 2015 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. The policy states: *"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 considered on its own merit. Where no representations are received any application will be granted in terms consistent with the operating schedule. 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."*

Continued/

Paragraph 8.33 of the Secretary of State's Guidance to the Licensing Act 2003, amended in March 2015 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.....*'.

At 11:00hrs Tuesday 17<sup>th</sup> March 2015 a meeting was held at Aquila House, Breeds Place, Hastings. Those in attendance being Mr. Robert Brown (Hastings Borough Council Licensing Manager), Mr, Trevor Scrase (Hastings Borough Council Licensing Officer), PS Denham Vokins, PC Chris Trevena and Mr Anthony Masters all from Sussex Police Alcohol Harm Reduction Unit. Representing the Applicant were Mr Paul Mandrey and Mr Oliver Ibrahim. The meeting was held to give the representatives from the premises the opportunity to inform those present of their thoughts and intentions for the premises. No specific details were discussed with regard to licensable activities to take place, hours of operation or proposed conditions. At no time since that meeting have the applicants contacted representatives of Sussex Police in order to seek guidance on their application.

Paragraph 8.35 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 only reference the application makes to the Special Saturation (Cumulative Impact) Policy is within Section M of the operating schedule, '*Due to the premises being within the a local authority defined cumulative impact area special consideration has been given to policies and management processes in order to prevent crime and disorder. Both within the premises and directly in the vicinity. We will comply with the licensing guidance and policy applicable to Hastings*'. 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 the four sub-sections of Section M of the operating schedule, the applicant has listed 56 measures that will be taken concerning the promotion of the licensing objectives, 28 measures specific to the prevention of crime and disorder and protection of children from harm. Some of these measures are either duplicated, already covered by the mandatory conditions or open to interpretation, for example:

- Where practical an ID scanner will be used during club sessions.
  - '*where practical*' is completely unenforceable, and is likely to result in no time when it is '*practical*' to use the scanner

Continued/

- Sufficient members of door supervisors who are suitably trained will be provided on the premises depending on the site specific risk assessment, activities or entertainment.
  - Completely unenforceable, as what does 'sufficient' mean and who decides what is 'sufficient'?
- The proposed measure for the use of CCTV does not meet the minimum Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05),

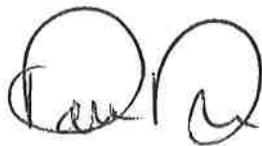
The previous capacity for the former West Exit was 440 persons. In considering the combined capacity of the former West Exit and Electric Stag, in addition to the extended operating times, Sussex Police contend that that volume of patrons leaving the premises in the early hours of the morning will have a negative impact on public nuisance and crime and disorder.

The operating times as specified in the application would mean customers remaining in the area beyond the terminal time for the transport systems serving Hastings and also the timings of the police resources. This will inevitably impact upon the licensing objectives, and give rise to negative cumulative impact.

Sussex Police contend that the Applicant has failed to demonstrate in their operating schedule that there will be no negative cumulative impact and we fail to understand how an Application for a nightclub, open until 4.30am, can have anything other than a negative impact on one or more of the licensing objectives.

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

Yours sincerely



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

# MEMORANDUM



Date: 8<sup>th</sup> May 2015  
From: John Ballam - Environmental Protection Officer  
To: Licensing  
My Ref: WK201500418  
Your Ref:

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Application Number: WK201500418  
Address: Grand Elektra, 53-57 Robertson Street, Hastings, TN34 1HL

Proposal: New Premises license.

Dear Mr Brown

## **Licensing Act 2003 – Grand Elektra 53-57 Robertson Street – New Application.**

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 as I have serious concerns about the implications of a premises licence being granted for the above premises in respect of the licensing objectives prevention of public nuisance and prevention of crime and disorder as I consider that there is a likelihood of negative cumulative impact.

As you are aware we have long had concerns about the general noise climate in the Town Centre area during unsocial hours especially on Friday & Saturday nights. As such I welcomed the fact that a licence was surrendered for these and associated premises which had been the subject of complaint on occasion. Even with the closure of these premises I consider the town centre to continue to have an unsatisfactory noise climate as a result of music breakout and the noise of revellers outside premises and in the street in general.

Environmental Health at Hastings Borough Council have previously dealt with noise nuisance in the form of music and also from patrons outside the premises situated at Ground/Street level, formally known as Electric Stag. I am concerned that this area is intended to be used from 11:00 -01:00 for possible internal movement by both staff and patrons, with very little detail as to what the intended use is, close to noise sensitive premises.

The current application is for very long hours 7 days per week Monday-Thursday 08:00-03:30, Friday & Saturday 08:00-04:30 and Sunday 08:00-02:00. With later hours at peak bank holiday periods. The regulated entertainment and licensable activities terminating thirty minutes prior to closure times above. e.g. recorded music 08:00 – 04:00 and live music from 08:00 – 04:00 although it is stated that



Whilst live performances of music not deemed incidental (according to DCMS guidelines) are not planned there may be, on occasion, the possibility of live music on the premises". It strikes me that this application has been put together to cover a range of activities and times with little thought having been given to the suitability of the premises in terms of size or location.

I do not believe that the applicants have had any regard to the fact that the premises are within an area covered by the Special Saturation (Cumulative Impact) Policy within the Council's Licensing Policy. While they have made reference to this, they have not demonstrated that there will be no negative cumulative impact arising from their proposals or rebutted the presumption against grant of a new licence in this area.

In light of the above, I have no alternative but to recommend refusal of a licence.

Kind Regards



John Ballam  
Environmental Protection Officer  
(On behalf of Ian Wheeler - Environmental Health Manager)

# MEMORANDUM



Date: 6<sup>th</sup> May 2015  
From: Trevor Scrase, Senior Licensing Officer  
To: Bob Brown, Licensing Manager  
My Ref: Wk201500418  
Your Ref:

## Licensing representation against the full premises licence application for Grand Elektra, 53 – 57 Robertson Street, Hastings.

A new premises licence application was received by this licensing authority on the 13<sup>th</sup> April 2015. The consultation period ends at midnight on the 12<sup>th</sup> May 2015.

The applicants are Invest Nightlife Ltd, who have submitted their application through Woodfines Solicitors, Milton Keynes. Invest Nightlife Ltd is run by Mr Oliver IBRAHIM, who is known to this authority, due to his connections with the former Fluid nightclub, 20 Robertson Street, Hastings from 2005 until 2009.

The application is primarily for a 'nightclub' premises, located at the address above, in a large basement area situated immediately below Yates's licensed premises. It also includes a street level premises, to the immediate west of Yates's frontage and property. These two areas are linked by a corridor below street level, joining both of the proposed licensed areas, with a combined premises licence for the full postal address of 53 – 57 Robertson Street, Hastings. There is reference to this with no indication whether this will be solely for the use of staff or combined use of staff and customers during trading hours.

Robertson Street, Hastings is specified within this licensing authorities licensing policy as being in a saturation area / cumulative impact area, in the main town centre of Hastings.

The premises at 53 (Street level) and 53 to 57 Robertson Street (Basement), have been licensed since transition from the former licensing regime in 2005 until July 2011 when the then holders surrendered the premises licence. It was subject to a licensing committee hearing for decision on grant of new premises licences as two separate licensed premises in February 2013. Both ceased trading in March 2015 with the premises licences lapsing.

The new application is for one premises licence for both operations at 53 and 53 – 57 under one premises licence as follows:-

### **Plays, Films, Live music, Performances of dance, Entertainment similar to live music, recorded music or dance:-**

Monday to Thursday	11.00 – 03.00
Friday & Saturday	11.00 – 04.00
Sunday	11.00 – 02.00

### **Recorded music:**

Monday to Thursday	08.00 – 03.00
Friday & Saturday	08.00 – 04.00
Sunday	08.00 – 02.00

### **Supply of alcohol (for consumption on and off the premises)**

Monday to Thursday	11.00 – 03.00
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Friday & Saturday	11.00 – 04.00
Sunday	11.00 – 02.00
<b>Late night refreshment</b>	
Monday to Thursday	23.00 – 03.00
Friday & Saturday	23.00 – 04.00
Sunday	23.00 – 02.00



**Non standard timings.**

Thursdays preceding Good Friday	08.00 – 04.00
Sundays preceding BH Mondays	08.00 – 04.00
New Years Eve	08.00 – 06.00.
Hours open to the public.	
Monday to Thursday	08.00 – 03.30
Friday & Saturday	08.00 – 04.30
Sunday	08.00 – 02.30

Comments.

1. In the accompanying letter submitted by Woodfines Solicitors, comment is made of the existence of the previous premises in operation, for many years, It makes reference to the recent lapse due to the recent previous licence holder company going into liquidation, otherwise this licence would have been subject of a variation, transfer and change of DPS rather than as a new application. (This explanation is correct).
2. In the application itself, there is reference to the link corridor between 53 and 53 – 57 at basement level, but no indication whether this will be solely for the use of staff or combined use of staff and customers during trading hours. It does state in the operating schedule, d) The prevention of public nuisance, (2) that the **entry via number 53 Robertson Street will be restricted to 1am and doors will be closed.** (This indicates it will be available for combined internal movement of staff and customers from 11.00 until 01.00 during trading hours).
3. This combined premises licence application for both 'premises areas' is for considerably longer hours than the previous application, which terminated at 03.30 (west Exit 53 – 57) and 01.30 (Electric Stag). However this was due to a licensing hearing decision.
4. This application requests - hours open to the public.

Monday to Thursday	08.00 – 03.30
Friday & Saturday	08.00 – 04.30
Sunday	08.00 – 02.30.
5. Those applied for regulated entertainment and licensable activities, terminating thirty minutes prior to closing times above.
6. Non-standard timings for regulated entertainment / licensable activities applied for are:-

Thursdays preceding Good Friday	08.00 – 04.00
Sundays preceding BH Mondays	08.00 – 04.00
New Years Eve	08.00 – 06.00.

Consequently the terminal, or closing hours will subsequently be a further thirty minutes later, making this 04.30 on peak BH weekends and 06.30 following New Years Eve on New Years Day.
7. Referring to the description of the premises in Part 3 of the application, comment is made of the link between both areas of the premises, with use from 11.00 hours each day for the range of regulated entertainments, '**will enhance the local area and provide users of Hastings leisure economy a venue of diverse entertainment and recreation, further supporting tourism, the local community and a growing university.**'



8. The application includes the following information regarding the commencement at 11.00 daily. It states, ***'whilst the hours cover a broad range, it is not the intention of the business to operate as a nightclub during the entirety of these hours.'*** It goes on to indicate its availability for a ***range of daytime use for corporate, educational training sessions and functions.***
9. Oliver Ibrahim, gives his address as 44A Luton Road, Toddington, Bedfordshire. He is a personal licence holder and has nominated himself as the designated premises supervisor (DPS), this being the single named person identified with the Licensing Act 2003 as 'being in day to day control of the premises'. No alcohol can be sold at a premise unless a personal licence holder is specified on the premises licence. In addition, although there is no requirement within the Act itself, for that named person (DPS) to be present, or on the premises whilst trading, a nightclub venue is such a premises that requires close and continued supervision. This will not be possible from an address in Bedfordshire.
10. Brief reference is made within general section of the operating schedule of the application, of the location of the premises within the town centre saturation policy / cumulative impact area. Although the operating schedule in all four licensing objectives is fairly comprehensive, there is little indication of how the applicants have considered this aspect and shown the measures they propose to show that they are not going to add to the existing problems in the area.
11. However in respect of this element,
  - The saturation policy is to be reviewed this year following consultation with the relevant bodies concerned, including the police and licensed trade.
  - Each application will be considered on its own merits.
  - Where relevant representations are received in relation to applications for the grant of a new premise licence, there will be a presumption against the grant of such licence or 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.

### **Conclusion.**

As the licensing officer with responsibility for Licensing Act 2003 applications, I am aware of the concerns of the police to this application. In light of the severe financial implications on police budgets and recent cessation of Op Marble, which was directly linked to the policing of the late night environment.

I am further aware of issues raised by East Sussex Fire and Rescue Service in a letter dated the 20<sup>th</sup> April 2015, requesting a copy of the fire risk assessment and occupancy numbers to be provided within five days. At the date of preparing this report I have not confirmed if that request has been met.

I am aware of noise issues emanating from the premises formerly Electric Stag at 53 Robertson Street. I have myself witnessed such noise on late night licensing enforcement.

At the time of this report, one representation, in respect of noise, has been received from a local resident and accepted by the Licensing Manager under the objective 'prevention of public nuisance'.

The previous, now lapsed premises licences, made similar references to the use of the premises for activities available for day time usage but this never developed. Limited suggestions have been made in the application to these proposals and it is my opinion that this is to widen its appeal, if granted will be interesting to see how this enhances the facilities with Hastings.

The application was submitted with a supporting letter from Councillor Emily Westley, to Paul Mandy, who is the owner of Karma Security.

Although the application is lawful under the requirements of Licensing Act 2003, the extended general hours and further extended hours applied for at peak bank holiday times, are in my opinion the primary factors in undermining the existing saturation policy of this Authority and the applicant has failed to demonstrate that the granting of these additional hours would not undermine the licensing objectives.

It is for these reasons that I submit this representation, on behalf of Hastings Borough Council Licensing, as a responsible authority under the Licensing Act 2003 (as amended), and that this application should be brought before the licensing committee for decision.



Trevor Scrase  
Senior Licensing Officer.

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

**East Sussex Fire & Rescue Service**  
Hastings Business 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](mailto:hastings.firesafety@esfrs.org)

**In the case of emergency please dial 999**

Mr T Scrase  
Hastings Borough Council  
Licensing Department  
Aquila House  
Breeds Place  
**HASTINGS TN34 3UY**

12 May 2015

please ask for  
James Portnell  
[james.portnell@esfrs.org](mailto:james.portnell@esfrs.org)

our ref  
JP/KB/60740

your ref  
N/A

Dear Sir

**LEGISLATION: LICENSING ACT 2003**  
**PREMISES: GRAND ELEKTRA, 53-57 ROBERTSON STREET, HASTINGS TN34 1HY**

With reference to the application dated 15 April 2015 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 Fire Authority has not received all of the information in sufficient time . We have not therefore been able to form a judgement as to whether the public safety objective of the Licensing Act has been adequately addressed.

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**

**Copy to: Mr O Ibrahim  
Invest Nightlife Limited  
GPG House  
Walker Avenue  
Wolverton Mill  
MILTON KEYNES  
MK12 5TW**

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

**East Sussex Fire & Rescue Service**  
Hastings Business 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](mailto:hastings.firesafety@esfrs.org)

**In the case of emergency please dial 999**

Mr O Ibrahim  
Invest Nightlife Limited  
GPG House  
Walker Avenue  
Wolverton Mill  
**MILTON KEYNES**  
MK12 5TW

20 April 2015

please ask for  
James Portnell  
[james.portnell@esfrs.org](mailto:james.portnell@esfrs.org)

our ref  
JP/KB/60740

your ref  
N/A

Dear Sir

**LEGISLATION: LICENSING ACT 2003**

**PREMISES: GRAND ELEKTRA, 53-57 ROBERTSON STREET, HASTINGS TN34 1HY**

In response to your application regarding a new Premises Licence, the documentation has been examined and it has been determined that there is insufficient information detailed within the documentation.

A copy of the premises Fire Risk Assessment is requested which will include the maximum occupancy numbers and the methodology behind them.

If the information requested is not supplied within the **next 5 working days**, the Fire Authority will make a representation to the Licensing Authority to ensure that public safety objectives imposed within the Licensing Act are adequately addressed.

Please note that the Authority's representation may be withdrawn if all of the matters are resolved and we are informed at least 5 working days before the committee hearing date.

However, an inspection may be carried out in accordance with the Service's Risk Based Inspection programme and should this be deemed necessary, an Inspector will contact you to make an appointment.

The Regulatory Reform (Fire safety) Order 2005 applies to any premises (with few exceptions) other than domestic premises. It places a duty on the responsible person for any premises, to take such general fire precautions as is reasonably practicable. These general fire precautions are for the safety of any person who may be lawfully on the premises and any person in the immediate vicinity of the premises.

To identify the general fire precautions above, the responsible person must carry out a suitable and sufficient risk assessment. Advice, on carrying out fire risk assessments and on the legal duties imposed by the Order, is available in a series of guides produced by the government, **one or more** of which will be relevant to the above premises. These guides may be viewed on the following website: [www.firesafetyguides.communities.gov.uk](http://www.firesafetyguides.communities.gov.uk). They are also available for purchase from TSO (The Stationery Office) online at [www.tso.co.uk](http://www.tso.co.uk), over the telephone on 0870 600 5522 or from any good bookseller.

For your information a leaflet explaining the Inspection and Enforcement Procedures of East Sussex Fire Authority is also enclosed.

When considering active fire safety measures for all types of premises, including residential and domestic buildings, East Sussex Fire & Rescue Service would recommend the installation of sprinkler systems. Information concerning guidance and standards for domestic and commercial sprinkler systems is available by reference to British Standard, Codes of Practice BS 9251 & BS EN 12845.

Should you require further advice or clarification on any points mentioned in this letter, 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**

Licensing Guidance Sheet (SF05)  
Inspection and Enforcement Procedures (SF44)

**Copies to Mr T Masters – Sussex Police  
Mr T Scrase – Hastings Borough Council - Licensing**

TEL  
01424-200050

HASTINGS BOROUGH COUNCIL

01 MAY 2015

Top FLAT,  
10, CAMBRIDGE RD  
HASTINGS.  
28/4/15

AQUILA HOUSE

Dear Sir / Madam,

I am writing  
to you with regard to a  
application that has been  
placed for the Grand  
Elektra.

The application for  
what was the Electric Stag,  
& West Exit, worries me as  
before we had so many  
problems of noise from their  
in the evenings / early morning  
and no one did anything  
about it

2

As this application is for nightclub/caf  bar it will be all adjacent.

Therefore it will be an all in one situation with the same noises as before and is not acceptable for a late license.

We realise we are in a town centre. as it was W. H. Smith. when we moved in here, we had ~~no~~ problems with Yates. but the present Manager has been very helpful. in the fact of any noise we call him and it is turned down

3.

immediately and they replaced our existing windows with triple glazing at a cost of £2,600.

We had a situation when family were here on holiday and my daughter had to go and see where the noise was and it was electric stag at 1am. This noise was unbearable.

Hoping you will understand our situation  
Yours Sincerely  
Ms. Isobel Nielsen



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Please quote:

Your reference:

Date: 5th March 2015

Please ask for: Cllr Emily Westley

Telephone direct: 01424 437512

E-mail: [cldr.emily.westley@hastings.gov.uk](mailto:cldr.emily.westley@hastings.gov.uk)

Web: [www.hastings.gov.uk](http://www.hastings.gov.uk)



**Councillor Emily Westley**  
Town Hall, Queens Road  
Hastings, East Sussex TN34 1QR

Mr Paul Mandry  
Karma Security

Sent by Email



Dear Paul

Having had the opportunity to meet with you and listen to your proposals for the nightclub you have just acquired, I must say I am very impressed.

I, as you, am very concerned that the police are scaling back their resources in the town centre especially as we are looking to grow our night-time economy for our local residents and expanding university and college students.

I was very impressed to hear that you will be utilising your 20+ years experience as a provider of SIA registered security in the town and on many of the licensed premises, to offer a secure network to support the limited police resources which will be available.

I am therefore more than happy to support your application for extended licensing if it means that the town will have the right provision for our nighttime economy to expand and thrive.

Kind regards

Your sincerely

Emily

Cllr. Westley



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