

Licensing Sub Committee Agenda

Thursday, 6 August 2015 at 9.30 am

Council Chamber - Town Hall, Queens Road, Hastings TN34 1QR

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Members of the Licensing Sub Committee to sit on this hearing are:		
Councillors Batsford, Charlesworth, Roberts, Sinden, Street and Webb.		
1.	Appointment of Chair for this meeting	
2.	Apologies for Absence	
3.	Minutes of the meeting held on 26 May and 8 June 2015	1 - 12
4.	Declarations of Interest	
5.	Notification of any additional urgent items	
6.	Application for a premises licence: Grand Elektra, 53-57 Robertson Street, Hastings (Corporate Director, Environmental Services)	15 - 72
7.	Application to review a premises licence: Moscwichka, 1A Pevensey Road, St. Leonards on Sea (Corporate Director, Environmental Services)	75 - 122
8.	Additional urgent items (if any)	

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LICENSING SUB COMMITTEE

26 MAY 2015

Present: Councillors Batsford, Charlesworth and Roberts

1. 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 Charlesworth moved that Councillor Roberts should take the Chair. This was seconded by Councillor Batsford.

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

2. APOLOGIES FOR ABSENCE

Absence was noted for the reserve member, Councillor Beaney.

3. MINUTES OF THE MEETING HELD ON 8 SEPTEMBER 2014

RESOLVED – That the minutes of the meeting held on 8 September 2014 be approved and signed by the Chair as a true record.

4. DECLARATIONS OF INTEREST

None.

5. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

6. APPLICATION FOR A PERSONAL LICENCE AS A RESULT OF A POLICE OBJECTION NOTICE

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

The Corporate Director, Environmental Health, submitted a report on an application for a personal licence for Mr Riza Dogan, with a police objection under the licensing objective for the “prevention of Crime and Disorder”. Mr Brown, Licensing Manager, presented the report.

Sergeant Vokins from Sussex Police Licensing Team stated the police had objected to the personal licence, based on the offence ‘wounding with intent to do grievous bodily harm’. He explained that this was the highest level of assault; Dogan was convicted and sentenced to 5 years of imprisonment in 2005. Convictions of more than 4 years are never spent or removed from a criminal record. He concluded that the granting of a Personal Licence would undermine the Crime Prevention objective and that he had

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severe concerns that someone who had a background of GBH would be authorised to sell alcohol.

Mr Dogan, applicant was present. In his submission he said he was aware that when he made the application his conviction was not spent, however he committed the crime over 10 years ago and had changed as a person. He said that he served the sentence and that no further crimes had occurred in or around Hastings. Furthermore, he said he upheld crime prevention in everyday life which proved he could uphold the rules for holding an alcohol licence. He said his interests were towards off licence and not an open public licence. This licence, he said, would give him a new avenue in life and enable him to pursue his business interests. He suggested that if he were to be granted a licence, members may wish to add conditions to it.

Sergeant Vokins sought clarification from Mr Dogan about the circumstances of his conviction. Mr Dogan explained the circumstances.

Members asked questions of Mr Dogan.

Mr Brown, Licensing Manager, clarified that a Personal Licence could be used in any profession and could be used on trade and off trade. If successful, he said the Personal Licence would last for ever and could be taken anywhere in the UK by the applicant.

The Chief Legal Officer advised the Committee that they must have regard to the Secretary of State Guidance, June 2014, Para 41, in that when the applicant demonstrated the crime took place long ago, they must no longer have the propensity to offend. The licensing objectives must not be undermined.

Sergeant Vokins, expressed his concern regarding the seriousness of the offence, which he said undermined the licensing objectives.

In his summary, Mr Dogan said he had a business interest which would benefit the town and that he would like to integrate into society as a business owner.

RESOLVED (unanimously) that the application be refused for the following reasons:-

The Committee have listened very carefully to all of the evidence before it. Whilst it recognises that the applicant is trying to turn his life around, the Committee was not completely satisfied that the applicant no longer has a propensity to re-offend.

The Committee do not consider that it is appropriate to grant the application on the basis that doing so would undermine the crime and prevention of objective.

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

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7. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at 10.30 am)

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Present: Councillors Charlesworth, Roberts, Sinden and Webb

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 item 13, Zar Zar Bar. Councillor Charlesworth moved that Councillor Roberts should take the Chair. This was seconded by Councillor Sinden.

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 12 JANUARY 2015

RESOLVED – That the minutes of the meeting held on 12 January 2015 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 THE REVIEW OF A PREMISES LICENCE: ZAR ZAR BAR, 91-92 QUEENS ROAD, 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 Corporate Director, Environmental Health, submitted a report on an application for the review of a premises licence at Zar Zar Bar, 91-92 Queens Road, Hastings, as a result of a police objection under the licensing objective for the “Prevention of Crime and Disorder”. Mr Brown, Licensing Manager, presented the report.

Some restricted material received from Sussex Police, containing witness statements and a premises action plan, which was not part of the formal documentation for the agenda, was circulated to the committee to read.

The Chair adjourned the meeting to give the Police Barrister, who had been delayed, time to arrive for the meeting.

Mr Lewis, applicant, requested an adjournment. The Police were opposed to the adjournment. The Committee refused Mr Lewis’s request to adjourn the meeting.

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Mr Savill, Barrister for Sussex Police, made his submission on the grounds of the 'Prevention of Crime and Disorder'. He said the Police had accumulated a considerable amount of evidence in support of their application. He said there were three common themes which were: poor management; breaches of conditions and persistent drunkenness leading to violence from either people coming into the premises drunk or becoming drunk whilst inside the premises. He referred to the incidents listed on page 19 of the agenda, no'd: 1,7,10 and 11. As a consequence of these incidents, he explained that a number of meetings had taken place with the licensee and an action plan was produced in February 2015. It was noted that on 8th April 2015 the new DPS had not been appraised of the action plan. He went on to say that Mr Lewis had a significant conviction and there had been a number of serious incidents at Zar Zar Bar in 2015. He believed the licensing objectives had been seriously undermined and the licensing objective 'The Prevention of Public Nuisance' disregarded. Therefore, the Police recommended the suspension of licence for four weeks to:

- 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 instigate 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; and
- To break the cycle of crime and disorder which appears to be the normal practice within the premises.

And that the operating times for the premises be amended and conditions imposed as per page 22 and 23 of the agenda.

Mr Savill went on to say that the operating times needed to be amended because of the drunkenness which regularly occurred after midnight and most of the conditions they recommended are best practice in a licensing establishment. In regard to Condition 4, Security Industry registered doorstaff, he said they do not need to be on duty during the day, ideally from 9pm till the terminal hour to stop people who are drunk getting into the premises.

Mr Lewis asked if anyone had appeared in court following the incidents. Mr Savill explained that a number of serious violent offences had taken place, and that the Zar Zar Bar stood head and shoulders above any other premises in the town in regard to these kind of incidents.

Mr Ballam, Environmental Protection Officer, supported the Police application for the review of the premise license. He referred to the history of the premises in relation to noise complaints as detailed in his submission on page 37, Appendix D of the agenda. He was aware that a number of further incidents relating to the licensing objectives had occurred and that there had been a lack of compliance and poor management shown by Mr Lewis in respect of the licensing objectives, primarily the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

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Mr Scrase, Senior Licensing Officer, made his submission, he referred to the history of the premises as listed in his memo on page 39, Appendix D of the agenda. He said the conditions were part of the initial application prior to Mr Lewis transferring the premises licence and changing the DPS on 23rd July 2012. Regarding the recent issues concerning non-compliance, he said he received an application on 4th June to transfer the licence from Mr Lewis and to re-name the premises as Bar 1066. He said he was aware that Mr Lewis attended the offices on Friday 5th June to collect the licence. He concluded by saying that there had been an ongoing continued lack of compliance and poor management of the premises whilst Mr Lewis held the licence. As such he was in full support of the review instigated by the police.

Mr Brown read out a further representation from a local interested party, Mrs Waugh of Fountain Music Bar, 93 Queens Road, Hastings, in which she comments that none of the four licensing objectives were being adhered to. In summary, her letter referred to noise outside the premises till 3am; she was concerned about aggressive drunk customers and fighting outside and lack of management. She felt the situation had become intolerable and was ruining the quality of her life.

Mr Lewis, applicant said he agreed that a lot of what the police had stated was right and steps had been taken to move forward. It was only during the last 12/18 months there had been issues, especially as he had not been there to control matters. He said he went to the Crown Court on 5th May 2015 regarding a previous incident. He had also got the premises rebranded Bar 1066. He went onto say that they employed 8 staff for 16hrs per week. The staff he said, were inexperienced, this was their 1st step back into work. Furthermore, he was refurbishing the premises at a cost of £10,000 and would install a proper kitchenette. As for Conditions 1-6, he said he had brought CCTV equipment. Mr Lewis referred to the conditions as follows:- Condition 2 - All staff had been informed on how to request ID and anyone without a pass who does not look 21 or over is not allowed in. Condition 3 – The refusals register has been implemented. Two weeks ago they joined the Bar Watch scheme. Condition 5 – The incident book is behind the bar. Condition 6 – Have stamped down on preventing patrons carrying glasses and bottles outside the premises and have put a table inside the window to facilitate this. Regarding Condition 4 - Security – He explained that on a Monday and Thursday the bar had 4 or 5 people inside and it would not be necessary to have 2 security doorstaff outside, when the premise was packed out it could only hold 25 people. He suggested 1 security guard working from 9pm to 2am/3am on Friday and Saturday's. With 8 members of staff he would not be able to justify the additional costs. Having already been closed for a month he wished to re-open as a café bar. The DPS was more 'on the job' and would take responsibility for serving customers. The café bar would have a different environment.

Mr Brown sought clarification from Mr Lewis on the café bar, he said the conditions on the premise licence state it should be operated as a café. Mr Lewis said he had been providing food, but they only had a small kitchenette, so were limited on amount of food they could provide, however they had been making an effort to serve more food.

Mr Brown asked Mr Lewis if he accepted that the issues had been ongoing for four years and why in the last two years he paid his fees late. Mr Lewis said it was down

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to forgetfulness, he had been distracted and had taken his “eye off the ball”. He said he wanted to make sure the bar survived.

Members sought clarification from Mr Lewis on the bar plan. Mr Lewis said he would cut the size of the bar down and enlarge the kitchen to provide food and wine. The bar would be replaced with tables. He would create a rustic look, patrons would sit down rather than stand up. The kitchen would join the bar and ventilation would be provided.

In his summary, Mr Brown explained that the review had been brought by the police because the licensing objectives had been undermined.

Mr Ballam, re-stated that his representation was on the prevention of noise, he expressed his concern about noise problems and that it would need to be monitored.

Mr Scrase, said that he sent Mr Lewis new forms to change the ownership for Bar 1066. Furthermore, it is a procedural requirement that he submit a new layout for the internal alterations.

Mr Lewis said the refurbishment works will give the premises a new ambience and the noise levels will drop.

In his summary, Mr Savill said the licensing objectives had been severely undermined, the premises was head and shoulders above the other premises in Hastings in regard to problems. He said the Police were concerned that nothing had changed. Sergeant Vokins, in his witness statement had said “he had no confidence in the ability of those involved in the running and operation of the premises to make any genuine or sustained improvements”. Furthermore, Mr Lewis had not challenged the evidence. The problems at the premises existed long before the incident on 16th February 2015. An action plan was drawn up on 5th February, but the incidents continued. The conditions on the licence are that the premises operate as a café not as a bar; he said Mr Lewis referred to 8 beer pumps which is not consistent with a café. The conditions have been breached for 4 years. Furthermore, it is a condition on the existing licence that the licence holder is active in Bar Watch.

RESOLVED (unanimously) that the Sub-Committee accepts the evidence provided in support of the application and has allowed the review subject to the following conditions:-

The Committee agree all of the requests of the police on pages 22 and 23 of the report including the conditions, with the exception of condition 4 which shall read:

“One Security Industry Authority registered doorstaff to be on duty at the premises from 22:00hrs until all customers have left the premises”.

This includes the revised opening times and hours of licensable activities and 4 weeks suspension starting today 08.06.2015.

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

14. APPLICATION FOR A PREMISES LICENCE: GRAND ELEKTRA, 53-57 ROBERTSON STREET, HASTINGS

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for item 14, Grand Elektra. Councillor Roberts moved that Councillor Sinden should take the Chair. This was seconded by Councillor Charlesworth.

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

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

The Corporate Director, Environmental Health, submitted a report on an application for a premises licence at Grand Elektra, 53-57 Robertson Street, Hastings, as a result of representations received under the licensing objective for the "Prevention of Crime and Disorder and the Prevention of Public Nuisance". Mr Brown, Licensing Manager, presented the report.

Some additional supporting information from Invest Nightlife had been distributed to the committee members prior to the meeting, which was not part of formal documentation for the agenda.

Mr Brown explained that the representations from responsible authorities had reduced from four to three. East Sussex Fire and Rescue Service had withdrawn their representation.

Mr Savill, Barrister for Sussex Police said the Council Special Saturation Policy (Cumulative Impact) applies to all applications in the Town centre, the presumption is in favour of refusal, therefore it is for the applicant to demonstrate that there will be no negative cumulative impact, therefore it is not relevant on how well run the premises is.

Mr Jerome Silva, legal representative for the applicant was present, he asked questions of officers regarding the previous licence to which he was reminded that the review was about the negative cumulative impact on the existing premises. Mr Savill added that the policy applied to all applications and did not need comparison with other premises; it would be arbitrary to identify an individual premise. The Chief Legal officer confirmed that it was for the applicant to demonstrate there would be no negative cumulative impact.

Mr Ballam, Environmental Protection Officer, referred to the history of general noise complaints late at night in the area as detailed in his submission on page 103 of the agenda, Appendix C. He raised concern regarding the lack of detail in the application; the extended opening hours and potential for noise. He commented on the Special

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Saturation Policy and the fact that the applicant had failed to demonstrate that there would be no negative cumulative impact.

Mr Silva asked Mr Ballam if sound proofing the link corridor between 53 & 54 Robertson Street would alleviate his concerns. Mr Ballam said the complaints received related to the doors. Mr Silva went on to ask if the later licensing hours would lead to a gradual dispersal of people and easier to control the crowd. Mr Ballam said there would still be sufficient noise breakout.

Mr Scrase, Senior Licensing Officer, explained the history of the previous premises. He said he had concerns regarding the link corridor and public safety and the lack of information regarding daytime use of the premises. He believed that patrons of other premises which closed earlier would move onto Grand Elektra and that it would have a negative effect if they dispersed 400 people into the town centre. He said he had had a meeting with the applicants to make them aware, so they could address the issues. He believed the town centre saturation policy had not been addressed.

Members sought further clarification on the history of the premises.

Mrs Nicholson, resident in Cambridge Road, expressed concern regarding fighting, loud music and doors left open. She said the noise had been intolerable.

Mr Oliver Ibrahim, applicant, said he said been working in the industry since he was 18yrs and had set up his own cocktail business. Between himself and his business partner who operates Karma Security, they had 30 years knowledge and experience. He would have day to day control of the premises. He said they wanted to address the concerns and to contribute culturally, not just run as a nightclub.

Mr Silva asked Mr Ibrahim why he wanted to change the premises hours. Mr Ibrahim said it would create a slower rate of dispersal in which people could disperse over a longer period of time. Peak capacity he said is always 1 hour before closing hour. He explained that if the premises closed prematurely, people would not want to go home and will look for other smaller venues. He said he would be running daytime events at the premises such as corporate events to give a broader range of activities. He explained the measures they had taken to improve the premises, but measures concerning ID could be tightened up to satisfy the committee if necessary.

Mr Brown asked Mr Ibrahim why they had asked for specific hours. In response Mr Ibrahim said he needed later hours, the business would not survive on the earlier operating hours. He spoke of the other premises competing for trade in the town.

Mr Brown verified matters concerning tables outside the premises, and explained that they were controlled by East Sussex County Council under a separate licence. Tables were not permitted outside the premises after 11pm. He went on to say that the Special Saturation Policy came into effect in 2007 under a review following major crime and disorder in the town. They identified a concentration of licensing premises in the town centre and brought in 3 cumulative impact zones. The evidence was provided by police data; local residents and the health body, amongst others. He said it was for the applicant to prove there will be no negative cumulative impact.

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Mr Savill said it was not a comparative exercise of the premises that previously existed. The test was not “will there be more negative cumulative impact”, but “will the grant of the licence give rise to negative cumulative impact”. A comparatively large night club will give rise to cumulative impact. He said the Secretary of State was clear in its guidance about people beyond a licenced premises. The cumulative impact is about people who have left the premises, for example people get in taxis, people hang around in the town centre. The cumulative impact is not premise specific. Therefore, the internal steps on how the premises is run does not address cumulative impact. No matter how well structured the operating structure, it does not address people beyond control of premises. He recommended the application be refused.

Mr Paul Mandy, Business Partner and owner of Karma Security said he managed the area for 20 years and owned a premise in Hastings. He assisted the police with dispersals but felt that issues were not just about dispersal within the club.

In his summary, Mr Ballam said he was concerned about the cumulative impact and was worried about noise breakout from music and patrons.

Mr Silva said he did not agree with the Police’s interpretation of the saturation policy. He said there was a link between the establishment and how it was run and how people behave in the street. He felt that Mr Ibrahim had given clear evidence based and informed examples of how the business would operate, such as the dispersal policy, slowing down the music, increasing the lights 1 hour before closing time, ID scanning. The premises was not just a nightclub, but would be a multi-faceted premises for residents, youth groups etc, offering courses during the day. He said it was not about competing with other premises, but about the Police connection with anti-social behaviour.

RESOLVED (unanimously) that the Sub-Committee refuse the application for the following reasons:-

The Committee have listened very carefully to all submissions. The applicant stated various control measures which did not form part of this application. Therefore, we have no alternative but to refuse this application as the applicant has failed to demonstrate in its operating schedule that there will be no negative cumulative impact on one or more of the four licensing objectives.

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

15. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 4.43 pm)

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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 6



Report to: Licensing Sub-Committee

Date of Meeting: 6th August 2015

Report Title: Application for Premises licence. Grand Electra, with representation.

Report By: Mike Hepworth
Head of Environmental Services

Purpose of Report

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

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Recommendation(s)

1. Members instructions requested.

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.

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 23rd June 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 Mr Oliver Ibrahim, a Director 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. This is the second application for these premises, the first was heard at licensing sub-committee on the 8th June 2015 and refused. The applicant did not appeal this decision.
5. Subsequently there has been a site meeting at the premises attended by the applicants, environmental health and the Police. The meeting included detailed practical and constructive discussions about the potential operational management of the club premises in relation to the 4 licensing objectives. As a result the application for consideration at this hearing is substantially different to the one considered on 8th June.
6. The hours of operation have been reduced and there is far more detail in relation to how the applicant proposes to address the 4 licensing objectives.
7. The premise is located within Area 1 (Town centre) of the Council Special Saturation Policy (Cumulative Impact).

2.0 Application

8. The application requests the following:
9. To have performance of plays, films, live music, recorded music, dance, anything similar to music and dance and supply of Alcohol, Sunday to Thursday 11.00 hrs to 02.00hrs, Friday and Saturday 11.00hrs to 03.00hrs.
10. To have late night refreshment, Sunday to Thursday 23.00hrs to 02.00 hrs, Friday and Saturday 23.00hrs to 03.00hrs.
11. To have opening hours of the premises, Sunday to Thursday 08.00 hrs to 02.30hrs, Friday and Saturday 08.00hrs to 03.30hrs.

12. In addition, under all licensable activities, to have the hours for Sunday's preceding bank holiday Mondays extended, the terminal hour of activities increased to 03.00hrs and venue closing extended to 03.30hrs.
13. .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.
14. In this case the applicant has made a full amended declaration on the pages in section M of the application.(See appendix A)

3.0 Consultation

15. 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.
16. 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 one representation being received by the Authority.
17. A representation has been received from Chief Inspector Phelps, Hastings Police Commander. He comments on the application and the history of the premises including on the new layout which combines two premises that were separately licenced in the past. He also comments on the meeting held on the site meeting held on 18th June 2015.
18. He acknowledges the commitment by the applicant to address the concerns raised at that meeting and the changes made to facilitate this application. He comments that the application has been well thought through but feels that it is inevitable that premises of this nature will have some impact on the cumulative impact on the town centre saturation zone and therefore they invite the subcommittee to refuse the application. I consider this a valid representation under the licensing objective (Prevention of Crime and Disorder) (Attached Appendix C.)
19. A report has been received from Mr Bryant, 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 this new application and the engagement with the applicants since the last hearing, he considers the amendments to the application to be positive and does not therefore make a formal representation. (Attached Appendix C).

20. Local residents made a representation against the previous application as they were concerned about potential nuisance. However, they have been consulted in relation to the fresh application, and have not made a representation against it.
21. 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.
22. In addition, the applicants have included several letters/ emails of support with their application. Whilst this does not form part of the laid down licensing process they are attached for information. (Appendix D)

4.0 Legal Considerations

23. 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.
24. 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.
25. 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.
26. 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.
27. 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:-
28. Has its basis in law;
29. Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
30. Is proportionate to the aims being pursued; and,
31. Is related to the prevention of crime; or, the protection of public order or health.

32. 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

33. Grant the application in full

34. Grant part of the application

35. Grant the application with conditions relevant to the application

36. Refuse the application.

Wards Affected

Castle

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

Additional Information

Appendix A. Application for licence.

Appendix B. Map of area.

Appendix C. Police representation and Environmental Report.

Appendix D. Letters of Support.

Officer to Contact

Bob Brown. Licensing Manager

bbrown@hastings.gov.uk

01424 783249

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[Hastings Borough Council]

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			
Grand Elektra Ground Floor & Basement 53-57 Robertson Street			
Post town	Hastings	Postcode	TN34 1HY

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

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 S21
HOP SO S12

WK201502363
GND 21/07/15

- 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)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

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)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(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) 07702497239 – 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	7	07 2015

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) | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

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)			Will the performance of a play 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"/>
Mon	11:00	02:00	Please give further details here (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. State any seasonal variations for performing plays (please read guidance note 4) 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 (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	11:00	02:00			
Wed	11:00	02:00			
Thur	11:00	03:00			
Fri	11:00	03:00			
Sat	11:00	03:00			
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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p>Please give further details here (please read guidance note 3) Films to be shown with amplified sound. Whilst hours are a broad range, films will only be shown periodically.</p> <p>Premises will also periodically be used as a training space during the daytime and as such, educational and training videos may be shown.</p> <p>State any seasonal variations for the exhibition of films (please read guidance note 4)</p> <p>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 (please read guidance note 5)</p>		
Mon	11.00	02.00			
Tue	11:00	02:00			
Wed	11:00	02:00			
Thur	11:00	03:00			
Fri	11:00	03:00			
Sat	11:00	03:00			
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

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11.00	02.00	<p>Please give further details here (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. Live music is intended to take place in the basement event space only, save background style lounge performances, which may occasionally take place before 23:00 on the ground floor number 53.</p> <p>State any seasonal variations for the performance of live music (please read guidance note 4)</p> <p>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 (please read guidance note 5)</p>	Both	<input type="checkbox"/>
Tue	11:00	02:00			
Wed	11:00	02:00			
Thur	11:00	03:00			
Fri	11:00	03:00			
Sat	11:00	03:00			
Sun	11:00	02:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	08:00	02:00	Please give further details here (please read guidance note 3) Background music and DJ performance. Recorded music to be amplified through sound system.		
Tue	08:00	02:00			
			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 03:00 at weekends. The applied provision allows for background music use for café bar and occasional corporate, educational training sessions & functions.		
Wed	08:00	02:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	08:00	03:00			
			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 (please read guidance note 5)		
Fri	08:00	03:00	Sundays preceding bank holiday Sundays terminal hour increases to 03:00		
Sat	08:00	03:00			
Sun	08:00	02:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11.00	02.00	Please give further details here (please read guidance note 3) Performance of dance within the event space with background amplified music		
Tue	11:00	02:00			
Wed	11:00	02:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	11:00	03:00			
Fri	11:00	03:00	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 (please read guidance note 5)		
Sat	11:00	03:00			
Sun	11:00	02:00			

H

Anything of a similar description to that falling within (e), (f) or (g) 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	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	11.00	02.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	11:00	02:00	Please give further details here (please read guidance note 3) Amplified music, microphones, visuals and dancefloor.		
Wed	11:00	02:00	Core hours of provision to be during weekends		
Thur	11:00	03:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	11:00	03:00			
Sat	11:00	03:00	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 (please read guidance note 5)		
Sun	11:00	02:00	Sundays preceding bank holiday Sundays terminal hour increases to 03:00		

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Kitchen on ground floor bar for provision of food to entire premises		
Mon	23.00	02.00			
Tue	23:00	02:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	23:00	02:00			
Thur	23:00	03:00	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 (please read guidance note 5) Sundays preceding bank holiday Sundays terminal hour increases to 03:00		
Fri	23:00	03:00			
Sat	23:00	03:00			
Sun	23:00	02:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	11.00	02.00			
Tue	11:00	02:00			
Wed	11:00	02:00			
Thur	11:00	03:00			
Fri	11:00	03:00			
Sat	11:00	03:00			
Sun	11:00	02:00			
			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 (please read guidance note 5)		
			Sundays preceding bank holiday Sundays terminal hour increases to 03:00		

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

Name Oliver Ibrahim	
9 Sovereign Close Eastbourne East Sussex	
Postcode	BN23 6FE
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

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	02:30	<p>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 (please read guidance note 5)</p> <p>Sundays preceding bank holiday Sundays terminal hour increases to 03:30</p>
Tue	08:00	02:30	
Wed	08:00	02:30	
Thur	08:00	03:30	
Fri	08:00	03:30	
Sat	08:00	03:30	
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)

1. General Statement

It is Grand Elektra's policy to maintain a good neighbour policy and emphasizes the importance of good relationships with its local residents and authorities

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 negative effects within the cumulative impact area.

Grand Elektra recognizes the need for a comprehensive and considered dispersal policy to avert potential disorder and disturbance throughout the duration of operation and at the end of the night. The policy highlights the steps necessary to minimize this potential and ensure safe, orderly and quiet egress by patrons and minimize the risk of disturbance throughout the hours of operation. As such, the venue will endeavour to ensure that all customers leave the premises and immediate vicinity without causing disturbance.

Staff will be comprehensively trained and inducted and a written log kept. Specific interest given to the following areas; Personal Responsibilities of staff serving alcohol under the 2003 licensing act, Intoxication & Refusals, Health & Safety, Fire Safety, Noise management, dispersal procedures, Food Hygiene & Security. Training packs and handbooks will be provided to staff and training will be given on induction and periodically refreshed on a minimum of a quarterly basis.

b) The prevention of crime and disorder

- The venue will be protected during the hours of closure by way of an intruder alarm.
- Emergency exits will be protected by alarms to prevent un authorised opening or tampering.
- Staff and security will be briefed on a daily basis on security issues and operational guidelines specific to the day of operation.
- Any promoted events or those that may attract a larger crowd than normal will be individually risk assessed and details provided to the police a minimum of 14 days in advance
- Door supervisors will be trained on induction and periodically refreshed on operational and security policies.
- A security risk assessment will be in force to minimize any risks of crime and disorder and will be under constant review with an audit taking place annually. 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.

Grand Elektra Operational Deployment Plan 8 x Door Supervisors:

The Grand Elektra Security Deployment Plan is based on a minimum team of 8 x Door Supervisors. This is the minimum number of Security personnel required to operate to the maximum efficiency, during a normal club session. Normal club sessions are assumed to run from 22:00-03:00 on a Thursday, Friday,

Saturday and Sundays preceding bank holiday Sundays.

On busier nights and special promotions, manpower should be increased accordingly at a ratio of 1:50 (Security:Customer) ratio. On less busy nights, the Security Team can be reduced in numbers or if certain floors/ levels remain closed by the same ratio.

Deployment of Door Supervisors is as follows:

1 x Head Door Supervisor with a Minicam will operate from front of house and oversee the security operation as front of house is the most efficient point from which to run the security operation. The Head Door Supervisor will also conduct ID/entry control checks, meet and greet customers.

1 x Door Duty Manager will operate from front of house to assist the Head Door Supervisor, meet and greet customers, conduct ID/entry control checks and be assisted by the HD if necessary.

Customers will enter via the entrance door and exit via the exit/smoking area door at front of house.

1 x Door Supervisor will conduct 'Condition of Entry' searches at front of house and support a member of staff who will operate as Ticket Collector. The male searcher may check the bags of female customers but not conduct 'Condition of Entry' searches on female customers. Should a more in depth search be required, this should be conducted by a female manager or supervisor under the cover of CCTV. A female Manager will be required to conduct regular female toilet checks in the absence of a female Door Supervisor.

A member of Staff will collect admission tickets after customers have paid and be supported by the Door Supervisor searcher.

1 x Door Supervisor will deploy to Smoking Area OP and control customer ingress/egress. This Door Supervisor will also control customer exits at front of house via the exit door.

1 x 'Mr Walker' will patrol the venue and be responsible for 'Incident Response' and 'OP Change Overs'.

1 x Door Supervisor will deploy to 53 Ground Floor OP1.

1 x Door Supervisor will deploy to DJ Box OP2.

1 x Door Supervisor will deploy to Fire Exit 2 OP3.

1 x Door Supervisor will deploy to Toilet area reception 2 OP4. There is no 'Shadow' during early doors.

Should the VIP Rooms be in use 1 x Door Supervisor will be deployed to the VIP Entrance and will control entry to ensure only authorised VIP customers gain admission.

Each OP will maintain communication via radio where there is no line of sight. Messages are transmitted using standard Colour Code Radio VP. All OPs maintain visual communication with the 'Mr Walker' Patrol as the 'Mr Walker' patrol passes through their area of responsibility.

Observation Posts are situated and Patrols routed in specific areas of the venue in order to cover the 'Hot Spot' areas highlighted by 'Incident Mapping' and Security Risk Assessment.

During Late Doors when admissions have ceased, the searcher may redeploy to the inside of the club to operate as 'Shadow' for 'Mr Walker' acting as support for Incident Response, male toilet checks and control OP 'Change Overs'.

- **Dispersal Policy:**

Key Prevention Steps

- Effective management of customer behavior whilst in the premises
- High staff, security and management ratio to customers
- Management presence front of house at all times

- Senior Management to be SIA trained
- Strong staff training in intoxication and refusals to minimize risk of anti social behavior away from the premises
- Signs displayed at point of entry. Have you planned your journey Home? Why not book with one of our partner Taxi companies now and relax in the knowledge your journey is taken care of? *Cards with taxi numbers are available.*
- Manager will keep an active line of communication throughout the night with the police to update them on numbers inside the venue and expected closing time.

A premises of this nature reaches peak capacity 1 hour before it closes. One hour before the close of business, management will begin the dispersal procedure and therefore the premises will not be at peak occupancy at close of the premises.

Music is emotive and by slowing tempo of the atmosphere this has a calming effect. Because people are not shouting over/talking loudly over the music throughout dispersal time they tend to leave more quietly. This is because they are not unwittingly still using raised voices.

4. 1 Hour Peak dispersal:

- *30 Minutes before the end of regulated activities and 1 hour before close, music is slowed, genre softened and volume reduced.*
- *Manager will telephone taxi partners 1 hour before close to advise of expected numbers to ensure enough provision for a swift dispersal from the town centre.*
- *Lighting levels are slowly increased every 5 to 10 minutes*
- *At this point management instructs increased levels of staff and security to man the cloakroom to ensure patrons can retrieve belongings in a prompt and calm manner*
- *Signs are displayed at the cloakroom giving information on transport options*
- *Security staff and management are deployed to dispersal positions;*
- *Most senior manager to front door to supervise front door and the town center dispersing.*
- *Security staff (OP4) move to lower exit one to ensure customers leave drinking vessels downstairs before they commence their journey toward the exit.*
- *At end of regulated activities Manager 3, accompanied by security 4&5 gently ask customer to start collecting their belongings, reminding patrons to leave calmly and quietly.*
- *Security 3 move to front door internal and security 1 & 2 to the external boundary.*
- *When basement is clear, security 4 & 5 move to the outside of the venue to supervise external dispersal and security 6 to rear exit 2 to supervise patron walking to the taxi rank. Walker (security 7 and manger 2 supports security 6 at exit 2 who oversee taxi rank)*
- *Security 1 & 2 Remain to secure front door and support 4 & 5*

- Signs are displayed throughout the exit to remind customers to respect our neighbours and leave peacefully. Security staff politely inform customers to keep noise levels down, hosts are available at the front door to help with transport arrangements.
- **Grand Elektra Customer Ejection Policy**

All Security Personnel will adhere to standard 'Colour Code Radio Voice Procedure' system and Immediate Action Drills. Physical intervention will only be used as an absolute last resort and will observe 'Reasonable, Necessary and Proportionate Use of Force' under the Criminal Law Act 1967 Section 3:1 and Common Law.

Radio VP (Voice Procedure)

"Code Green" – No Problem

"Code Amber/Code Amber Back Up" – Possible threat – Maintain Radio Silence – Wait for Update – Either "Code Red" or "All Stations, Stand Down"

"Code Black" – Serious Incident – All sections respond but leave 1 x Door Supervisor at front door.

Restraining a person on the ground will be an absolute last resort and great care will be taken to ensure no undue pressure is exerted on the persons chest cavity as this may induce positional asphyxia. Constant assessment will be made by a duty first aider.

All ejections should be conducted via the Front Door, however should an ejection via the Front Door be judged as an 'unacceptable risk', the ejection may be conducted via an approved ejection route such as secondary fire exit.

All ejections will be attended by a 'Mr Walker' and where possible a Door Supervisor with a recording Minicam plus a Duty Manager if available.

The Duty Manager must be informed when an ejection is to take place.

The ejection must be recorded in detail specifying the ejection route, reason for ejection, conclusion and personal details of all involved in the appropriate Incident Report Book.

Council CCTV will be informed of all ejections and a full description of the offender given.

Should an arrestable offence occur, 2 x Holding Areas for 'Aggressor' and 'Victim' groups have been designated. Designated 'Holding Areas' will be 'Hold 1 Aggressor Group' which is situated either inside Fire Exit 1 if the incident occurs on the Main Floor or inside Fire Exit 2 if the incident occurs on west side of the building. 'Victim Group' 'Holding Area' is situated in the Staff Room on the Upper Floor. Any detentions must be covered by CCTV or Minicam and have a Duty Manager present.

Offenders will be held under 'Citizen Arrest' until the Police attend.

Should a public order situation arise, Security will exercise duty of care towards customers. Force will only be used as a last resort, however if the use of force cannot be avoided, only 'Such Force as is reasonable in the circumstances' under the Criminal Law Act 1967 Section 3.1 will be used by Door Supervisors.

- On club sessions after 9pm an ID scanner will be used to photograph and record patron data. Data to be made available at the request of a police officer.
- Toilet attendants will be in place on club nights to supervise toilet area and minimize the risk of drug use.

- 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.
- 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. All cameras will be maintained in good working order and must continually record. Data retained for a minimum of 31 days and to be made available to the police, where the police demand them to be of evidential value.
- 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.
- When on duty every door supervisor shall wear a uniform, distinctive dress or armband
- 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.
- Drinks promotions will be responsible and cover a wide range of low ABV products and softs. Any promotions will be designed in a way as to not encourage binge drinking or anti social behaviour.
- Telephone numbers of the DPS and management team will be available to the police.
- The premises will implement a random 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.
- A **Zero Tolerance** 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. Posters will be displayed throughout the premises to remind customers of the zero tolerance policy.

Grand Elektra will refuse entry to anyone who appears to be showing signs of drug use and contacting the emergency services in appropriate circumstances. In such cases, an entry should be made in an incident log book.

Grand Elektra recognizes a duty of care policy regarding persons suffering adversely from the effects of drugs should be in place at the premises. Staff and Security will be trained in drug awareness so that they can recognise the effects of controlled drugs and provide medical attention where necessary.

- 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. On club sessions after 22:00 polycarbonate glasses will be used in the main event space.
- Drinks, whether in drinking glasses or in opened bottles, may not be taken outside of the licensed area.
- Any daytime event including a regulated activity will be notified in advance to the police and local authority 14 days in advance.
- Regular glass and bottle collection policy will be undertaken throughout the premises.

- When in use VIP bottle serve area will be overseen by senior member of staff and attended 100% of the time.
- Spirit bottle serves will be under the control of staff. Should patrons purchase spirits by the bottle these will remain in staff possession and be served to the customer in measures no larger than 50ML
- 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”.
- Grand Elektra will Discourage drink driving by promoting schemes such as Designated Driver, with notices clearly displayed in the premises.

c) Public safety

- 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 Risk Assessment .
- The number of persons admitted to the basement of the premises is 450. Occupancy of Ground floor number 53 is 60. 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.
- 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.
- Adequate access and policy will be provided for emergency services as per house crisis manual.
- 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.
- Barriers will be provided to control queuing patrons to prevent crushing. Portable barriers/guards will be available where queues for entry can be envisaged.
- 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.
- An 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.
- Cold drinking water is available at the bar and a notice of the availability is displayed at suitable locations within the premises.
- 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.
- 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.

- 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.
- In the event of failure of the general lighting, the public shall be required to leave the Premises forthwith.
- 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.
- 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.
- No illuminate other than an electric light shall be employed upon the stage, basement, or stores.
- 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.
- Pyrotechnics or indoor fireworks will be stored in a fire retardant vessel and will be used only by trained members of staff.
- 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.
- 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.
- 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.
- 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.
- To encourage dispersal a specific taxi operator has been nominated for staff and customers use. The company's telephone number is advertised to customers

d) The prevention of public nuisance

- During club sessions a No re-entry policy will be in place after 02:00 to prevent patrons leaving the premises for periods during club session and causing disturbance in the town centre.
- An ATM will be installed inside the premises to avoid the need of patrons leaving and causing disturbance in the town centre.
- To avoid cues late at night and to further prevent disturbance, last entry to the premises will be 02:00.
- Entry process will be supervised by management and will have a high staff to customer ratio to ensure fast entry, to limit queues and potential noise and disorder from queueing patrons. Searches will be conducted in such a way as to not slow down they entry process. Queues will be directed away from residential properties in Cambridge road.

- External smoking area will be supervised by security and notices will be displayed to inform patrons to keep noise to a minimum.
- A contact telephone number of the DPS or senior management will be made available to local residents and businesses which they can use to report noise disturbances and will be available at all times the licence is in use.
- At the end of club sessions, customers will always be dispersed through the main entrance away from residential properties in Cambridge road.
- The ground floor West area number 53 is a weak point due to potential music breakout, due to this the following change in the operating schedule applies to this area;

At 01:00 external entry to this part of the building and use of external area is terminated. Doors will be closed. Access is achievable internally for the purposes of late night refreshment (food), and for the provision of a cool area with respite from high levels of noise. Live music, activities similar to live music, plays, performances of dance and showing of films will not be in use in this area. Recorded music will be subject to a sound limiter and is intended for background and atmospheric use. Music will be subject to Grand Elektras noise management policy and all performers, Dj's and management will be aware of the policy and comply.

To reduce the chance of breakout from the main event space the link corridor will be sound proofed and Automatic doors closers are fitted. Acoustic curtains will be in use on the ground floor area of number 53 to further reduce the chance of breakout, specified to the satisfaction of the local authority.

- The volume of amplified sound used throughout the venue in connection with the entertainment provided shall at all times be under the control of the Licensee/Management.
- The placing of refuse, such as bottles, into receptacles outside the premises takes place between the times of 07:00 and 23:00 to prevent disturbance to nearby properties. Deliveries of kegs, bottles, food or other materials necessary for the operation of the business will also be carried out between 07:00 and 23:00 to prevent nuisance and disturbance.
- 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)
- During performances/shows or club sessions staff will check prior to entertainment, and periodically check throughout (Every 30 minutes or 15 minutes during live performances), that all windows and doors are shut. Staff will monitor and document external sound levels during entertainment. Process as follows;
 - *Management performing the noise assessment must be the manager overseeing entrance. This person is chosen so that high levels of the background noise that may arise inside the premises do not affect their hearing and threshold levels so that they may make accurate assessment. The FOH manager will perform a perimeter assessment of the entire building to ensure all doors, windows and acoustic lobbies are shut. They will ensure that acoustic curtains and any sound attenuating equipment is in operation and assess external noise levels emanating from both the performances and public are at an acceptable level. A record will be kept and any actions noted. Any defects or actions should be reported to the most senior manager immediately.*
- 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.
- Odours from waste and bottle refuse areas will be managed collected and cleaned regularly.
- Noise from extract fans and H&V will be attenuated as not to cause a nuisance to others.
- 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

- The premises will operate a “Challenge 25” policy on sales of alcohol
- Any under 18’s events will be individually risk assessed and notified to the police a minimum of 14 days in advance.
- 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.
- 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.
- During events that will have an attendance of under 18’s not alcohol will be advertised or visible to young persons.
- The premises shall install a recognised electronic identification scanning system for customers entering the premises. The system shall be operated on club sessions after 22:00 and all persons entering the premises will be scanned. Club sessions are assumed to be Thursday, Friday, Saturday and Sundays preceding bank holiday Sundays between 22:00-03:00. The system should have the ability to share alerts with other venues using similar ID scanning equipment, identify the hologram of an ID and read both Passports and ID cards, including PASS cards. The system should be able to conduct tests to determine if a document is genuine or counterfeit. The system must be compliant with the Information Commissioners good practice guidance for ID scanning in clubs and bars.

As an exception to the use of the recognised ID scanning system to scan ALL customers, the name and date of birth of customers who appear to be over the age of 30, without ID, shall be recorded and a photographic image obtained. This information will be made available to a Police Licensing Officer or Local Authority Licensing Officer upon request.

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	23 rd June 2015
Capacity	Director

For joint applications, signature of 2nd applicant or 2nd 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	

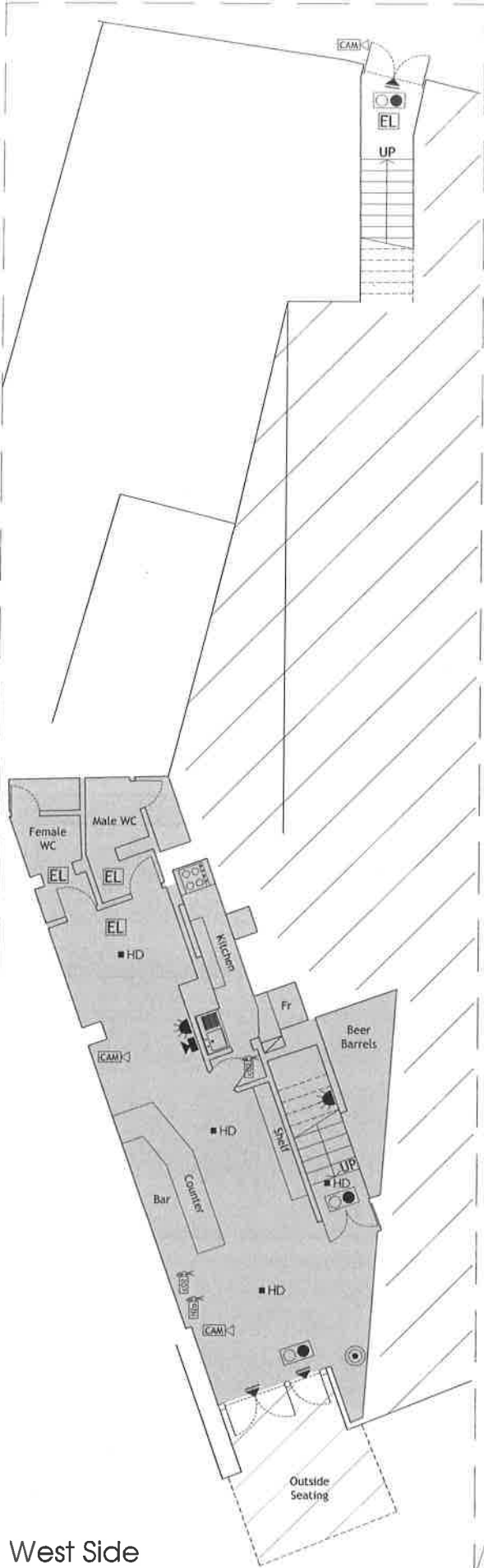
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Post town		Postcode	
Telephone number (if any)		07702 497239 / 07540469111	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Oliver@oliveribrahim.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.

23rd June 2015



West Side

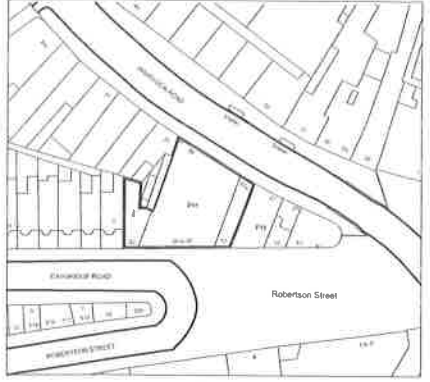
+00 Ground Floor Plan 1:100

Scale in Metres 1:100



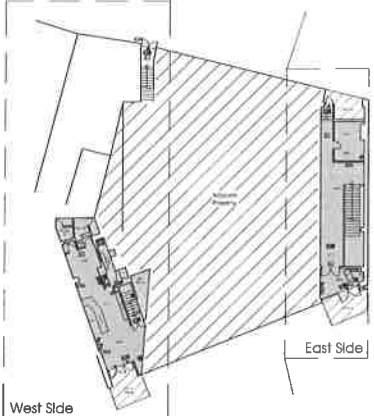
+KEY

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



+LP Location Map 1:1250

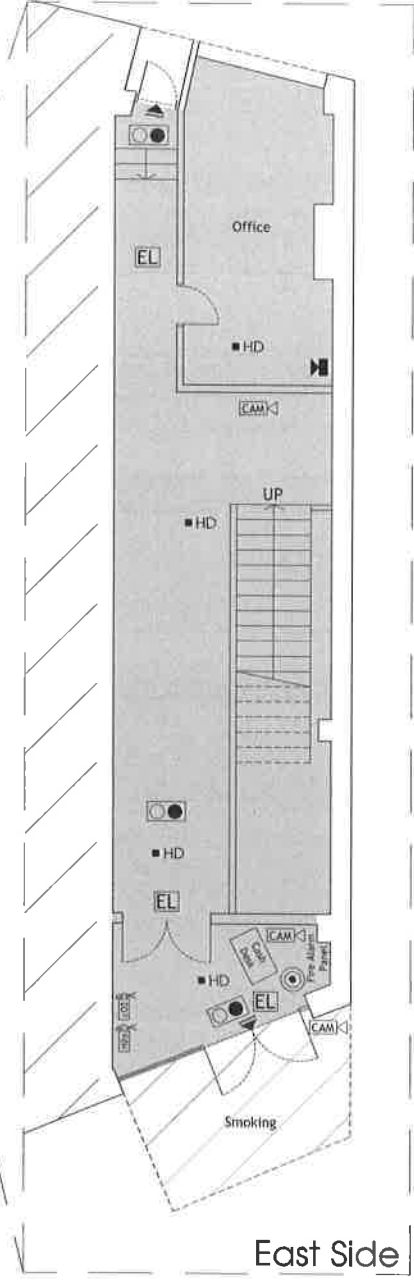
Scale in Metres 1:1250



West Side

East Side

+SP Schematic Plan 1:500



East Side

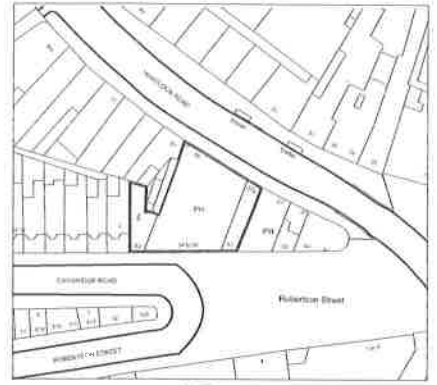
address 53-57 Robertson Street
Hastings
TNS-1111

title Licensing Plans
client

date April 2015
scale As shown@A3
drg. no. 626-2-2

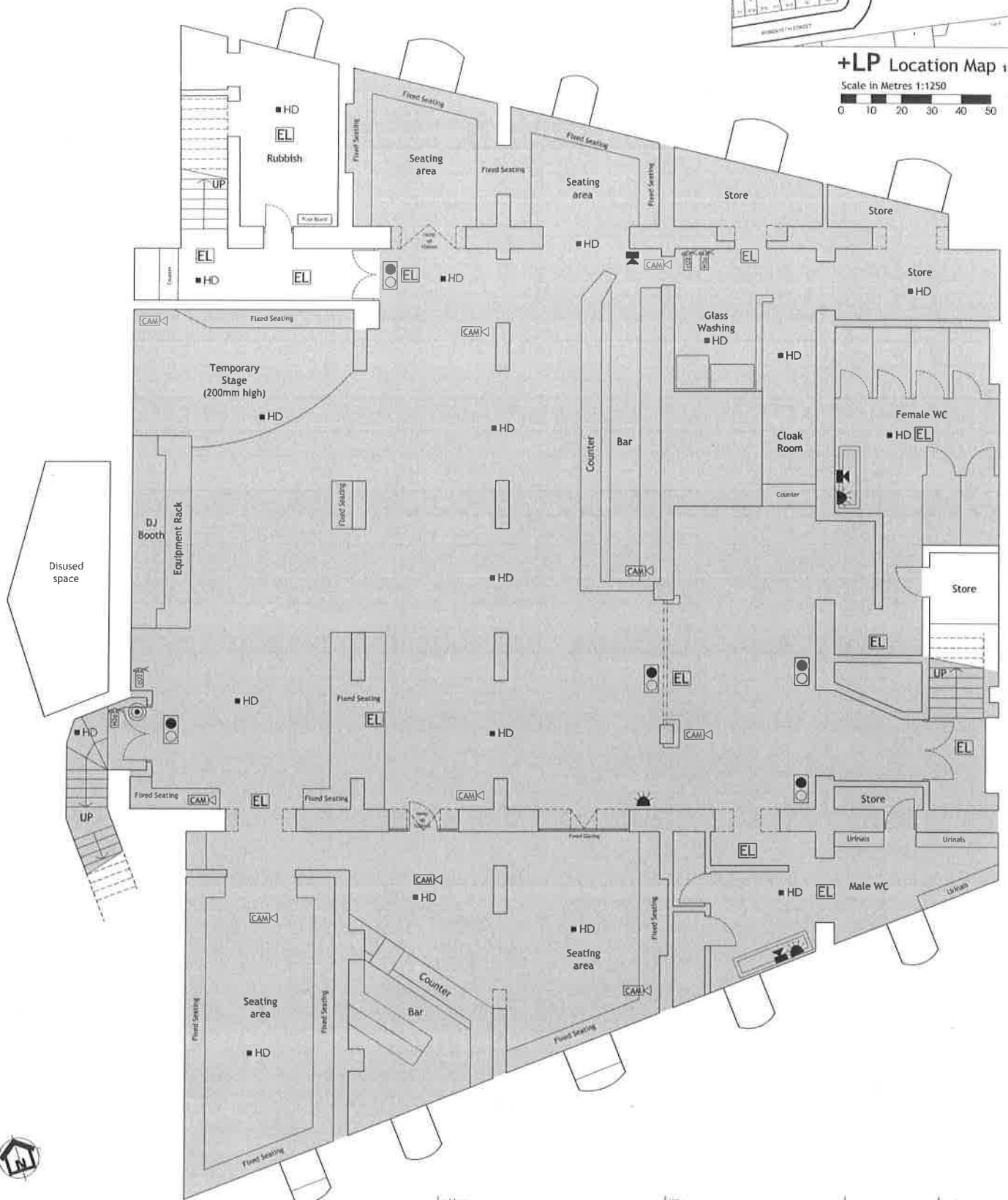
+KEY

	Fire Extinguishers - CO2		Flashing Beacon
	Fire Extinguishers - Water		Alarm Sounder
	Break Glass Call Point		Heat Detector
	Emergency Light		Push Bar Escape Exit
	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 Robertson Street
Hastings
TN34 1HY

title: Licensing Plans

date: April 2015	scale: As shown@A3
dra. no.: 626-1	revision: A

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

Consent of individual to being specified as premises supervisor

Oliver Ibrahim

.....
[full name of prospective premises supervisor]

of

9 Sovereign Close,
Eastbourne,
East Sussex
BN23 6FE

.....
[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

Premises Licence

.....
[type of application]

by

Invest Nightlife

.....
[name of applicant]

relating to a premises licence

.....
[number of existing licence, if any]

for

Grand Elektra
53-57 Robertson Street
Hastings
East Sussex
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

[name of applicant]

concerning the supply of alcohol at

Grand Elektra
53-57 Robertson Street
Hastings
East Sussex
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

05/0360/LAPER

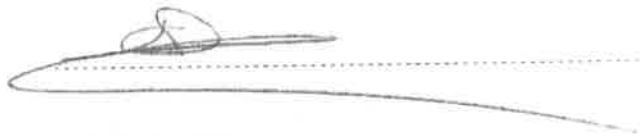
[insert personal licence number, if any]

Personal licence issuing authority

Rother District Council

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

Signed

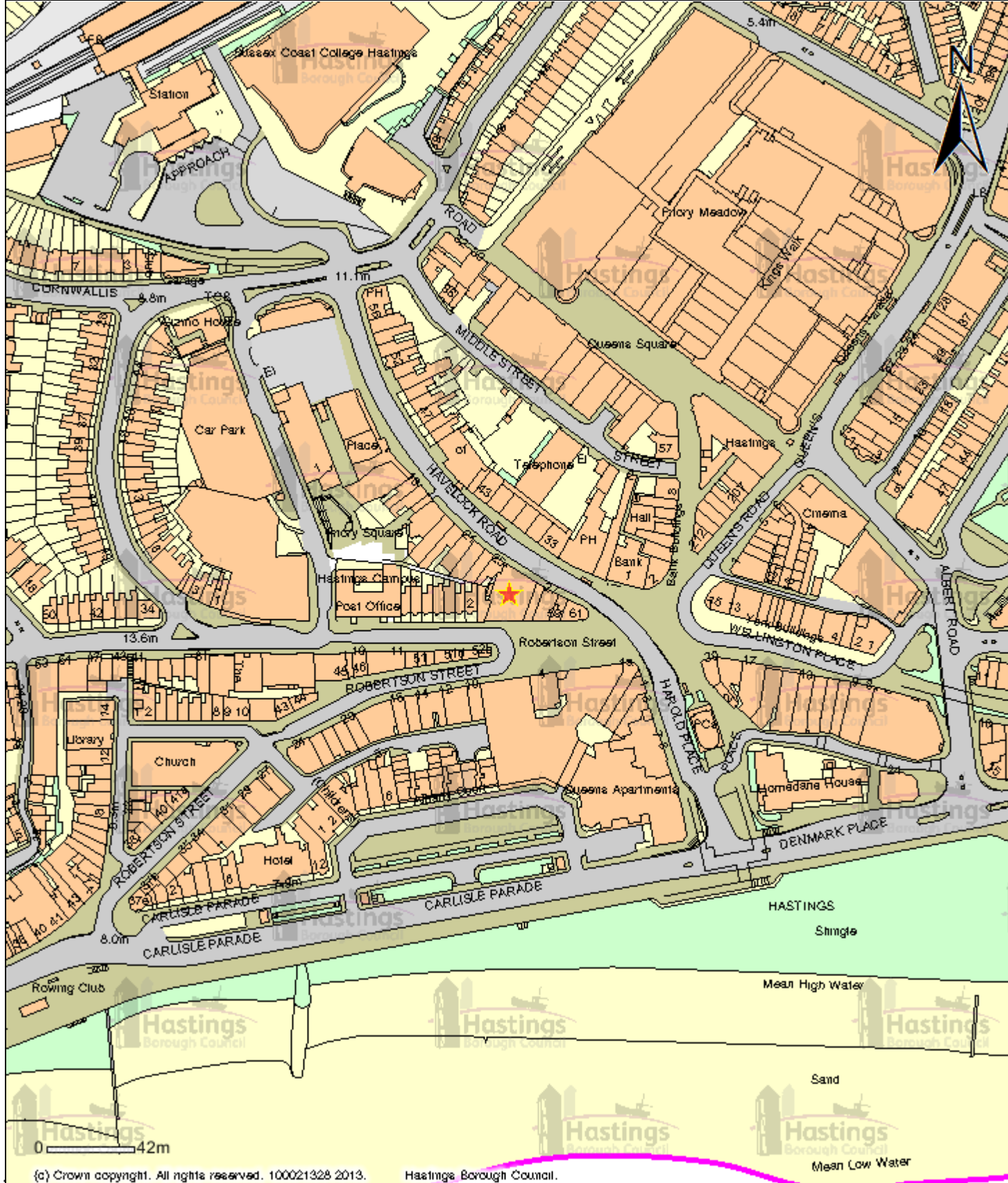



Name (please print)

Oliver Ibrahim

Date

23rd June 2015



	<p>Title:</p> <p style="text-align: center;">Appendix B</p>	<p>Scale: 1:2500</p> <p>Date: 15/5/2015</p>
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Licensing and Public Safety

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

7th July 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 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 Wednesday	08:00hrs - 02:30hrs
Thursday, Friday and Saturday	08:00hrs - 03:30hrs
Sunday	08:00hrs - 02:30hrs

Non Standard Times: Sundays preceding Bank Holiday Mondays	08:00hrs - 03:30hrs
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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."*

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.....'*

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'*.

On 8th June, 2015 the Licensing Committee considered an Application submitted by the same Applicant which was rejected following representations made by the Responsible Authorities. Amongst the concerns was the late opening of the venue.

At the Applicants request, on June 18th 2015, a meeting was convened at the premises between the Applicant, the Local Authority, the Licensing Authority and the Police. The meeting was attended by Jean Irving, Head of Licensing for Sussex Police, Sgt Denham Vokins and Tony Masters, from the East Sussex Licensing Unit and various officers from the Local Authority. The group were shown around the venue by the Applicant, with many queries being raised and comprehensive replies being forthcoming.

The Applicant noted the concerns and suggestions put forward by the Responsible Authorities and the current application reflects the amendments recommended by those present at the meeting, including a reduction of hours.

One minor point within the Application which Sussex Police would request is amended, at section E, the Applicant states:

During events that will have an attendance of under 18's no alcohol will be advertised or visible to young persons.

We would prefer this to have added '*nor available for sale*' at the end of the condition

The proposal by the Applicant to install a suitable electronic ID scanning system is welcomed by the police as it will ensure under age persons are identified and refused entry to the venue. Additionally those previously banned or banned via the town centre scheme, and other from other local schemes, will be uploaded on to the system, which will assist the venue in preventing crime and disorder.

The hours have been reduced from the previous application, to hours which reflect the old licence held by the West Exit venue.

There is a very comprehensive CCTV system which has already been installed by the Applicant and also the number of SIA staffing has been agreed with the police and represents a ratio higher than the usual 1:100, due to the layout of the premises.

Sussex Police contend that this application has been carefully thought though by the Applicant and the concerns raised by the police and other Responsible Authorities have been addressed. The committee may consider the steps proffered by the Applicant go a long way towards mitigating the cumulative effect on the town

However, it is impossible for a nightclub opening until 0330 hours to have no negative cumulative impact on the town, and therefore Sussex Police invite the committee to refuse this application.

Yours sincerely



Paul Phelps
Chief Inspector
Hastings District Commander
East Sussex Division

MEMORANDUM



Date: 13th July 2015
From: Stewart Bryant - Environmental Health
To: Licensing
My Ref: WK201500418
Your Ref:

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.

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. The previous 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.

Following a recent unsuccessful application for a licence for the premises a multi-agency meeting took place with the applicants whereby all the potential issues were discussed at length and I believe the applicants made a concerted effort to reduce both HBC's and our partner agencies concerns in respect to the operation of the property.

I note the most recent application has cut back the terminal hour of operation to 03:30 in line with the premises next door at Yates wine bar, which is welcomed; this at least will prevent the neighbouring residential premises being potentially being disturbed twice, when the premises close.



Whilst live performances of music not deemed incidental (according to DCMS guidelines) the application and subsequent discussion with the applicant state that they intend to have live music and 'Jazz Club' type nights are planned on the premises".

The licence should be conditioned that these activities should be in the main be restricted to the 'Crypt' area of the Club and only Incidental background music or Piano lounge type music be played at low level in the area known as number 53, with checks put in place to ensure the unwanted escape of noise does not happen. Access to this area (Number 53) from street level will also be taken out of use at 23:00 as per the recent application.

The licenced should also be conditioned to ensure that no deliveries or removal of rubbish / glass etc. take place before 07:00 hrs and after 23:00 hrs.

Kind Regards

Stewart Bryant BSc (Hons) Environmental Health

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Please quote:
Your reference:
Date: 29th May 2015
Please ask for: Cllr Emily Westley
Telephone direct: 01424 437512
E-mail: cllr.emily.westley@hastings.gov.uk
Web: 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

Further to your recent application for a licence on the premises formerly known as West Exit, which is in the town centre, and upon receipt of the documents from the licensing department, I am still more than happy to support your application.

The council have used your company on many occasions and I am aware that you have a very positive reputation as a respectable, well organised and highly professional company who have been in the town for 20 plus years.

Your company managed the security for the Olympics when it came to Hastings and that was a great success. I believe therefore that you have demonstrated your professionalism and commitment to the type of Hastings this interventionist, innovative and forward looking council are trying to achieve.

Hastings is now an up and coming University town which needs to embrace that concept and make provisions for it. We do not have a nightclub in the town (apart from the sex establishment) which would be beneficial and welcoming to the students, and to have a new business creating jobs not only for the venue itself but the wider business like taxi's, takeaways and restaurants, is in my view, a 'win win' situation.

I hope that the Licensing committee will take my comments into account when making their decision, especially as of course if it turns out to be a problematic venue in the future, your licence could be revoked. I do not however, believe that would be necessary.

I wish you the best of luck for the purpose of benefiting Hastings and its residents.

Kind regards

Your sincerely

Emily

Cllr. Westley



Date: 1 June 2015
Ref: Karma Security
Our ref: Jane Kilby 01892 602881



To whom it may concern

Re: Paul Mandry, Karma Security, Robertson Street Hastings, East Sussex

I, Jane Kilby having been working with Karma Security for over 10 years, in my capacity at Hastings Borough Council, and now Wealden District Council.

In that time I have received first class service from this company, the professionalism of the business and courtesy of staff has always been 100%.

I would have no problem in recommending or supporting their business for future projects or business endeavours. The plans for Grand Elektra, its employment prospects and the benefit for tourism in such a key location in the town, is an exciting prospect and should be supported.

Yours faithfully

Jane Kilby

**Tourism Officer
Community & Regeneration**

Trevor Scrase

From: Paul <Paul@karma-security.co.uk>
Sent: 03 June 2015 14:28
To: Oliver Ibrahim
Subject: Fwd:

Sent from my iPhone

Begin forwarded message:

From: MattBrown <mattbrown@sourcebmx.com>
Date: 3 June 2015 13:19:13 BST
To: paul@karma-security.co.uk

Thanks for the meeting

As we discussed the Crypt has a long history being the venue of choice for the local extreme sport scene, I'm really pleased you're now running the venue as you have a great reputation for running a safe venue, we've known each other now for twenty years so I'm really pleased we can work together in a professional capacity. That being the case we spoke about the Source Park staging local, national and international bmx/skateboard events, I am very pleased to continue our conversations for the Crypt to be the venue of choice at those events, and for us to continue and build upon the relationship of the two businesses which I believe will be great not only for the businesses but for the local community.

Regards

Matt Brown
Retail Director
Source Park
mattbrown@sourcebmx.com
Mob 07973 853079

Trevor Scrase

From: Paul <paul@karma-security.co.uk>
Sent: 04 June 2015 12:21
To: Oliver Ibrahim
Subject: Re: Support for new night club

Sent from my iPhone

> On 29 May 2015, at 11:36, Ed Lofts <ed@whiterocktrust.org.uk> wrote:

>

> To whom it may concern,

>

> My name is Edward Lofts and I work as a Community Organiser for the White Rock Trust who currently play a key role in the future of Hastings town center and the White Rock area. I have been in this role for over 3 years and work directly with local people and businesses to help improve our town.

>

> I listen to local people of all ages as a full time job and have a good knowledge of whats going on in the lives of local residents, college & university students along with many business owners.

>

> At present the local students are not happy with what the night life in Hastings can offer and at least once a week organise their own coaches to take them to Eastbourne or Brighton. This in its self is bad for local business but also shows a lack of respect for the younger people in our town.

> Forward planning for a nice new college and university was done but no consideration was given to what the students would do with their free time.

>

> The new night club in town is not only much needed but would also boost the morale of local people and give the students more options, so they don't have to leave town and spend their money elsewhere which again is bad for local business.

>

> The venue in question is not just a new night club, It's THE NIGHT CLUB for Hastings. Since the Crypt shut down one owner has tried to make it work by renovating the look and feel of the club however they didn't have the tools or local knowledge to make it a success. The team now working on the night club are local people who have a deep understanding of what makes a night out in Hastings fun and at the same time safe for locals and university students. I can only urge you to listen to them and allow them to breathe some type of life back into the night club for the sake of the local residents and economy.

>

> Not supporting them by refusing to grant them what they need would be a travesty toward the future of the town and its sustainable regeneration.

>

> Yours sincerely

>

> Ed Lofts

> White Rock Trust

> Community Organiser

>

>

>

>

>

Trevor Scrase

From: Paul <paul@karma-security.co.uk>
Sent: 01 June 2015 20:55
To: Oliver Ibrahim
Subject: Fwd: The Club!

Sent from my iPhone

Begin forwarded message:

From: Mike Raxworthy <mike@intergrafix.co.uk>
Date: 1 June 2015 18:23:01 BST
To: paul@karma-security.co.uk
Subject: The Club!

To whom it may concern,

As a local musician I was very excited when I heard from the new management team who now have the lease on the old West Exit Club. There's a great need for a well run club in Hastings Town Centre especially as they are planning to have live music in what was once the premier live music venue along the South Coast. Knowing their plans are to include high profile Jazz Acts and Blues Bands throughout each month, I'm sure this club will suddenly get a completely new profile. These acts will ultimately require a fairly high ticket price which in turn will attract a whole new clientele to the town centre club scene. These will be people who would normally travel to central London clubs such as Ronnie Scotts and The Jazz Cafe to see this calibre of musician. Add the availability of a good supper menu and I think they will be very successful!

I realise we have the chance to see some high profile bands in our own White Rock Theatre, but some great jazz in a smaller, more intimate setting, would be appreciated by both music enthusiasts and performers alike. I think this club will be beneficial to the town and it's many, many music lovers.

Mike Raxworthy



RESPOND ACADEMY
An Effective Diversionary Youth Project
Ground Floor, Silchester Mews, 17A Silchester Rd,
St Leonards on Sea, East Sussex, TN38 0JB
01424 718235
Email: respondacademy3@gmail.com
www.respondacademy.com
Youth Involvement Consultant: Pablo McFee: 07817108675
Project Manager: Jc McFee: 07531915905

Date 24th May 2015

To Whom it may concern

Respond Academy would like to write a letter of support in regards to Grand Elektra Night Club by Paul Mandry.

Respond Academy is an established Youth Provision St Leonards on Sea with a well-documented 10 year history of events whereby Karma provided security.

Respond Academy have used Karma security company on numerous occasions over the last 10 years and we are well aware that you have your own 20 year history and reputation as a respectable, well organised and highly professional company when hosting an event in a club or outside venue.

One of the most successful community projects we hosted for 3 years was "VIBES" an under 18's Disco we worked in partnership Karma due to our stringent yet flexible security precautions had no incidents where police were called.

Another highlight for our members and their families was the way your company managed the security for the high profile Olympics when it came to Hastings where everyone was aware of security but able to enjoy themselves.

We also know that Hastings borough council is constantly promoting and encouraging local business to create employment opportunities for local people. The added impact of this venue like taxi's, takeaways and restaurants definitely fulfils this role and any targets needed.

It is well noted and a great disappointment that Hastings does not have nightclub in the centre of town (apart from the sex establishment) particularly by the University students looking for a safe exciting well-managed fun night out let alone local people.

Respond Academy has been working in partnership with 1stofMANY for the last 3 years. 1stofMANY is an intergenerational Live Music project working with world Famous musicians quite a few are local Global artists still unknown in Hastings or by the community. 1stofMANY is trying to address this issue and it enables young people to integrate with the older generation by doing all the in house promotion, green room, meet & greet etc all these skills needed for possible future employment as well as hosting masterclasses and concerts. We have worked with Paul xx Karma as stated and feel this could be a regular 1 once a month event that would include families, Recently we included East Sussex Music Service in a taster day and over 30 of their Jazz and string /brass section attended and they expressed a desire to be more involved to work in any possible collaborations that could involve performances for their students to work in a real Venue atmosphere.

We believe therefore that Hastings really need this venue and that xxx your company have more than demonstrated your professionalism and commitment to the type of venue that Hastings definitely needs at this time.

Please feel free to contact us directly if you need more information

Kind regards
Pablo & Jc Mcfee

Respond Academy, a creative learning community for young people in East Sussex

To whom it may concern.

I have had the pleasure of working with Paul Mandrake for many years now on events including the Hastings Pirate Days, Olympic Torch, Christmas events in Hastings and the Bexhill Roaring 20s just a few of the events where I have relied on the the professionalism and dedication of Paul.

In events such as the Pirate Days where tens of thousands descend on a town it is with absolute reassurance that I employed Paul and his team as security and with his vast knowledge of potentially volatile situations I knew Paul would deal with any situation that arose which he did with great ease and calmness.

Working closely with Paul on the 2012 Olympic Torch relay and overnight celebrations I became aware of his immense organisational skills and once again calmness under pressure.

I personally know of no one better equipped to run a club in Hastings aware of potential situations and to address them before they arise.

I also look forward to working with Paul to make an establishment welcome to all generations .

Working close with Paul over numerous large events I have the pleasure of calling him a friend and one I put complete trust in.

Roger Crouch
Event Organiser



BRIGHTON
STUDENTS' UNION

Head Office:
Steam House
Lewes Road
Brighton
BN2 4AF

29th June 2015

T: 01273 642746
F: 01273 694060

To whom it may concern

I am writing on behalf of Brighton Students' Union in support of the licensing application for Grand Elektra.

A thriving university town needs to have a vibrant night-time economy both to attract students to apply to study in Hastings at the University of Brighton and to keep them here once they have decided that this is the place for them.

Hastings has much to offer our diverse student body but there is a significant gap in the provision of night time entertainment especially with the closure of West Exit earlier this year.

Brighton Students' Union have already met the management of Grand Elektra twice to discuss how we can work together to provide a first class experience to new and returning students.

The plans that Grand Elektra have developed are exactly what our town needs to grow and develop the night time economy.

A new significant venue in the heart of town will also provide much needed employment for both student and non-student residents.

Grand Elektra will be good for the student community and good for a thriving university town.

Yours sincerely,

Mark Curry

Campus & Partnership Manager

Brighton Students' Union

E: m.curry@brighton.ac.uk

T: 01273-641178

M: 07977 652 119

To whom it may concern,

For the past two years I have been working with Roger Crouch on all of the events that he puts on in and around Hastings. On nearly all of these events Paul has been involved in with his security company. Paul has always been very professional with his attitude to the work and well organised. He is always very polite and helpful and been very supportive of everything that he has worked alongside us with.

I think Hastings would welcome another nightclub into the town which is well run and inviting for all over the age of 18. I definitely feel that if it was to have a variety of music this would be a lot better as other places will stick to one style of music that this will not be to everyone's taste. In my personal opinion I believe that themed nights would be well received by many. For example a house night, a night where all current music is played as well as other themes, as well people do like to get involved with fancy dress for a night out as Halloween is always a very popular night and nearly everyone dress up. I would be happy to offer any input into any event that they were planning to run if they wished.

I have spoken to a few people that I know that go out in the town and the following are the comments I have received:

- I like the DJ's that currently play in town as they are good and I like places that have a certain dress code. I also like a place to have a big dance floor and good lighting
- I like to go to places that are classy and people don't wear hoodies to go there
- I like to go to a place that has a good atmosphere and that is sophisticated with up-to-date music that you can dance to. As well the place to have reasonable priced drink and be clean everywhere
- I think somewhere that has been nicely done up is nice to go to and it be classy. I like a big dance floor with decent music and music that you can dance to not always sticking to house or drum and bass with some places to sit down
- I like to go to somewhere that places house music not always commercial and most places are very casual
- I want a place to play house music
- Have low entrance prices or even free to bring people into the place
- Have it be a classy place, have cheap drinks and charge nothing for people to get in
- Have a nice floor that isn't sticky like some places when drinks get spilt and have it be clean especially the toilets

Carlie Stace

Student President & Student Governor

Sussex Coast College Hastings

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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 7



Report to: Licensing Sub-Committee

Date of Meeting: 6th August 2015

Report Title: Application to review a Premises licence. Moscwichka, Pevensey road, St Leonards on Sea.

Report By: Mike Hepworth
Head of Environmental Services

Purpose of Report

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

Recommendation(s)

1. Members instructions requested.

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.

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 21st July 2015.

3.0 Consultation

12. As a result of this consultation period, one further representation has been received, this is from Mr Trevor Scrase, Snr Licensing Officer, Hastings Borough Council. He comments on the application for review and gives a detailed history of his dealings with the company, he further comments on the lack of control by the license holder/DPS Mrs Dimitrova, highlighting her comments in interview with Trading Standards, he supports the request by trading standards for the licence to be revoked by the sub committee.(Attached appendix D)

4.0 Legal Considerations

13. 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.
14. 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.
15. If a relevant representation is made by either a responsible authority or other party, a hearing must be held.
16. The Home Office 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.
17. Hastings Borough Council has developed, published and reviewed its Statement of Licensing Policy as required by the Licensing Act 2003.
18. All members of the Licensing Committee have been supplied with copies of the Official Government guidance and the Hastings Borough Council Statement of Licensing Policy.
19. 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:-

20. Has its basis in law;
21. Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
22. Is proportionate to the aims being pursued; and,
23. Is related to the prevention of crime; or, the protection of public order or health.
24. 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

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

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

Wards Affected

Central St. Leonards

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

Additional Information

- Appendix A. Application for review.
- Appendix B. Map of area.
- Appendix C. Existing Licence.
- Appendix D. Representation from Mr Scrase.

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 Graham Wolstenholme Senior Trading Standards Officer (East Sussex County Council Trading Standards Service)

(Insert name of applicant)

apply for the review of a premises licence under section 51 (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description HJ FOOD Ltd Trading as Moscwichka 1a Pevensey Road	
Post town St Leonards on Sea	Post code (if known) TN38 0AJ

Name of premises licence holder or club holding club premises certificate (if known) Ms Jenya Dimitrova

Number of premises licence or club premises certificate (if known) HOP50427

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

WX 201502380.

Recd 24/6/15
Eds 21/7/15.

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Graham Wolstenholme Senior Trading Standards Officer East Sussex County Council Trading Standards Service St Marys House 52 St Leonards Road Eastbourne East Sussex BN21 3UU
Telephone number (if any) 01323 464043
E-mail address (optional) graham.wolstenholme@eastsussex.gov.uk

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 type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

LICENSING OBJECTIVE - THE PREVENTION OF CRIME AND DISORDER
Revised Guidance issued March 2015 under section 182 of The Licensing Act 2003 lists certain criminal activity which may arise in connection with licensed premises which the Secretary of State considers should be treated particularly seriously. This list includes the use of licensed premises for the sale or storage of smuggled tobacco and alcohol (Part 11.27)

Please provide as much information as possible to support the application
(please read guidance note 2)

LICENSING OBJECTIVE - THE PREVENTION OF CRIME AND DISORDER

Revised Guidance issued March 2015 under section 182 of The Licensing Act 2003 lists certain criminal activity which may arise in connection with licensed premises which the Secretary of State considers should be treated particularly seriously. This list includes the use of licensed premises for the sale or storage of smuggled tobacco and alcohol (1 Part 11.27).

On the 4th November 2014 HJ FOOD Ltd trading as Moscwichka at 1a Pevensey Road, St Leonards on Sea TN38 0JA was visited as part of East Sussex Trading Standards tobacco enforcement work. On arrival Graham Wolstenholme introduced himself to Levon HOVAKIMYAN and informed HOVAKIMYAN that we were going to inspect for illegal tobacco. HOVAKIMYAN stated that they did not sell tobacco. The subsequent inspection found 306 packets (of 20's) of illegal cigarettes, including counterfeit Mayfair, stored on the premises in two hidden locations. The items were subsequently seized. These cigarettes do not comply with the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations and bear foreign language duty stamps and are UK Duty evaded product. (Smuggled). The MAYFAIR cigarettes infringe the Trade Mark Act 1994 and a statement has been provided to that effect. The Designated Premises Supervisor (DPS) for HJ FOOD LTD at this address is Jenya DIMITOVA

During a recorded interview conducted under caution the manager, Levon HOVAKIMYAN, stated the cigarettes were his and unconnected to HJ FOOD Ltd. A summary of that interview is included and audio copies can be provided.

A recorded interview conducted under caution with Jenya DIMITOVA the DPS and Company Secretary for HJ FOOD Ltd was undertaken. During that interview Jenya DIMITOVA stated that she very rarely attends the shop premises and in fact does not work there. She went on to say she is employed in a care home. She claimed that she was the DPS only because she understood English enough to pass the tests whereas the other members of staff did not. A summary of that interview is included and audio copies can be provided.

The advice in section 182 guidance is quite clear that although the Licensing Act 2003 does not require the DPS to be present and authorise all sales they should have in place sensible arrangements to monitor the activity that they have authorised on a reasonably regular basis. By DIMITOVA admission this is not the case.

On 23rd October 2014 an inspection of the licensed premises of HJ FOOD Ltd trading as Ocean Gastronom at 9 Seaside, Eastbourne TN38 0BU was carried out in response to intelligence received regarding the sale of illicit and counterfeit cigarettes. Illegal cigarettes had previously been seized by HMRC and the DSP; Jenya DIMITOVA had been advised of that fact. During this inspection 192 packets (of 20's) cigarettes from various brands, some of which are not available within the legitimate UK market, were found stored on the premises. These cigarettes do not comply with the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations and had no UK Duty paid. The majority of the packets bear foreign language duty stamps and are smuggled. Jenya DIMITOVA is also the DPS for HJ FOOD LTD at this address. The statement of Graham Wolstenholme dated 02/04/2015 regarding that visit is included. This is subject to a separate licence review with Eastbourne Borough Council.

HJ FOOD Ltd also has a store in Tunbridge Wells, Kent. Kent police applied for a

licence review following a seizure of 112 packed of non-duty paid cigarettes on the 20th June 2014. At that review on the 27th August 2014 Tunbridge Wells Borough Council removed Jenya DIMITOVA as DPS of HJ FOOD trading as Ocean 2 , 4 Grove Hill Road, Royal Tunbridge Wells TN1 1 RZ Premises Licence number 09/00003/LAPRE/2270 .

An investigation file has being completed in relation to the above offences. The premises were being used as an outlet for the sale or storage of smuggled tobacco. This not only damages local traders who lose the revenue from the sale of legitimate goods, but also undermines the UK government's policy on smoking which is to set tax rates high enough to discourage people from smoking. 'It's been proven that high prices put people off smoking - especially young people and people on lower incomes. It's also important that cheap, black market cigarettes and tobacco don't undermine prices'¹

East Sussex Trading Standards are of the opinion that the offences found indicate that the licensing objective indicated above has not been met and that Jenya DIMITROVA is not a suitable person to be a Designated Premises Supervisor and should be removed as such.

The guidance from the Home Office referred to in our submission clearly demonstrates the weight that the Home Office places on such matters. With the evidence discovered in our investigation at other locations operated by the same company we would ask that the subcommittee consider our request for the licence to be revoked on this occasion. Trading Standards have no confidence in the management of this store or the staff operating it on a daily basis.

Reference:

- 1) 2010 to 2015 government policy: smoking 7/05/2015
<https://www.gov.uk/government/publications/2010-to-2015-government-policy-smoking/2010-to-2015-government-policy-smokin>

Please tick yes

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this 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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

S. White

Date

23/6/15

Capacity

Senior Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Trading Standards Service
East Sussex County Council
St Marys House
52 St Leonards Road

Post town
Eastbourne

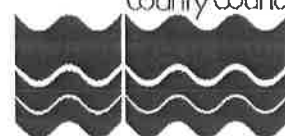
Post Code
BN21 3UU

Telephone number (if any) 01323 464043

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

Notes for Guidance

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



TRADING STANDARDS SERVICE

RECORD OF TAPE RECORDED INTERVIEW

			Exhibit No:
Person Interviewed	Jenya DIMITROVA	DOB 18/2/71	This record consisting of 2 pages is the exhibit referred to in the statement made and signed by me.
Place of Interview	Trading Standards Offices, St Mary's House, 52 St Leonards Road, Eastbourne BN21 3UU		
Date of Interview	20/11/2014		
Time Commenced	14:07	Time Concluded	
Recording Reference Numbers			
Interviewing Officer(s)	Graham WOLSTENHOLME		Signed
	Beverley PULFER		Signed
Other Persons Present	NONE		
Signature of Officer preparing Record		Name	Date

Summary: Jenya DIMITROVA states that the tobacco removed by HMRC was UK stock. However after been warned by C Wolfe that sale of illegal tobacco could jeopardise the alcohol licence she claims to have told her staff not to sell illegal tobacco but did not document that advice.

JD does not work in the shops, she stated she was DPS because she was the only one capable of passing the tests to be a DPS.

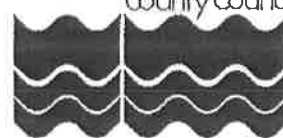
JD claims to have little or no contact with her shops of which she is the Designated Premises Supervisor.

She states she knows nothing of the illegal cigarettes in either shop and that the cigarettes in question are been sold by the managers without her knowledge. With regard to the SLOS trading as Ocean 3 / Moscwichka she says that she very rarely visits the store.

Time		
2:20	JD agrees she can speak on behalf of the company	
3:00	Caution Given	BAP
	Conversation	
17:00	The way I became the DPS was only me that had command of English enough to pass the test, I am very good at studying you see, and that's how it happened. Meantime I have been educating the guys about alcohol the problems with the tobacco is something I never excepted to be honest with you .	JD
	Conversation continues about preventing underage sales	
18:00	Unfortunately my control was very minimal if existent at all because I had to go back to the nursing home where I was working for 10 years And Mr. Tangarani had three horrendous family events and spent so much time in his home country that he also lost control over things	JD
19:30	What did you do following this conversation with the licensing officer from Eastbourne licensing, what did you do to ensure the staff no longer sold illegal tobacco ?	
	I spoke to him	



25:00	Whose cigarettes are those which we seized	GW
	I asked and was told that sometimes people bring us some but not a lot	JD
30:00	Its no secret to my self that I don't do my job properly	JD
30:30	I understand I don't do my job properly because if I was present in the shop every day like I am supposed to be then I would have known what was happening or at least nothing would happen but I can not afford to do that and that's how I came up on this interview	JD

Signature of Officer preparing record 



TRADING STANDARDS SERVICE

RECORD OF TAPE RECORDED INTERVIEW

			Exhibit No: GMW/1/3.2.15/A	
Person Interviewed	Levon HOVAKIMYAN	DOB	20/04/1984	This record consisting of 2 pages is the exhibit referred to in the statement made and signed by me.
Place of Interview	Trading Standards Offices, St Mary's House, 52 St Leonards Road, Eastbourne BN21 3UU			
Date of Interview	03/02/2015			
Time Commenced	10:10	Time Concluded	10:58	
Recording Reference Numbers	GMW/1/3.2.15			
Interviewing Officer(s)	Graham WOLSTENHOLME		Signed	
	Lee EDE			
Other Persons Present	Karine ALEXANIAN	interpreter		
Signature of Officer preparing Record			Date	

SUMMARY

LH says that he opens the shop, employed staff to work in the shop and that he is the manager of the store. He states that he pays himself from the till and that his manager is Jenya DIMITROVA

With regard to the illegal cigarettes LH agrees that he hid them to prevent Trading Standards from finding them. He says he had sold them for about one or one and a half months, also that he has supplied them to his brother and sister who he thinks also sell them on. In justification he claims he only sells them to Eastern European people. When questioned about the selling these products he admits he understands it is illegal but not why. Understands should not sell it (tobacco)

He says he was renting the DVD's to people for 50p a time and that was his business and not connected to JD. He did nothing to check if it was legal to provide such DVD's as part of a business in the UK.

LH takes all responsibility for both the tobacco and DVD's claiming JD knew nothing about it and it was his business.

Time		
2:05	Caution Given and explained	LSE
	So the tobacco we seized this tobacco on the 4 th November 2014, who does this belong to me	GMW LH
	Its yours, and why did you have this tobacco in Jenya's Shop	GMW LH
	Jenya did not know about this, generally Eastern European customers bringing in 1 or 2 boxes, first I bought it for myself because I am smoking and when I didn't want it they said take it and sell it because everyone here is selling it, I not selling this for long time probably one or one and a half months because I do not sell it a lot	LH
	So you knew you should not sell this?	GMW LH
	I knew that I shouldn't, I didn't realise how serious it is	LH
	LSE asked if the business sell legitimate cigarettes and LH says it does not, further	

	discussion about cigarettes follows	
20:10	I repeat I kept the cigarette but I didn't understand how serious it is	LH
	Discussion about why cannot sell these cigarettes	
20:45	I don't know exactly, I know it is illegal, I think because I didn't buy it from the cash and carry	LH
	I am going to put it to you that you knew you should not sell these but you sold them , do you agree with that	LSE
	Yes I agree but I sold it only 4 or 5 boxes a day and only for Eastern European people.	LH
	Were these cigarettes hidden for a purpose, Do you remember we had to use a tobacco detection dog, you did not have the tobacco on the shelf	LSE
24:00	Conversation continues regarding hidden tobacco	
26:20	This is a serious problem for Trading Standards I we would put it to you that you hid them on purpose to stop us finding them	LSE
27:16	We need to be more clear do you agree that you hid this to prevent any Trading Standards from finding the product	LSE
27:47	YES	LH
28:00	Do you agree that you told the blonde young trainee to close the hidey hole when we entered the shop	LSE
29:30	Conversation continues and LH states girl did not sell any tobacco at all	
	The day we entered 4 th November the young blonde girl closed the flap as we entered the shop	LSE?
29:18	I told her	LH
29:20	On that day we actual spoke to this young girl and my colleague took notes of the conversation. I asked her have you sold any of these cigarette and she said yes, I asked how many and she said a few packets; I've only worked for a few weeks. I asked who asked you to sell them and she said the man outside, that was you. Um, she seem afraid of you, we went on to say did she know they were illegal and she said yes they were. So basically what she is saying is that you told her to sell those cigarettes and she had sold those cigarettes	GMW
31:32	Generally I was the one selling; I took her on for training.	
33:24	I put it to you that the business of selling illegal cigarettes through the shop was your business, Yes? sorry you can't nod	
	YES	LH
	Thank you and that by doing that you were abusing the position that Jenya had put you in as manager , because you said she knew nothing about it	
33:58	I understand I did not do a good thing	LH
	Is that a yes or no	
34:55	Yes	
	Conversation continues regarding DVD's LH claims they are his DVD's and that he rents them to customers for 50p for a few days. He admits he did nothing to check what legal UK .	
	I put it to you that you had unclassified DVDs that you were renting out as part of your business	
	I will make it easy, were you renting out these DVD's as part of a business?	GMW
42:30	Yes	LH
44:58	Just want clarification, so the tobacco and the DVD's they were your business and nothing to do with Jenya	GMW

	It was mine	LH
	And how many times in the last six months has Jenya been in the shop	GMW
45:40	Maybe 5 or six times	LH
	Interview ends at 10:58	

Signature of Officer preparing record _____



Title:

Appendix B

Scale:

1:2500

Date:

20 / 7 / 2015

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PREMISES LICENCE

Premises licence number

HOP50427

Part 1 – Premises details

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

MOSCWICHKA
1A PEVENSEY ROAD,Post Town
ST. LEONARDS ON SEA, EAST SUSSEXPost Code
TN38 0JA

Telephone number

Where the licence is time limited the dates
NONE

Licensable activities authorised by the licence

SUPPLY OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

SUPPLY OF ALCOHOL	MONDAY – SATURDAY	10.00 – 22.00
	SUNDAY	10.00 – 20.00

The opening hours of the premises

MONDAY – SATURDAY	10.00 – 22.00
SUNDAY	10.00 – 20.00

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

SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES

HASTINGS BOROUGH COUNCIL

Part 2

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

JENYA DIMITROVA
FLAT 2
DOWNSVIEW
1 LASCELLES TERRACE
EASTBOURNE
EAST SUSSEX
BN21 4BJ

(Change of premises licence holder address on 24th May 2013)
(Granted on 12th April 2011)

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

JENYA DIMITROVA
FLAT 2
DOWNSVIEW
1 LASCELLES TERRACE
EASTBOURNE
EAST SUSSEX
BN21 4BJ

(Change of address on 24th May 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: 005940
ISSUING AUTHORITY: EASTBOURNE 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.

Annex 1A – Additional mandatory licensing conditions

In relation to an existing or future relevant premises licence, the conditions specified for the purposes of section 19(4)(b) of the Act (mandatory conditions where licence authorises supply of alcohol for consumption on the premises).

In relation to an existing or future relevant club premises certificate, the conditions specified for the purposes of section 73A(c) of the Act (mandatory conditions relating to the supply of alcohol to members or guests, for consumption on the premises).

Paragraphs 1, 2 & 3 effective from 6th April 2010.

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

HASTINGS BOROUGH COUNCIL

Annex 1A – Additional mandatory licensing conditions - continued

(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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–

(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 the 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 for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Paragraphs 4 & 5 – effective from 1st October 2010.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

HASTINGS BOROUGH COUNCIL

Annex 1A – Additional mandatory licensing conditions - continued

5. The responsible person shall 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: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

HASTINGS BOROUGH COUNCIL

Annex 2 – Conditions consistent with the operating schedule

General

The premises is a well illuminated, open style, self service grocery store.
High value alcohol / goods are located behind the counter at point of sale.
No money is left on the premises when closed.

The prevention of crime & disorder

Following the consultation process the Chief Officer requested the following conditions, which the applicant accepted.

- A CCTV system has been installed on the premises although there is no mention of this on the schedule accompanying the application. Sussex Police would ask that consideration be given to the following to ensure the correct use/control of the CCTV apparatus:-
 1. The system will incorporate a camera covering the entrance doors and the alcohol display areas and be capable of producing an image which is regarded as identification standard. (The precise positioning of the cameras has been agreed with Mr. Masters who has supplied Ms. Dimitrova, with a leaflet, 'CCTV Essential Advice and Guidance for Users').
 2. The system will incorporate a recording facility and any recording shall be retained and stored in a secure manner for a minimum of 28 days and made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
 3. The system will display on any recording, the correct time and date of the recording.
 4. The system will be maintained and fully operational throughout the hours that the premises are open.
 5. Train adequate members of suitable staff to use the CCTV system to its full potential thus ensuring that a member of staff is always available to replay footage and download material following an incident.
 6. A 'Challenge 25' policy be adopted and only photographic ID such as a passport, driving licence, proof of age standards scheme (PASS) cards and citizen 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, and that alcoholic drinks are refused unless that ID is produced.
 7. A refusals register shall be kept near the point of sale 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 the police or licensing authority when requested.
 8. The store adopt the 'best practice' as outlined in the amended Guidance issued under Section 182 of The Licensing Act 2003 published in October 2010 in relation to written authorisation for staff who are not personal licence holders, to permit them to sell alcohol.

Signs displaying age restriction will be clearly displayed.

There will be constant supervision within the store.

There is a 'night light' security light in the doorway.

HASTINGS BOROUGH COUNCIL

Annex 2 – Conditions consistent with the operating schedule - continued

Public safety

A first aid station is maintained on the premises.

The prevention of public nuisance

The protection of children from harm

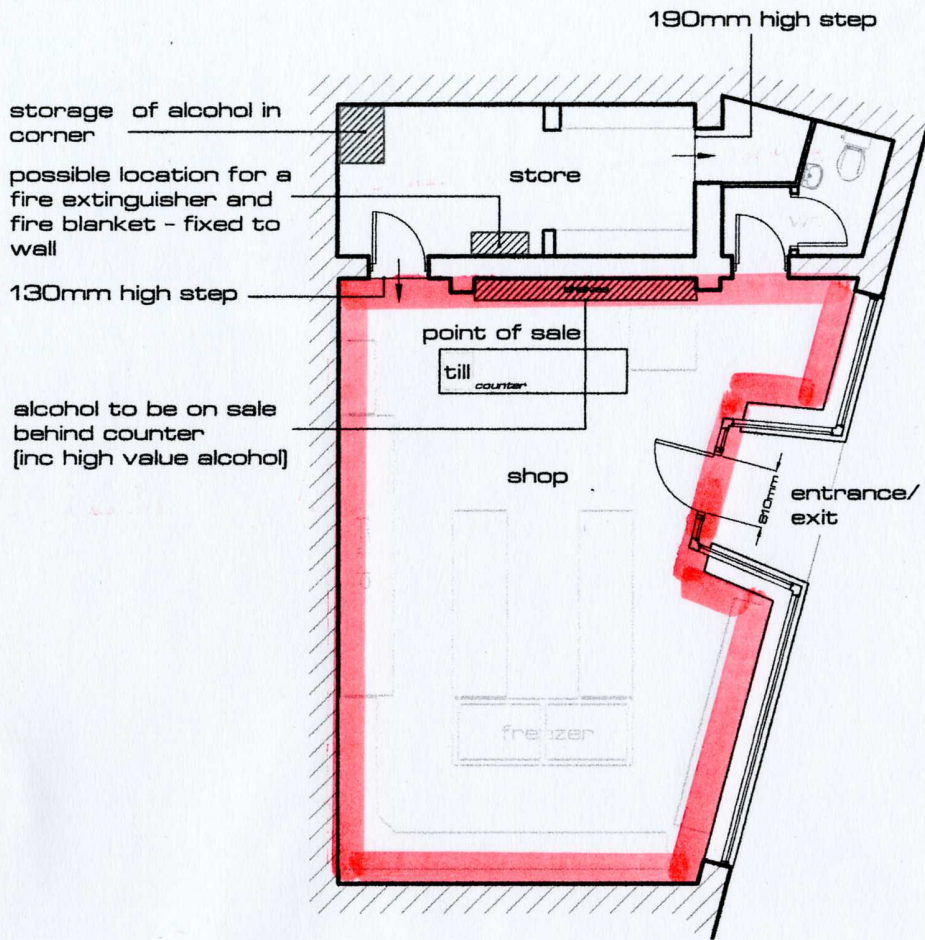
See provisions included under 'Prevention of crime and disorder'.

HASTINGS BOROUGH COUNCIL

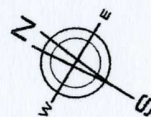
Annex 3 – Conditions attached after a hearing by the licensing authority

Nil.

Annex 4 – Plans



Ground Floor - Shop
1:100



LICENCING PLAN
1 PEVENSEY ROAD, ST. LEONARDS ON SEA EAST SUSSEX TN38 0JY
FOR: MR. A. ARMAN
r.d.p chartered architect
14 Cross Street / St Leonards-on-Sea / East Sussex / TN37 8EP T: 01424 714343 F: 01424 714342
LICENCE PLAN GROUND FLOOR SHOP PLAN 11.1133-101 Scale - 1:100 @ A4 Drawn: TB/ 25-02-11

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MEMORANDUM



Date: 10th July 2015
From: Trevor Scrase, Senior Licensing Officer
To: Bob Brown, Licensing Manager
My Ref:
Your Ref: Wk201502380

Worksheet 201502380 - Review of premises licence – Moscwichka, 1A Pevensey Road, St. Leonards on Sea, TN38 0AJ.

Introduction.

Hastings Borough Council, Licensing is a responsible authority under Part 2, section 103 of the Police Reform & Social Responsibility Act 2011.

I am employed as Senior Licensing Officer for Hastings Borough Council. I have held this position since June 2006, previously I was the Licensing Development Officer from November 2004. I am the holder of the BIIAB National Certificate for Personal Licence Holders certificate and a BIIAB National Certificate for Licensing Practitioners of the Licensing Act 2003, both of which are accredited qualifications. I am also the holder of a personal licence number 08/00276/LAPER issued by Rother District Council.

Geographically the shop is actually located on the north side of Silchester Road, as the first commercial premises on entry into Silchester Road from London Road. However for registry purposes, the correct postal address is 1A Pevensey Road.

Data trail of premises licence HOP50427.

On Wednesday the 24th June 2015, an application for a review of the premises licence number HOP50427, for Moscwichka, 1A Pevensey Road, St. Leonards on Sea, was received by this licensing authority, from Graham Wolstenholme, Senior Trading Standards Officer, East Sussex County Council Trading Standards Service.

8th March 2011. An application for a premises licence was received by this authority. The applicant was also the designated premises supervisor being the holder of a personal licence number 005940 issued by Eastbourne Borough Council. The application was submitted by Mr Bernard Hall, Licensing Agent, a retired police inspector, on behalf of the applicant. There was no indication at time of application, or during the consultation process of the applicant applying on behalf of others who would be running the shop or a limited company involvement.

12th April 2011. The premises licence was subsequently granted. Copy with accompanying letter attached item TCS/1.

26th March 2012. In line with the Licensing Act 2003, on the anniversary of the grant of a premises licence an annual fee is due. These fees are set by government. The annual fee, for Moscwichka of £180, was due for payment by the 11th April 2012. Payment was subsequently received.

19th April 2013. The annual fee was paid on this date. However there were problems in contacting the premises licence holder resulting in her contacting our office by telephone, in response to a letter of suspension of the premises licence. Letter sent acknowledging payment on 10th May 2013.



17th May 2013. As a result of the difficulties experienced in tracing Miss Dimitrova for payment of the annual fee, a warning letter was hand delivered by myself, to Moscwichka, 1A Pevensey Road, addressed to Miss Dimitrova. The annual fee had been paid but during the course of enquiries to trace the current address of the premises licence holder, it appeared that she had moved addresses from Flat 3, 36 Susans Road, Eastbourne and had not notified either Eastbourne Borough Council, of her change of address, as the issuing authority of her personal licence, as required by section 127 of the Licensing Act 2003. Neither had she notified this licensing authority as the issuing authority of the premises licence HOP50427 for Moscwichka, 1A Pevensey Road, of her change of address. She has a responsibility as both the premises holder and designated premises supervisor, contrary to section 33 of the Licensing Act 2003. With the assistance of Eastbourne Borough Council Licensing it was confirmed that Miss Jenya Dimitrova had now notified her change of address as: Flat 2, Downsview, 1, Lascelles Terrace, Eastbourne. Letter attached TCS/2.

20th June 2014. A letter was sent to Miss Dimitrova at her new address reminding of non payment of the annual fee of £180.00 due for payment by the 11th April 2014. Copy of letter attached item TCS/3. Revenue Services Hastings Borough Council confirm that payment was received on 21st June 2014.

26th March 2015. Payment of the annual fee was received.

At some stage, since 2014, the trading name of the shop located at 1A Pevensey Road, has been changed from Moscwichka to Ocean 3. This change of trading name has not been notified to us as the licensing authority.

Enquiries have been made with Eastbourne Borough Council Licensing who confirm that Miss Jenya Dimitrova still shows as registered for her personal licence at Flat 2, 1, Lascelles Terrace, Eastbourne.

Comments.

1. There was no indication at time of application, or during the consultation process of the applicant applying on behalf of others who would be running the shop or a limited company involvement.
2. The premises licence has been held by Miss Jenya DIMITIROVA as an individual, from the date of grant of the premises licence on 12th April 2011, to the current day. At no time has the premises licence holder notified any change of trading name to this licensing authority. In addition at no time has this licensing authority been notified that the premises licence is held by any other than Miss Dimitrova herself, as an individual, certainly not in any capacity as a limited company, as referred to in the review application as HJ Food Ltd.
3. The premises licence holder is also the holder of a personal licence, issued by Eastbourne Borough Council under section 117 of the Licensing Act 2003. To obtain a personal licence an individual must obtain an accredited qualification, following a one day training course. The syllabus of the course deals with the roles and responsibilities of a personal licence holder and premises licence holder in respect of notifying the issuing licensing authorities of any changes of address of the premises licence holder or DPS. Although failing to notify any changes of address, under the LA2003, is an offence, prosecution at magistrates court will only penalise the offender with a fine, on conviction but it will not affect the premises licence itself. However on conviction for listed offences under Schedule 4 of the LA2003, including offences under the Licensing Act itself, the magistrates have a power to suspend or revoke a personal licence. Such action was not deemed proportionate or necessary as the details were subsequently updated.
4. Miss Jenya Dimitrova is the named person specified on the premises licence as the designated premises supervisor. In the Revised Guidance issued under section 182 of the Licensing Act 2003, 10.29 (page 68) specifies, ***'The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among***

these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder.

5. It continues by stating, **'The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.'**
6. In 10.37 (page 69) further specifies, **'it must be remembered that while the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.'**
7. Subject of the guidance from 2, 3, 4 and 5 above, it is fact that Miss Dimitrova holds all three positions on this premises licence, granted in respect of alcohol sales on this premises from April 2011, to the current date. In interview she has allegedly admitted that she **'very rarely attends the shop premises and in fact does not work there. She explains further her permanent employment in a care home. She allegedly explained that she was the DPS only because she understood English enough to pass the tests whereas the other members of staff did not.'**

Conclusion.

Although the reasons for bringing the review relate to the sale or storage of smuggled tobacco products, this has taken place on a premises authorised to sell alcohol for consumption off the premises under a premises licence.

The Guidance issued under section 182 of the Licensing Act 2003, is quite clear in 11.27 as to the certain types of criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. One of these being, the sale or storage of smuggled tobacco and alcohol.

The Guidance is quite specific in the responsibilities of the personal licence holder, premises licence holder and designated premises supervisor. Although the offences of failing to notify changes of address, are not serious enough to have justified prosecution at the dates / times outlined, this together with the difficulty in contacting the premises licence holder to pay the government set annual fees, has shown a disregard for the legislation by Miss Dimitrova, in poor management administration of the premises licence and non-compliance with the requirements of the Licensing Act 2003. It is my opinion that as a result she has subsequently breached the licensing objective, the prevention of crime and disorder in not taking such an active role in direct supervision as the guidance recommends.

From the summary of interview included in the review document, it appears that Miss Jenya Dimitrova trained and obtained the personal licence, due to her understanding of the English language but admits she had little to do with the shop, as is required under the Licensing Act 2003. My comment to this is that she was approached by persons financing the shop, to give the application a 'legitimate' background, in much the same way as its submission by a licensing consultant gave it respectability.

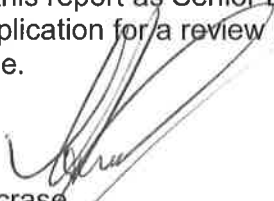
The indication by Mr Graham Wolstenholme, ESCC Trading Standards, is that Miss Jenya Dimitrova should be removed as the DPS. Such action is for the licensing sub committee to decide. Although this would stop any alcohol being sold, displayed or stored on the premises, another personal licence holder could be nominated by her, as it is her premises licence, as the replacement DPS. Police can object to the

nomination of a replacement DPS under section 37 (5) of the LA2003, 'on exceptional circumstances that the granting of the application would undermine the crime prevention objective'.

However it must be further considered that this premises licence is still held by Miss Jenya Dimitrova as an individual, this holdership has not changed since grant in April 2011.

It is my submission that this premises licence should be revoked by the licensing sub committee for the reasons outlined in my report.

I submit this report as Senior Licensing Officer, Licensing Authority, Hastings Borough Council, in support of the application for a review by the Trading Standards Service, for consideration by the licensing sub committee.



Trevor Scrase
Senior Licensing Officer.

PREMISES LICENCE

Premises licence number

HOP50427

Part 1 – Premises details

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

MOSCWICHKA
1A PEVENSEY ROAD,
ST. LEONARDS ON SEA

Post Town
HASTINGS, EAST SUSSEX

Post Code
TN38 0JA

Telephone number

Where the licence is time limited the dates
NONE

Licensable activities authorised by the licence

SUPPLY OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

SUPPLY OF ALCOHOL	MONDAY – SATURDAY	10.00 – 22.00
	SUNDAY	10.00 – 20.00

The opening hours of the premises

MONDAY – SATURDAY	10.00 – 22.00
SUNDAY	10.00 – 20.00

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

SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION OFF THE PREMISES

HASTINGS BOROUGH COUNCIL

Part 2

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

JENYA DIMITROVA
FLAT 3
36 SUSANS ROAD
EASTBOURNE
EAST SUSSEX
BN21 3TH

(Granted on 12th April 2011)

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

JENYA DIMITROVA
FLAT 3
36 SUSANS ROAD
EASTBOURNE
EAST SUSSEX
BN21 3TH

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: 005940
ISSUING AUTHORITY: EASTBOURNE 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.

Annex 1A – Additional mandatory licensing conditions

In relation to an existing or future relevant premises licence, the conditions specified for the purposes of section 19(4)(b) of the Act (mandatory conditions where licence authorises supply of alcohol for consumption on the premises).

In relation to an existing or future relevant club premises certificate, the conditions specified for the purposes of section 73A(c) of the Act (mandatory conditions relating to the supply of alcohol to members or guests, for consumption on the premises).

Paragraphs 1, 2 & 3 effective from 6th April 2010.

1.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

HASTINGS BOROUGH COUNCIL

Annex 1A – Additional mandatory licensing conditions - continued

(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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(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 the 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 for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Paragraphs 4 & 5 – effective from 1st October 2010.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

HASTINGS BOROUGH COUNCIL

Annex 1A – Additional mandatory licensing conditions - continued

5. The responsible person shall 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: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

HASTINGS BOROUGH COUNCIL

Annex 2 – Conditions consistent with the operating schedule

General

The premises is a well illuminated, open style, self service grocery store.
High value alcohol / goods are located behind the counter at point of sale.
No money is left on the premises when closed.

The prevention of crime & disorder

Following the consultation process the Chief Officer requested the following conditions, which the applicant accepted.

- A CCTV system has been installed on the premises although there is no mention of this on the schedule accompanying the application. Sussex Police would ask that consideration be given to the following to ensure the correct use/control of the CCTV apparatus:-
 1. The system will incorporate a camera covering the entrance doors and the alcohol display areas and be capable of producing an image which is regarded as identification standard. (The precise positioning of the cameras has been agreed with Mr. Masters who has supplied Ms. Dimitrova, with a leaflet, 'CCTV Essential Advice and Guidance for Users').
 2. The system will incorporate a recording facility and any recording shall be retained and stored in a secure manner for a minimum of 28 days and made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
 3. The system will display on any recording, the correct time and date of the recording.
 4. The system will be maintained and fully operational throughout the hours that the premises are open.
 5. Train adequate members of suitable staff to use the CCTV system to its full potential thus ensuring that a member of staff is always available to replay footage and download material following an incident.
 6. A 'Challenge 25' policy be adopted and only photographic ID such as a passport, driving licence, proof of age standards scheme (PASS) cards and citizen 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, and that alcoholic drinks are refused unless that ID is produced.
 7. A refusals register shall be kept near the point of sale 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 the police or licensing authority when requested.
 8. The store adopt the 'best practice' as outlined in the amended Guidance issued under Section 182 of The Licensing Act 2003 published in October 2010 in relation to written authorisation for staff who are not personal licence holders, to permit them to sell alcohol.

Signs displaying age restriction will be clearly displayed.

There will be constant supervision within the store.

There is a 'night light' security light in the doorway.

HASTINGS BOROUGH COUNCIL

Annex 2 – Conditions consistent with the operating schedule - continued

Public safety

A first aid station is maintained on the premises.

The prevention of public nuisance

The protection of children from harm

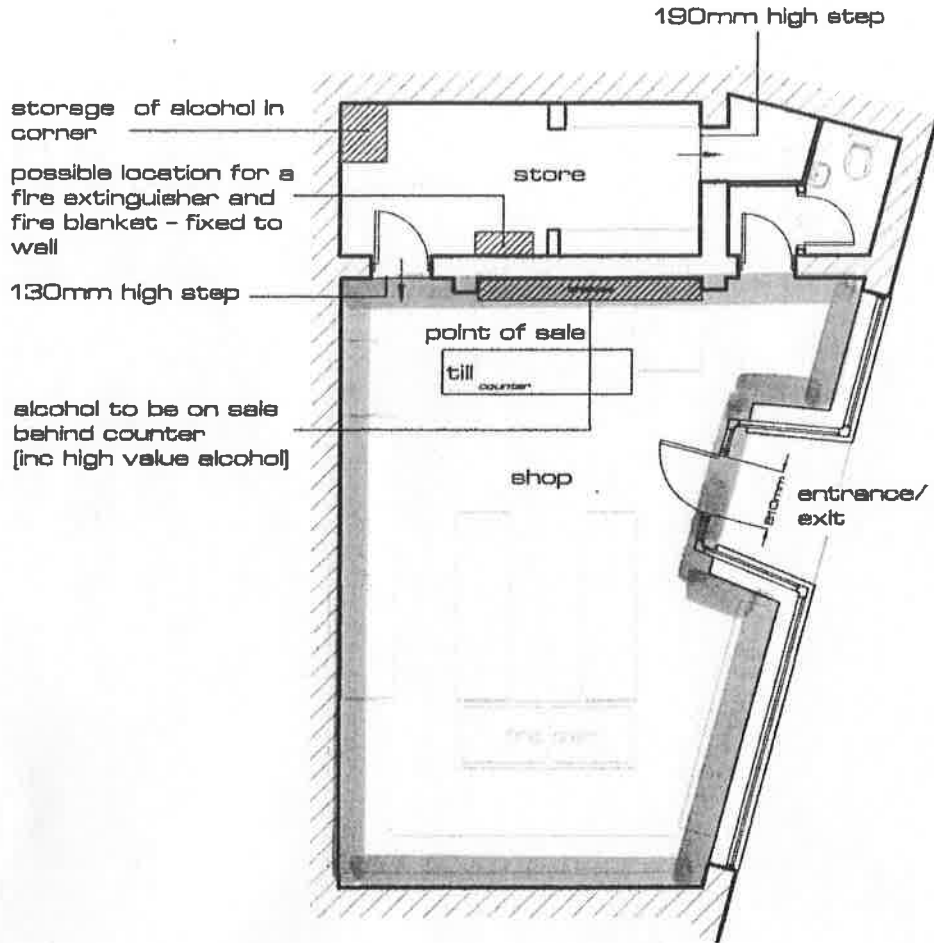
See provisions included under 'Prevention of crime and disorder'.

HASTINGS BOROUGH COUNCIL

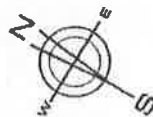
Annex 3 – Conditions attached after a hearing by the licensing authority

Nil.

Annex 4 – Plans



Ground Floor - Shop
1:100



LICENCING PLAN
1 PEVENSEY ROAD, ST. LEONARDS ON SEA EAST SUSSEX TN38 0JY
FOR: MR. A. ARMAN
r · d · p chartered architect
<small>14 Church Street / Brighton BN1 1UB / East Sussex / UK Tel: 01323 714345 Fax: 01323 714346</small>
LICENCE PLAN GROUND FLOOR SHOP PLAN
11.1133-101 Scale - 1:100 @ A4 Drawn: TB/ 23-02-11

Please quote: HOP50427
Your reference:
Date: 17th May 2013
Please ask for: Trevor Scrase
Telephone direct: 01424 451042
E-mail: tscrase@hastings.gov.uk
Web: www.hastings.gov.uk/licensing



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

Miss Jenya DIMITROVA
MOSCWICHKA **WARNING LETTER**
1A Pevensey Road
St. Leonards on Sea
TN38 0JA

Dear Miss Dimitrova

Re: Premises Licence – Moscowichka.

Following the problems experienced in contacting you to obtain your annual fee for the shop at 1A Pevensey Road, St. Leonards on Sea, it appears that you have moved from your address at Flat 3, 36 Susans Road, Eastbourne, BN21 3TH.

At no time have you informed either this licensing authority, who issued your premises licence or Eastbourne Borough Council who issued your personal licence.

It therefore appears that you are currently allegedly committing the following offences:-

- 1. Failing to notify change of address of the premises licence holder, contrary to section 33 of the Licensing Act 2003 and**
- 2. Failing to notify the licensing authority, namely Eastbourne Bpooriugh Council of a change of address as soon as reasonably practicable, contrary to section 127 of the Licensing Act 2003.**

Both offences on summary conviction could render you liable to a fine of up to £500 each.

What action you should now take:-

- You are now required to produce your premises licence to Hastings Borough Council – Licensing within 14 days of the date of this letter. The purpose for producing it is to amend it with your new home address details as the premises licence holder. Failure to produce the premises licence to the licensing authority could render you liable to a further offence, with a fine of up to £500 on summary conviction.
- You **MUST** also contact Eastbourne Borough Council to update them of your change of address for your personal licence. They may also consider prosecution which could involve a further fine of up to £500 if not complied with.

It is very important that you do not ignore this letter, because if no response is received with Hastings Borough Council by Friday the 31st May, prosecution may be commenced.

The Licensing team at Hastings Borough Council are contactable on 01424 451042, 01424 783240 or by email to tscrase@hastings.gov.uk or licensing@hastings.gov.uk

Yours sincerely,

Trevor Scrase
Senior Licensing Officer

Please quote: Invoice No: 5169866
Your reference:
Date: 20th June 2014
Please ask for: Trevor Scrase
Telephone direct: 01424 451042
E-mail: tscrase@hastings.gov.uk
Web: www.hastings.gov.uk/licensing



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

MISS JENYA DIMITROVA
FLAT 2
DOWNSVIEW
1 LASCELLES TERRACE
EASTBOURNE
EAST SUSSEX
BN21 4BJ

Dear Madam,

Unpaid annual fee – Moscawichka, 1A, Pevensey Road, St Leonards on Sea, TN38 0JA. ;

Revenue Services have notified me that your annual fee of £180.00 does not appear to have been paid.

This was due by the 11th April 2014.

It appears that the invoice was sent to your previous address, which could explain the reason this may not have been finalised.

Can you please check and provide me with the date or any receipt number, or reference number following payment, or please arrange to pay as soon as possible.

The reverse of the invoice gives details of methods of payment.

However if the fee is not paid by the 30th June, the premises licence will be suspended.

Yours sincerely,

Trevor Scrase
Senior Licensing Officer

