

Licensing Sub Committee Agenda

Wednesday, 21 September 2016 at 10.00 am

Birch Suite, 5th Floor, Aquila House, Breeds Place, Hastings, TN34 3UY. Please enter the building via the Tourist Information Centre entrance.

For further information, please contact Emily Horne on 01424 451719 or email ehorne@hastings.gov.uk

	Page No.
Members of the Licensing Sub Committee to sit on this hearing are:	
Councillors Howard, Street and Webb, with Councillor Beaney in reserve.	
1. Appointment of Chair for this meeting	
2. Apologies for Absence	
3. Declarations of Interest	
4. Notification of any additional urgent items	
5. Application for a Premises Licence: SEED, 50 George Street, Hastings <i>(Assistant Director, Environment & Place)</i>	3 - 52
6. Additional urgent items (if any)	

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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 5



Report to: Licensing Sub Committee

Date of Meeting: 21st September 2016

Report Title: Application for a premises licence. SEED, 50 George Street, Hastings, with representations.

Report By: Mike Hepworth. Assistant Director Environment and Place.

Purpose of Report

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

Responsible Authorities. Three
Interested Parties. 1

Recommendation(s)

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

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 27th July 2016 Hastings Borough Council received an application for a new premises licence for Seed, 50 George Street, Hastings, TN34 3EA from Joanna Stephens, T/A Seed Ltd, 50 George Street, Hastings, made under section 17 Licensing Act 2003. (Attached at appendix A).
3. This premise was previously trading as Pomegranate and held a full premises licence under the Licensing Act 2003 in the company name Pomegranate Food and Drink House Ltd. This company was dissolved on the 26th April 2016 and no interim authority or notification was made to the Licensing Department within the statutory 28 days and therefore the premises licence became lapsed, this was due to an administrative oversight by the company directors. The application is now for a new premises licence, the old licence for Pomegranate and a map of the location is attached. (Appendix B.)
4. The premise is located within Area 2 (George Street/High Street, Old Hastings) of the Council Special Saturation Policy (Cumulative Impact).
5. 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".

2.0 Application

6. The application requests the following:
7. To have supply of alcohol for On and Off sales, Monday to Sunday from 10.00hrs to 01.30hrs. New Year's Eve from the end of permitted hours to the start of permitted hours on New Year's Day.
8. To have Plays, Films, Live Music, performance of Dance and similar events, Monday to Sunday from 12.00hrs to 00.00hrs.

9. To have Recorded Music, Monday to Sunday 10.00hrs to Sunday 00.00hrs.
10. Hours open to the public, Monday to Sunday, 10.00hrs to 02.00hrs.
11. These hours and licensable activities are the same as the ones that were licensed under the old premises licence.
12. 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.
13. In this case the applicant has made a declaration under section M of their application .(See appendix A)

3.0 Consultation

14. 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.
15. 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.
16. As a result of this process a representation has been received from Jean Irving, Head of Licensing, Sussex Police, she comments on the application and the proposed activities, she also comments on the applicant's past licensing history and the reasons for the application. She highlights the Council Licensing Policy and the newly formed Matrix. She comments on the police involvement in the premises and ongoing conversations with the applicant. Sussex police invite the sub- committee to either refuse the application or consider attaching conditions. I consider this a valid representation under the licensing objectives (Prevention of crime and Disorder and Prevention of Public Nuisance) (Attached appendix C.)
17. A further representation has been received from Mr Trevor Scrase, Snr Licensing Officer, Hastings Borough Council he comments on the application and the operation of the premises. He highlights the Council Saturation Policy Area and the new Matrix and how it impinges on the application. (Attached appendix C.)
18. A further representation has been received from Mr Stewart Bryant, Snr Environmental Health Officer, Environmental Protection. He comments on the application and the history of the area and recommends a series of conditions be attached to the licence if the sub-committee consider it appropriate to issue a licence. (Attached appendix C.)

19. One other representation has been received from a local interested party, it comments on the past history of the premises and the problems it has caused them. I consider this to be a valid representation under the Act. (Attached appendix C).

4.0 Legal Considerations

20. 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.
21. 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.
22. 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.
23. 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.
24. 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:-
25. Has its basis in law;
26. Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
27. Is proportionate to the aims being pursued; and,
28. Is related to the prevention of crime; or, the protection of public order or health.
29. 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

30. Grant the application in full
31. Grant part of the application
32. Grant the application with conditions relevant to the application
33. Refuse the application.

Wards Affected

None

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)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix A. Application for licence.
Appendix B. Old licence and map of location.
Appendix C. Representations.

Officer to Contact

Bob Brown Licensing Manager.
bbrown@hastings.gov.uk
01424 783249

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We ^{Hastings} Joanna Stephens (T/A Seed Limited)
(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 50 George Street Hastings TN34 3EA			
Post town	Hastings	Postcode	TN34 3EA
Telephone number at premises (if any)	01424 429221		
Non-domestic rateable value of premises	£5700.00		

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 S 41
HOP SOS 32.

WM201606736

Recd 27/7/2016
GAS 24/8/2016

- 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 x

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.

SEED HASTINGS LTD
23 ST LEONARDS ROAD, BEXHILL ON SEA, EAST SUSSEX, TN40 1HH
Registered number (where applicable) 09777191
Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED COMPANY
Telephone number (if any) 01424 429221
E-mail address (optional) jamie@seedhastings.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	5	082016

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)

SEED Hastings is a tapas bar eatery and bar, in the middle of pedestrian George Street. Evolved and operated by the same owners as Pomegranate Food & Drink House at the same premises since 2005.

Pomegranate was awarded a full on-licence through the courts in 2005. The operators (Jamie Stephens – MD/chef & Joanna Stephens – DPS & personal licence holder) have responsibly run the restaurant and bar business at the premises for 11 years. During the second half of 2015, they evolved the identity of the business to minimise the food preparation and time spent in the kitchen for Jamie (MD/chef). The menu changed from 3 course dining, to more informal small plates and tapas. The name changed from Pomegranate to Seed, using the pomegranate fruit visual as an emblem next to the word Seed, in order that loyal clientele would understand that this is an evolution and not a new business per se. Our marketing communications explained that Seed came from the established Pomegranate brand, and that the management and operations team is unchanged. The decor changed to reflect the new identity. Gradually the operations (inc banking, credit card terminals, invoicing) also changed identity to ‘Seed’, and it was a business decision to dissolve the Pomegranate Food and Drink House company (end April 2016) and create Seed Hastings Ltd for more efficient operation. The application to transfer the premises licence with Hastings Borough Council was unfortunately overlooked and the 28 day period window in which this could be achieved was missed. Hence the need now to apply for a new premises licence in the name of Seed Hastings.

SEED Hastings seats up to 38 people inside and a further 10-12 outside on the terrace. All food is prepared from fresh on the premises in the back room kitchen. Menu is European tapas and small plates, including hors d’oeuvres, hot dishes & desserts, served at high tables around the edge of the room and along the bar. SEED Hastings takes diary bookings and also offers ad-hoc dining and refreshment. The bar offers discerning wines, craft beer, spirits and local brews including cider. Entertainment is provided in the form of live music, acoustic or amplified, DJs, dance, drama, films.

SEED Hastings, operated by the same owners as Pomegranate Food and Drink House as previously stated, is a professional and organised business. Our clientele reflect our high standards.

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) | x |
| b) films (if ticking yes, fill in box B) | x |

- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E) x
- f) recorded music (if ticking yes, fill in box F) x
- g) performances of dance (if ticking yes, fill in box G) x
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) x
- Provision of late night refreshment** (if ticking yes, fill in box I) x
- Supply of alcohol** (if ticking yes, fill in box J) x

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	x
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	1200	0000	<u>Please give further details here</u> (please read guidance note 3) Small intimate live dramatic performances of plays or cabaret events		
Tue	1200	0000			
Wed	1200	0000	<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur	1200	0000			
Fri	1200	0000	<u>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</u> (please read guidance note 5)		
Sat	1200	0000			
Sun	1200	0000			

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	Please give further details here (please read guidance note 3) Offer short films or features as events or for background atmosphere.		
Mon	1200	0000			
Tue	1200	0000	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed	1200	0000			
Thur	1200	0000	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)		
Fri	1200	0000			
Sat	1200	0000			
Sun	1200	0000			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>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</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (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	x
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	1200	0000	<u>Please give further details here</u> (please read guidance note 3) Small bands or solo performers, musicians and singers offer both acoustic and amplified music.		
Tue	1200	0000			
Wed	1200	0000	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	1200	0000			
Fri	1200	0000	<u>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</u> (please read guidance note 5)		
Sat	1200	0000			
Sun	1200	0000			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	x
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	1000	0200	<u>Please give further details here</u> (please read guidance note 3) Ambient music for customers to enjoy whilst dining and drinking, creating a backdrop atmosphere. Application for broad opening hours 1000-0200, although generally we trade from 1300 for a lunch service. Music is appropriate and conducive to relaxing dining including jazz, soul, funk, world.		
Tue	1000	0200			
Wed	1000	0200	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	1000	0200			
Fri	1000	0200	<u>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</u> (please read guidance note 5) New Year's Eve from the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.		
Sat	1000	0200			
Sun	1000	0200			

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	x
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1200	0000	Please give further details here (please read guidance note 3) Traditional and modern dance entertainment to enhance atmosphere, eg flamenco.	Both	<input type="checkbox"/>
Tue	1200	0000			
Wed	1200	0000	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	1200	0000			
Fri	1200	0000	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	1200	0000			
Sun	1200	0000			

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 Entertainment similar to live music, recorded music or dance.		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	1200	0000		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	1200	0000	<u>Please give further details here</u> (please read guidance note 3) For example folk music and dance during festivals; spoken word; poetry; debate.		
Wed	1200	0000			
Thur	1200	0000	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri	1200	0000			
Sat	1200	0000	<u>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</u> (please read guidance note 5)		
Sun	1200	0000			

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"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	2300	0200	<u>Please give further details here</u> (please read guidance note 3) Option to stay open after 2300hrs, serving alcohol to customers who are respectful and responsible. The door to the premises will be self closing and remain closed after 2300hrs. Customers who exit to street after 2300hrs will be advised by staff and signage to keep noise levels low so as not to disturb neighbourhood.		
Tue	2300	0200			
Wed	2300	0200	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	2300	0200			
Fri	2300	0200	<u>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</u> (please read guidance note 5)		
Sat	2300	0200			
Sun	2300	0200			

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 type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	x
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) Off premises on the terrace will predominantly be during summer season, under shaded canopy.		
Mon	1000	0130			
Tue	1000	0130			
Wed	1000	0130			
Thur	1000	0130			
Fri	1000	0130			
Sat	1000	0130			
Sun	1000	0130	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) New Years Eve from the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.		

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

Name Joanna Stephens	
Address 9 Tower Road West, St Leonards, TN38 0RJ	
Postcode	TN38 0RJ
Personal licence number (if known) HO20250	
Issuing licensing authority (if known) Hastings Borough 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).

Any event or activity that may contain adult material not suitable for children will be advertised as such and a door policy will be in operation during event to ensure that children do not enter premises. Such event may be the showing of a film with a 15 or 18 certificate, or comedy or performance containing adult material.

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	1000	0200	
Tue	1000	0200	
Wed	1000	0200	
Thur	1000	0200	
Fri	1000	0200	
Sat	1000	0200	
Sun	1000	0200	

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)

New Years Eve from the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.

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)

We will continue to operate SEED Hastings in the responsible and professional manner in which we operated Pomegranate Food and Drink House since 2005. We have created a good environment where people can come and eat and drink and feel safe to relax and enjoy themselves within the Old Town Hastings community.

We will ensure that the staff are aware and knowledgeable of UK licensing law. We have a clear operations manual in our premises, and staff are trained in all areas to ensure safe and effective trading. We have a clear evacuation plan in case of emergency. We will not serve people who are underage, or who people who have consumed too much alcohol, or those whom we feel are aggressive or will cause uneasiness within the environment. We will be aware of our neighbours, with regards to our business activities. We will guide our customers to adopt the same respect for each other and the neighbourhood. Our clientele since 2005 at the premises, have reflected our professional high standards, our marketing endeavours promote this; and this is the strategy that will continue in SEED.

b) The prevention of crime and disorder

The staff will be aware of licensing law. Alcohol will not be served to any persons who are too intoxicated or disorderly. FOH and kitchen staff will collaborate to placate any persons who are disorderly, and if this is not effective, disorderly persons will be requested to leave, or escorted off the premises and the police will be notified. We maintain a disorderly persons register.

We will never operate promotions which encourage binge drinking.
No bottles or glasses will be permitted to be taken off the premises.

On nights when we offer late night refreshment, and at special events offering entertainment, we have a member of staff standing at the entrance door to maintain licensing objectives.

c) Public safety

We ensure that risk assessments are carried out within the premises regularly, and that staff are all aware of procedures to reduce risk. Staff are trained with regards to health, safety and licensed law and practice. Fire extinguishers are maintained and tested annually. Emergency lighting and signage are in place.

Testing, maintenance and certification of all equipment is conducted.

Guidance and conditions placed on us by other responsible authorities are adhered to.

We ensure that occupancy levels are safe and sufficient.

Potential hazards eg broken glass, will be dealt with quickly.

Persons who are too intoxicated will not be served alcohol. We will offer free drinking water when requested or where necessary. We will liaise with neighbouring businesses to communicate issues of public safety, share information and maintain a good environment in our neighbourhood.

We will contact the relevant authority eg ambulance or police should there be any incident requiring help.

d) The prevention of public nuisance

We have a self closing front door to minimise noise levels during entertainment. After 2300hrs the recorded music will be turned down to a level where it cannot be heard on the street. After 2300hrs, we only allow a max of 5 people smoking outside at any one time to minimise street conversation noise. Our signage will request that all patrons are peaceful and respectful to neighbourhood.

Our rubbish will be disposed of effectively and quietly every day (bottles in the mornings) so as to minimise odours and noise.

Our deliveries will be conducted swiftly during mornings (before 1000) so as to minimise impact on neighbours.

e) The protection of children from harm

Under 18 years must be accompanied by a responsible adult. All staff will be trained to comply with the law in relation to consumption of alcohol by under 18 years, including prevention of adults buying alcohol for children. Proof of age will be asked if someone appears to be underage. If there are children present in the bar accompanied by responsible adults, then other customers will be monitored to ensure there is no rowdiness or inappropriate language.

Checklist:

Please tick to indicate agreement

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

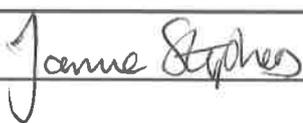
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

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	Joanna Stephens	
Date	23 July 2016	
Capacity	Designation Premises Supervisor and Personal Licence Holder	

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	Jamie Stephens	
Date	23 July 2016	
Capacity	Seed Managing Director	

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

Jamie Stephens
50 George Street
Hastings
TN34 3EA

Post town	Hastings	Postcode	TN34 3EA
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Telephone number (if any)	07890 588787
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
Jamie@seedhastings.co.uk

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.

PREMISES LICENCE

Premises licence number

HOP50223

Part 1 – Premises details

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

**POMEGRANATE
 50 GEORGE STREET**

**Post Town
 HASTINGS, EAST SUSSEX**

**Post Code
 TN34 3EA**

Telephone number 01424 429221

Where the licence is time limited the dates
 NOT APPLICABLE

Licensable activities authorised by the licence

- PLAYS
- FILMS
- LIVE MUSIC
- RECORDED MUSIC
- PERFORMANCE OF DANCE
- ENTERTAINMENT SIMILAR TO LIVE MUSIC, RECORDED MUSIC OR DANCE
- LATE NIGHT REFRESHMENT
- SUPPLY OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

PLAYS	MONDAY TO SUNDAY	12.00 – 00.00
FILMS	MONDAY TO SUNDAY	12.00 – 00.00
LIVE MUSIC (MAX 3 PERFORMERS)	MONDAY TO SUNDAY	12.00 – 00.00
RECORDED MUSIC	MONDAY TO SUNDAY	10.00 – 02.00
PERFORMANCE OF DANCE	MONDAY TO SUNDAY	12.00 – 00.00
ENTERTAINMENT SIMILAR TO LIVE MUSIC, RECORDED MUSIC OR DANCE	MONDAY TO SUNDAY	12.00 – 00.00
LATE NIGHT REFRESHMENT	MONDAY TO SUNDAY	23.00 – 02.00
SUPPLY OF ALCOHOL	MONDAY TO SUNDAY	10.00 – 01.30

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

The opening hours of the premises

MONDAY TO SUNDAY 10.00 – 02.00

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

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

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

Part 2

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

JOANNA STEPHENS T/A
POMEGRANATE FOOD & DRINK HOUSE LTD
50 GEORGE STREET
HASTINGS
EAST SUSSEX
TN34 3EA
01424 429221

**(Minor variation granted 4th March 2015 – addition of first floor lounge area)
(VARIATION GRANTED 13 NOVEMBER 2008. ISSUED 26 NOVEMBER 2008).**

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

05317815

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

JOANNA STEPHENS
50B GEORGE STREET
HASTINGS
EAST SUSSEX
TN34 3EA
01424 719679

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: HO 20250
ISSUING AUTHORITY: HASTINGS BOROUGH COUNCIL

HASTINGS BOROUGH COUNCIL

UNDER VARIATION OCTOBER 2008, THE EMBEDDED RESTRICTIONS OF THE LICENSING ACT 1964 ARE REMOVED.

Annex 1 – Mandatory licensing conditions

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –

- (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

- a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before 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 in a manner which carries a significant risk of undermining a licensing objective;
- c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
- e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory licensing conditions – continued

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.

6. 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) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

 - (b) “permitted price” is the price found by applying the formula – $P = D + (D \times V)$;

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory licensing conditions – continued

Where –

- (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
- (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory licensing conditions – continued

3. Where

- (a) The film classification body is not specified in the licence, or
- (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. But nothing in subsection (1) requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
- (b) in respect of premises in relation to:
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:

- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

HASTINGS BOROUGH COUNCIL

Annex 2 – Conditions consistent with the operating schedule

GENERAL

Comply with the requirements of the Licensing Act 2003.

THE PREVENTION OF CRIME AND DISORDER

To ensure the staff are aware of the policy for dealing with customer issues:-

- FoH staff – Placate
- FoH staff – Request departure
- Collaborate – FoH staff & kitchen staff to telephone police & escort out.

PUBLIC SAFETY

To ensure staff are aware of health & safety and trained in food safety.

To ensure the fire safety equipment is supplied on contract, checked regularly and serviced annually.

THE PREVENTION OF PUBLIC NUISANCE

To ensure the rubbish / waste is removed nightly.

To ensure the bottles are emptied daytime to avoid noise pollution.

To ensure the staff are trained in suitable music volume control.

To ensure the front door is closed after 23.00 hours.

In addition the following conditions requested by Environmental Health Noise Pollution Officer and agreed by the applicant:-

- 1) The extension of hours beyond the current be limited to a maximum of 12 days per year and be conditional on the Licensing Manager being advised in writing not less than 7 days before each occasion on which it is intended to utilise the extended hours;
- 2) Recorded music with a condition that the volume shall be controlled such that it is not more than barely audible immediately outside the closed front door at any time and inaudible after 23.00 hours;
- 3) Live music with a condition similar to that for recorded music.

THE PROTECTION OF CHILDREN FROM HARM

To ensure staff are trained in the responsibility of the sale of alcohol.

To ensure if entertainment is of an over 18 certificated content, then access of persons under 18 is restricted with ages checked by staff on proof of appropriate photographic id.

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

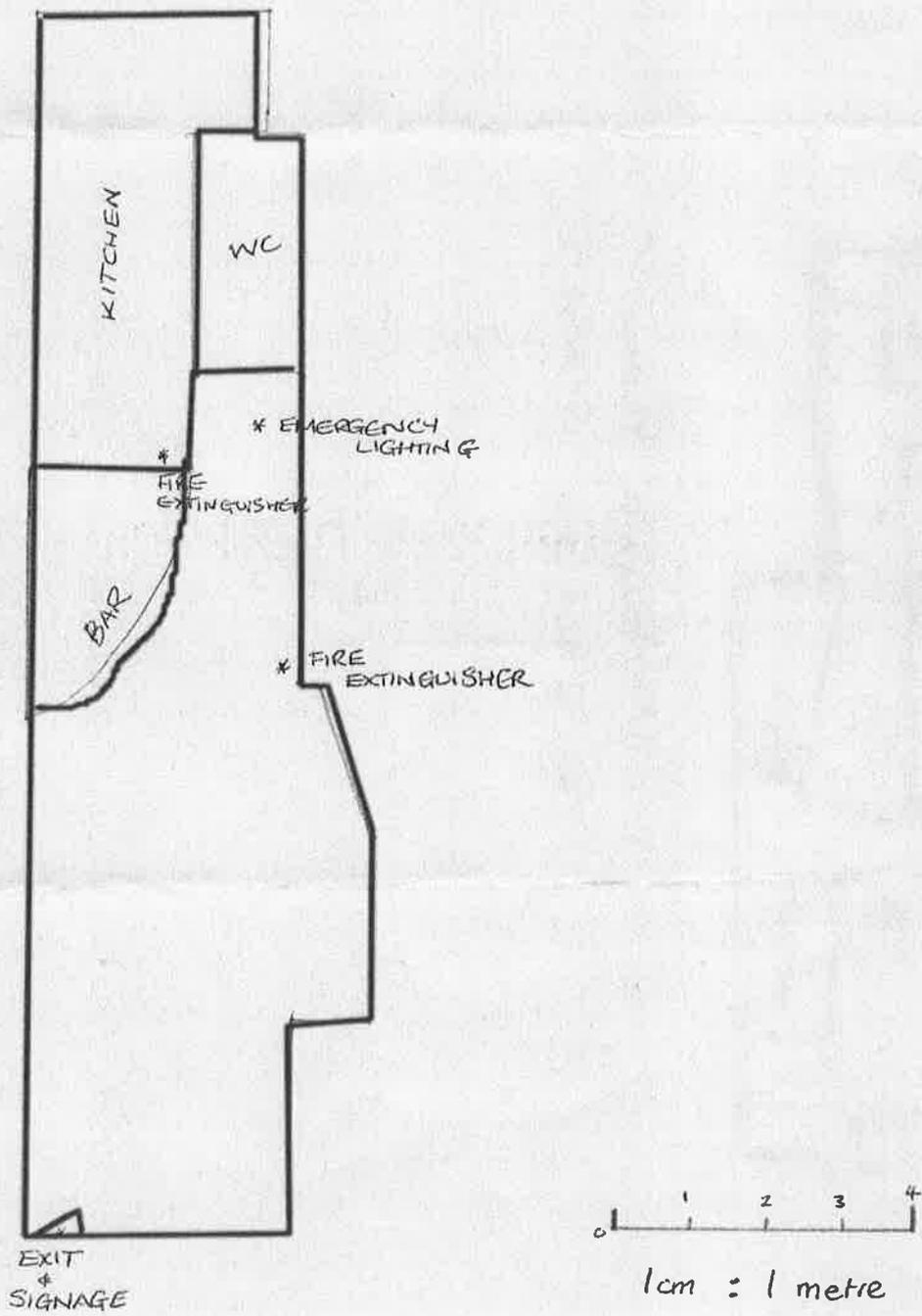
NIL

Annex 4 – Plans

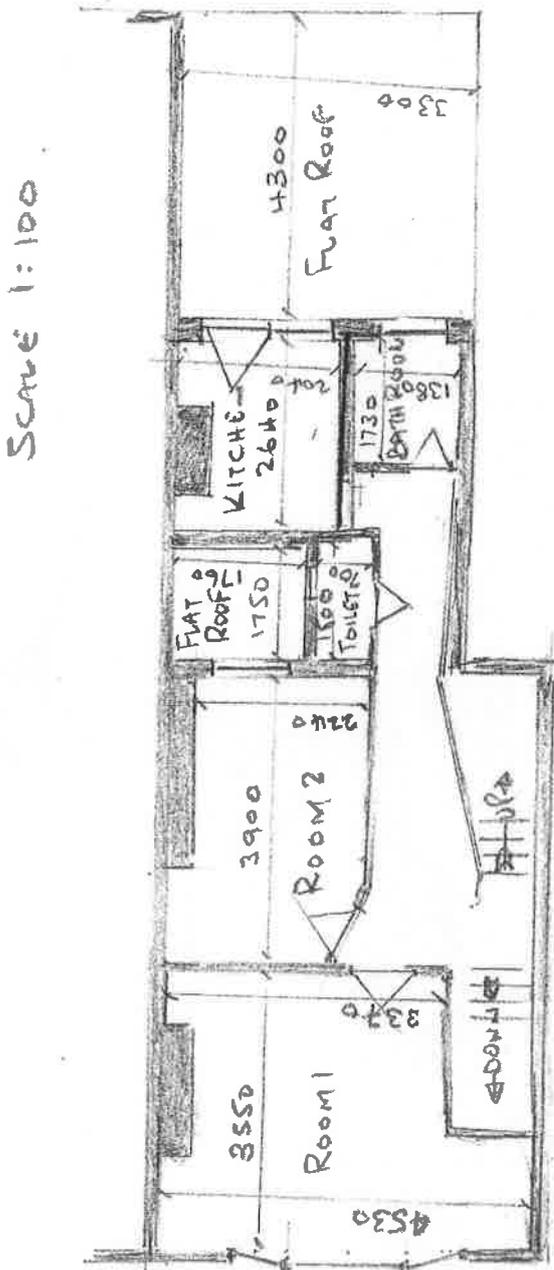
pomegranate

food and drink house

restaurant plan

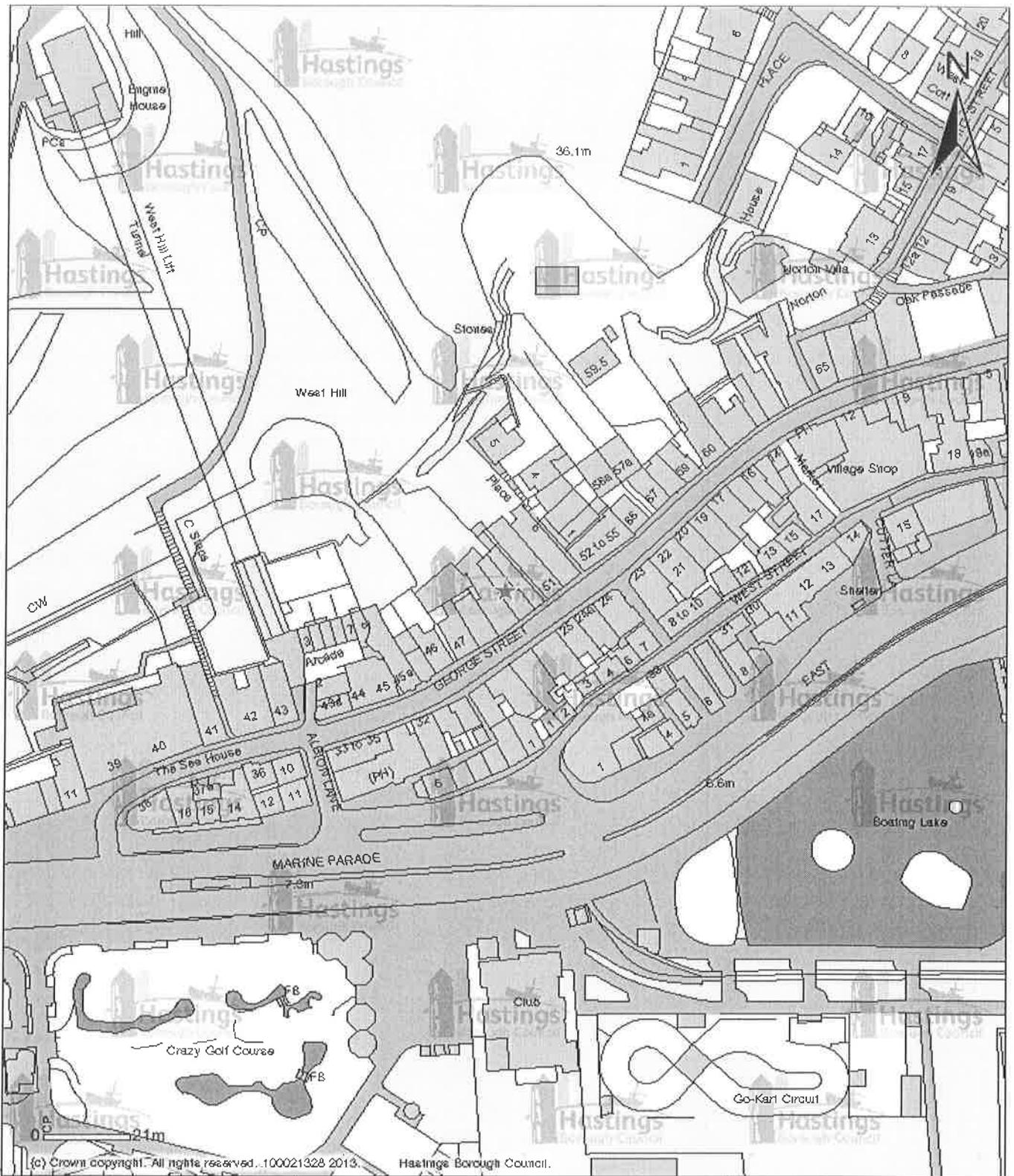


Annex 4 – Plans – minor variation granted 4th March 2015.



1st Floor Plan
50 GEORGE STREET.

GEORGE STREET



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Hastings Borough Council.



Title:

Appendix B

Scale: 1:1250

Date: 24 / 8 / 2016

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Sussex Police
Serving Sussex

www.sussex.police.uk

Hastings District.

17th August 2016.

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

Dear Mr Brown,

**RE: APPLICATION FOR THE GRANT OF A PREMISES LICENCE FOR
SEED (formally Pomegranate) 50 George Street Hasting EAST SUSSEX. TN34 3EA.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application. The basis for the opposition is that the grant of the premises licence for these premises will not promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance but instead, will give rise to potential negative cumulative impact via an increase in public nuisance and crime and disorder.

The application has been submitted by Mrs. Joanna Stephens and Mr. Jamie Stephens.

SEED was formally known as the licensed premises Pomegranate, a restaurant / bar which had evolved since 2005 and was operated by Mrs. Joanna Stephens and her husband Mr. Jamie Stephens. Joanna Stephens was both the Premises Licence Holder and Designated Premises Supervisor for the premises. They previously held a Justices Licence which was converted into a Premises Licence at the commencement of the Licensing Act 2003 in November 2005. In February 2015 Mrs. Stephens submitted an application for the minor variation of the premises licence. The minor variation to allow two small rooms on the first floor of the building to be used as a waiting lounge for diners making a prior reservation. There is no request for this area to be used in the new application. During the second half of 2015 they developed the identity of the business to minimize food preparation time spent in the kitchen by Mr. Stephens. The business changed from formal three course dining to more informal small plates and tapas. The business has also more recently been operating as a bar, supplying alcohol without food. As part of the redevelopment of the business the premises name was changed from Pomegranate to Seed. All relevant documentation (banking, invoicing etc.) was changed into the new operating name. In April 2016 the decision was then taken to dissolve Pomegranate Food and Drink House Company and create Seed Hastings Limited. As a result of the company being dissolved, due to an administration oversight the premises licence was allowed to lapse, hence this application for the grant of a premises licence.

As shown on the plan within the application, the bar is situated on the right hand side of the premises. The left side is predominantly used for seating. Along almost the entire length of the wall on this side is a 'breakfast bar'. Drop down tables are fixed at various points along this bar table extending towards the centre of the premises. Bar stools are used to seat customers at this 'breakfast bar' and tables. The tables when in the 'down' position provide additional floor space for dancing.

The proposed hours the premises will be open to the public are:

Monday to Sunday. 10:00hrs - 02:00hrs

New Year's Eve

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The application is for the grant of a premises licence, made under Section 17 of the Licensing Act 2003, for the licensable activities, films, plays, live music, recorded music, performance of dance, anything of a similar description, provision of late night refreshment and the supply of alcohol. Times requested for the licensable activities are:

Plays. (indoors)

Monday to Sunday. 12:00hrs - 00:00hrs (midnight).

No seasonal / special event variations.

Films. (indoors)

Monday to Sunday. 12:00hrs - 00:00hrs (midnight).

No seasonal / special event variations.

Live Music. (indoors)

Monday to Sunday. 12:00hrs - 00:00hrs (midnight).

Small bands or solo performers, musicians and singers offering both acoustic and amplified music.

No seasonal / special event variations.

Recorded Music. (indoors)

Monday to Sunday. 10:00hrs - 02:00hrs (midnight).

Ambient music for customers to enjoy whilst dining and drinking, creating a backdrop atmosphere.....Music is appropriate and conducive to relaxing dining including jazz, soul, funk and world.

No seasonal / special event variations.

Performance of dance. (indoors)

Monday to Sunday. 12:00hrs - 00:00hrs (midnight).

No seasonal / special event variations.

Anything of a similar description.

Monday to Sunday. 12:00hrs - 00:00hrs (midnight).

No seasonal / special event variations.

Late Night Refreshment. (indoors)

Monday to Sunday. 23:00hrs - 02:00hrs.

Option to stay open after 23:00hrs, serving alcohol to customers who are respectful and responsible. Door to premises will be self-closing and remain closed after 23:00hrs. Customers who exit to street after 23:00hrs will be advised by staff and signage to keep noise levels low so as not to disturb neighbourhood.

No seasonal / special event variations.

Supply of Alcohol. (Consumption both on / off premises)

Monday to Sunday. 10:00hrs - 01:30hrs.

New Years' Eve

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The area surrounding the premises is densely populated with licensed premises and suffers from significant crime and disorder and public nuisance. It is situated within the Hastings Borough Council Special Saturation (Cumulative Impact) Policy (HBC SSP), and the Chief Officer of Police contends that this type of licensable activity in the CIA is likely to increase the negative cumulative effect caused by a saturation of licensed

why the application should be considered (even when the planning status of the premises has not been finalised).

Sussex Police have no doubt that the premises are being used as a bar and not as a restaurant.

On Sunday 13th September 2015 Sussex Police received a call concerning the loudness of the music coming from the premises. The amplified music consisting of a male vocalist with a guitar and went past 01:00hrs. Caller had previously spoken with the manager who basically told the complainant that he could do what he wanted. Complainant stated they would bring their complaint to the attention the Environmental Health Department.

At 21:15hrs on Sunday the 26th June 2106 PC CT572 Trevena conducted observations on the premises. He observed three males consuming a number of shots. He also witnessed the female behind the bar consume a number of shots. In his opinion he believed the males to be intoxicated. In his opinion the premises were being conducted as a bar and not a restaurant as required. On entering the premises he saw DJ equipment on a table being used by a male DJ. PC Trevena asked the female if she was in charge. She stated that Jamie (Mr. Stephens) was in charge and that he was in the flat above the premises. PC Trevena spoke with Mr. Stephens outside of the premises. Due to Mr. Stephen's demeanor and appearance PC Trevena informed him that he was not fit to be in charge to which he stated the female member of staff was in charge. Mr. Stephens stated that he was the Premises Licence Holder and Designated Premises Supervisor which was incorrect. His wife Joanna Stephens occupying both these positions.

Since the premises licence has lapsed the premises have, over a number of weekends, continued to operate under the authority of Temporary Event Notices. At 23:25hrs on Friday 5th August 2016 Special Constable S2021 Perez made an inspection of the premises. He observed the following points:-

- No food was seen being served or consumed.
- No food preparation and kitchen was clean
- No menu seen on the tables or bar.
- Customers outside drinking and uncollected glassware

On 'face book' the premises advertise 'Organised Love DJ Club' every Friday night. This again tends to support that the premises are becoming more 'bar' orientated.

On Tuesday 9th August 2016 Anthony Masters, Sussex Police Licensing Officer met with Mrs. Joanna Stephens and her husband in order to discuss the application. The most important issue related to the application and how it was effected by the planning permission. Accepting that the premises were required to be operated as a café / restaurant the times requested for the licensable activities were in excess of those times being specified within the HBC Licensing Policy concerning premises within the Special Saturation (Cumulative Impact) Policy area. Mr. Masters suggested a number of amendments to the application which were verbally agreed by Mrs. Stephens.

On Friday 12th August 2016 Mr Masters sent an email to Mrs. Stephens via her preferred email address as per the application. The email made reference to those items of discussion within the meeting and requested by return email formal acceptance of the amended times and proposed conditions. Since the date of the meeting Mr. Masters has had no communication with Mrs. Stephens. He has attempted to make contact with her several times, the latest being Thursday 18th August 2016, using mobile numbers provided with no response.

Having received no response from the Applicant Mr. Masters made contact with Mr. Stephens, her business associate, on Monday 15th August 2016. He informed Mr. Masters that they had received the email of the 12th August 2016 and were currently seeking legal advice.

On Thursday 18th August 2016 Mr. Masters received an email response from Mr. Stephens. Within the email Mr. Stephens makes mention of the cumulative impact policy with his comments about seeking to replicate a lapsed licence and mention of maintaining a status-quo. Mr. Stephen's stated his acceptance of the amended times and some of the proposed condition but stated his objection to the three following police proposed

premises in the area.

Hastings Borough Councils own licensing policy includes a matrix defining specific areas within the Borough of Hastings with differing types of licensed premises. The matrix is designed to help inform licensing decisions. In the case of a restaurant in an area covered by the Special Saturation (Cumulative Impact) Policy the terminal hour to be considered is 00:00hrs (midnight). If the premises were to operate as a pub, then again the terminal hour would be midnight.

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 2a 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 within Section 1.11 *"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'*.

Contrary to the Secretary of State's Guidance, the applicant has failed to demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. The application makes no reference to Special Saturation (Cumulative Impact) Policy and nothing in the application or the operating schedule either rebuts the presumption of refusal contained within Sect 1.11 of the Hastings Borough Council's Licensing Policy, or provides any reason for the Licensing Authority to depart from its special policy.

The current planning use for the premises is A3 (restaurant / café). Licencing Policy 7 of the Hastings Borough Council Licensing Policy, re adopted in January 2016 states the following *'Generally the Authority will not consider an application unless the applicant can demonstrate that the premises have either an appropriate planning consent (in terms of activity and hours sought), or an appropriate certificate of lawful use or development. The Authority will only make exceptions where the applicant can offer compelling reasons as to*

conditions:-

- *No over the bar sales of alcohol. Alcohol shall not be served on the premises otherwise than to persons taking substantial table meals there, by waiter / waitress service and for consumption by such persons as ancillary to a table meal.*
- *In addition alcohol may also be served by waiter /waitress service to those persons waiting to be shown to a table for the purpose of taking a substantial meal.*
- *To ensure the restaurant kitchen will be open, for the preparation of meals, as per the hours stated on the operating schedule for the supply of alcohol.*

The purpose of the above proposed conditions was to ensure that the Licensing Act 2003 premises licence, mirrored the planning use for the premises.

Mr. Stephens proposed the following counter condition:-

- *Non-intoxication beverages and substantial food shall be available at all times when alcohol is being sold.*

This proposed condition, if granted, will permit the sale of alcohol without food which will have the effect of turning the premises into a bar.

Sussex Police officers have witnessed the premises operating in contravention of the planning use for the premises being A3 (café/restaurant). Sussex Police contend that the applicant has failed to demonstrate any exceptional circumstances to justify departure from the HBC SSP policy and further state that the steps proposed within the operating schedule fail address the issue of cumulative impact. Sussex Police contend that the carrying on of licensable activities at these premises will add to the existing negative cumulative effect in an area already saturated with licensed premises.

Therefore, Sussex Police invite the Licensing Authority to refuse this application as submitted, or to grant a premises licence with the amended times and all conditions as proposed by Sussex Police, which would be commensurate with the Licensing Authority's own statement of licensing policy .

Yours sincerely.



Jean Irving.
Head of Licensing and Public Safety.

MEMORANDUM



Date: 22nd August 2016
From: Trevor Scrase, Senior Licensing Officer
To: Bob Brown, Licensing Manager
My Ref: Wk201606736
Your Ref:

Licensing representation against the new premises licence application for:- Seed, 50 George Street, Hastings.

A new premises licence application was received by this licensing authority on the 27th July 2016. The consultation period ends at midnight on the 24th August 2016.

The application has been submitted by Joanna Stephens, trading as Seed Hastings Limited, registered company number 09777191, registered address, 23 St Leonards Road, Bexhill on Sea.

SEED Hastings Limited was incorporated on the 15th September 2015. Joanna Stephens and Jamie Stephens are the current officers listed on Company House records. See copy attached.

Background.

Joanna and Jamie Stephens have been running a premises at 50 George Street, Hastings before the Licensing Act 2003 replaced the previous Licensing Act 1964. On the transition from the Licensing Act 1964 into the Licensing Act 2003, in 2005, they converted the justices restaurant licence into a premises licence and simultaneously varied it to extend their authorised hours. This was not subject of a licensing sub committee decision on grant.

This restaurant business was called Pomegranate, which was changed to Seed, with the premises licence held by their registered company Pomegranate Food & Drink House, limited company registered number 05317815.

As a result of licensing enforcement visit on Saturday the 2nd July 2016, enquiries were made on the companies house records website on Monday 4th July, where it was found that Pomegranate Food and Drink House Limited had been dissolved on the 26th April 2016.

No contact had been received by either Joanna or Jamie Stephens regarding the dissolution of their limited company and in respect of section 47(1) (a) of the Licensing Act 2003, the premises licence had lapsed and ceased to be authorisation for the sale by retail of alcohol for consumption on the premises.

As a result of this information and consultation with legal advisers, formal letters were sent to the premises and the home addresses of Joanna and Jamie Stephens, to advise them that they no longer had the authorisation of a premises licence for the sale by retail of alcohol or regulated entertainment on the premises.



Subsequently telephone calls were received from both persons regarding our letters of notification of the lapse of their premises licence.

The options available to them, were the submission of temporary event notices, followed by an application for a new premises licence.

Temporary Event Notice applications.

As a result of there being no authorisation to sell alcohol, following discussion, a series of temporary event notices were submitted. Police and environmental health pollution made no representations and these were subsequently authorised, which allowed a limited operation and continuation of their restaurant business. However with limited TENs available, it became necessary for a new premises licence application to be submitted, if they wished to continue trading.

New premises licence application.

Having been involved in discussion regarding the notification of the lapse of their premises licence, I made them aware of the additional implications for any new premises licence application being submitted.

Although the application is lawful under the requirements of Licensing Act 2003, the premises is located within the Old Town cumulative impact / saturation policy area 2. (First implemented in January 2008 and reviewed several times since).

The licensing policy, amended in January 2016, in line with Home Office requirements, has been reviewed. The saturation policy for the Old Town area remains the same, involving the roads of, George Street, Hastings and High Street, Hastings in their entire lengths.

Effects of the Special Saturation (Cumulative Impact) Policy.

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 premise licence, club premise certificate or provisional statement; there will be a presumption against the grant of such licence or certificate unless the applicant can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.

Where relevant representations are received and the variation would undermine the licensing objectives in relation to an application for the variation of a premises licence or club premises certificate resulting in the extension of hours, change of style of operation or increased capacity; there will be a presumption to refuse such applications, unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.
(Licensing Policy page 14).

In addition, non standard hours for recorded music, supply of alcohol and hours open to the public on New Years Eve, from the end of permitted hours on New Year's Eve to the start of the permitted hours on the following day.

Comments on the application.

1. The hours applied for in the new application mirror the hours authorised on the lapsed premises licence.
2. Pomegranate has been successfully operating since initial grant of a Justices restaurant licence and then since November 2005 under a premises licence.
3. The grant of the premises licence was not subject of a licensing sub committee decision, there being no representations.
4. I did have conversation with Joanna at some stage in the past two years, the exact date(s) of which I cannot confirm, regarding their intention to alter the type of operation from restaurant to more tapas style. It was confirmed that the premises licence would still be held by their limited company Pomegranate Food & Drink House Limited.
5. Although the hours of some licensable activities on this application now go beyond the matrix, if the previous premises licence had not lapsed, the only course of action which would have been required from Joanna and Jamie would have been a minor variation with a new plan to show the relocation of their bar counter.

Trevor Scrase
Senior Licensing Officer.

MEMORANDUM



Date: 23rd August 2016
From: Environmental Health
To: Mr R Brown Licensing Manager
My Ref: SEB
Your Ref:

Application Number: WK/201606706
Address: SEED 50 George Street, Hastings, East Sussex, TN34 3EA

Proposal: Application for a premises license under section 17 of the Licensing Act 2003
An application for existing premises, for regulated entertainment as a Tapas Bar and the sale by retail of alcohol for consumption on the premises.

Dear Mr Brown.

Under the new 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.

George Street is a narrow street having a mix of ground floor commercial premises with residential above. There is a considerable concentration of licensed premises in the street, which is subject to the Special Saturation (Cumulative Impact) Policy contained within the Council's overall licensing policy. The noise climate in George Street arising from the concentration of licensed premises is currently considered unsatisfactory, particularly on Friday and Saturday evenings / nights and has given rise to complaints in previous years including several noise complaints relating to the premises in question under its previous guise as 'Pomegranate'.

Taking this application at face value it would appear to be contrary to the special saturation (cumulative impact) policy and the need for an improved noise climate in the street. However, from discussion with the applicants via my Licensing colleagues it is clear that it is not their intention to massively change their current operation from a restaurant to a Tapas type bar, but they need to have a degree of flexibility in what they can offer in order to attract sufficient customers to keep the business viable.

Whilst I do not consider that I can accept the application as submitted without making comment or representation I believe that it may be possible to allow some flexibility without serious risk of exacerbating noise issues in the street or inhibiting efforts to address those. I would recommend, therefore, that if a Premises licence is to be granted it be limited to the following:-

- 1) The extension of hours beyond the current be limited to a maximum of 12 days per year and be conditional on the Licensing Manager being advised in writing not less 7 days before each occasion on which it is intended to utilise the extended hours.
- 2) Noise from Recorded music arising from the premises shall be barely audible outside the closed front doors before 23:00 and inaudible after 23:00 until close. For the avoidance of doubt, noise shall include that arising from all mechanical or electrical equipment used by the premises and that noise arising from customers in the premises.
- 3) Live music with a condition similar to that for recorded music.
- 4) A mature member of staff shall make external checks to ensure that the requirements of condition 3 and 4 are met.
- 5) To ensure the bottle bins are only emptied between 09:30 and 21.30 Monday to Friday, 10:00 and 13:00 Saturday and not on a Sunday or Public/Bank holiday.
- 6) Glass or waste collection by external waste / recycling contractor between the hours of 08.00 and 18.00 hours Monday to Friday, 08.00 to 13.00 Saturday and not on a Sunday or Public / Bank Holiday.
- 7) The use of any external area including any tables and chairs (separately licensed following the transferred powers from the County Council to HBC) is terminated at 23:00 hrs and no drinks to be taken outside after that time.

Yours Sincerely

Mr Stewart Bryant BSc (Hons) Environmental Health GradCIEH FRSPH
Snr Environmental Health Officer
Environmental Health
Hastings Borough Council
Aquila House, Breeds Place
Hastings, East Sussex
TN34 3UY
Tel. 01424 783289
www.hastings.gov.uk

Simon de Lange
flat one
twenty five A
George St
TON34 3EA.

Your workshops ~~span~~ when my attention was drawn to the fact that Seed-pomegranite was applying for a licence which included until 2am, if it were not for its passed record i may not have voted for the business to carry on.

The problems in the past were due noise and drunken noisy people still outside at way gone 2am, the noise and custom has never been handled, the more they can cram into that small space and outside way beyond handling itself, i once witnessed people Vertuath spill out to the middle of the street: They do have a perfectly good tapas Bar But never seem to use it properly for a man such as myself, with spandulitis with myalopathy (pain 24/7) i Really do worry how this will turn out, Mr Dean is here and always will be compliant to your standards Seed-pomegranite are just slip shod and want not care, just look at the building work done it was a disgrace no Anitz head and gutters still full of mess leaving the water to drip down inside i hope my letter helps, excuse my handwriting as my right

hand does not work properly. i am only
one voice i just hope there are others
i once again thank your workshop with
respect.

Simon de Lange. 17th Aug 2016.