

# Licensing Sub Committee Agenda

**Monday, 24 April 2017 at 2.00 pm**

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.

Please enter the building via the Tourist Information Centre entrance. Members of public are advised that they will need to sign in to comply with health and safety legislation.

For further information, please contact Emily Horne on 01424 451719 or email [ehorne@hastings.gov.uk](mailto:ehorne@hastings.gov.uk)

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<b>Members of the Licensing Sub Committee to sit on this hearing are:</b>	
<b>Councillors Dowling, Patmore and Webb with Councillor Batsford in reserve.</b>	
1. Appointment of Chair for this meeting	
2. Apologies for Absence	
3. Declarations of Interest	
4. Notification of additional urgent items	
5. Application for transfer of Premises Licence with representations: The Royal George, 32 Station Street, Hastings <i>(Assistant Director, Environment &amp; Place)</i>	3 - 28
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: 24<sup>th</sup> April 2017**

**Report Title: Transfer of Premises Licence with police objection.**

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

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## **Purpose of Report**

To consider an application to transfer a premises licence as a result of a subsequent police objection.

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## **Recommendation(s)**

- 1. Member's Instructions requested.**

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## **Reasons for Recommendations**

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

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## 1.0 Background

1. On 7th February 2005 the Licensing Act 2003 came into force for all local authorities, marking the practical commencement of the Government's new liquor licensing regime.
2. On the 16<sup>th</sup> March 2017 Hastings Borough Council received an application for the transfer of an existing premises licence for Franks Front Room, 32 Station Road, Hastings, TN34 1NJ (to be called The Royal George PH) from Mr Nigel Lewis, Managing Director of Bar Hastings Ltd of 46c Bohemia Road, Hastings, TN37 6RQ. made under Section 42 the Licensing Act 2003. (Attached at Appendix A).
3. Franks Front Room has operated at 32 Station Road, Hastings for a number of years, the premises having been transferred to the Authority from the Magistrate's Court system in 2005 when it was known as The Priory PH. The premises have recently been closed, having ceased trading and as a result the licence suspended for non-payment of its annual licence fee. The premises licence holder has throughout that time been Priory Sussex Ltd, they have consented to the transfer and paid the outstanding licence fees. (See Appendix A).
  - The existing premises licence covers the use of the premises for the ' On & Off Sales ' supply by Retail of Alcohol, Late Night Refreshment, Live Music, Recorded Music, Dancing and Indoor Sport.
4. It currently operates different hours for each licensable activity, however the overall following trading hours are;
  - Premise Opening Hours. Monday to Thursday 07.00 – 00.30hrs, Friday and Saturday 07.00 – 01.30hrs and Sunday 07.00 – 23.30 hrs. (Produced Appendix B)
5. The designated premise supervisor for the premises since the transfer on the 16<sup>th</sup> March 17 is Hayley Heritage, who holds a personal licence from Wealden District Council.

## 2.0 Application

6. The application for a transfer of an existing premises licence is normally a straightforward licensing procedure and is dealt with as an administrative matter. The applicant is required to serve a copy of the application to transfer on the Police, this has been done.
7. To object to the application, the police must be satisfied that there are exceptional circumstances in the case that the granting of the application would undermine the crime prevention objective. In such circumstances they must serve a notice on the licensing authority within 14 days of receiving the application, which has been done in this case. (See Appendix C)
8. In their notice of objection the police have commented upon the past criminal record of Mr Lewis and the history of his commercial activities when operating a

Bar in Queens Road, Hastings between 2012 and 2015. They further comment on his application for a personal licence in 2013 which they contested and was refused at a licensing hearing. I consider this to be a valid objection notice under the Act.

9. A challenged application for transfer must be considered by the Council's Licensing Sub-Committee within 20 working days following the end of the representation period of the police, in this case that ended at midnight on the 30<sup>th</sup> March 2017.
10. In this case the request to transfer and vary the DPS was to have immediate effect and was administered by the Authority accordingly and the premise opened and has been trading legally.
11. In such cases, if a subsequent objection against the transfer is received within the legal timeframe (14 days) from the police, the matter must be placed before a licensing sub-committee to determine the application under Sec 44(5) of the Licensing Act.

#### **4.0 Legal Considerations**

12. 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.
13. The transfer process is laid down in statute and allows for a police objection notice in exceptional circumstances, it should be made under the Crime prevention objective. If a relevant objection notice is served by the police on the licensing authority, a hearing must be held.
14. 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.
15. Hastings Borough Council has developed, published and reviewed its Statement of Licensing Policy as required by the Licensing Act 2003.
16. 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.
17. 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:-
  18. Has its basis in law;
  19. Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
  20. Is proportionate to the aims being pursued; and,

21. Is related to the prevention of crime; or, the protection of public order or health.
22. Both the applicant and the Police have a right of appeal to the Magistrates Court against any decisions made by the licensing Sub-Committee with respect to this application for transfer.

## 5.0 Options

23. To allow the application to transfer to continue.
24. To refuse the application to transfer. In this case, the vesting of the licence will come to an end, the licence will then remain in the hands of the original licence holder (Priory Sussex Ltd).

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

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### Wards Affected

Castle ward

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### Policy Implications

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

Equalities and Community Cohesiveness  
Crime and Fear of Crime (Section 17)  
Risk Management  
Environmental Issues  
Economic/Financial Implications  
Human Rights Act  
Organisational Consequences  
Local People's Views  
Anti-Poverty

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### Additional Information

Appendix A. Application to transfer.  
Appendix B. Current Licence.  
Appendix C. Police Objection

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### Officer to Contact

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

Application to transfer 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 Bar Hastings Ltd  
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number HOP50033

Part 1 - Premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Frank's Front Room (The Royal George) 32 Station Road	
<b>Post town</b> Hastings	<b>Post code</b> TN34 1NJ
<b>Telephone number at premises (if any)</b> [REDACTED]	

**Please give a brief description of the premises**  
Licensed public house

**Name of current premises licence holder**  
Priory (Sussex) Ltd

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- |   |   |
|---|---|
|   | <b>Please tick yes</b>  |
| a) an individual or individuals*                | <input type="checkbox"/> please complete section (A)            |
| b) a person other than an individual *          |   |
| i. as a limited company                         | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or        | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |

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- 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) an individual 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  Mrs  Miss  Ms  Other title   
(for example, Rev)

**Surname**

LEWIS

**First names**

Nigel

**Please tick yes**

I am 18 years old or over

**Current postal address if different from premises address**

[Redacted address]

**Post town**

[Redacted town]

**Post code**

[Redacted post code]

**Part 3 – Signatures** (please read guidance note 2)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature N A Lewis

Date 16-3-2017

Capacity Managing Director

**For joint applicants signature of 2<sup>nd</sup> applicant 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 4). 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 5)

Nigel Lewis  
The Royal George  
32 Station Road

Post town Hastings

Post Code TN34 1NJ

Telephone number (if any) [REDACTED]

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

**Guidance notes**

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

SECRET

HASTINGS BOROUGH COUNCIL

Consent of premises licence holder to transfer

I/we Priory (Sussex) Ltd

*[full name of premises licence holder(s)]*

the premises licence holder of premises licence number HOP50033

*[insert premises licence number]*

relating to

Frank's Front Room, 32 Station Road, Hastings, TN34 1NJ

*[name and address of premises to which the application relates]*

hereby give my consent for the transfer of premises licence number

HOP50033

*[insert premises licence number]*

to

Bar Hastings Ltd - Mr Nigel Lewis

*[full name of transferee]*

signed  
name  
(please print)

  
CHRISTOPHER CLAYTON DIRECTOR PRIORY (SUSSEX)

dated

9/3/17



HASTINGS BOROUGH COUNCIL

Application to vary a premises licence to specify an individual as designated premises supervisor 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 Bar Hastings Ltd

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

HOP50033

Part 1 – Premises details

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

Frank's Front Room  
32 Station Road

(The Royal George new name)

Post town

Hastings

Post code (if known)

TN34 1NJ

Telephone number (if any)

[REDACTED]

Description of premises (please read guidance note 1)

Licensed public house

W/2016<sup>16</sup>503

Part 2

Full name of proposed designated premises supervisor

HAYLEY HERITAGE

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

RDC/LN/000016125

Full name of existing designated premises supervisor (if any)

No DPS nominated as premises licence suspended for annual fee non payment

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee £23.00
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- 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

0033HASTINGS BOROUGH COUNCIL

LICENSING, AQUILA HOUSE, BREEDS PLACE, HASTING, EAST SUSSEX TN34 3UY

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

I HAYLEY HERITAGE  
[full name of prospective premises supervisor]

of

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[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

Transfer of premises licence & change of DPS

[type of application]

by Bar Hastings Ltd  
Nigel Lewis

[name of applicant]

relating to a premises licence HOP50033  
[number of existing licence, if any]

for

Frank's Front Room (The Royal George) New name  
32 Station Road  
Hastings,  
TN34 1NJ

[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

Bar Hastings Ltd

[name of applicant]

concerning the supply of alcohol at

Frank's Front Room (The Royal George)  
32 Station Road  
Hastings,  
TN34 1NJ

[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

RDC/LN/000016125

[insert personal licence number, if any]

Personal licence issuing authority

WEALDEN DISTRICT COUNCIL

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

Signed

H. Heritage

Name (please print)

HAYLEY HERITAGE

Date

15/03/17

**Licensing Act 2003**



**PREMISES LICENCE**

**Premises licence number**

**HOP50033**

**Part 1 – Premises details**

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

THE ROYAL GEORGE  
32 STATION ROAD

**Post Town**

HASTINGS, EAST SUSSEX

**Post Code**

TN34 1NJ

**Telephone number**

NONE GIVEN

**Where the licence is time limited the dates**

NOT APPLICABLE

**Licensable activities authorised by the licence**

PLAYS, FILMS, INDOOR SPORTING EVENTS, RECORDED MUSIC, LIVE MUSIC, KARAOKE,  
PERFORMANCE OF DANCE, PROVISION OF FACILITIES FOR DANCING, COMEDY PERFORMANCES,  
PROVISION OF LATE NIGHT REFRESHMENT,  
SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION ON & OFF THE PREMISES

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

PLAYS, FILMS, INDOOR SPORTING EVENTS, LIVE MUSIC, PERFORMANCE OF DANCE, PROVISION OF FACILITIES FOR DANCING, COMEDY PERFORMANCES

MONDAY-THURSDAY	10:00-00:00	FRIDAY-SATURDAY	10:00-01:00
SUNDAY	11:00-23:00		

RECORDED MUSIC	MONDAY- THURSDAY	07:00-00:30	FRIDAY-SATURDAY	07:00-01:30
	SUNDAY	07:00-23:30		

LATE NIGHT RERESHMENT	MONDAY-THURSDAY	23.00-00.30	FRIDAY – SATURDAY	23.00-01.30
	SUNDAY	23.00-23.30		

SUPPLY OF ALCOHOL	MONDAY-THURSDAY	10:00-00:00	FRIDAY-SATURDAY	10:00-01:00
	SUNDAY	11:00-23:00		

A FURTHER TERMINAL HOUR FOLLOWING EVERY SUNDAY & MONDAY FOR EACH MAY DAY BANK HOLIDAY, SPRING/ WHITSUN BH & EVERY AUGUST BH WEEKEND. CHRISTMAS EVE & BOXING DAY.

A FURTHER TERMINAL HOUR FOLLOWING EVERY THURSDAY, FRIDAY, SATURDAY, SUNDAY & MONDAY FOR THE EASTER BH WEEKEND.

**The opening hours of the premises**

MONDAY-THURSDAY 07:00-00:30  
SUNDAY 07:00-23:30

FRIDAY-SATURDAY 07:00-01:30

**NON STANDARD TIMINGS:**

A FURTHER TERMINAL HOUR FOLLOWING EVERY SUNDAY & MONDAY FOR EACH MAY DAY BANK HOLIDAY, SPRING/ WHITSUN BH & EVERY AUGUST BH WEEKEND.

A FURTHER TERMINAL HOUR FOLLOWING EVERY THURSDAY, FRIDAY, SATURDAY, SUNDAY & MONDAY FOR THE EASTER BH WEEKEND.

A FURTHER TERMINAL HOUR ON CHRISTMAS EVE & BOXING DAY.

NEW YEARS EVE UNTIL THE COMMENCEMENT OF PERMITTED HOURS ON NEW YEARS DAY.

THIRTY MINUTES BEFORE UNTIL THIRTY MINUTES AFTER ANY LIVE TELEVISED PROFESSIONAL SOCCER RUGBY & BOXING EVENTS.

HASTINGS BOROUGH COUNCIL

Part 2

Where the licence authorises supplies of alcohol whether these are on and/or off supplies  
SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION ON & OFF THE PREMISES

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

BAR HASTINGS LTD  
REGD OFFICE:  
32 STATION ROAD  
HASTINGS,  
TN34 1NJ.

(Transfer and change DPS 16<sup>th</sup> March 2017)  
(Transfer 23<sup>rd</sup> December 2013)  
(Minor Variation granted 3<sup>rd</sup> April 2012)

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

10657132

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

HAYLEY HERITAGE



(Change of DPS on 16<sup>th</sup> March 2017)

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: - RDC / LN / 000016125

ISSUING AUTHORITY:- WEALDEN DISTRICT COUNCIL

## HASTINGS BOROUGH COUNCIL

**Annex 1 – Mandatory 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 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

## HASTINGS BOROUGH COUNCIL

## Annex 1 – Mandatory Conditions - continued

(b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

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

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 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

In order to further the licensing objectives the licensee may move;-

- 1) the fire appliances, unless this conflicts with the fire authority advice with direct regard to fire regulations for the premises;
- 2) and any other similar objects temporarily in a fixed location:  
which may impact on the ability of individuals on the premises to use such exits or escape routes without impediment.

#### The prevention of crime & disorder

To maintain the burglar alarm installed on the premises.

To ensure drug prevention measures are actively followed.

To ensure that two bar staff are on duty at any one time.

**In the consultation period of the Minor Variation (March 2012), the Chief Officer of Police requested the following conditions, which the applicants accepted:-**

- 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. Appropriate and sufficient signage will also be displayed in prominent locations inside the premises.
- The DPS shall give written authorisations allowing the sale of alcohol to all staff who are not personal licence holders. Copies of these consents shall be kept on the premises, updated as necessary and made available to police, police licensing officers, local authority officers and trading standards officers.
- All staff members engaged or about to be engaged in the sale of alcohol on the premises shall receive training pertinent to the Licensing Act 2003, specifically regarding age restricted sales and the refusal of sales to anyone believed to be drunk. All induction training must be completed and documented prior to the sale of alcohol by the staff member and a programme of refresher training be devised thereafter at a suggested period of quarterly.
- A training policy is compiled regarding training provision with names and dates and this shall again be kept on the premises, updated as necessary and made available to police, police licensing officers, local authority officers and trading standards officers.
- A refusal register and incident book will be used to record those to whom refusal is given to purchase alcohol and/or on certain events to refuse entry to the premises and to record the detail of incidents at the premises. These should be reviewed by the DPS on a regular basis and feedback then given to staff members. These logs again will be kept on the premises, updated as necessary and made available to police, police licensing officers, local authority officers and trading standards officers.
- At all times the premises are open and undertaking licensable activity, all staff will actively promote the four licensing objectives.

## HASTINGS BOROUGH COUNCIL

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

#### Public safety

To ensure the health & safety policy and risk assessment is complied with and amended as circumstances are identified.

To ensure that fire fighting equipment is maintained on a service contract.

To ensure an accident / incident book is available and such incidents are accurately recorded.

#### The prevention of public nuisance

**In the consultation period of the Minor Variation (March 2012), the Principal Environmental Health Officer, requested the following conditions which the applicant accepted:-**

1) Music played on the premises shall be at such a volume as to be no more than barely audible on the opposite side of Station Road up until 23:00 hrs and inaudible after that time each day as perceived by an authorised officer of Hastings borough Council;

2) External tables and chairs shall be taken out of use by 23:00 hrs each day;

3) Patrons shall not be permitted to take any drinks outside after 23:00 hrs each day.

To ensure signs are displayed and maintained requesting customers to **“Please leave quietly when departing and respect our neighbourhood.”**

To monitor customers when outside to ensure that this achieved.

#### The protection of children from harm

To ensure that no unaccompanied children are allowed on the premises.

To ensure that any children are accompanied by an adult over the age of 21 years.

To operate a 'proof of age' ID scheme for the purchase of items, particularly alcohol & cigarettes that are age restricted.

To ensure that staff monitor the AWP machines and cigarette machines in relation to persons under age.

To continue to make available for purchase a wide range of non – alcoholic soft drinks.

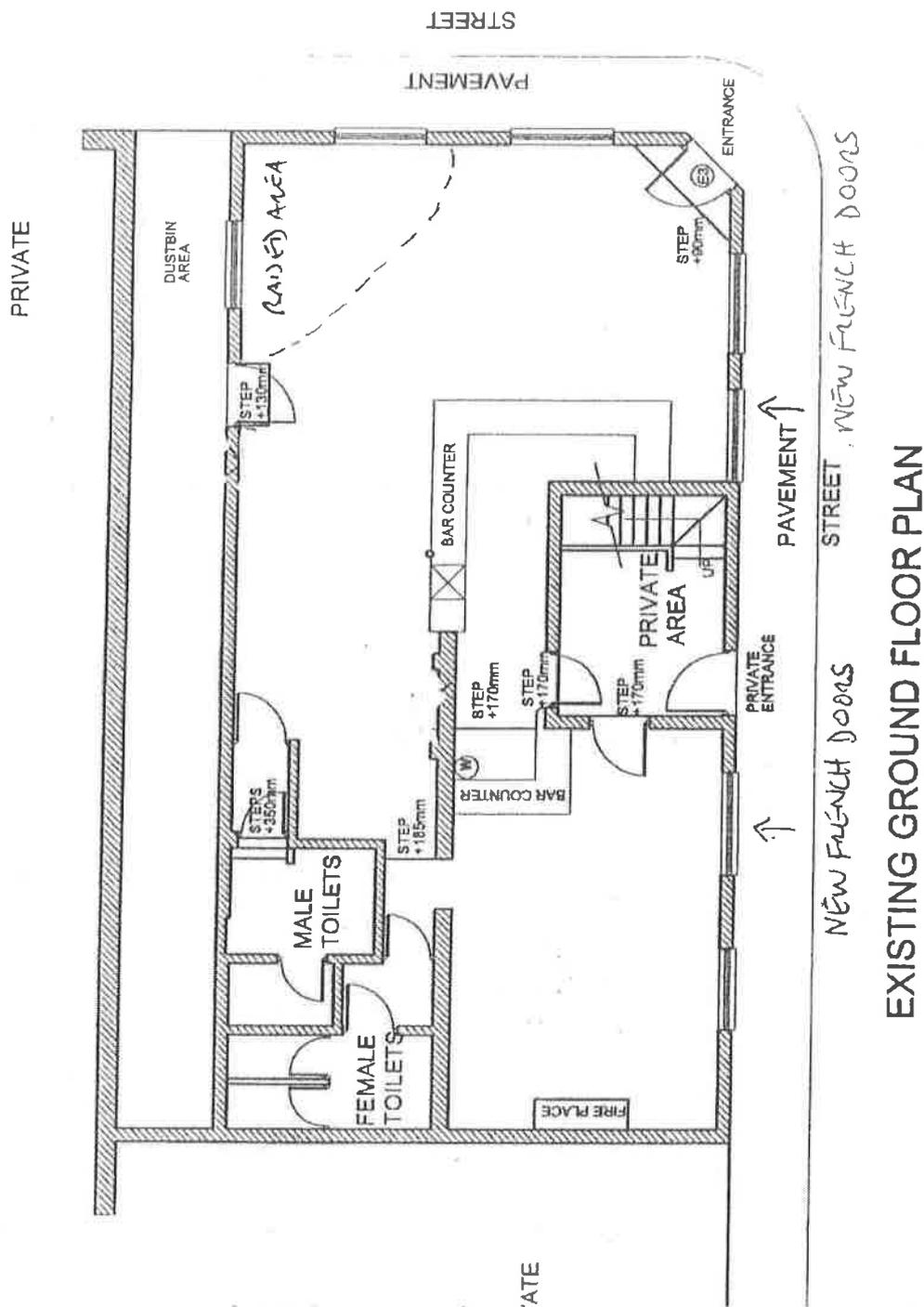
**HASTINGS BOROUGH COUNCIL**

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

NIL

HASTINGS BOROUGH COUNCIL

Annex 4 – Plans (Amended under Minor Variation in March 2012)





**Sussex Police**  
Serving Sussex

www.sussex.police.uk



**Alcohol Harm Reduction Unit**

28<sup>th</sup> March 2017

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

Dear Mr. Brown,

**RE: APPLICATION FOR TRANSFER OF PREMISES LICENCE AT THE ROYAL GEORGE (formerly Frank's Front Room, 32 STATION ROAD, HASTINGS, EAST SUSSEX, TN34 1NJ TO MR. NIGEL LEWIS.**

**NOTICE Of OBJECTION under Section 42 (6) of the Licensing Act 2003.**

Notice is hereby given on behalf of the Chief Officer of Police for Sussex that the exceptional circumstances of this case are such that he considers that the granting of this application would undermine the crime prevention objective.

On 16<sup>th</sup> March 2017 Sussex Police received an application to transfer the premises licence at the above address from Priory (Sussex) Ltd to Bar Hastings Ltd. A search of Companies house indicates that Mr Nigel Lewis is the sole director of the latter company.

Mr Lewis became the Premises Licence Holder of the Zar Zar bar, 91 – 92 Queens Road, Hastings, TN34 1HL on 17<sup>th</sup> July 2012. Both Mr Lewis and the Designated Premises Supervisor failed to run the premises in accordance with conditions on the premises licence. namely:- that food must always be available & the premises shall be operated as a café encouraging light alcohol consumption.

On 19<sup>th</sup> November 2013 Sussex Police received an application for a personal licence to be granted to Mr Nigel Lewis. Sussex Police objected to the application on the grounds of the prevention of crime and disorder, considering that Mr Lewis was unsuitable to hold a personal licence due to his extensive criminal convictions for relevant offences which were unspent under the Rehabilitation of Offenders Act 1974. Hastings Council Licensing Committee listened to the police concerns at a hearing, and refused the application.

Between May 2014 & April 2015 Police became aware of 14 incidents relating to, or associated with the Zar Zar bar; these included drunkenness, disorder and assaults resulting in various degrees of injury, including skull fractures.

Due to the number of incidents of crime and disorder Police requested an Action Plan of the premises management on 5<sup>th</sup> February 2015; this plan was to bring about an improvement in the way the premises was operated.

On Monday 16<sup>th</sup> February 2015 at 17:32hrs Sussex Police received a report concerning a male suspect pulling out a gun in a premises. The suspect producing the firearm from behind the bar in the premises was Mr Lewis. It was later established that the firearm was an air rifle. When police attended this incident, officers saw Mr Lewis in Queens Road holding a gun by his side, he was arrested for possession of a firearm & later charged under 16A and Schedule 6 of the Firearms Act 1968, possession of a firearm with intent to cause fear of violence.

On the 13<sup>th</sup> April 2015 Sussex Police made an application to Hastings Borough Council for a review of the premises licence for Zar Zar Bar. At the hearing on 8<sup>th</sup> June 2015 the Licensing Sub-Committee supported the application and in order to promote the licensing objectives, a number of conditions were applied to the Premises Licence.

With regard to the incident involving Mr Lewis and the firearm, on 25<sup>th</sup> September 2015 at Lewes Crown Court he was found guilty of affray and was sentenced to 18 months imprisonment suspended for 2 years, an unpaid work requirement of 300 hours and forfeiture and destruction of the air rifle. The Judge directed that the offence of possessing a firearm with intent to cause fear of violence lie on file.

Mr Lewis has an extensive history of 26 criminal convictions for 73 offences between 1<sup>st</sup> January 1965 and 25<sup>th</sup> September 2015. Between 10<sup>th</sup> November 1972 and 8<sup>th</sup> January 1993 Mr Lewis has been sentenced to a total of 19 years and 3 months imprisonment for eight separate offences. The most serious of these being the offence of Arson with Intent to Endanger Life in 1993 for which he was sentenced to eight years imprisonment. Under the Rehabilitation of Offenders Act 1974 this conviction will never be spent. Between 21<sup>st</sup> May 1975 and 25<sup>th</sup> September 2015 Mr. Lewis has received a total of five years and 1 month suspended prison sentences for four separate offences, the most recent of these relate to the affray of which he was found guilty on 25<sup>th</sup> September 2015; this conviction will not be spent until 25<sup>th</sup> March 2021.

Paragraph 8.94 of the 'Revised Guidance issued under Section 182 of the Licensing Act 2003 states 'In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder).

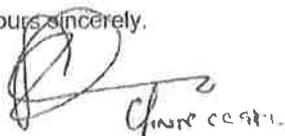
Sussex Police contend that the 'exceptional circumstances' in this case have been met due to:

- Mr Lewis' application for a personal licence being refused by the Licensing sub-committee due to his previous convictions.
- The premises Mr Lewis previously owned, Zar Zar bar, was placed on an action plan, however following no improvements, the premises was subject to Premises Licence Review proceedings.
- Mr Lewis' conviction history, in particular the most recent conviction in 2015 which he committed in his own licensed premises.

In light of the above Sussex Police believe that granting the transfer would undermine the crime prevention objective.

Sussex Police therefore invite the committee to refuse the application.

Yours sincerely,



Chief Inspector Stephen Curry – Hastings & Rother District Commander

Alcohol Harm Reduction Unit, Bexhill Police Station  
Terminus Road, Bexhill, East Sussex TN39 3NR  
Telephone 101 Ext. 564951