

# Licensing Sub Committee Agenda

**Tuesday, 27 June 2017 at 9.30 am**

Bodichon Room, 5th Floor, Muriel Matters 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

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<b>Members of the Licensing Sub Committee to sit on this hearing are:</b>		
<b>Councillors Patmore, Sinden and Street with Councillor Cartwright in reserve.</b>		
1.	Appointment of Chair for this meeting	
2.	Apologies for Absence	
3.	Minutes of the meeting held on 16 March 2017 and 24 April 2017	To Follow
4.	Declarations of Interest	
5.	Notification of additional urgent items	
6.	Application for transfer of premises licence with representation: The Royal George, 32 Station Street, Hastings (Assistant Director, Environment & Place)	1 - 34
7.	Additional urgent items (if any)	

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# Agenda Item 6



**Report to: Licensing Sub Committee**

**Date of Meeting: 27<sup>th</sup> June 2017.**

**Report Title: Transfer of Premises licence with Police Objection.**

**Report By: Michael 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. Members 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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## Introduction

### 1.0 Background

1. On 7th February 2005 the Licensing Act 2003 came into force for all local authorities, marking the practical commencement of the Government's new liquor licensing regime.
2. On the 16<sup>th</sup> May 2017 Hastings Borough Council received an application for the transfer of an existing premises licence for The Royal George PH, 32 Station Road, Hastings, TN34 1NJ from Mr Ian Frederick Tribe, of 4 Starrs Cottages, All Saints Street, Hastings, TN34 3BW made under Section 42 the Licensing Act 2003. (Attached at Appendix A).
3. The Royal George PH 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. It traded for a period as Franks Front Room, the premises then closed for a period of time and re-opened as The Royal George PH on the 16 March 2017.
4. The transfer at that time to Mr Nigel Lewis was challenged by Sussex Police on Crime Prevention grounds. The sub- committee upheld the objection and the transfer was refused, as a result the licence reverted back to the existing holder at the time (Priory Sussex Ltd.)
5. On the 25<sup>th</sup> April 2017, Priory Sussex Ltd again transferred the licence, on this occasion to Hayley Heritage, she was also named as the designated premises supervisor, this application was not challenged.
6. On the 16<sup>th</sup> May 17 Hayley Heritage called at the offices of Hastings Borough Council and spoke to a licensing officer. She completed the necessary papers to agree the transfer of the licence to Mr Ian Tribe. The licence is as below;
  - The 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.
7. 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)
8. The designated premise supervisor for the premises since the last transfer on the 25<sup>th</sup> April 17 is also Ian Tribe, who holds a personal licence from Hastings Borough Council.

## 2.0 Application

9. 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.
10. 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 on this occasion. (See Appendix C)
11. In their notice of objection the police have commented upon the activities at the premises since Mr Tribe's transfer and his demeanour when they have spoken to him at the premises. I consider this to be a valid objection notice under the Act.
12. 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 ends at midnight on the 27<sup>th</sup> June 2017.
13. 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.
14. 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

15. 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.
16. 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.
17. 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.
18. Hastings Borough Council has developed, published and reviewed its Statement of Licensing Policy as required by the Licensing Act 2003.
19. All members of the Licensing Committee have been supplied with copies of the Official Government guidance and the Hastings Borough Council Statement of Licensing Policy.
20. Human rights considerations must be taken into account fully in balancing licensing issues, in particular, article 1 of the first protocol and article 8. Article 1 relates to

the protection of property and the peaceful enjoyment of possessions and property. Holding a justices licence would be considered a possession. Article 8 relates to the right to respect for private and family life, home and correspondence. These are however qualified rights and can be deprived of “in the public interest”. Interference is permissible if what is done:-

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

26. To allow the application to transfer to continue.
27. 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 Hayley Heritage.

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

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### Wards Affected

Castle

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### Policy Implications

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

Equalities and Community Cohesiveness  
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.

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**Officer to Contact**

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

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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 IAN Fredrick Tabe  
(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

Postal address of premises or, if none, ordnance survey map reference or  
description The Royal George  
32 Station Road

Post town Hastings

Post code TN34 1NJ

Telephone number at premises (if any)

Please give a brief description of the premises

Supply of Alcohol

Name of current premises licence holder

Hayley Heritage

Part 2 - Applicant details

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

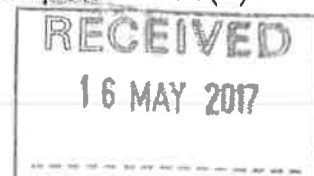
- a) an individual or individuals\*
- b) a person other than an individual \*
- i. as a limited company
- ii. as a partnership
- iii. as an unincorporated association or
- iv. other (for example a statutory corporation)
- c) a recognised club

Please tick yes

- ☒ please complete section (A)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)
- ☐ please complete section (B)

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LN 6574.

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- 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 ☐ 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

TRIBE

First names

Ian Fredrick

Please tick yes

I am 18 years old or over



Current postal address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address (optional)

**SECOND INDIVIDUAL APPLICANT** (fill in as applicable)

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

**Surname**

**First names**

I am 18 years old or over

Please tick yes

☐

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

**Post town**

**Post code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number (if any)
E-mail address (optional)

**Part 3**

Please tick yes

Are you the holder of the premises licence under an interim authority notice? ☐

Do you wish the transfer to have immediate effect? ☒

If not when would you like the transfer to take effect?

Day Month Year  
4 5 0 5 2 0 1 7

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder ☒

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

She call and said she don't  
want to work at the bar anymore  
and walkout

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003) ☒

Please tick yes

I have enclosed the premises licence ☒

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I understand that if I do not comply with the above requirements my application will be rejected



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

**Part 4 – 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

*M. Tubb*

Date

*15/05/17*

Capacity

*MANAGER*

**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)

Post town

Post Code

Telephone number (if any)

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

### Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
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.

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 IAN FREDRICK TRIBE

(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

HOP 50033

Part 1 – Premises details

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

The Royal George  
32 Station Road  
East Sussex

Post town

Hastings

Post code (if known)

TN 34 1NJ

Telephone number (if any)

Description of premises (please read guidance note 1)

supply of Alcohol  
Late night refreshment  
Recorded Music

W201701772.

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Part 2

Full name of proposed designated premises supervisor

Ian Fredrick Tribe

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

HO 05106

Full name of existing designated premises supervisor (if any)

~~Ian Fredrick Tribe~~ Hayley Heritage

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 ☒
- 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



**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

*K. Tal*

Date

16/05/17

Capacity

PREMISES LICENCE HOLDER

**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)

[Redacted contact name and address]

Post town

Post Code

Telephone number (if any)

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

#### 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.

Consent of individual to being specified as premises supervisor

I IAN FREDRICK TRIBE  
[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 & change of DPS  
[type of application]

by

Myself  
[name of applicant]

relating to a premises licence

KOP 50033  
[number of existing licence, if any]

for

THE ROYAL GEORGE  
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

Myzell  
[name of applicant]

concerning the supply of alcohol at

THE ROYAL GEORGE  
32 STATION ROAD  
HASTINGS

\_\_\_\_\_  
[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

HO 05106  
[insert personal licence number, if any]

Personal licence issuing authority

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

Signed

IAN

Name (please print)

IAN FREDRICK TRIBE

Date

16/05/17

HASTINGS BOROUGH COUNCIL

Consent of premises licence holder to transfer

I/we HAYLEY HERITAGE  
[full name of premises licence holder(s)]

the premises licence holder of premises licence number HOP50 033  
[insert premises licence number]

relating to

THE ROYAL GEORGE, 32 STATION ROAD, HASTINGS  
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

HOP50 033  
[insert premises licence number]

to

Ian Tribe  
[full name of transferee].

X signed

X name  
(please print)

X dated

H. Heritage  
HAYLEY HERITAGE.  
16-5-17





**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 &amp; 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**

IAN FREDRICK TRIBE



(Transfer and change DPS on 16<sup>th</sup> May 2017) (Issued 18<sup>th</sup> May 2017)  
(Transfer and change DPS 25<sup>th</sup> April 2017) (Issued 5<sup>th</sup> May 2017)  
(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)**

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

IAN FREDRICK TRIBE



(Change DPS on 16<sup>th</sup> May 2017) (Issued 18<sup>th</sup> May 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: - HO 05106

ISSUING AUTHORITY:- HASTINGS BOROUGH 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.

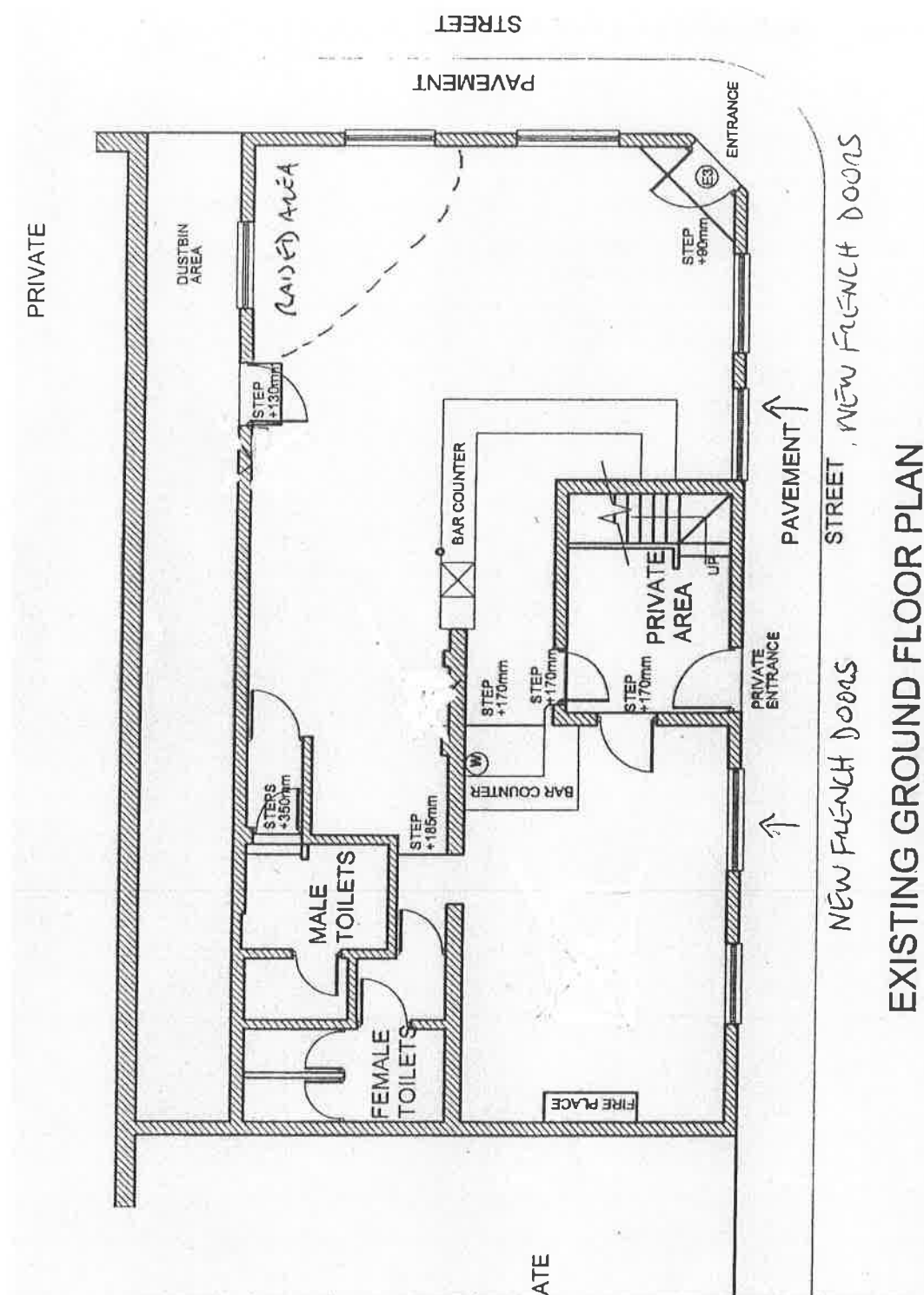
To continue to make available for purchase a wide range of non – alcoholic soft drinks.

**HASTINGS BOROUGH COUNCIL**

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

NIL

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







**Sussex Police**  
Serving Sussex

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## Alcohol Harm Reduction Unit

23<sup>rd</sup> May 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. IAN TRIBE.**

**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.

Since Mr. Nigel Lewis became the tenant on the 10<sup>th</sup> March 2017 there have been a number of problems in relation to the premises. Details are within the following appendices. These have included:-

- A formal police objection to the application for the transfer of the premises licence to Mr. Lewis which was upheld by the committee.
- Complaints from local residents and members of the public regarding disorderly behavior at or associated with the premises.
- Mr. Lewis's attempt to circumvent the decision of the Licensing Sub Committee in the opinion of the police.

On Tuesday 16<sup>th</sup> May 2017 the Licensing Authority informed Sussex Police that Ms. Hayley Heritage had attended their offices and signed a consent form for the transfer of the premises licence to Mr. Ian Fredrick Tribe. On the same day Mr. Tribe submitted an application to transfer the premises licence into his name. The application was accompanied by an application to vary the premises licence in which Mr. Tribe proposed himself as the Designated Premises Supervisor.

Within a few days of Mr. TRIBE's application being received Sussex Police Licensing Officer Anthony Masters attempted to phone him. LO Masters wanted to discuss police concerns regarding the premises and ascertain Mr. Tribes intentions concerning the management of it. There was no response and therefore an answerphone message was left for Mr. Tribe to make contact. This he failed to do.

On Monday 22<sup>nd</sup> May 2017 LO Masters conducted a licensing visit at the Royal George with PC Chris Trevena. Mr. Tribe was not at the premises but Mr. Lewis was present and there was one male, Mr. Wayne FOSTER working behind the bar. It is a condition on the premise licence under the prevention of crime and disorder "To ensure that two bar staff are on duty at any one time", therefore this condition was being breached. PC TREVENA's professional opinion was that Mr. FOSTER was drunk. They told Mr. LEWIS, whose breath smelt of intoxicating liquor, of their concerns and he asked for two females who were drinking alcohol on the customer side of the bar to take over working behind the bar from Mr. FOSTER. Police then witnessed one of the females serve alcohol to a male customer who PC Trevena also deemed to be

**Sussex Police Headquarters**  
Malling House Malling, Lewes, East Sussex, BN7 2DZ

Telephone: 101 |



drunk. PC TREVENA asked Mr. FOSTER if he'd received any training in relation to working at the Royal George, he replied that he hadn't had any training at the premises. The premises licence has a condition which states, "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". As Mr. FOSTER had not received training this constituted a breach of this condition.

The officers continued to advise Mr. LEWIS of their serious concerns about how the premises was being operated and Mr. LEWIS then voluntarily closed the premises. LO MASTERS and PC TREVENA have both provided written statements detailing their observations during this visit which are contained within Appendix B. Mr. LEWIS phoned Mr. TRIBE and at Police's request arranged for Mr. Tribe to attend a meeting with Police at Bexhill Police Station at 12:00hrs on Tuesday 23<sup>rd</sup> May 2017. During this visit a representative of H.T WHITES drinks suppliers entered the premises and told Mr. LEWIS they would be attending the following day with bailiffs if necessary in order to remove stock which Mr. Lewis had failed to pay for. After Police left the premises LO MASTERS phoned Mr. TRIBE to confirm that he was aware Mr. LEWIS had voluntarily closed the premises. Police felt it was important to make this call in light of the fact that Mr. TRIBE was both Premises Licence Holder and Designated Premises Supervisor.

At 10:58hrs on Tuesday 23<sup>rd</sup> May 2017 a male believed to be Mr. LEWIS phoned Sussex Police stating people had broken in to the premises and he had locked them in, he also said they were trying to steal items from him. The Police call handler noted at the time that a big disturbance and lots of shouting could be heard. Police attended the premises however there was no formal action to be taken by them as this matter related to the civil debt involving HT WHITES. Mr. Tribe subsequently failed to attend the meeting that had been arranged at Bexhill Police station for that date.

At about 11:30 hours on Thursday 25<sup>th</sup> May 2017 PC Trevena attended the premises. Mr. Tribe was the only member of staff present and working behind the bar, which again was a breach of the condition on the premises licence relating to two members of bar staff being on duty. In PC Trevena's professional opinion Mr. Tribe was drunk. PC TREVENA discussed these concerns with Mr. TRIBE who then voluntarily closed the premises. The premises licence also states, "At all times the premises are open and undertaking licensable activity, all staff will actively promote the four licensing objectives. Sussex Police contend that this condition was also breached as Mr TRIBE was drunk and therefore incapable of actively promoting the licensing objectives. PC Trevena provided a written statement concerning this visit. Covered in Appendix B.

Paragraph 8.99 of the 'Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2017) 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.

Paragraph 8.100 states 'Such objections (and therefore such hearings) should only arise in truly exceptional circumstances.

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

- Since Mr. TRIBE has been the interim PLH & DPS the premises has voluntarily closed twice following Police intervention. It is rare for a premises to voluntarily close owing to poor management problems of the premises own making. This undermines the Licensing objectives of prevention of crime and disorder and public safety.
- Mr. TRIBE has been drunk whilst working behind the bar at the premises. Police have no confidence that he can operate the premises responsibly as both PLH & DPS whilst drunk.
- There have been several breaches of conditions on the premises licence whilst Mr. TRIBE has been the PLH & DPS.
- Mr. LEWIS continues to be involved in the operating of this premises, as well as being the tenant, he has been present at the premises when Police have visited and has made decisions regarding staff and closure of the premises which have been witnessed by Police. This would appear to demonstrate his ongoing involvement in the day to day running of the premises.
- Police sought to gain a similar undertaking from Mr. TRIBE, as they did with Ms. HERITAGE, regarding him operating the premises as he wishes free from interference from Mr. LEWIS. Owing to circumstances laid out above Police have been unable to achieve this.

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 Emma Brice – Eastbourne, Lewes and Weald District Commander

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



