

# Licensing Sub Committee Agenda

**Monday, 30 October 2017 at 4.00 pm**

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

Please enter the building via the Tourist Information Centre entrance. If you are attending the Town Hall for this meeting, please enter the building via the Community Contact Centre entrance.

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 Roberts, Rogers and Patmore, with Councillor Edwards in reserve</b>		
1.	Appointment of Chair for this meeting	
2.	Apologies for Absence	
3.	Minutes of the meeting held on 27 June 2017	3 - 6
4.	Declarations of Interest	
5.	Notification of any additional urgent items	
6.	Application for Temporary Event Notice: Royal Victoria Hotel, Marina, St. Leonards on Sea <i>(Assistant Director, Environment &amp; Place)</i>	7 - 26
7.	Additional urgent items (if any)	

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# Agenda Annex

## **Licensing Sub Committee Procedures** **Temporary Event Notice**

### **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. Police make submissions on the application.**

Any questions from

- Applicant / Representative?
- Officers?
- Members?

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

Any Questions for Applicant / Representative / Witnesses from

- Officers?
- Members?
- Police?

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

If clarification given, questions on clarification only from:

- Applicant / Representative?
- Members?
- Police?

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

- Licensing Manager / Officer summing up
- Applicant/Representative summing up
- Police summing up

### **7. 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 3 Public Document Pack

## LICENSING SUB COMMITTEE

27 JUNE 2017

Present: Councillors, Patmore, Sinden and Street (Chair) with Councillor Cartwright in reserve. Also in attendance: Bob Brown, Licensing Manager; Anthony Masters, Sussex Police Licensing Officer and Sergeant Vokins, Sussex Police Licensing Team. Mr Ian Tribe, Licence Holder and Designated Premises Supervisor (DPS)

### 1. APPOINTMENT OF CHAIR FOR THIS MEETING

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Sinden moved that Councillor Street should take the Chair. This was seconded by Councillor Patmore.

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

### 2. APOLOGIES FOR ABSENCE

None.

### 3. DECLARATIONS OF INTEREST

None.

### 4. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None.

### 5. APPLICATION FOR TRANSFER OF PREMISES LICENCE: THE ROYAL GEORGE, 32 STATION STREET, HASTINGS

Councillor Street set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice).

Members of the Committee, Officers and the applicant introduced themselves. Councillor Street set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice).

The Licensing Manager, Mr Brown, presented the report of the Assistant Director of Environment and Place in respect of an application made to Hastings Borough Council on 16 May 2017 under Section 51 of the Licensing Act 2003 for the transfer of premises licence at The Royal George, 32 Station Street, Hastings, as a result of representations received.

The premises were opened as the Royal George on 16 March 2017. 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 and the licence reverted back to the existing holder at the time (Priory Sussex Ltd). On 25 April 2017, Priory Sussex Ltd again transferred the licence, on this occasion to Hayley

## LICENSING SUB COMMITTEE

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Heritage, she was also named as the designated premises supervisor, this application was not challenged. On 16<sup>th</sup> May 2017 Hayley Heritage requested the transfer of the licence to Mr Ian Tribe. Mr Tribe is also the designated premises supervisor and holds a personal licence from Hastings Borough Council.

The application to transfer the premises licence had been brought to the committee in respect of an objection from Sussex Police in relation to activities at the premises since Mr Tribe's transfer. Sussex Police were satisfied that there were exceptional circumstances in the case and that the granting of the transfer would undermine the crime prevention objective. Their letter of objection was appended to the agenda under Appendix C of the report.

Their letter also noted a supplementary appendix which was sent to all parties after agenda publication, prior to the committee meeting. The supplementary appendix contained the following listed documents:- a formal police objection to the application for 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 behaviour at or associated with the premises; and Mr Lewis's alleged attempt to circumvent the decision of the Licensing Sub Committee in the opinion of the police. Members of the committee and Mr Tribe confirmed they had received the supplementary information.

Mr Brown explained that the premises were not currently trading and that Mr Tribe had withdrawn his consent as the Designated Premises Supervisor (DPS). He advised that if the application was refused, the premises licence will revert back to the previous Licence Holder, Hayley Heritage.

Mr Masters, Sussex Police Licensing Officer, explained that the landlords were Priory Sussex Ltd. and that Mr Lewis became the tenant on 10 March 2017. Mr Tribe was the Licence Holder and DPS.

Mr Masters referred to their statements in the supplementary agenda. He spoke about his visit to the Royal George on 22 May 2017 to meet with Mr Tribe in respect of the application to transfer the premises licence into his name and to be named as the DPS. He said there was one sole member of staff (Mr Foster) who was working behind the bar and in his professional opinion, was drunk. In Mr Tribe's absence they spoke to Mr Lewis who was present at premises, they told Mr Lewis about 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. Mr Masters said they also noted the refusal register and incident book had been used incorrectly and was being used for bar tabs for different persons for varying amounts. PC Travena explained that at no time had Mr Foster read the training journal regarding the operation of the premises. He said it was a condition on the premises licence to ensure that two bar staff are on duty at any one time and that staff involved in the sale of alcohol shall receive training. As Mr Foster had not received training this constituted one of a number of breaches of the licensing conditions. He said they undertook a drug swab test in various areas of the premises, the reading came back: male toilets, 5.36, Cocaine. Sussex Police have concerns at readings over 4, and readings near and over 6 are of serious concern. "We brought this concern to Mr Lewis and he closed the premises on that day".

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On 25<sup>th</sup> May 2017, PC Travena and PC Freeman undertook a further visit having noticed the premises was open when passing by. On this occasion they again noticed Mr Tribe was behind the bar and appeared to be drunk. Mr Tribe explained that he had a call the night before asking him to go in and confirmed he would close the premises. Sergeant Vokins said the premises had voluntarily closed twice. Several conditions on the licence had been breached due to poor management and Mr Lewis continued to operate the premises as the tenant.

In his submission, Mr Tribe, said he handed back the DPS, he was not happy as he had no control. Mr Lewis was always at the premises. He said he could not be there 24/7.

In his summary Mr Brown said the DPS will either stay as is or revert back to the previous Licence Holder, Hayley Heritage. He said Mr Lewis is purely the lease holder, he has 5 years lease on the building. Mr Tribe removed himself as DPS and the premises closed. There were objections to the transfer of the premises licence.

Sergeant Vokins stated that 9 days from the point application made there were 2 voluntary closures of the premises and a number of breaches contravening the premises licence. He said that Sussex Police had no confidence the licensing objectives will be upheld.

**RESOLVED (unanimously) to REVOKE the licence.**

**The reason for this decision was:**

**Having listened to all the evidence before it, the committee agree that the required “exceptional circumstances” on which the police have objected are met.**

**The police evidence shows that the licensing objections are seriously undermined. In 9 days the premises have been voluntarily closed on two occasions. There have also been several breaches of the licence.**

**The committee have no confidence that Mr Tribe can effectively manage the premises without influence from the tenant Mr Lewis. The previous DPS suffered a similar experience whilst trying to manage the premises.**

**The committee have had regard to the current guidance issued by the Secretary of State.**

### **6. ADDITIONAL URGENT ITEMS (IF ANY)**

None.

(The Chair declared the meeting closed at. 10.30 am)

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# Agenda Item 6



**Report to: Licensing Sub- committee.**

**Date of Meeting: 30.10.2017.**

**Report Title: Temporary event notice. Police Objection. Royal Victoria Hotel.**

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

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## **Purpose of Report**

To consider the application for a temporary event notice as a result of an objection notice received from the police.

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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 notice has been served by either the police or environmental health. The decision reached at the sub-committee can be subject to the appeal process at the Magistrates Court.

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## Introduction

### 1.0 Background History

1. On 7th February 2005 the Licensing Act 2003 came into force for all local authorities, marking the practical commencement of the Government's new liquor licensing regime.
2. On the 18th October 2017 Hastings Borough Council received notification of a temporary event to be held at The Royal Victoria Hotel, Marina, St Leonards on Sea, from Dr Woo Seung Shin, of that address. This notification is made under Sec 100 of the Licensing Act 2003. (Attached Appendix A).
3. The Royal Victoria Hotel, has operated at Marina, St Leonards on Sea, for many years. The premise does not currently hold a premises license under the Licensing Act 2003. The licence having lapsed when the licence holder and his wife, entered into both a Partnership and Individual Voluntary Arrangements with Purnells Insolvency practitioners on the 22<sup>nd</sup> December 2016, no notification of that fact was passed to the licensing Authority by the licence holder or the directors of the company.
4. In such circumstances a period of 28days then runs to allow persons connected to the premises or the freehold of the premises to lodge an Interim Authority. Once done this preserves the premises licence and allows it to continue in its existing form for a period of up to 3 months, by which time new arrangements for the running of the premises must be finalised.
5. In this case no notification of the Insolvency was notified to the licensing authority by the licence holders or directors, the matter being identified to the Authority by another organisation on the 10<sup>th</sup> October 2017. No application for an interim authority was received in the time frame laid down in the Act, which expired on the 19<sup>th</sup> January 2017.
6. The licensing authority prepared a letter notifying Dr Shin that as a result of his insolvency, no licensable activities can occur at the premises with immediate effect.
7. This letter was hand delivered to the hotel reception at 1700hrs 10<sup>th</sup> October 2017. Staff were informed that the matter was urgent and must be passed to the operator Dr Shin as soon as possible, which they agreed to do. (Copy letter attached Appendix B)
8. A copy e mail from Purnell's Insolvency Practitioners to Sussex Police and copied to licensing at Hastings Borough Council is attached explaining the situation.(Copy Attached Appendix B)
9. In addition, a copy of the bankruptcy Order relating to Dr Shin from Croydon County court on 21st June 2011is attached. ( Appendix B)

## 2.0 Application

10. The application requests the following temporary event;
11. For Thursday 2<sup>nd</sup> November 2017, 11.00hrs to Monday 6<sup>th</sup> November 2017 23.00hrs for the supply of alcohol.
12. A temporary event notice under the Licensing Act 2003 is the method that allows licensable activities to be carried on at premises that does not have a premises license.

## 3.0 Consultation

13. The Licensing Act 2003 requires an applicant to serve copies of the application on relevant persons (the Police and Environmental Health) at the same time as they served two copies on the Licensing Authority, this has been done.
14. The relevant persons can object to such an application on any of the four licensing objectives. The relevant person making the objection must serve an 'Objection notice' on the Licensing Authority, the applicant and the other relevant person within 3 working days of receiving the notice, this has been done. In this case the relevant person is the Police. (Attached Appendix C).
15. The Local Authority must in addition serve a counter notice on the relevant person making the objection and the applicant and arrange a hearing, this has been done. The hearing must be held within 7 working days beginning with the day after the end of the period within which the relevant person may give an objection notice, but in any case the determination must be given at least 24 hours before the event is due to begin.
16. The relevant person may modify the notice with the agreement of the applicant before the committee hearing and in those circumstances the objection is treated as withdrawn. This does not apply in this case.

## 4.0 Legal Considerations

17. The Licensing Act 2003 is now the only legislation that allows premises to be licensed for either the sale of Alcohol or the supply of regulated entertainment.
18. If a proper objection to a temporary event notice is made by a relevant person and no compromise can be reached between the parties, a hearing must be held.
19. The Department for Culture, Media and Sport has issued guidance under Section 182 of the Licensing Act 2003. This guidance is provided to Licensing Authorities to assist them in carrying out their functions.
20. All members of the Licensing Committee have been supplied with copies of the DCMS Government guidance and the Hastings Borough Council Statement of Licensing Policy.
21. 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 license 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 :-

22. Has its basis in law;
23. Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
24. Is proportionate to the aims being pursued; and it is related to the prevention of crime; or, the protection of public order or health.
25. If members chose to refuse the application for a temporary event notice, the applicant has a right of appeal to the Magistrates Court.

## **5.0 Options**

26. Grant the temporary event.
27. Refuse the temporary event.
28. Members are reminded they must give written reasons for their decision.

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### **Wards Affected**

Central st Leonards.

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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 for a temporary event.  
Appendix B. Letter/E mail/ report detailing Insolvency and Bankruptcy Order.  
Appendix C. Counter notice of objection. Sussex Police.

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### **Officer to Contact**

Bob Brown, Licensing manager  
bbrown@hastings.gov.uk  
01424 783249

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Best Western



# ROYAL VICTORIA HOTEL

★★★ AA / ★★★ RAC / ★★★ ETC

Marina, St. Leonards-on-Sea, Hastings, East Sussex TN38 0BD, England

Tel: (01424) 445544 Fax: (01424) 721995

reception@royalvichotel.co.uk www.royalvichotel.co.uk

18-10-2017

BOB BROWN

LICENSING MANAGER

HASTINGS BOROUGH COUNCIL

Dear Sir,

Enclosed please find the completed temporary event notice form and a cheque for £21 to cover the application fee.

Looking forward to hearing from you soon.

Best Regards

Alto Samy Shu



# Hastings Borough Council

## Temporary Event Notice Regulation 2(2)

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	SHIN		
Forenames	WOO SEUNG		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day	Month	Year
4. Your place of birth	KANGWON, S KOREA		
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
ROYAL VICTORIA HOTEL MARINA, ST LEONARDS-ON-SEA EAST SUSSEX			
Post town	HASTINGS	Postcode	TN38 0RD
7. Other contact details			
Telephone numbers	01424-665544		
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
Post town			
Postcode			

LEN 2364  
 WC 201707773

9. Alternative contact details (if applicable)	
Telephone numbers: Daytime Evening (optional) Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises  
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)

ROYAL VICTORIA HOTEL  
MARINA, ST LEONARDS-ON-SEA  
HASTINGS, EAST SUSSEX  
TN38 0BD

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number

Club premises certificate number

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

BAR & RESTAURANT

Please describe the nature of the premises below. (Please read note 4)

HOTEL

Please describe the nature of the event below. (Please read note 5)

SERVING GUESTS

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol		<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		<input type="checkbox"/>
The provision of regulated entertainment		<input type="checkbox"/>
The provision of late night refreshment		<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)		<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
02/11/2017 - 06/11/2017		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
11:00 AM - 23:00 PM		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		80
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)

NO ENTERTAINMENT

4. Personal licence holders (Please read note 13)			
Do you currently hold a valid personal licence? (Please tick)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.			
Issuing licensing authority	HASTINGS BOROUGH COUNCIL		
Licence number	H 0 2 0 3 2 0		
Date of issue	12-01-2017		
Date of expiry			
Any further relevant details			

5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 16)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 17)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)	
The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	<i>Woo Seung Shin</i>
Date	18-10-2017
Name of Person signing	WOO SEUNG SHIN

For completion by the licensing authority

10. Acknowledgement (Please read note 19)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	



Paye.Net Tourist Information  
Centre

**Paye.Net Tourist Information Centre**

**Receipt**

**Transaction Date:** 18/10/2017 15:08:10

**Operator:** PNT12

**Machine:** PNT11

***Account Details***

<b>CAN</b>	<b>Reference</b>	<b>Payment of</b>	<b>Transaction Amt</b>	<b>VAT Amt</b>	<b>Rate</b>
00640	K1205105380	32 - Miscellaneous Income	£21.00	£0.00	0%
		Liquor Licensing - Fees and Charges - Licence Fees			
		Temp Event Notice Royal Victoria Hotel - TN38 OBD			

***Payment Details***

<b>MOP</b>	<b>Payment Ref</b>	<b>Payment Amt</b>
22 - Cheque	20 27 91 109726	£21.00
Please keep this copy for your records		<b>Total Amt Paid: £21.00</b>

**VAT Number:** 202 3189 08

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Please quote: HOP50296  
Your reference:  
Date: 10th October 2017  
Please ask for: Bob Brown  
Telephone direct: 01424 451042  
E-mail: [Licensing@hastings.gov.uk](mailto:Licensing@hastings.gov.uk)  
Web: [www.hastings.gov.uk/licensing](http://www.hastings.gov.uk/licensing)



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

Dr. Woo Seung SHIN and Mrs Sun Ok SHIN  
The Royal Victoria Hotel  
Marina  
St. Leonards on Sea,  
TN38 0BD.

Dear Sir and Madam,

**Re: Premises Licence lapsed – Royal Victoria Hotel, Marina, St. Leonards on Sea.**

In accordance with section 47 (1) (a) of the Licensing Act 2003 and the failure of any 'Interim Authority Notice' to be submitted to us as the licensing authority, within the period of 28 days as specified in section 47 (2)(a) or (b) of the Act, you are formally notified that the premises licence number HOP 50296 for The Royal Victoria Hotel, Marina, St. Leonards on Sea, has now lapsed.

A premises licence lapses if the holders of the premises licence become insolvent.

It has been confirmed that on the 22<sup>nd</sup> December 2016, that your wife and yourself, entered into a Partnership Voluntary Arrangement and into separate Individual Voluntary Arrangements, in respect of the Royal Victoria Hotel. As a result you were informed by Purnell's the Insolvency Practitioners that you were not to continue operating.

As a result, no regulated entertainment or licensable activity in the form of the sale by retail of alcohol, can take place, on or from the premises, with immediate effect of the date of this letter.

Failure to comply with the advice in this letter could make you liable to prosecution for offences under the Licensing Act 2003, in particular unauthorised licensable activity, contrary to section 136, which on conviction could lead to a fine of up to £20,000 or six months imprisonment or both.

With immediate effect all alcohol on display for sale in the premises **MUST** be removed from display and all alcohol **MUST** be removed from the premises.

A copy of this letter has been served on the premises by personal service with copies sent to the Police District Commander for Hastings and other relevant responsible authorities.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Bob Brown". The signature is written in a cursive style and is positioned above the printed name and title.

Bob Brown  
Licensing Manager

**Trevor Scrase**

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**From:** Lisa Alford [REDACTED]  
**Sent:** 09 October 2017 11:51  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** Re: Dr Woo Seung Shin and Sun-OK Shin- Royal Victoria Hotel

Dear Laura,

Thank you for your email of 07 October 2017.

In that connection I can confirm that Woo Seung Shin and Sun-Ok Shin trade in partnership as the Royal Victoria Hotel. As such there would be no record of the Partnership at Companies House.

Mr and Mrs Shin entered into a Partnership Voluntary Arrangement ("PVA") in respect of the Royal Victoria Hotel on 22 December 2016. They also entered into separate Individual Voluntary Arrangements that same day.

Clause 2.22 of the PVA proposal states that " the continuation of the Partnership business will not, in any way, be carried out under the supervision or control of either the Joint Nominees of the Joint Supervisors" so an interim authority notice was not issued in this case.

I understand from your email that Mr Shin has potentially been operating without proper authority and I can confirm having advised him of the position today. I have also recommended to Mr Shin that he desist from conducting any licensable activities at the Royal Victoria Hotel until such time as this matter has been satisfactorily resolved.

In so far as the hotel's Best Western status is concerned I understand that the Royal Victoria Hotel recently failed its annual inspection and as a result its Best Western membership has been terminated.

I would like to take this opportunity to thank you for bringing this matter to my attention and if I can be of any further assistance, please do not hesitate to contact me.

Kind regards.

Lisa Alford



Notice details

Type:  
Personal Insolvency  
> Bankruptcy Orders

Publication date:  
5 July 2011

Edition:  
London

Issue number:  
50841

Notice ID:  
L-59841-1394288

Notice code:  
2503

[About Bankruptcy Orders notices](#)

Bankruptcy Orders

**SHIN, WOO SEUNG**  
33 The Spinneys, BROMLEY, BR1 2NT  
Dr WOO SHIN occupation unknown, of 33 The Spinneys, Bickley, Kent BR1 2NT  
in the Croydon County Court  
No 139 of 2011  
Petition filing date: 4 February 2011  
Bankruptcy order date: 21 June 2011  
Bankruptcy order time: 11:45  
Type of petition: Creditor's  
Name and address of petitioner: GODEBT PO Box 371, CARDIFF, CF10 3WN  
R Peck 2nd Floor Sunley House, Bedford Park, Croydon, CR9 1TX, telephone: 020 8681 5165,  
email: CroydonBLOR@insolvency.gov.uk  
Capacity of office holder(s): Receiver and Manager  
Date of Appointment: 21 June 2011



Notice details

Type:

Personal insolvency  
> Bankruptcy Orders

Publication date:

5 July 2011

Edition:

London

Issue number:

59841

Notice ID:

L-59841-1394292

Notice code:

2503

[About Bankruptcy Orders notices](#)

Bankruptcy Orders

**SHIN, SUN OK**

33 The Spinneys, BROMLEY, BR1 2NT

SUN OK SHIN occupation unknown, of 33 The Spinneys, Bickley, Kent BR1 2NT

In the Croydon County Court

No 270 of 2011

Petition filing date: 7 March 2011

Bankruptcy order date: 21 June 2011

Bankruptcy order time: 11:46

Type of petition: Creditor's

Name and address of petitioner: Go Debt PO Box 371, CARDIFF, CF10 3WN  
R Peck 2nd Floor Sunley House, Bedford Park, Croydon, CR9 1TX, telephone: 020 8681 5166,  
email: CroydonB.OR@insolvency.gov.uk

Capacity of office holder(s): Receiver and Manager

Date of Appointment: 21 June 2011



**Sussex Police**  
Serving Sussex

www.sussex.police.uk

## Local Policing Support Team

19<sup>th</sup> October 2017

Mr. B. Brown,  
Licensing Manager, Licensing Team,  
Hastings Borough Council,  
Muriel Matters House,  
Breeds Place,  
Hastings, East Sussex TN34 3UY

**RE: TEMPORARY EVENT NOTICE FOR THE PREMISES AT THE ROYAL VICTORIA HOTEL, MARINA, ST. LEONARDS-ON-SEA, EAST SUSSEX TN38 0BD**

**NOTICE OF OBJECTION under Section 104 (2) of the Licensing Act 2003**

Dear Mr. Brown,

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the above Temporary Event Notice on the grounds of the Prevention of Crime and Disorder Licensing Objective.

The Notice, submitted by Mr. Woo Seung Shin and hand-delivered by him to Bexhill Police Station on 18<sup>th</sup> October 2017, is to permit the supply of alcohol from Thursday 2<sup>nd</sup> November 2017 to Monday 6<sup>th</sup> November 2017 between 11:00hrs and 23:00hrs daily.

Currently the hotel does not have a premises licence. On 22<sup>nd</sup> December 2016 the premises licence holders, Dr. Woo Seung Shin and Mrs. Sun Ok Shin, entered into a Partnership Voluntary Arrangement and, at the same time, into Individual Voluntary Arrangements with Purnell's Insolvency Practitioners in respect of the Royal Victoria Hotel. An 'Interim Authority Notice' was not submitted to the licensing authority within the 28 days specified under S. 47(2) or (b) of the Licensing Act 2003 and therefore the premises licence lapsed on or around 19<sup>th</sup> January 2017. Neither Dr. Shin nor Mrs. Shin informed the local authority and continued to supply alcohol.

On Tuesday 10<sup>th</sup> October 2017 a letter from Hastings Borough Council's licensing manager Mr. Brown to the premises licence holders was hand-delivered to the hotel. The letter advised that, as the premises licence had lapsed, licensable activities must not take place at the premises. The penalties for so doing were also set out in the letter.

At 21:50hrs on the same day two police officers visited the premises and were told that the first floor bar was open and customers were being served with alcohol. Dr. Shin stated that he had not read the letter delivered earlier in the day and therefore was unaware that he could not sell alcohol. One of the officers read the letter aloud to him and he subsequently closed the bar. A statement from one of the attending officers PC CB863 Bienvenu, is included in the evidence bundle which will be submitted prior to the hearing.

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

Telephone: 101 | 01273470101

At 17:38hrs on Thursday 12<sup>th</sup> October 2017 PC Wilkes and police licensing officer Cathie Wolfe entered the premises, went upstairs to the first floor and saw that the bar was open and customers were being served with alcohol.

When Dr. Shin was spoken to, he said that he still had not seen the letter from Mr. Brown and professed not to understand his situation. It was pointed out to him that an officer had read the letter to him two days earlier but he denied that this had happened. He was interviewed by the officers and told he would be reported for committing three Licensing Act 2003 offences, namely S.136 Unauthorised licensable activities, S.137 Exposing alcohol for unauthorised sale and S.138 Keeping alcohol on premises for unauthorised sale.

On 13<sup>th</sup> October 2017 Sussex Police received a copy of a TEN applied for by Edward Shin who is Dr. Shin's son. The Notice, a late TEN, was to permit the supply of alcohol between 11:00hrs and 23:00hrs on Thursday 19<sup>th</sup> October 2017. As the Notice was served with less than five working days before the date of the event it did not comply with S.100A(3)(i) and was therefore rejected by the local authority licensing team.

On 16<sup>th</sup> October 2017 a second TEN was hand-delivered by Dr. Shin to Bexhill Police Station. The TEN was again in the name of Edward Shin and was to permit the supply of alcohol on 25<sup>th</sup> October 2017 between 11:00hrs and 23:00hrs. When this Notice and the earlier TEN were compared with other documents held by Sussex Police it was clearly evident that both Notices had been signed by Dr. Shin although the name of the person signing was given as Edward Shin.

By signing the TENs Dr. Shin made a false statement which is an offence under S.158(1)(c) and (3) of the Licensing Act 2003; Sussex Police will give consideration to prosecuting him for this offence as well as the other licensing offences referred to above.

On Tuesday 17<sup>th</sup> October 2017 Sussex Police received a copy of a Temporary Event Notice (TEN) hand-delivered and submitted by Dr. Shin to permit the supply of alcohol from Wednesday 25<sup>th</sup> October 2017 to Monday 30<sup>th</sup> October 2017 between 11:00hrs and 23:00hrs daily. As the Notice was served with less than ten working days prior to the start of the event, it constituted a late temporary event notice under S.100A(3)(i) of the Licensing Act 2003. Sussex Police objected to the Notice on the grounds of Crime and Disorder; a copy of the representation is included in the evidence bundle. A counter notice under S.104A(1) of the Act was issued by the licensing authority.

In addition to these recent matters, further research by Sussex Police shows that both Dr. Woo Seung Shin and Mrs. Sun Ok Shin were both declared bankrupt in Croydon County Court at 11:45hrs on 21<sup>st</sup> June 2011. No Interim Authority was applied for within the 28 days specified by the Licensing Act 2003 and therefore it seems that the premises licence numbered HOP 50296 lapsed on, or around 20<sup>th</sup> June 2011. Effectively then, Dr. Shin and Mrs. Shin have been carrying out unlicensed licensable activities for over six years.

Sussex Police contend that serious licensing offences have been committed by Dr. Shin, the applicant for the temporary event notice, and his wife Mrs. Shin, and therefore we invite the licensing committee to refuse the Notice.

I confirm that a copy of this letter has been sent to the applicant and yourself by first class post.

Yours sincerely,



Inspector Diane Lewis – Licensing Inspector Local Policing Support Team

Sussex Police Headquarters

Malling House Malling, Lewes, East Sussex, BN7 2D7

Telephone: 101 | 01273470101