

## LICENSING SUB COMMITTEE

14 JUNE 2018

Present: Councillors Sinden (Chair), Edwards and Roberts with Councillor Lee in reserve. Also in attendance: Bob Brown, Licensing Manager; Sophie Muller, Premises Owner, Cactus Hound Ltd, and Kurt Davies

### 14. 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 Edwards moved that Councillor Sinden should take the Chair. This was seconded by Councillor Roberts.

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

### 15. APOLOGIES FOR ABSENCE

None.

### 16. MINUTES OF PREVIOUS MEETING HELD ON 23 APRIL 2018

**RESOLVED that the minutes of the meeting held on 23 April 2018 be approved and signed by the Chair as a true record.**

### 17. DECLARATIONS OF INTEREST

None.

### 18. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None.

### 19. APPLICATION FOR A PREMISES LICENCE WITH A REPRESENTATION.

Members of the Committee, Officers and the applicant introduced themselves. Councillor Sinden 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 on 20<sup>th</sup> April 2018 for a new premises licence for Cactus Hound, 33-35 Western Road, St. Leonards on Sea.

The premises has held a licence under the Licensing Act 2003 for a number of years under a reduced operating schedule.

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The application requests the following hours:

- To have Plays and Films, Monday to Sunday, 12.00hrs to 23.59hrs.
- To have Live Music, Recorded Music and Dance, Sunday to Wednesday 12.00hrs to 23.30hrs, Thursday to Saturday 12.00hrs to 02.30hrs.
- To have Late night refreshment Thursday to Saturday, 23.00hrs to 02.00hrs.
- To have supply of Alcohol for “On” sales on Monday to Wednesday from 12.00hrs to 23.00hrs, Thursday to Saturday 12.00hrs to 02.00hrs, Sunday 12.00hrs to 22.00hrs.
- To have opening hours of the premises, Monday to Wednesday from 09.00hrs to 23.59hrs, Friday and Saturday 09.00hrs to 03.00hrs, Sunday 09.00hrs to 11.00hrs. (This is believed to be an error and should read 23.00hrs).
- In addition, extra hours are requested on specific dates, as follows; To play recorded and live music to 02.30hrs and have late night refreshment and Alcohol to 02.00hrs on;
- Sunday and Monday of Easter Bank Holidays, Sunday and Monday of May Bank Holidays, Sunday and Monday of Spring Bank Holiday, Sunday and Monday of Summer Bank Holiday, Christmas Eve, Boxing Day, New Year’s Eve, All Hallows Eve and Summer and Winter Solstices.

When submitting an application for a licence under the Licensing Act 2003 the applicant is asked to describe what steps they intend to take to promote the four licensing objectives:-

- the prevention of crime and disorder,
- public safety,
- prevention of public nuisance,
- protection of children from harm.

In this case, the applicant has made a separate declaration in their application together with the Business Plan (Appendix A of the agenda).

Mr Brown, Licensing Manager, advised that an error had been made in the application. The applicant had applied to have the opening hours of the premises on Sunday from 09.00hrs to 11.00hrs. This is believed to have been an error and should

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read 23.00hrs. He said the Environmental Health Officer had suggested reducing the hours of operation in Condition 9 of his response to the application:-

9) Standard Hours of operation should be restricted to a terminal hour of 00:30hrs on Friday / Saturday and 23:30hrs, Sunday through Thursday to ensure the protection of residents from unwanted noise in a noise sensitive area. This will also apply to non – standard hours specified due to the likelihood of noise disturbance outside of the usual business hours.

Mr Brown read the consultation response received from the Planning Department (Appendix C of the agenda). He advised this was for information and must be considered separately.

In his submission, Mr Bryant, Senior Environmental Health Officer, said the premises was located in the Cumulative Impact Zone, within a densely populated area where there are issues with substance misuse; anti-social behaviour and street drinkers. The premises he said had previously operated as a bar, opening till 2.30am on weekends. He said the operating hours proposed in the application were consistent with a night club and recommended the hours be trimmed back to a more reasonable time as suggested in his written representation (Appendix C of the agenda).

The Chief Legal Officer sought clarification from Mr Bryant regarding the wording of Condition No.7 of his representation. With his agreement, it was amended to include the words “to the satisfaction of Hastings Borough Council Environmental Protection Team”.

Councillor Edwards asked Mr Brown if any further representations had been received since the agenda had been published. Mr Brown confirmed no other representations had been received.

In her submission, Sophie Muller, Premises Owner, Cactus Hound Ltd, said she wanted to provide an attractive, desirable venue, separate from other pubs, for people to drink. She said it was going to be music venue and had looked at sound proofing measures to prevent sound escaping. Kurt Davies explained that they had enlisted three sound proofing engineers to give professional advice and implement new measures to safeguard the area and people. He said the conditions were pre-existing and should to be taken into account for the whole space. He said that they had been advised by a local business person to apply for more than what they needed and proposed to increase the operational hours to 2am. Sophie Muller said that they would consider 1am.

With the agreement of the Chair, the Chief Legal Officer advised that an adjournment of 10 minutes would take place for the parties to discuss the proposed conditions. The following conditions were agreed:-

1. Noise and music arising from the premises shall be barely audible at any noise sensitive premises before 23:00 and inaudible after 23:00 until close. For the avoidance of doubt, noise shall include that arising from all mechanical or electrical equipment used by the premises and that noise arising from customers in the premises.

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2. Clear and prominent notices requesting patrons to “Please consider our neighbours and leave the area quietly and quickly” shall be maintained at the exits onto Western Road.
3. A responsible member of staff shall be in attendance in the vicinity of the main exit onto Western Road from 23:00hrs until close of business each evening to ensure that patrons disperse quietly and quickly.
4. Suitably trained staff are to monitor external noise levels and ensure customers comply with condition 3.
5. Responsible member of staff to monitor the external frontage to ensure that patrons do not take drinks outside after 22:00 hrs and that no more than five persons are permitted to smoke on the frontage at any time after 22:00hrs.
6. Tables and chairs or other such furniture providing seating for no more than 10 people only to be used in the external frontage between 10:00 and 22:00; and any such furniture taken out of use after that time.
7. Amended wording: The doors and windows are to be provided with a suitable acoustic protection to prevent noise escape into Western Road / Warrior Gardens / Kings Road. Updated to include the following words “to the satisfaction of Hastings Borough Council Environmental Protection Team”.
8. Amended: To ensure the bottle bins are only emptied between 09:30 and 21:30 Monday to Friday, 10:00 and 13:00 Saturday and not on a Sunday or Public/Bank holiday. Amended to reduce hours to 13:00hrs.  
Note: The opening hours remain the same and starting times remain the same.
  - Closing times:  
Monday to Wednesday – close at 12:00hrs – close of premises 12:30hrs  
Thursday to Saturday – close at 12.30hrs – close of premises 13:00hrs  
Sunday – close 23:00hrs – close of premises 23.30hrs.
  - No special events – these are no longer applicable.

Councillor Edwards asked the applicant if there would be an admission fee; whether big or local bands would play at the premises and if they viewed the premises as a pub or nightclub.

Kurt Davies said admission would depend on the artist / acts. A cover charge would be applied for acts of higher calibre. It was deemed necessary for the business to offer a variety of music genres. As such, he said it will be an entertainment space with a bar, not a pub or a rock venue.

The Chair sought confirmation from the applicant that they were in agreement with the new conditions. Kurt Davies and Sophie Muller confirmed they were happy with the new conditions.

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**RESOLVED** (unanimously) to GRANT THE APPLICATION IN PART as follows:

**Plays, Films, Live Music, Recorded Music, Dance and Supply of Alcohol for  
“On” Sales:**

**12:00 – 00:00hrs Monday –Wednesday.**

**12:00 – 00.30hrs Thursday – Saturday**

**12:00 – 23:00hrs Sunday**

**Late Night Refreshment:**

**23:00 – 00:00hrs Monday – Wednesday**

**23:00 – 00:30hrs Thursday – Saturday**

**Opening Hours and Closure of Premises:**

**09:00 – 00:30hrs Monday – Wednesday**

**09:00 – 01:00hrs Thursday – Saturday**

**09:00 – 23:30hrs Sunday**

- 1. Noise and music arising from the premises shall be barely audible at any noise sensitive premises before 23:00 and inaudible after 23:00 until close. For the avoidance of doubt, noise shall include that arising from all mechanical or electrical equipment used by the premises and that noise arising from customers in the premises.**
- 2. Clear and prominent notices requesting patrons to “Please consider our neighbours and leave the area quietly and quickly” shall be maintained at the exits onto Western Road.**
- 3. A responsible member of staff shall be in attendance in the vicinity of the main exit onto Western Road from 23:00hrs until close of business each evening to ensure that patrons disperse quietly and quickly.**
- 4. Suitably trained staff are to monitor external noise levels and ensure customers comply with condition 3.**
- 5. Responsible member of staff to monitor the external frontage to ensure that patrons do not take drinks outside after 22:00 hrs and that no more than five persons are permitted to smoke on the frontage at any time after 22:00hrs.**
- 6. Tables and chairs or other such furniture providing seating for no more than 10 people only to be used in the external frontage between 10:00 and 22:00; and any such furniture taken out of use after that time.**
- 7. The doors and windows are to be provided with a suitable acoustic protection to prevent noise escape into Western Road / Warrior Gardens / Kings Road to the satisfaction of Hastings Borough Council Environmental Protection Team.**

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8. To ensure the bottle bins are only emptied between 09:30 and 21:30 Monday to Friday, 10:00 and 13:00 Saturday and not on a Sunday or Public/Bank holiday.
9. Glass or waste collection by external waste/recycling contractor between the hours of 08:00 and 18:00 Monday to Friday, 08:00-13:00 Saturday and not on a Sunday or Public/Bank Holiday.

**The reason for this decision was:**

The Committee welcome the efforts made by the applicant in it's operating schedule to show that the Licensing Objectives will not be undermined.

There has been a reduction in hours previously requested and 9 conditions accepted as suggested by the Environmental Health Officer.

The Committee have had regard to the guidance issued by the Secretary of State.

**20. ADDITIONAL URGENT ITEMS (IF ANY)**

None.

(The Chair declared the meeting closed at. 11.21 am)