

Licensing Sub Committee Agenda

Monday, 22 November 2021 at 11.00 am

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
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Members of the Licensing Sub Committee to sit on this hearing are:		
Councillors Cox, Patmore, and Roberts. With Councillor Fernando in reserve.		
1.	Appointment of Chair for this Meeting	
2.	Apologies for absence	
3.	Minutes of previous meeting	1 - 16
4.	Declarations of Interest	
5.	Notification of Additional Urgent Items	
PROCEDURAL NOTE- Temporary Event Notice		
6.	Application for a Temporary Events Notice, with an objection. French's, Robertson Street, Hastings. <i>(Mike Hepworth, Assistant Director, Environment and Place)</i>	19 - 44
7.	Additional urgent items (if any)	

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23 JUNE 2021

Present: Councillors Patmore (Chair), Edwards, Roberts and Cox (in reserve).

59. APPOINTMENT OF CHAIR FOR THIS MEETING

In accordance with the terms of reference of the Licensing Committee, the council solicitor invited nominations for the appointment of Chair for the duration of the meeting. Councillor Roberts proposed that Councillor Patmore should take the Chair, seconded by Councillor Edwards.

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

60. APOLOGIES FOR ABSENCE

None.

61. MINUTES OF PREVIOUS MEETING

RESOLVED (unanimously): that the minutes of the meeting held on 25th February 2021 be approved as a true record.

62. DECLARATIONS OF INTEREST

None.

63. REVIEW OF PREMISE LICENCE, CROWLEY'S 55-56 HAVELOCK ROAD, HASTINGS, TN34 1BE

In recognising the concerns raised about the specific issues under the Licensing Mr Bryant, the Licensing Lead Officer presented a precis of his report. On the 10th March 2021 Hastings Borough Council received an application for the review of an existing premises licence under Section 51 of the Licensing Act 2003 for Crowley's, 55-56 Havelock Road, Hastings, from Chief Inspector Sarah Godley, Hastings and Rother District Commander, Sussex Police.

The application for review cites incidents of drunkenness, disorder, high drug swab test readings, assaults including a stabbing, and refers to non-compliance with the conditions of the licence. As a result, Sussex Police recommended a series of 9 conditions to be considered together with a suspension of the license for no less than six weeks in order to make the necessary adjustments. In addition the application asks the Sub-Committee to consider removal of the Designated Premises Supervisor (DPS) and a reduction in hours for all licensable activities by 2 hours.

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A further representation was received from Mr John Ballam, Environmental Health Officer, Hastings Borough Council, in support of the review. In his submission Mr Ballam comments on the past involvement of the Environmental Health team with the management of the premises and ongoing noise issues, including the service of a noise abatement notice on the DPS and licence holder. Mr Ballam requested, in addition to the existing conditions and those recommended by Sussex Police, that the Sub-Committee consider 4 further conditions, as outlined in the officer's report.

Mr Savill, counsel for Sussex Police, made a submission to the Sub-Committee. Mr Savill outlined that the premises has been connected to drug use, regular drunkenness, significant antisocial behaviour, and violence. All of which undermines the licensing objectives.

The premises has been closed since Halloween and this has offered time for reflection and discussion between the parties, which has narrowed the areas of concern.

Mr Savill informed the Sub-Committee that all the additional conditions (conditions 1-9 in the Sussex Police review application) had been agreed.

The removal of the DPS has already taken place and Mr Savill reminded the Sub-Committee that Sussex Police retain the right to object to any new candidate for DPS. Additionally, due to Covid-19 the premises has been closed for a period significantly longer than the Sub-Committee could impose.

Therefore, the only significant issue to be resolved is the reduction in operating hours. Both parties agreed that there should be a reduction in hours, except for when the premises is open for a live music event, in which case the sale of alcohol may continue for 1 hour after the live music ends. The position of Sussex Police is that this should be limited to 2 events per month, the licence holder contends this should be the case every Saturday.

Mr Grunert, the solicitor for the licence holder, made a submission to the Sub-Committee and reminded members that this is the first such enforcement action against the licence holder and operator of Crowley's. All individuals involved in the venue have experience of operating licensed venues and have regard for the licensing objectives.

It was confirmed by Mr Grunert that the matters raised in the representation from Environmental Health had been accepted and the conditions agreed.

Mr Grunert said that the submission from Sussex Police describes an escalation of issues, however the premises has worked very hard to address these. In relation to drugs, the current readings from swab tests of the premises are such that they would not cause concern. The levels have been suppressed and the readings raised in the police submission are historic in nature. UV lights have been fitted and other

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alterations made in order to deter drug use and the premises has invested in its own swab kits.

Incidents involving drunkenness will be addressed in a number of ways, including staff training; increasing non-alcoholic drink choices; repositioning the premises to attract new customers; and not allowing entry to the venue 1 hour before end of the sale of alcohol.

It was confirmed that the DPS, who is also responsible for other licensed venues in the town, had resigned in order that a new DPS could be appointed with sole responsibility for Crowley's. Additionally, the 'Ask for Angela' scheme will be implemented and all staff will undertake Drink Aware training.

It is proposed by the licence holder that the premises close at midnight on Saturday's unless a live music event is taking place, when it would close 1 hour after the end of the live music event. Mr Grunert said that this is part of the repositioning of the premises, with the principal attraction being live music. A membership scheme will also be in operation offering access to live music events. This will help moderate behaviour as customers will be identifiable. In order to create a new persona for the premises the frequency of the live music events is important in order to generate a new repeat customer base.

Mr Grunert said that it is accepted that trust needs to be rebuilt with the police but the licence holder cannot accept a two thirds reduction in the 2am licence and in these proposals the licence holder is putting the licensing objectives before profit.

The committee adjourned for a comfort break at 11:09am and reconvened at 11:17am.

The Chair invited questions.

In response to a question regarding the membership scheme it was confirmed that this would involve registering with contact details in return for a membership card. A record would be kept of which members attended on which evening and customers would need to be a registered member in order to buy a ticket for a live music event.

Mr Savill asked if the outgoing DPS, Mr Naylor, would have any ongoing involvement in the premises. Mr Grunert confirmed that Mr Naylor would be the employer of the new DPS but disagreed that Mr Naylor is the cause of any of the concerns raised.

The Licensing Lead Officer asked questions of the Licence Holder.

In response it was confirmed by Mr Naylor that when issues related to noise were raised upcoming gigs were immediately cancelled in order that sound proofing could be installed. Environmental Health were notified of the works.

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Mr Grunert said that the venue would give the police a minimum of 2 weeks' notice of any live music events and it is not intended that every live music event go on until 2am.

All parties summarised their position.

Councillor Edwards proposed a motion, as set out below, seconded by Councillor Patmore.

RESOLVED (unanimously):

In recognising the concerns raised about the specific issues under the Licensing Objectives and having regard to its Licensing Policy and to the guidance issued by the Secretary of State, the licence is modified to include the following conditions:

(1) CCTV: Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be turned on and recording at all times the premises licence is in operation.

- a) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- b) CCTV footage will be stored for a minimum of 28 days.
- c) The management will give full and immediate cooperation and technical assistance to Sussex Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- d) The CCTV images will record and display dates and times and these will be checked regularly to ensure their accuracy.
- e) Subject to Data Protection guidance and legislation, the management of the premises will ensure that key members of staff are fully trained in the operation of the CCTV cameras and recording equipment and will be able to download selected footage onto a disk for the Police without difficulty or delay and without charge to Sussex Police.
- f) Any breakdown or system failures of the CCTV cameras and recording equipment will be notified to Sussex Police immediately and remedied as soon as practicable.

(2) SIA registered door staff will be employed at the premises from 21:00hrs until half an hour after the premises has closed on Thursday, Friday and Saturday's plus Bank Holidays, New Years Eve, public holidays and at any time when a temporary event notice is in operation.

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(3) An incident book will be kept and maintained at the premises and made available for inspection by Sussex Police Licensing Officers and Local Authority Officers on request. This incident book shall be solely used for the purpose of recording incidents.

- a) The incident book will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident book will be inspected and signed off by the Designated Premises Supervisor (or a person with delegated authority from the Designated Premises Supervisor) at least once a week.
- b) The incident book should be kept on the premises and be available for inspection at all times the premises are open by Sussex Police Licensing Officers and Local Authority Officers. An incident will be defined as being one which involves an allegation of a criminal offence.
- c) Feedback shall be given to staff to ensure these are used on each occasion that a refusal incident occurs at the premises.

(4) A refusals register will be kept and maintained at the premises and made available for inspection by Sussex Police Licensing Officers and Local Authority Officers on request. Any refusals made for alcohol service eg underage, will be recorded in the refusals register (to be kept in either electronic or written form) and feedback given to staff as relevant. The records within the register will be kept at the premises for a minimum of twenty-four (24) months.

(5) A Personal Licence Holder shall be present at all times when the premises is open to the public.

(6) All staff shall have written authorisation from the Designated Premises Supervisor or Personal Licence Holder to permit them to sell alcohol.

(7) Staff will contact Sussex Police as soon as is practicable if there is evidence of drug use or suspected drug use within the premises.

(8) Zero tolerance notices in relation to drug use will be prominently displayed throughout the premises and a drugs policy will be drawn up and implemented by the management to the satisfaction of Sussex Police.

(9) A challenge 25 policy shall be in operation at the premises and staff will be suitably trained to implement this policy.

(10) No noise generated on the premises from music, patrons or any mechanical equipment shall emanate from the premises, nor vibrations be transmitted through the structure of the premises, that may give rise to a nuisance at any noise sensitive premises from 11:00 until closing time.

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- (11) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quickly and quietly.
- (12) The Designated Premises Supervisor or nominated person will monitor the impact on neighbouring premises throughout any regulated entertainment and therein take action to reduce noise levels if they can be heard at the nearest residential property.
- (13) Any queue to enter the premises which forms outside the premises shall be orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
- (14) Reduction of hours:
- (a) Subject to 14(b), the sale of alcohol, recorded music, live music and dancing to be reduced by 2 hours from 02:00hrs to midnight Thursday to Saturday.
- (b) The sale of alcohol, recorded music, live music and dancing to be permitted until 01:00hrs on a maximum of two Saturdays per month subject to Sussex Police being provided with written notice not being less than 30 days of each occasion the premises will be open until 01:00hrs.
- (15) No further customers to enter the premises in addition to those already within the Premises between midnight and 01:00hrs on any Saturday where the hours are extended to 01:00hrs under 14(b).
- (16) There will be promotion of a range of non-alcohol brands by giving increased exposure on the bar to non-alcoholic beers, wines and spirits. A minimum of 25 low or non-alcoholic products (excluding minerals) will be on sale at the premises.
- (17) An "Ask for Angela" scheme shall be in operation at the premises and staff will be suitably trained to implement this scheme.
- (18) Staff to receive appropriate training around alcohol safety awareness (including customer vulnerability). All staff to complete the Drinkaware Alcohol Vulnerability Awareness e-learning course within 3 months of commencing employment.

Reasons:

The Sub-Committee makes the above decision for the following reasons:

1. The Sub-Committee is mindful of the history of the premises which includes anti-social behaviour inside and outside the premises, sexual harassment, noise nuisance, excessive levels of intoxication and drug use.
2. The Sub-Committee notes that one cause of the issues was customers were visiting the premises as part of a circuit of different licensed premises which meant that customers were already intoxicated on arriving at the premises.

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3. The Sub-Committee notes what has been said by the Licence Holder's representative about steps they had taken to address issues at the Premises.
4. The Sub-Committee listened to all parties and notes that many of the issues raised by the Review had been addressed prior to the hearing and agreement had been reached in respect of many of the proposed conditions put forward by the Police and Hastings Borough Council's Environmental Health officer.
5. There remained disagreement on the extended operating hours on a certain number of Saturdays per month. On considering the arguments made by the parties, the Sub-Committee agreed with the cautious approach proposed by Sussex Police with regards to limiting the extended hours to two Saturdays per month, given the history of the Premises referred to above. However, the Sub-Committee wish to see the condition be clearly stated with no ambiguity in respect of the activity allowed and time each could be continued until. The Sub-Committee also believed that 30 days written notice was a more reasonable time frame to give notice to Sussex Police to allow for them adapt operationally.
6. The Sub-Committee is of the opinion that the conditions imposed by the Sub-Committee will have a positive impact on running of the Premises in respect of the four licensing objectives.

(The Chair declared the meeting closed at 12:20pm)

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LICENSING SUB COMMITTEE**

30 JUNE 2021

Present: Councillors Patmore (Chair), Sinden, Webb and Fernando (in reserve).

64. APPOINTMENT OF CHAIR FOR THIS MEETING

In accordance with the terms of reference of the Licensing Committee, the council solicitor invited nominations for the appointment of Chair for the duration of the meeting. Councillor Webb proposed that Councillor Patmore should take the Chair, seconded by Councillor Sinden.

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

65. APOLOGIES FOR ABSENCE

None.

66. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Cllr Webb	67	Personal - trustee of His Place Church near the premises

**67. APPLICATION FOR A PREMISES LICENCE, WITH AN OBJECTION.
SOUTH STAR, 20 ROBERTSON STREET, HASTINGS**

Mr Bryant, the Licensing Lead Officer gave a precis of his report to the Sub-Committee.

On the 6th May 2021 Hastings Borough Council received an application for a new premises licence for South Star, 20 Robertson Street, Hastings, made under section 17 the Licensing Act 2003. The premises is located within Area 2 (Hastings Town Ctr) of the Council's Special Saturation Policy (Cumulative Impact).

As a result of the statutory consultation process a representation was received from Inspector Aidan Cornwall of Sussex Police, requesting a series of 5 conditions.

The applicant subsequently agreed to 4 of the requested conditions in relation to CCTV; staff training; Challenge 25 policy; and an incidents and refusals register. However, no agreement was reached in relation to a 1 hour reduction in operating hours.

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An additional representation was received from Mr John Ballam, Environmental Health Officer, Hastings Borough Council, requesting a further 3 noise related conditions under the prevention of public nuisance.

Ms Rolfe, Sussex Police Licensing Officer, explained that upon review the application was found to be not strong enough to support a premises of this type. Therefore, the applicant was contacted and some agreement was reached, except for in relation to a reduction in operating hours. There was also concern that bar staff would be operating in a dual role as SIA (Security Industry Authority) door operatives.

Inspector Cornwall shared crime data from July 2017 to June 2020 for Castle Ward, where the premises is located. The data showed that individuals are 3 times more likely to be the victim of a violent crime in Castle Ward than any other area in Hastings. The area recorded the highest level of knife crime in East Sussex, and approximately one third of all alcohol related crime in Hastings took place in Castle Ward during that period.

The applicant, Mr Mycock, confirmed that he had been in contact with Environmental Health and had agreed to the additional noise related conditions.

Mr Mycock told the Sub-Committee that he is looking to open a venue which had the facility to operate until 3am, to provide an outlet for people to listen to and play live music in the town centre. The intention is not to create a new nightclub venue and the premises would be an over 25's only venue.

In addressing the issue of bar staff taking on a dual role Mr Mycock confirmed there would be separate bar staff and door operatives in operation. Although bar staff training would be supplemented with SIA training it is not proposed that they operate in a dual role.

Accepting that Castle Ward is an area that needs careful treatment Mr Mycock highlighted that there are already 3 premises in Robertson Street with late night licences and the addition of 1 well managed venue, with the requested conditions, would not make a material impact on the crime statistics.

Mr Mycock said that the premises shouldn't be put at a competitive disadvantage to neighbouring late night venues and an earlier licence would reduce the ability to manage a controlled exit of customers from the venue over a period of time.

The Chair invited questions.

In response to a question about how the over 25 policy would be managed Mr Mycock said this would be partly by marketing as an over 25's only venue, and by a robust Challenge 25 policy.

Mr Bryant read out the suggested conditions submitted by Mr Ballam, Hastings Borough Council Environmental Health Officer, which the applicant had accepted.

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All parties summarised their position.

Councillor Edwards proposed a motion, as set out below, seconded by Councillor Patmore.

RESOLVED (unanimously):

We have listened carefully to all the submissions and we are bound to be directed by the promotion of the Licensing Objectives and Material Consideration of:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

On balance, the Sub-Committee accepts the evidence provided in support of the application and has decided to grant the application.

In recognising the concerns raised about the specific issues under the Licensing Objectives, and having regard to its Licensing Policy and to the guidance issued by the Secretary of State the application is granted subject to the following conditions:

1. No noise generated on the premises from music, patrons or any mechanical equipment, shall emanate from the premises, nor vibration be transmitted through the structure of the premises, that may give rise to a nuisance at any noise sensitive premises from 11:00 until closing time.
2. The designated premises supervisor or a responsible member of staff shall monitor the impact of possible noise outbreak on neighbouring properties in both Robertson Passage and Robertson Street at the start of any entertainment and periodically throughout the entertainment and take action to reduce noise levels if they are found to be clearly heard at the nearest noise sensitive receptor. A log of the monitoring information should be kept available for the Local Authority to view on request.
3. To ensure that any deliveries or emptying of bottle bins only happens between 08:00 and 18:00 on Monday to Friday, 08:00 and 13:00 on Saturdays and not on a Sunday or Bank Holiday.
4. CCTV:

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- a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
- b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- c) CCTV footage will be stored for a minimum of 31 days.
- d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
- g) Any breakdown or system failure will be notified to the police immediately and remedied as soon as is practicable.
- h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

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5. Training/Authorisation

- a) The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
 - i. The lawful selling of age restricted products
 - ii. refusing the sale of alcohol to a person who is drunk.
- b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- c) All such training undertaken by staff members shall be fully documented and recorded and signed by both the employee and the DPS. All training records shall be kept on the premises and made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.
- d) A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.

6. Challenge 25:

- a) The premises will operate an age verification policy set at a minimum of 25 years (e.g. "Challenge 25") whereby any person attempting to buy alcohol who appears to be under the specified age of 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.
- b) Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations in the premises.

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7. Incident/Refusal Log:

- a) An incident/refusal log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
- b) Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.
- c) Any refusals made for alcohol services e.g. underage will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept at the premises for a minimum of twenty four (24) months.

8. SIA registered door staff:

SIA registered door staff will operate at the premises as follows:

- a) When the premises is operating after 23:00.
- b) Two door staff from 20:00 until the premises has closed to the public, licensable activity has ceased, and the venue is completely clear of patrons.
- c) Friday and Saturdays: two door staff from 20:00 and an additional one door staff from 22:00. Total three (3) from 22:00 until the premises has closed to the public, licensable activity has ceased and the venue is completely clear of patrons.

9. Operating Hours to be:

Plays: 11:00 – 02:00 7 days a week

Films: 11:00-02:00 7 days a week

Live music – 23:00 – 02:00 7 days a week

Recorded music – 23:00 – 02:00 7 days a week

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Late night refreshment – 23:00 – 01:30 7 days a week

Supply of alcohol – 11:00 – 01:30 7 days a week

Opening hours – 11:00-02:00 7 days a week

Reasons for granting this application:

1. The Sub-Committee note the Application deals with a Premises located within Area 2 (Hastings Town Centre) of the Council's Special Saturation Policy (Cumulative Impact).
2. The Sub-Committee note the Police crime statistics for that area which were provided at the hearing and are the evidential basis for the Police's objections to the Application.
3. The Sub-Committee noted its Policy and the guidance it provided to Applicants in the Matrix, in respect of operating times for this type of Premises in a Cumulative Impact Area.
4. On hearing from the Parties, the Sub-Committee believe the Applicant has not demonstrated justification for the Sub-Committee to depart from their Policy.
5. The Sub-Committee believe the SIA condition is necessary to promote the Licensing Objectives given the Police crime statistics for the area where the Premises is located and for the safety of staff and public.

(The Chair declared the meeting closed at 11.15am)

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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 Police 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 6



Report to: Licensing Sub-Committee.

Date of Meeting: 22nd November 2021

**Report Title: Application for a Temporary Events Notice, with an objection.
French's, Robertson Street, Hastings.**

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

Purpose of Report

To consider an Objection Notice to a Temporary Event Notice (TEN) served on behalf of French's, 24 Robertson Street, Hastings, TN34 1HL Responsible Authorities. One.

Recommendation(s)

- 1. The Sub-Committee considers the Temporary Event Notice in the light of the objection notice made by Sussex Police and resolves to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives and determine whether to serve a counter notice.**

Reasons for Recommendations

The Sub-Committee must consider the oral representations and information given at the hearing before reaching a decision

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 11th November 2021, Hastings Borough Council was served a Temporary Events Notice in respect of **French's, 24 Robertson Street, Hastings, TN34 1HL. (Attached at Appendix A).**
3. This premise holds a licence to operate until 03:00hrs under the Licensing Act 2003(**Attached at Appendix B**), The premise is located within Area 2 (Hastings Town Ctr) of the Council Special Saturation Policy (Cumulative Impact).

2.0 Application

4. The TEN application requests the following:
27th November 2021 03.00 hours until 05.00 hours on the same day,
28th November 2021 03.00 hours until 05.00 hours on the same day,

3.0 Consultation

5. The Act provides for periods of notice and the number of events that may be held. Notice must be given to the Licensing Authority, Police and Environmental Protection ten working days before the beginning of the event period. The Police and Environmental Protection then have three working days to lodge objections with the Licensing Authority and Applicant. A copy of the Police objection notice to the TEN, which was received on 15th November 2021, is attached at **Appendix C**. Environmental Protection have not made any representations.
6. Objections must relate to the undermining of the licensing objectives, the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm. Copies of the application are required to be served on a list of responsible authorities at the same time as placing the application before the local authority, this has been done.

4.0 Legal Considerations

7. Part 5 of the 2003 Licensing Act provides a system of permitted temporary activities, under which licensable activities can be carried out on a temporary basis (for a period not exceeding 7 days) without the need for a premises licence or a club premises certificate.

8. If an objection notice to a temporary event notice is made by a responsible authority and no compromise can be reached between the parties, a hearing must be held.
9. Paragraph 7.28 of the Section 182 Guidance sets how the Authority should decide what actions are appropriate.
10. If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.
11. 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.
12. 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.
13. 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 premises 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:-
 - Has its basis in law;
 - Is necessary in a democratic society to fulfil a pressing need or pursue a legitimate aim;
 - Is proportionate to the aims being pursued; and,
 - Is related to the prevention of crime; or, the protection of public order or health.

If members choose to issue a counter notice, the applicant has a right of appeal to the Magistrates’ Court within 21 days but no later than five working days before the day on which the event period specified in the temporary event notice begins. There is also a right of appeal to conditions imposed as a result of the hearing by any person affected by the decision.

5.0 Options

- Issue a Counter notice (refusal)
- Not issue a Counter notice (grant)
- Grant the TEN with conditions (as per existing conditions upon the licence)

Wards Affected

Castle Ward.

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

Additional Information

Appendix A. Temporary Event notice.
Appendix B. Licence summary.
Appendix C. Sussex Police Letter of Objection.

Officer to Contact

Stewart Bryant, Licensing Lead.
Stewart.bryant@hastings.gov.uk
01424 783232

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		
Surname	FOOT		
Forenames	STEPHEN		
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	Mrs	Miss Ms Other (please state)
Surname			
Forenames			
3. Your date of birth		Day	Month Year
4. Your place of birth			
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)			
Post town		Postcode	
7. Other contact details			
Telephone numbers			
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	

9. Alternative contact details (if applicable)	
Telephone numbers: Daytime Evening (optional) Mobile (optional)	N/A
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)	
FRENCHS 24 ROBERTSON ST HASTINGS TN341HL	
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	HOP50273
Club premises certificate number	N/A
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)	
N/A	
Please describe the nature of the premises below. (Please read note 4)	
Public house	
Please describe the nature of the event below. (Please read note 5)	
DJ RECORDED MUSIC	

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"/>	yes
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"/>	yes
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)		
27.11.21 and 28.11.21		
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)		
03:00 until 05.00 hrs		
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)		200
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) No entry or re entry after 330am and conform all our current licensing conditions	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)		
We propose to have a dj with recorded music from 8pm until 5am		

4. Personal licence holders (Please read note 13)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	Hastings Borough Council	
Licence number	HO 20188	
Date of issue	AUG 2005	
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?	no <input type="checkbox"/>	<input 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?	<input type="checkbox"/>	No <input 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?	<input type="checkbox"/>	No <input 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?	<input type="checkbox"/>	No <input 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?	<input type="checkbox"/>	No <input 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?	<input type="checkbox"/>	No <input 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 type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input 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 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 type="checkbox"/>
Signed the declaration in Section 9 below	<input 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	sfoot
Date	11.11.21
Name of Person signing	Mr S.Foot

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	

PREMISES LICENCE SUMMARY

Premises licence number

HOP50273

Premises details

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

FRENCH'S WINE BAR
24-25 ROBERTSON STREET

Post Town
HASTINGS, EAST SUSSEX

Post Code
TN34 1HL

Telephone number 01424 457744

Where the licence is time limited the dates
NOT APPLICABLE

Licensable activities authorised by the licence

LIVE MUSIC; RECORDED MUSIC; KARAOKE; DANCING; LATE NIGHT REFRESHMENT & SUPPLY OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

LIVE MUSIC:	SUNDAY-WEDNESDAY:	10:00-02:00
	THURSDAY-SATURDAY:	10:00-02:30
RECORDED MUSIC:	SUNDAY-WEDNESDAY:	10:00-02:00
	THURSDAY-SATURDAY:	10:00-02:30
KARAOKE:	SUNDAY – WEDNESDAY:	10:00-02:00
	THURSDAY–SATURDAY:	10:00-03:00
DANCING:	SUNDAY-WEDNESDAY:	10:00-02:00
	THURSDAY-SATURDAY:	10:00-02:30
LATE NIGHT REFRESHMENT:	SUNDAY-WEDNESDAY:	23:00-02:00
	THURSDAY-SATURDAY:	23:00-03:00
SUPPLY OF ALCOHOL:	SUNDAY-WEDNESDAY:	10:00-02:00
	THURSDAY-SATURDAY:	10:00-03:00

NEW YEARS EVE FROM THE END OF PERMITTED HOURS TO THE START OF PERMITTED HOURS THE FOLLOWING DAY.

ON ALL BANK HOLIDAYS (EXCEPT CHRISTMAS) TO INCLUDE THE PRECEDING DAY (AT EASTER TO ALSO INCLUDE THE PRECEDING THURSDAY); FOR CHRISTMAS (TO INCLUDE CHRISTMAS EVE); UP TO THE TERMINAL HOUR SET FOR SATURDAYS AT THE LATEST.

The opening hours of the premises

SUNDAY-WEDNESDAY: 10:00-02:30
THURSDAY-SATURDAY: 10:00-03:30

NEW YEARS EVE FROM THE END OF PERMITTED HOURS TO THE START OF PERMITTED HOURS THE FOLLOWING DAY.

ON ALL BANK HOLIDAYS (EXCEPT CHRISTMAS) TO INCLUDE THE PRECEDING DAY (AT EASTER TO ALSO INCLUDE THE PRECEDING THURSDAY); FOR CHRISTMAS (TO INCLUDE CHRISTMAS EVE); UP TO THE TERMINAL HOUR SET FOR SATURDAYS AT THE LATEST

HASTINGS BOROUGH COUNCIL

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

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

Name, (registered) address of holder of premises licence

STEPHEN FOOT
FRENCH'S WINE BAR
24-25 ROBERTSON STREET
HASTINGS
EAST SUSSEX
TN34 1HL

Minor variation granted / issued 23rd August 2018.

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

NOT APPLICABLE

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

STEPHEN FOOT

(Change of DPS 2nd August 2019)

State whether access to the premises by children is restricted or prohibited

CHILDREN UNDER THE AGE OF 16 YEARS WILL NOT BE PERMITTED ON THE PREMISES AFTER 18:00 HOURS.

This licence is issued by Hastings Borough Council on 2nd August 2019 (Change of DPS).



Authorised Signature



Sussex Police
Serving Sussex

www.sussex.police.uk

East Sussex Licensing

15th November 2021

Senior Licensing Officer
Licensing
Environment & Place
Hastings Borough Council
Muriel Matters House
Breeds Place
Hastings,
TN34 3UY

Dear Mr Bryant,

RE; TEMPORARY EVENT NOTICE (TEN) FOR FRENCHS, 24 ROBERTSON STREET, HASTINGS, TN34 1HL NOTICE OF OBJECTION under Section 104 (2) of the Licensing Act 2003

Notice of objection is hereby given on behalf of the Chief Officer of Police for Sussex for the above TEN on the grounds of the licensing objectives of prevention of crime and disorder, public nuisance and public safety not being promoted.

The TEN was received on Thursday 11th November 2021. The TEN seeks to licence the sale by retail of alcohol and the provision of regulated entertainment between the hours of 0300-0500 on 27th and 28th November 2021.

Sussex Police has seen an increase in the night time economy since lock down was lifted earlier this year. There is also the added concerns of violence against women and girls with an increase in suspected spiking incidents. Recently Sussex Police obtained up to date crime statistics in support of the continuation of the Communitive Impact Policy which is currently under review which this premises falls within.

Our records show that Robertson Street has the highest crime rate compared to any other location within the CIZ. Robertson Street is part of Castle Ward which has the highest public place violence rate in Sussex. Crime is at its highest during the night time economy during week days as well as weekends. Overall we have seen an increase of approximately 49% of public place violent crimes in the Castle Ward.

We have had five calls to this premises since June 2021 relating to drunk and disorderly behaviours and fights resulting in injuries. Our main concern is the increase in night time economy crime in the immediate areas. Allowing premises to increase the hours of alcohol consumption whilst crime rates are so high, would not only add to the increase in crime and disorder but also add pressure to the emergency services.

Therefore, the Chief Officer of Police contends that permitting TEN to be used in accordance with the notice is likely to undermine the licensing objectives of the prevention of crime and disorder, public nuisance and public safety.

I confirm that a copy of this objection letter has been sent by email to the applicant.

Yours sincerely,



1 DT479

Insp Tombling
Licensing Inspector
East Sussex Licensing
Sussex Police

Please address all future correspondence to Licensing Officer Kirstie Rolfe, email; kirstie.j.rolfe@sussex.pnn.police.uk and EastSussex.Licensing@sussex.pnn.police.uk

Licensing Police Staff are currently working from home, email is the preferred method of communication.

PREMISES LICENCE

Premises licence number

HOP50273

Part 1 – Premises details

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

**FRENCH'S WINE BAR
24-25 ROBERTSON STREET**

**Post Town
HASTINGS, EAST SUSSEX**

**Post Code
TN34 1HL**

Telephone number 01424 457744

Where the licence is time limited the dates
NOT APPLICABLE

Licensable activities authorised by the licence
LIVE MUSIC; RECORDED MUSIC; KARAOKE; DANCING; LATE NIGHT REFRESHMENT & SUPPLY OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

LIVE MUSIC:	SUNDAY-WEDNESDAY:	10:00-02:00
	THURSDAY-SATURDAY:	10:00-02:30
RECORDED MUSIC:	SUNDAY-WEDNESDAY:	10:00-02:00
	THURSDAY-SATURDAY:	10:00-02:30
KARAOKE:	SUNDAY – WEDNESDAY:	10:00-02:00
	THURSDAY–SATURDAY:	10:00-03:00
DANCING:	SUNDAY-WEDNESDAY:	10:00-02:00
	THURSDAY-SATURDAY:	10:00-02:30
LATE NIGHT REFRESHMENT:	SUNDAY-WEDNESDAY:	23:00-02:00
	THURSDAY-SATURDAY:	23:00-03:00
SUPPLY OF ALCOHOL:	SUNDAY-WEDNESDAY:	10:00-02:00
	THURSDAY-SATURDAY:	10:00-03:00

NEW YEARS EVE FROM THE END OF PERMITTED HOURS TO THE START OF PERMITTED HOURS THE FOLLOWING DAY.

ON ALL BANK HOLIDAYS (EXCEPT CHRISTMAS) TO INCLUDE THE PRECEDING DAY (AT EASTER TO ALSO INCLUDE THE PRECEDING THURSDAY); FOR CHRISTMAS (TO INCLUDE CHRISTMAS EVE); UP TO THE TERMINAL HOUR SET FOR SATURDAYS AT THE LATEST.

The opening hours of the premises

SUNDAY-WEDNESDAY: 10:00-02:30
THURSDAY-SATURDAY: 10:00-03:30

NEW YEARS EVE FROM THE END OF PERMITTED HOURS TO THE START OF PERMITTED HOURS THE FOLLOWING DAY.

ON ALL BANK HOLIDAYS (EXCEPT CHRISTMAS) TO INCLUDE THE PRECEDING DAY (AT EASTER TO ALSO INCLUDE THE PRECEDING THURSDAY); FOR CHRISTMAS (TO INCLUDE CHRISTMAS EVE); UP TO THE TERMINAL HOUR SET FOR SATURDAYS AT THE LATEST

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

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

HASTINGS BOROUGH COUNCIL

Part 2

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

STEPHEN FOOT
FRENCH'S WINE BAR
24-25 ROBERTSON STREET
HASTINGS
EAST SUSSEX
TN34 1HL
01424 457744

Minor Variation granted / issued 23rd August 2018
Amended following grant of variation at Licensing Sub Committee on 15th September 2009.
Amended following grant of variation at Licensing Sub Committee on 5th February 2008.
Amended 30th November 2006 (Capacity limits)

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

NOT APPLICABLE

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

STEPHEN FOOT



(Change of DPS on 2nd August 2019)
(Change of DPS on 3rd December 2018)
(Change of DPS on 8th July 2008)
(Change of address 26th October 2011)
(Change of address 28th May 2012)
(Change of address 13th December 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: HO20188
ISSUING AUTHORITY: HASTINGS BOROUGH COUNCIL

HASTINGS BOROUGH COUNCIL

Embedded Restrictions

All Embedded Restrictions under the Licensing Act 1964, relating to Permitted Hours (except for the Permitted Hours on New Year's Eve), credit sales and Children in Bars are removed.

The conditions and Embedded Restrictions attached to, or contained within the PEL, Section 77 Special Hours Certificate and Children's Certificate as follows:

Section 77 Special Hours Certificate: The embedded restrictions relating to the supply of alcohol being ancillary to the provision of music, dancing & substantial refreshment and the restrictions as to when the certificate is applicable, are removed.

Children's Certificate: The restriction as to when persons under the age of 14 may be allowed on to the licensed areas of the premises.

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);

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions - continued

- 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).
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

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions – continued

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

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula –

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

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions - continued

(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.

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
(As amended in Minor Variation granted / issued 23rd August 2018).**

General

The prevention of crime & disorder

- 1) CCTV: Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, (PSDB publication 09/05) operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
 - a) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - b) CCTV footage will be stored for a minimum of 28 days
 - c) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - d) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - e) Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
 - f) A person trained in the use of downloading CCTV upon request is to be on duty at all times when the premises is open.
 - g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
 - h) CCTV to cover all entry and exits points enabling frontal identification of every person entering in any light condition.

- 2) All staff will be trained in licensing law and the responsible sale of alcohol prior to commencement of selling alcohol. Training to include knowing the signs of intoxication and understanding procedures in how to deal with intoxication, crime scene preservation procedures and welfare and vulnerability training and the existence and use of both the incident book and refusals log. A staff training manual will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request. Refresher training will be given to all staff at least every six months by the DPS or an accredited trainer. These training records will be kept on the premises for a period of 18 months.

- 3) A register of refusals of entry to the premises will be kept and maintained at the premises and made available for inspection by police, police licensing officers and local authority officers on request.

- 4) An incident log shall be kept at the premises and made available for inspection to an authorised person from the Local Authority and Police, including civilian Police Licensing Officers, upon request. The incident book must be completed within 24 hours of the incident and will record the following; a) all crimes reported to the venue, b) all ejections of patrons, c) any complaints received concerning crime & disorder, d) any incident of disorder, e) all seizures of drugs or offensive weapons, f) any faults in the CCTV system, g) any refusals of alcohol, h) any visit by a relevant authority or emergency service.

HASTINGS BOROUGH COUNCIL**Annex 2 – Conditions consistent with the operating schedule - continued**

- 5) A 'Challenge 25' policy shall be in operation at the premises and staff will be suitably trained to implement this policy. The only form of ID that will be accepted are a passport, a photographic driving licence or a Proof of Age card bearing the 'PASS' hologram.
- 6) A minimum of 1 SIA licensed door supervisor shall be on duty at the premises from 2200hrs with an additional SIA licensed door supervisor on duty from 2230hrs. All SIA door supervisors are to remain on duty until after close to ensure the safe dispersal of customers. At all other times, the need for SIA licensed door supervisors shall be risk assessed.
- 7) Based on risk assessment, persons entering and re-entering the premises shall be searched at random. All bags shall be searched by SIA licensed door supervisor, monitored by premises CCTV.
- 8) The premises will implement a security deployment plan to include regular checks of the toilets and customer areas.
- 9) A minimum of one body worn video camera (BWV) will be worn by SIA licensed door supervisor when the premises is open from 2200hrs. The camera will have the ability to record and any recordings will be kept for a minimum of 28 days and made available to the responsible authorities (as defined by the Licensing Act 2003) upon request. Should such a camera break or otherwise become inoperable, it will be replaced within 48 hours.
- 10) The premises are to be an active member of BCRP Hastings bar watch scheme.
- 11) There shall be no new or re-entry to the premises for the last hour of trading, except for re-entry for customers having used the smoking area.
- 12) The DPS shall risk assess the requirement for polycarbonate glassware.
- 13) A member of staff, as appropriate to be responsible for collecting glasses/clearing tables at busy trading hours.
- 14) The premises shall operate and adhere to a written dispersal and intoxication policy. This document will be agreed in conjunction with Police. The policies can be amended if agreed in writing with Police Licensing Department.
- 15) The premises shall operate and adhere to a written welfare and vulnerability policy. This document will be agreed in conjunction with Police. The policies can be amended if agreed in writing with Police Licensing Department.
- 16) The premises shall operate and adhere to a written ejection policy. This document will be agreed in conjunction with Police. The policy can be amended if agreed in writing with Police Licensing Department.
- 17) That no sales of alcohol in sealed containers for consumption off the premises will be permitted;

HASTINGS BOROUGH COUNCIL**Public safety****The prevention of public nuisance**

18)To ensure that all external doors be kept closed at all times, save for access and egress of patrons.

19)To ensure that all windows on the ground floor and the first floor are kept closed at all times.

20)To ensure the collection and dispersal of refuse is managed to minimise any disturbance to neighbours. Bottles are not to be emptied into the bottle bins before 0700 and after 2100 daily.

21)No noise generated on the premises from music, singing or audio equipment, shall emanate from the premises, nor vibration be transmitted through the structure of the premises which gives rise to a nuisance at the frontage of the premises on the opposite of Robertson Street, to the front of Robertson's Passage, or to the rear.

22)External table and chairs shall be taken out of use at 2300hrs each evening.

23)There shall be adequate supervision exercised upon patrons outside the premises to ensure that they refrain from shouting, singing, screaming and any other rowdy behaviour. Anyone failing to comply with a request to be quiet shall be refused entry or re-entry to the premises.

The protection of children from harm

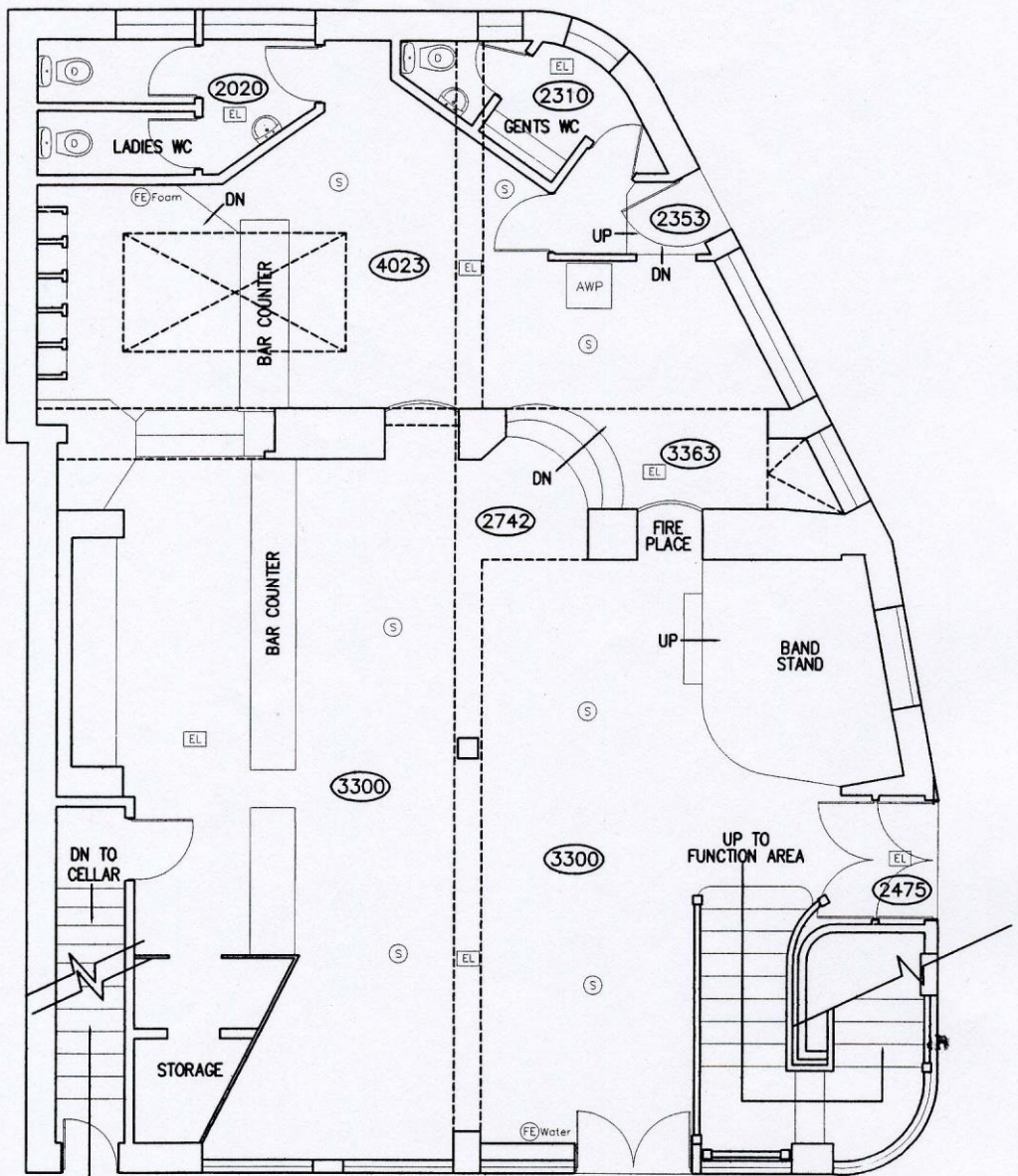
24)No children under the age of 16 are permitted onto the premises after 1800hrs.

HASTINGS BOROUGH COUNCIL

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

Removed under Minor Variation granted 23rd August 2018.

Annex 4 – Plans



UP PRIVATE ACCOMODATION

BUILDING SURVEYED AREA = 109 m²

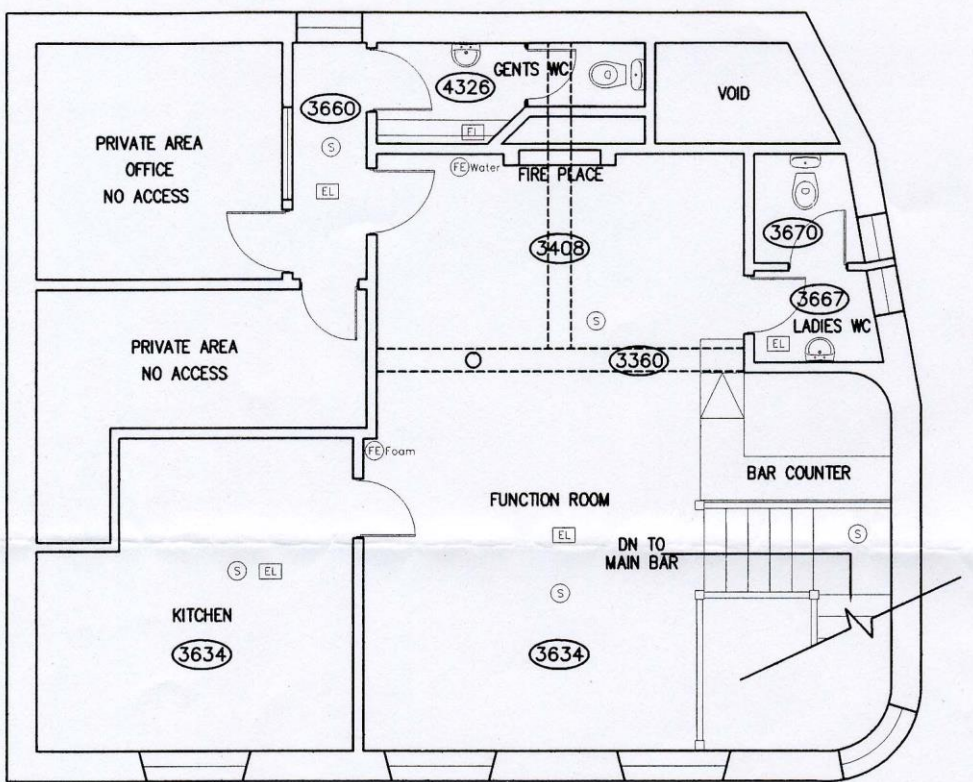
BLR LOCATED IN PRIVATE AREA ON THIRD FLOOR

■ LOCATED IN PRIVATE AREA ON CELLAR

SCALE 1:100
GROUND FLOOR

HASTINGS BOROUGH COUNCIL

Annex 4 Plans - continued



SCALE 1:100
FIRST FLOOR

FRENCH'S WINE BAR
ROBERTSON STREET
HASTINGS