

## LICENSING SUB COMMITTEE

10 DECEMBER 2021

Present: Councillors Fernando, Patmore and Roberts. Councillor Sinden (in reserve).

### 1. **APPOINTMENT OF CHAIR FOR THIS MEETING**

Councillor Roberts proposed that Councillor Patmore should take the Chair, seconded by Councillor Fernando.

### 2. **APOLOGIES FOR ABSENCE**

None received.

### 3. **DECLARATIONS OF INTEREST**

Councillor Fernando – SIA registered working for Titanium security

### 4. **NOTIFICATION OF ADDITIONAL URGENT ITEMS**

None received

### 5. **APPLICATION FOR A TEMPORARY EVENTS NOTICE, WITH AN OBJECTION. FRENCH'S, ROBERTSON STREET, HASTINGS.**

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

On 29<sup>th</sup> November 2021 Hastings Borough Council was served two separate Temporary Events Notice (TEN) in respect of French's, 24 Robertson Street, Hastings. French's already holds a licence to operate until 3am under the Licensing Act 2003 and is located in Area 2a of the Council Special Saturation Policy.

The first TEN provided for an extension of hours from 3am to 5am on 18<sup>th</sup> and 19<sup>th</sup> December 2021. The second TEN provided for an extension of hours on the 25<sup>th</sup> December 2021 from 3am to 5am.

Copies of the TEN were served on responsible authorities at the same time as being placed before the licensing authority. Subsequently an Objection Notice was received from Sussex Police on 29<sup>th</sup> November 2021 and updated 1<sup>st</sup> December 2021 in respect of both TENs. Environmental protection did not make any representations on this occasion.

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Sussex Police had made attempts to contact the DPS and premises licence holder Mr Foot regarding the Notices by various means, The Licensing Lead officer had also emailed Mr Foot with no reply.

PC Daren Spalding, Sussex Police Licensing Officer, explained that the objection to the TEN was raised under the Licensing Objectives prevention of crime and disorder; public nuisance; and public safety not being promoted. The main reason for the objection was due to recently updated statistics around public place violent crime during the night-time economy.

A previous TEN had recently been agreed for French's in October 2021. However, an objection had been raised on this occasion as the crime statistics, which weren't available in October, show a sharp increase in violent crime in the area.

PC Spalding stated Mr Foot who is the premises licence holder and designated premises supervisor had not added his usual signature to the first TEN, but instead digitally signed it. The first TEN was emailed to the relevant authorities by the manager, Mr Rick Cowlard. It was not received from Mr. Foot's email address. Sussex Police tried to ring Mr Foot on both telephone numbers obtained from the TEN application but received no answer. An email had been sent to Mr Foot to check he is aware of this first TEN.

The second TEN for the 25th of December 2021 stated no entry or re-entry after 3:30 AM. There was no mention of the premises licence conditions being extended for the duration of the second TEN. This second TEN has been physically signed by Mr Foot.

PC Spalding confirmed Sussex Police had seen an increase in the night-time economy since lockdown was lifted earlier this year. There was 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 Cumulative impact policy. Police records show that Robertson Street had the highest crime rate compared to any other location within this part of Castle Ward which has the highest public place violence rate in Sussex. Crime was at its highest during the night-time economy. Castle Ward was now ranked 4<sup>th</sup> highest for serious violence in Sussex. Overall, there had been an increase of approximately 49% of public place violent crimes in the Castle ward.

PC Spalding read a letter on behalf of Inspector Aidan Cornwall, District Inspector for Hastings, who was unable to attend the hearing. The letter reiterated that serious violence in Castle Ward continues to be a real concern for Sussex Police and that although additional patrols were being deployed in the town, Sussex Police cannot solve this alone. The letter detailed some of the violent crimes which have taken place in the area over the past month, include a stabbing; rape; knife attack; and violent assault. Each incident has left victims with life changing injuries and all are linked to

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the night-time economy and intoxication. The level of intoxication harm being caused within the ward is unacceptable and amongst the highest in Sussex. Any new licence or TEN should not be issued if they are likely to make the issue worse. Sussex Police will therefore continue to object to any new application or TEN within the area until the level of violence reduces.

Mr Cowlard asked Sussex police if they will object to any TEN within the Castle Ward. PC Daren Spalding reiterated Inspector Cornwallis's letter which states the police will object with the crime figures in Castle Ward as high as they are now. Mr Cowlard questioned the police as he has been informed Wetherspoons has been granted two TENS to extend their license on 23<sup>rd</sup> and 24<sup>th</sup> December.

The Chair asked for there to be a check if Weatherspoon's has been granted a TEN. The Senior Licencing officer left the meeting to confirm if a TEN had been granted.

Mr Cowlard made his representation. Since becoming the Manager 18 months ago only one incident has happened which had been outside the premises. Mr Cowlard highlighted significant progress has been made in the venue with staff training, upgraded CCTV and a new security company with better door staff. Two TENs were granted in October for an extension to 5am. These events had no issue, and the door staffing was increased. There were no noise complaints, complaints from licensing or the Police regarding the October events. Mr Foot confirmed the two previous events have been successful with no issues. Mr Cowlard explained that other venues within the town centre are open until 5am and 6am. In closing Mr Cowlard explained he cannot understand the objection to the current application given that that two notices were granted in October and there were no incidents in the intervening period.

Mr Foot confirmed that the two previous events had been successful and had passed completely unscathed. French's had been closed for 18 months which has had a significant impact on the business. The two previous events had helped the business with measures put in place for there to be no issues.

The chair asked Mr Foot that for the events in October to be successful, would a lot of alcohol need to be sold between 03:00 - 05:00? Mr Foot informed the committee that the town centre can often be busier in the early hours of the morning than it is at midnight. Mr Cowlard answered that the events were also a success due to there being no complaints or incidents at either of the events in October.

PC Spalding asked Mr Cowlard that to pay for staffing for a further two hours a lot of alcohol would need to be sold which is a concern to the police. Mr Cowlard reiterated that the events held in October passed with no issues.

The Licensing Lead, Sussex Police and Mr Cowlard summarised their representations.

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The Licencing Lead confirmed a TEN for 23<sup>rd</sup> and 24<sup>th</sup> December 2021 which provided an extension from 00:00 – 01:00hrs received on 21<sup>st</sup> October 2021 for Weatherspoon's had not been objected to. PC Spalding noted that the Weatherspoon's TEN predated Inspector Cornwall's letter dated 19<sup>th</sup> November 2021 when the violent crime statistics were available.

The Sub-Committee retired to debate the application.

### **RESOLVED (unanimously):**

#### **Temporary Event Notice regarding 18<sup>th</sup> December 2021 and 19<sup>th</sup> December 2021**

This Decision relates to the Temporary Event Notice dated 29<sup>th</sup> November 2021 made by Stephen Foot for temporary event on 18<sup>th</sup> December 2021 and 19<sup>th</sup> December 2021.

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

We have also had regard to the Council's Licensing Policy and the Guidance issued by the Secretary of State under Section 182 of the Licencing Act 2003.

### **Decision**

#### **RESOLVED (unanimously)**

On balance the Sub-Committee accepts the evidence provided in support of the Objection Notice and has decided to serve a Counter Notice. The Temporary Event cannot go ahead.

### **REASONS FOR GIVING A COUNTER NOTICE**

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

1. The Sub-Committee is mindful of the shocking crime statistics presented by the police in relation to Robertson Street and Castle Ward. The Sub-Committee believe that allowing this Temporary Event Notice to take place, which would allow longer opening times, would exacerbate alcohol-related crime in the area.
2. The Sub-Committee notes that previous Temporary Event Notices have been allowed to take place however the Sub-Committee have to take each case on its own merits and make the decision based on the representations before them which includes the new crime statistics which have been presented by the police.

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3. The Sub-Committee notes the improvements made by the applicant since bringing in a change of management at the venue and this focus on increasing standards and hope this will continue however on this occasion the Sub-Committee believed this had not overcome the issues with the Licensing Objectives.

### **Temporary Event Notice regarding 25<sup>th</sup> December 2021**

This Decision relates to the Temporary Event Notice dated 9<sup>th</sup> November 2021 but received by the licensing authority on 29<sup>th</sup> November 2021, made by Stephen Foot for temporary event on 25<sup>th</sup> December 2021.

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

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Committee believed this had not overcome the issues with the Licensing Objectives.

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

None

(The Chair declared the meeting closed at. 12.40 pm)