

Licensing Sub Committee Agenda

Thursday, 7 April 2022 at 10.00 am

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
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democraticservices@hastings.gov.uk

	Page No.
Members of the Licensing Sub Committee to sit on this hearing are: Councillors Sinden, Cox and Roberts, with Councillor Roark in reserve.	
1. Appointment of Chair for this Meeting	
2. Apologies for absence	
3. Minutes of previous meeting	1 - 2
4. Declarations of Interest	
5. Notification of Additional Urgent Items	
PROCEDURAL NOTE	
6. Application for variation of a premises licence with representations, Carib De L'Afrique, York Buildings, Wellington Place, Hastings. <i>(Andrew Palmer, Assistant Director)</i>	5 - 48
7. Additional urgent items (if any)	

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Agenda Item 3 Public Document Pack

LICENSING SUB COMMITTEE

22 DECEMBER 2021

Present: Councillors Cox, Edwards, Patmore. Councillor Rankin (in reserve).

7. APPOINTMENT OF CHAIR FOR THIS MEETING

Councillor Edwards proposed that Councillor Patmore should take the Chair, seconded by Councillor Cox.

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

8. APOLOGIES FOR ABSENCE

None received

9. MINUTES OF PREVIOUS MEETING

RESOLVED – (Unanimously) that the minutes of the meeting held on 10th December 2021 be approved as a true record.

10. DECLARATIONS OF INTEREST

None.

11. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None received

12. APPLICATION FOR A TEMPORARY EVENTS NOTICE, WITH AN OBJECTION. FLAMES GRILL, 19 HAVELOCK ROAD, HASTINGS

Mr Scrase, the Senior Licensing Officer informed the committee that the applicant, Caglar Kanik, was not present. Mr Caglar Kanik's brother, Aidan Kanik attended. Mr Aidan Kanik stated the applicant withdrew their three TENs.

The councillors voted on whether to proceed with the meeting due to the applicant not being present allowing the representations of Mr Aidan Kanik to be considered.

RESOLVED – (Unanimously) To proceed with the meeting despite the applicant not being present.

The councillors voted on cancelling the meeting as Mr Aidan Kanik had confirmed the TENs had been withdrawn and therefore there was no longer any TENs for the sub-committee to make a decision about.

LICENSING SUB COMMITTEE

22 DECEMBER 2021

RESOLVED – (Unanimously) To cancel the meeting as the three TENs had been withdrawn.

13. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 10.20 am)

Licensing Sub Committee Procedures

Annex

1. The Chair's Introduction and Explanation of the Procedure, which will be followed

- Introduce Members and Officers and invite the applicant, objectors and any representatives to the table, asking them to introduce themselves.
- Explain that the hearing will follow a procedure, and that is that the Officer will make his report, followed by the Consultees such as the Police and then the Objectors and finally the Applicant. There will be an opportunity for questions. Members may ask for clarification from the Licensing Officer and Summaries may be given if required.
- Ask if the Parties received the report and are ready to proceed.
- If any Party to the hearing fails to attend ask Members to consider whether to adjourn the hearing or to proceed in the Party's absence.

The Hearing of each application will then follow the order set out below:

2. Summary of report by Licensing Manager / Officer.

3. Statutory Consultees (eg Police, Fire Service, Environmental Health) submissions on the application.

Any questions for Statutory Consultees from

- Applicant / Representative?
- Objectors?
- Officers?
- Members?

4. Other Objectors each make submissions on the application.

Any questions for Objectors from

- Applicant / Representative?
- Statutory Consultee?
- Officers?
- Members?

5. Applicant / Representative make submissions on the application / call any witnesses.

Any Questions for Applicant / Representative / Witnesses from

- Statutory Consultees and Objectors?
- Officers?
- Members?

6. Do Members require any clarification from the Licensing Manager / Officer?

If clarification given, questions on clarification only from:

- Applicant / Representative?
- Statutory Consultees and Objectors?
- Members?

7. Summaries (if required)

- Licensing Manager / Officer summing up
- Statutory Consultees and Objectors' summing up
- Applicant/Representative summing up

8. 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: 7th April 2022

Report Title: Variation of a premises licence with representations, Carib De L'Afrique, York Buildings, Wellington Place, Hastings.

Report By: Andrew Palmer, Assistant Director, Environment and Place.

Purpose of Report

To consider the application for a new premises licence as a result two representation received.
Responsible Authorities. One.

Recommendation(s)

- 1. Members consider the content of the report, options available and determine the application.**

Reasons for Recommendations

The Licensing Act 2003 requires a licensing sub-committee to consider such applications when appropriate representations have been made. The decision reached at the sub-committee can be subject to appeal by any party to the hearing that is aggrieved by the 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 18th February 2022 Hastings Borough Council received an application to vary the premises licence of 'Carib De L'Afrique' made under section 34 of the Licensing Act 2003. (Attached at Appendix A).
3. The premises formally operated under a licence granted in 2017 operating as the 'Bombay Box'. A transfer to the current operation (a restaurant specialising in Caribbean and African cuisine) was undertaken in 2019. A Map of the Area is attached at Appendix B.
4. This premise holds a licence under the Licensing Act 2003. The premise is located within Area 1A (Hastings Town Ctr) of the Council Special Saturation Policy (Cumulative Impact).
5. This existing premises licence covers the use of the premises for.
 - Late night refreshment Monday – Sunday 23.00 – 00.00
 - Supply of alcohol Monday – Sunday 10.00 – 23.45
 - The operating hours of the premises are Monday – Sunday 10.00 – 00.00
6. The Special Saturation Policy (Cumulative Impact Policy) reviewed and extended in 2022 is contained within the Council's Licensing Policy, it states "Each application will be considered on its own merit. Where no representations are received any application will be granted in terms consistent with the operating schedule. Where relevant representations are received in relation to applications for the grant of a new premise licence, club premise certificate or provisional statement. As a result of the revised Sec 182 Guidance issued by Central Government in April 2018, where representations are received in relation to an application, there will **no longer** be a presumption against the grant of such a licence or certificate. However, the Authority will expect applicants to consider their proposals carefully and supply information to support their view that the application will not add to the existing problems of the area, experienced by the high concentration of licensed venues. The applicant has made no mention in his application to vary, the cumulative impact policy or the designated matrix.

Applicants are advised to seek legal advice if making an application for a licence in a Special Saturation Area. It is for the applicant to address the Cumulative Impact Policy and produce evidence to demonstrate that the matter:

(a) Will not add to the cumulative impact caused by licensed premises and challenges already experienced in the area;

(b) Will not undermine the promotion of the Licensing Objectives.

7. In addition, at the statutory review of the Licensing Policy carried out at the end of 2015 and published in January 2016 a matrix was added to the policy and reviewed in 2022. This matrix was published to help give clearer guidance to applicants for premises licenses as to how the Council would prefer the area to develop from a licensed premises perspective, and what type of application if applied for, would suit this best.
8. This matrix contained within the Statement of Licensing policy clearly shows that a Late opening “**Night Club type**” premises within a Saturation Area would only be acceptable with a closing time of **2 am** or a **Bar/Pub midnight**. Any applicant will need to demonstrate that the issue of such a licence will not cause problems to the area or add to any existing problems identified. This is in accord with the local policy details set out in paragraph 6 above.

2.0 Application

9. The application requests the following:
 10. To have Plays and Films, Monday to Sunday, 23.00hrs to 03.00hrs.
 11. To have Live Music, Recorded Music, Sunday to Monday 23.00hrs to 03:00hrs.
 12. To have Late night refreshment Monday to Sunday 23.00hrs to 02.30hrs.
 13. To extend supply of Alcohol for “On” sales on Monday to Sunday from 07.00hrs to 02.30hrs.
 14. To extend opening hours of the premises, Monday to Sunday from 07.00hrs to 03.00hrs.
 15. 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.

3.0 Consultation

16. The Licensing Act 2003 requires an applicant to advertise their application once in a local newspaper and on the premises by way of an approved notice for 28 days to allow for representations to be made, this has been done.

17. 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.
18. As a result of this process two representation has been received from responsible authorities, one from Mr. Trevor Scrase, Snr Licensing officer HBC and Mr John Ballam, Environmental Protection officer relating to the Prevention of Crime and Disorder and Prevention of Public Nuisance.
19. Mr. Scrase comments on the application, the potential impact of another late-night vertical drinking establishment, with regulated entertainment until 03:00hrs, that there has been no submission regarding addressing issues within the Cumulative impact area or the Matrix. The Cumulative impact zone having been recently extended to take in Wellington Place due to a 49% rise in Public Place Violent Crime within the area. Mr Scrase has consulted with the applicant's agent Mr Gordon during the application and consultation period and expressed his concerns about the proposed hours and other areas of the application such as the planning consent and regulated entertainment. The applicant has failed to address these concerns re operating hours in line with the Matrix. I consider this a valid representation under the licensing objective (Prevention of Crime and Disorder and Public Nuisance) (Attached Appendix D.)
20. In addition, a letter has been received from Mr John Ballam an Environmental Health Officer from Hastings Borough Council. He comments on the application and the suggests a further noise condition under the prevention of public nuisance. I consider this also a valid representation under the licensing objectives in line with the Section 182 guidance. (Attached Appendix E).

4.0 Legal Considerations

21. The Licensing Act 2003 is now the only legislation that allows premises to be licensed for either the sale of Alcohol or the supply of regulated entertainment.
22. If a relevant representation to an application is made by either a responsible authority or an interested party and no compromise can be reached between the parties, a hearing must be held.
23. 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.
24. 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.
25. 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 refuse the application in full or in part, the applicant has a right of appeal to the Magistrates' Court. 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

26. Grant the variation in full.

27. Grant part of the variation.

28. Grant the variation with additional or alternative conditions relevant to the application.

29. Refuse the application.

Wards Affected

Castle Ward.

Policy Implications

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

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	Yes
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	Yes
Organisational Consequences	No
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix A. Variation application.

Appendix B. Map of site.

Appendix C. Current licence.

Appendix D. Representation Licensing Authority

Appendix E. Representation Environmental Health

Officer to Contact

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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/ Adebayo Olujobi

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

Part 1 – Premises Details

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

Carib De L’Afrique 2 York Buildings, Wellington Pl, Hastings TN34 1NN
--

Post town		Postcode	
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Telephone number at premises (if any)	██████████
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Non-domestic rateable value of premises	£15,750
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Part 2 – Applicant details

Daytime contact telephone number	██████████
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E-mail address (optional)	
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Current postal address if different from premises address	
---	--

Post town		Postcode	
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Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To extend regulated entertainment hours, sale of alcohol hours and opening times.
Additionally, to open up and licence basement area.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	2300	0300			
Tue	2300	0300			
Wed	2300	0300			
			State any seasonal variations for performing plays (please read guidance note 6)		
Thur	2300	0300	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	2300	0300			
Sat	2300	0300			
Sun	2300	0300			

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	2300	0300			
Tue	2300	0300			
Wed	2300	0300			
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur	2300	0300	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	2300	0300			
Sat	2300	0300			
Sun	2300	0300			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	2300	0300	<u>Please give further details here</u> (please read guidance note 5)		
Tue	2300	0300			
Wed	2300	0300	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur	2300	0300			
Fri	2300	0300	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	2300	0300			
Sun	2300	0300			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	2300	0300	<u>Please give further details here</u> (please read guidance note 5)		
Tue	2300	0300			
Wed	2300	0300	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur	2300	0300			
Fri	2300	0300	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	2300	0300			
Sun	2300	0300			

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	2300	0300	<u>Please give further details here</u> (please read guidance note 5)		
Tue	2300	0300			
Wed	2300	0300	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur	2300	0300			
Fri	2300	0300	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	2300	0300			
Sun	2300	0300			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	2300	0300	<u>Please give further details here</u> (please read guidance note 5)		
Tue	2300	0300			
Wed	2300	0300	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	2300	0300			
Fri	2300	0300	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	2300	0300			
Sun	2300	0300			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	1000	0230			
Tue	1000	0230			
Wed	1000	0230			
Thur	1000	0230			
Fri	1000	0230			
Sat	1000	0230			
Sun	1000	0230	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p>
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L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	0700	0300	
Tue	0700	0300	
Wed	0700	0300	
Thur	0700	0300	
Fri	0700	0300	
Sat	0700	0300	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Sun	0700	0300	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

The opening hours as per part of the application will be an express condition of the licence although this condition shall not be construed as imposing any requirement on the premises licence holder to trade the totality of those hours.

The Premises Licence Holder will ensure that all staff members, in selling alcohol, at the premises shall receive the following induction training. The training will take place prior to the selling of such products: *The lawful selling of age restricted products
*Refusing the sale of alcohol to a person who is drunk

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.

All such training undertaken by staff members will be fully documented and recorded and signed by both the employee and the DPS. All training records will 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.

A list of staff members who are authorised to sell alcohol on the premises will be kept. This will be endorsed by the DPS with the date such authorisation commences.

b) The prevention of crime and disorder

SIA Door Supervision from 2200 to 30 mins after closing on days premises open till any hours past midnight

Customers will not be permitted to take drinks outside of the premises to consume whilst smoking.

c) Public safety

All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition.

The requirements to comply with of The Regulatory Reform (Fire Safety) Order 2005 will be met.

All staff shall be suitably trained for their job function with the business. This will include legislation relevant to their job role. The training shall be written into a programme of ongoing review and will be made available to a responsible authority on reasonable request.

d) The prevention of public nuisance

Noise or vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed. In general terms, noise from the premises should not be audible within any noise sensitive premises (e.g. dwelling) with windows open for normal ventilation especially after 23:00. This will be assessed from the boundary to the nearest residential properties, on all sides of the licensed premises. After 23:00 – Noise emanating from the premises will not be distinguishable above background levels of noise clearly distinguishable above other noise.

The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public.

Noise levels within the premises resulting from the operation of any musical instrument or amplified equipment will be regulated so as to protect the hearing of any employee therein in accordance with current standards.

Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

No rubbish including bottles will be moved, removed or placed in outside areas between 23:00hrs and 08:00hrs.

The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will prevent disturbance to nearby properties.

Deliveries of kegs, bottles, food or other materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

e) The protection of children from harm

Age verification

A notice shall be displayed in and at the entrance to the premises where it can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.

The premises will operate an **age verification** policy set at a minimum of 25 years (e.g. "Challenge 21") whereby any person attempting to buy alcohol who appears to be under the specified age e.g. 21 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.

Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations at the premises.

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

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Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

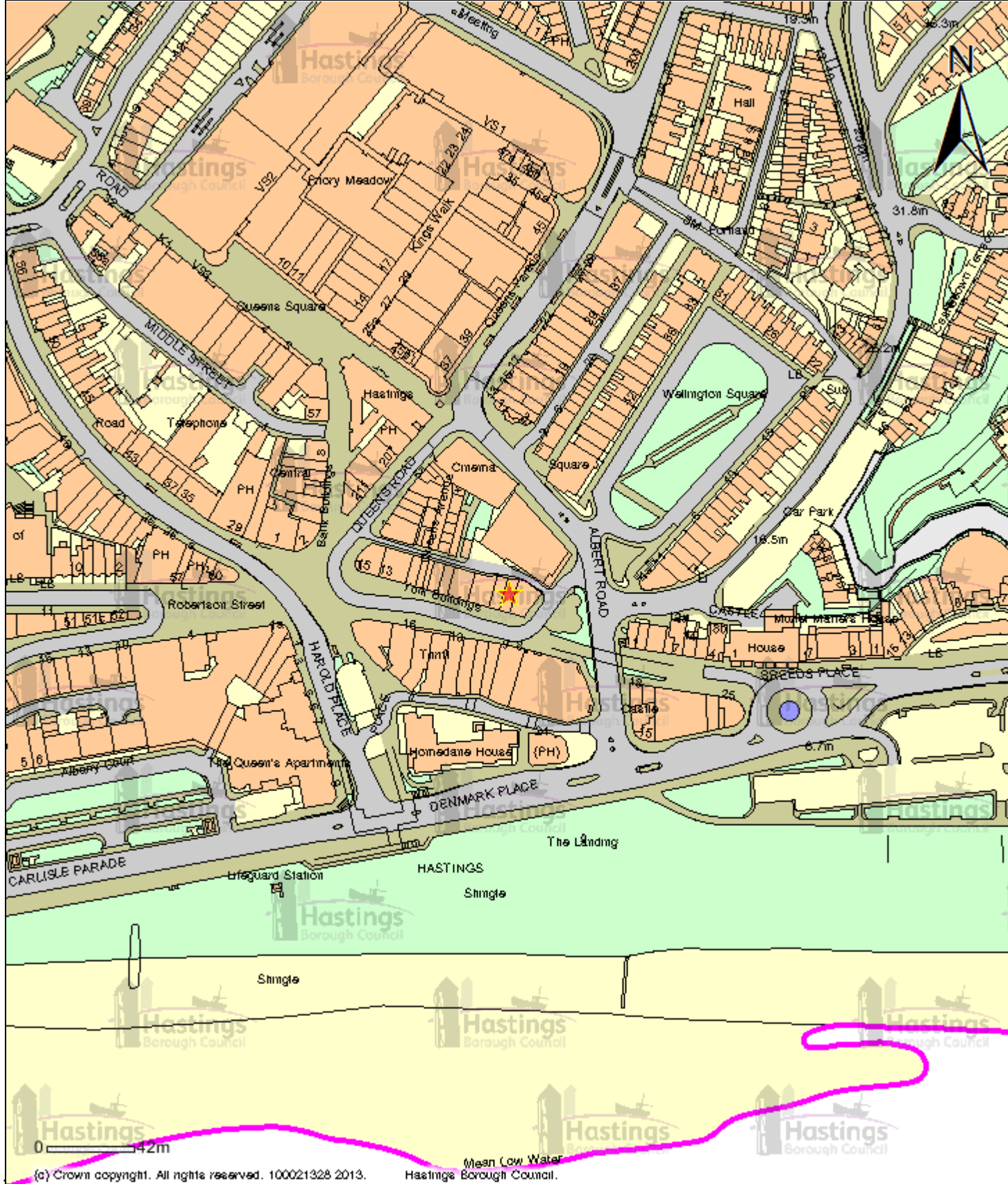
Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	[Redacted]
Date	17/02/22
Capacity	AGENT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	



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Mean Low Water
Hastings Borough Council.



Title:

2 york building, wellington place

Scale:

1:2500

Date:

21 / 3 / 2022

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PREMISES LICENCE

Premises licence number

HOP50562

Part 1 – Premises details

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

**CARIB DE L AFRIQUE
2 YORK BUILDINGS**

**Post Town
HASTINGS, EAST SUSSEX**

**Post Code
TN34 1NN**

Telephone number 01424 436746

Where the licence is time limited the dates
NONE

Licensable activities authorised by the licence

LATE NIGHT REFRESHMENT
SUPPLY OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

LATE NIGHT REFRESHMENT	MONDAY – SUNDAY	23.00 – 00.00
SUPPLY OF ALCOHOL	MONDAY – SUNDAY	10.00 – 23.45

The opening hours of the premises

MONDAY – SUNDAY 10.00 – 00.00

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

SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION ON THE PREMISES

HASTINGS BOROUGH COUNCIL

Part 2

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

CARIB DE L AFRIQUE LTD
2 YORK BUILDINGS
HASTINGS,
TN34 1NN

Transfer on 13th June 2019.
Granted 27th November 2017.

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

11892265

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

PARTH ANGRE

[REDACTED]

DPS from 13th June 2019

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

ISSUING AUTHORITY: HASTINGS BOROUGH COUNCIL

PERSONAL LICENCE NUMBER: HO31307

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions - continued

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
- (a) a holographic mark or
 - (b) an ultraviolet feature.

6. The responsible person shall ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

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

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions - continued

- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

HASTINGS BOROUGH COUNCIL

Annex 2 – Conditions consistent with the operating schedule

General

The prevention of crime & disorder

In the consultation period, police licensing on behalf of the District Commander requested additional conditions, which the applicant accepted, as follows:-

- 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) **Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.**

- 2) **All staff will be trained in licensing law and the responsible sale of alcohol prior to commencement of selling alcohol; 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.**

- 3) **An incident book will be kept and maintained at the premises and made available for inspection by police, police licensing officers and local authority officers on request. This book shall solely be used for the purpose of recording incidents.**

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

- 5) **All staff shall have written authorisations from the Designated Premises Supervisor to permit them to sell alcohol.**

- 6) **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.**

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

7) Deliveries of goods necessary for the operation of the business shall be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. The same applies to waste collections.

8) A sign shall be erected at the entrance/exit to the premises requesting customers to respect the needs of local residents and leave quietly

9) Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to their meal. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the premises.

Public safety

10) Internal and external lighting fixed to promote the public safety objective.

The prevention of public nuisance

11) Noise reduction measures adopted to address the public nuisance objective.

12) To ensure the collection of rubbish takes place at an appropriate time to avoid causing noise nuisance.

13) To ensure deliveries take place at an appropriate time to avoid causing noise nuisance.

14) Customers will be requested to be quiet if in the authorised table and chairs area outside the premises.

The protection of children from harm

See measures under the Prevention of crime and disorder on page 6.

HASTINGS BOROUGH COUNCIL

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

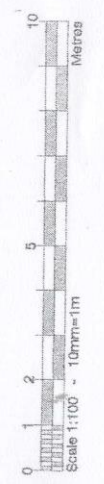
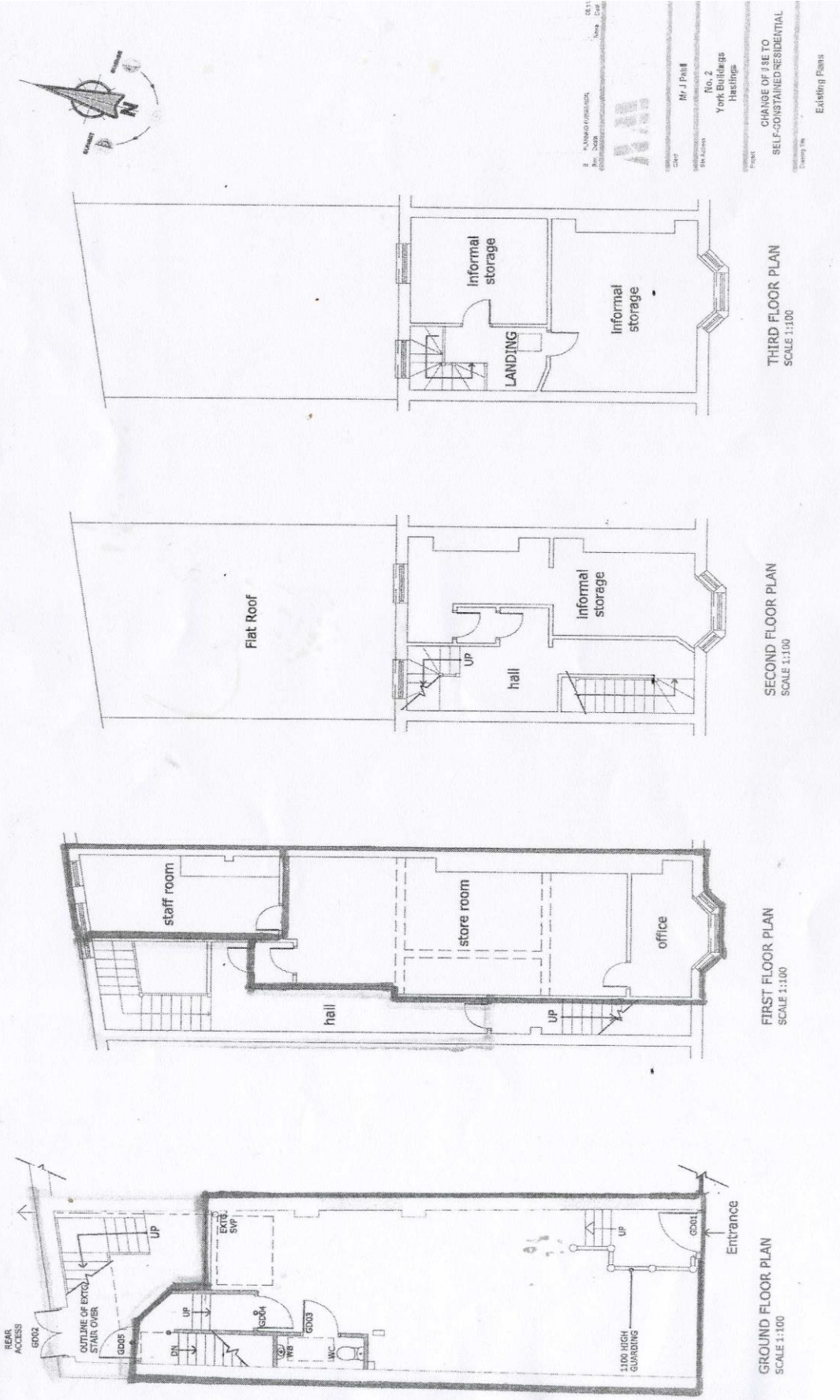
Nil

HASTINGS BOROUGH COUNCIL

Annex 4 – Plans

Consent. This consent is the subject of a public notice under section 18 of the Town and Country Planning Act 1990. The consent is subject to the conditions set out in the consent itself, and the applicant is advised to read these conditions carefully. The consent is valid for a period of 3 years from the date of issue, unless otherwise stated. The applicant is advised to read the conditions of the consent carefully. The consent is subject to the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning Regulations 1988. The applicant is advised to read the conditions of the consent carefully. The consent is subject to the provisions of the Town and Country Planning Act 1990 and the Town and Country Planning Regulations 1988. The applicant is advised to read the conditions of the consent carefully.

Outlined Premises to be Reroofed in Red
Outlined Premises to be Reroofed in Yellow



FLOOR PLAN -
2, YORK BUILDINGS, HASTINGS, TN34 7 NN.

Mr J PALE
 No. 2
 York Buildings
 Hastings

CHANGE OF USE TO
 SELF-CONTAINED RESIDENTIAL

3627-600 B

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Date: March 2022

From: Trevor Scrase, Senior Licensing Officer

To: Ian Wheeler, Environmental Health & Licensing Manager.
Stewart Bryant, Senior EHP, Lead Licensing Officer.

Premises Licence - Full variation – Carib De L’Afrique, 2 York Buildings, Hastings, TN34 1NN.

On the 18th February 2022, an application for a full variation of the existing premises licence number HOP50562 was received from Simon Gordon, GPS Food Service Solutions, on behalf of the applicant Mr Adebayo Olujobi, for the above premises.

2 York Buildings was originally granted a premises licence on 27th November 2017, as Bombay Box, to Mr Parth Angre, trading as Nitara Ltd.

The premises licence was for a hot food premises with tables and chairs as a restaurant, for the:-

- supply of alcohol Monday to Sunday 10.00 – 23.45 hours,
- late night refreshment Monday to Sunday 23.00 until Midnight.
- hours open to the public Monday to Sunday 10.00 until Midnight.

On the 13th June 2019 an application for a transfer of the premises was received from Mr Adebayo Olujobi, trading as Carib De L’Afrique Ltd. Mr Parth Angre continued as the Designated Premises Supervisor under the new premises licence holder.

Mr Adebayo Olujobi is not the holder of a personal licence under the Licensing Act 2003. I understand that he intends to undertake the training required and apply for a personal licence, if this application is successful.

The premises licence authorises:-

LATE NIGHT REFRESHMENT	MONDAY – SUNDAY	23.00 – 00.00
SUPPLY OF ALCOHOL	MONDAY – SUNDAY	10.00 – 23.45

The hours open to the public are:-

The opening hours of the premises

MONDAY – SUNDAY	10.00 – 00.00
-----------------	---------------

A copy of the premises licence is attached.

York Buildings, Wellington Place, Hastings has a variety of commercial business premises along its length from Queens Road to Albert Road.

Amongst those are the following food related businesses:-

Costa Coffee, 14 – 15 York Buildings.

Café Club, 11.

Fish Bowl, 6 – 7.
KFC Express, 4 – 5.
Carib De L’Afrique, 2.

Currently only Fish Bowl, operating as a fish and chip restaurant and Carib De L’Afrique are licensed for the on sales consumption of alcohol.

Food City, 3 York Buildings is an off licence / basic convenience store.

KFC Express has authorisation for late night refreshment until Midnight.

McDonalds located on the opposite side of Wellington Place is not authorised for late night refreshment and closes at 23.00 hours.

There is an existing off licence at 3 York Buildings closing at 23.00 hours, with another approximately 200 metres east at 3 Breeds Place, Seaview Market.

There are two floors of residential flats, immediately above Carib De L’Afrique and Kamsons Pharmacy next door. These were converted from a language school.

Mr Olujobi has asked for advice before regarding changing the style of his premises to become more of a bar and has been advised that he should seek the advice of planning regarding change of use from a café / restaurant to a drinking establishment before submitting any variation to the premises licence. I understand he has not done this. A response has been received from HBC Planning and is attached.

The full variation is applying ‘To extend regulated entertainment hours, sale of alcohol hours and opening times’ and ‘to open up and licence the basement area.’

It is not shown if the supply of alcohol will remain as currently, for consumption on the premises only or if the intention is to be authorised for the supply of alcohol for consumption both on and off the premises.

At present no regulated entertainment is authorised on the premises licence. However due to de-regulation of the Licensing Act 2003 in 2015, recorded music is no longer required to be licensed under the ‘Act’ as background music, or for being played between 08.00 until 23.00 hours daily. However the playing of recorded music is required to be licensed under the PPL PRS Licence. Under the PPL PRS Licence this allows a business to legally play and perform music in their business, whether through radio, TV, or other devices and or live performances.

This is not a local authority licence but an independent licence regime by the music industry.

Under the Live Music Act 2012 there is an exemption for a premises licenced for the sale of alcohol for consumption on the premises, to be allowed to have ‘live music’ between 08.00 to 23.00 hours daily.

In respect of other regulated entertainment under the LA2003, most are de-regulated between 08.00 to 23.00 hours daily, subject to capacity limits and only require authorisation on the premises licence from 23.00 hours onwards.

In this application the hours for Plays, Films, Live Music, Recorded Music, Performance of dance, are applied for from 23.00 hours until 03.00 hours.

Late night refreshment requires authorisation on a premises licence for the sale and consumption of hot food on or from a premises from 23.00 hours until 05.00 hours. In this application it is applied for from 23.00 until 03.00 hours.

The hours for the Supply of alcohol is being increased from 23.45 hours until 02.30 hours. This provides a 'drinking up time' of 30 minutes before the applicant closes the premises.

The hours open to the public are being increased from Monday to Sunday 10.00 hours until Midnight on the current premises licence, to Monday to Sunday 07.00 until 03.00 hours.

There is a bar shown on the plan for the basement as well as a small stage area. It is not stated if these are fixed structures or moveable. In the basement, although tables and chairs are shown on the plan, it appears to be intended for alcohol consumption and regulated entertainment until the terminal hour of 02.30 for alcohol sales and 03.00 hours for live, recorded music and performance of dance. There is no indication of the dance being of an 'adult entertainment nature.' The tables and chairs although shown on the plan, do not need to be shown unless permanently fixed to the floor. In this instance they are shown as an example but will in all probability be stacked or placed around the basement for live music, or recorded music to allow dancing of customers. Dancing or the provision of facilities for dancing is no longer licensable. This will encourage 'vertical drinking' and operation as a bar with consumption of alcohol on the premises.

There is no confirmation in the application that food will be available throughout the extended hours of operation.

The capacity of the basement area is not given in the application, nor is this required. The capacity of the premises is directly related to the floor area and available means of exit in the fire safety risk assessment as required under the Regulatory Reform (Fire Safety) Order 2005. Licensing are not required to be sent a copy of the fire safety risk assessment as we no longer limit the capacity in any licensed premises under the Licensing Act 2003.

There are a number of issues which are not explained sufficiently in the application.

The first is that at the time of submission of this application, no change of use had been submitted to planning for the use of the basement area and the extended hours.

The intention of the applicant appears to be to change from a ground floor seated restaurant with on sales of alcohol to diners only, to the addition of the as yet unconverted basement area, to create a late night entertainment venue with bar. Should the premises licence application be successful then a planning change of use will be submitted before the necessary building works are carried out

Conditions under the four licensing objectives have been offered by the applicant through Mr Gordon. These can be seen in the application attached.

In communication with Mr Gordon it appears the applicant is hoping to create a restaurant and bar premises. Tables and chairs will remain in the existing ground floor premises, as currently, with tables and chairs in the proposed basement area, with a new staircase installed to provide access to the basement.

Police Licensing have not made any formal representation against this full variation application.

Fire Safety have visited and inspected the premises but are unable to respond in full as the necessary building alterations have not been made. Any alterations will be subject to building regulations including fire safety requirements and the capacity of the premises ground floor and basement subject of the fire safety risk assessment. Fire safety would deal with any issues arising under their own legislation, should it be necessary.

John Ballam, Environmental Health, Noise Pollution Officer has responded, with his concerns and requesting additional conditions under the Prevention of public nuisance. Report attached.

The Statement of Licensing Policy has recently been reviewed and amended with effect from the 10th February 2022. I understand the applicant's attention has been drawn to this by Mr Gordon.

In the licensing policy the cumulative impact area for Hastings town centre has been increased to include York Buildings / Wellington Place along its entire length from Harold Place to Albert Road. The policy states- *This does not prevent any person making an application for a licence within the designated area.*

Responsible authorities must note that the licensing authority can only give effect to the Cumulative Impact Policy in respect of any application for a premises within the cumulative impact areas if a relevant representation is received.

No reference has been made to the licensing policy or cumulative impact policy in this full variation application.

The matrix (on pages 4 & 5 of the Licensing Policy,) gives examples to applicants that:-

In a cumulative impact area:-

Restaurant would be acceptable until Midnight,

Late night takeaways would not be acceptable.
Night club until 2am,. (there is no reference to a night club in the LA2003).
Public house until midnight.

The licensing authority is a responsible authority under the Licensing Act 2003 and in that respect I make such a representation against this application.

My representation is based on the Licensing Policy in respect of the cumulative impact area now including York Buildings, Wellington Place and the hours being applied for in conflict with the 'matrix'.

My representation against the application is directed to the authorised use of the premises as a bar with the potential for 'vertical drinking and regulated entertainment until 03.00 hours.

This particular part of the town centre, now under the cumulative impact policy, is currently occupied by daytime to evening cafés and restaurants, the latest of which at present is KFC Express authorised for late night refreshment until Midnight.

The application for Plays, films and performance of dance, should not be granted.

Dancing or the provision of facilities for dancing, on a cleared floor space area is no longer licensable under de-regulation.

Live music and recorded music to cease at 23.45 hours, with alcohol sales, the premises to close at midnight.

Hot food should be available if this is to be a food premises throughout the opening hours, ceasing at the same time as all regulated entertainment and alcohol sales.

The conditions requested Environmental Health to be applied.

Trevor Scrase
Senior Licensing Officer

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MEMORANDUM



Date: 15th March 2022

From: John Ballam

To: Licensing

My Ref: JBA/15/03/22

Your Ref:

Application Number: WK202110424

Address: Caribe De l'Afrique, Ground Floor Shop and Premises, 2 York Buildings, Wellington Place, Hastings, TN34 1NN

Proposal: Full variation of premises licence application

Dear Trevor

Having looked at this application, I acknowledge the reference to noise and vibration control listed in the section on Prevention of Public Nuisance, however, I am concerned about the music being played so late given that a number of residential premises are close by. I would recommend a change to the wording of this proposed condition, as well as for deliveries and emptying of bins, in order to simplify and safeguard against future use, to protect nearby noise sensitive premises and to formulate time restrictions:

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 opening until closing time.
2. To ensure that deliveries and emptying of bottle bins only happen between 08:00 and 18:00 Monday – Friday, 08:00 and 13:00 on Saturdays and not on a Sunday or Public Bank Holiday.

The remainder of the recommended conditions in the section on Prevention of Public Nuisance, I find acceptable.

Please do not hesitate to contact me if you require any further information or clarification.

Kind regards

John Ballam
Environmental Protection Officer
Environmental Health

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