

Licensing Sub Committee Agenda

Monday, 30 May 2022 at 11.00 am

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Please enter the building via the Community Contact Centre entrance.

For further information, please contact Democratic Services on 01424 451719 or email
democraticservices@hastings.gov.uk

		Page No.
1.	Appointment of Chair for this Meeting	
2.	Apologies for absence	
3.	Minutes of previous meeting	1 - 6
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 Yates Wine Lodge, 53-57 Robertson Street, Hastings	9 - 34
7.	Additional urgent items (if any)	

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Agenda Item 3

LICENSING SUB COMMITTEE

7 APRIL 2022

Present: Councillors Sinden (Chair), Roberts and Roark.

14. 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 Sinden should take the Chair, seconded by Councillor Roark.

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

15. APOLOGIES FOR ABSENCE

Apologies for absence received from Councillor Cox.

16. MINUTES OF PREVIOUS MEETING

RESOLVED – (Unanimously) that the minutes of the meeting held on 22nd December 2021 be approved as a true record.

17. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Roberts	18. Application for variation of a premises licence with representations, Carib De L'Afrique, York Buildings, Wellington Place, Hastings	Personal – Knows Mr Brett McLean and has spoken to him on numerous occasions
Sinden	18. Application for variation of a premises licence with representations, Carib De L'Afrique, York Buildings, Wellington Place, Hastings	Personal - Knows Mr Brett McLean and has spoken to him on numerous occasions

18. APPLICATION FOR VARIATION OF A PREMISES LICENCE WITH REPRESENTATIONS, CARIB DE L'AFRIQUE, YORK BUILDINGS, WELLINGTON PLACE, HASTINGS.

LICENSING SUB COMMITTEE

7 APRIL 2022

The Licensing Lead Officer, Mr Bryant, gave an overview of his report to the Sub-Committee.

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. The application was referred to the Sub-Committee as a result of two representations received from responsible authorities. One from Mr Scrase, Senior Licensing Officer, Hastings Borough Council and one from Mr Ballam, Environmental Protection Officer, Hastings Borough Council.

The premises is located within Area 1A (Hastings Town Centre) of the Council Special Saturation Policy.

The Special Saturation Policy was reviewed and extended in 2022 and is contained within the council's Licensing Policy. The policy states that each application will be considered on its own merits and the council expects applicants to provide evidence to support the view that the application will not add to the existing problems of the area.

The application, which was submitted via an agent, makes no mention of the cumulative impact policy or the designated matrix.

Mr Scrase, Senior Licensing Officer, Hastings Borough Council gave a submission to the Sub-Committee regarding the application.

Mr Scrase said that although it would appear that the application for variation would only allow regulated entertainment from 23:00 hours, this could take place between 08:00 and 23:00 hours without requiring authorisation. Considering the activities being applied for it would be expected that certain conditions would have been asked to be removed. For example, the existing licence says that alcohol has to be sold ancillary to food, known as a restaurant condition. The application does not ask for this to be removed.

Mr Scrase said he had spoken to the applicant on a number of occasions and he advised that a planning application for change of use should be applied for before seeking a variation in the premises licence. It is understood that the applicant has not done this and the planning team have confirmed that planning consent would be required before any change of use could take place. The proposed use is not in accordance with the existing planning use of the premises. Enforcement action could be sought if no change in use is granted before the variation of licence is enacted.

The application for variation is asking for a considerable extension of hours, up to 03:00, and this is what puts the application in conflict with the council's Licensing Policy.

The Fire Service have inspected the premises but are unable to comment on the fire risk and safety measures as the required work on the basement has not taken place.

LICENSING SUB COMMITTEE

7 APRIL 2022

Mr Scrase informed the Sub-Committee that page 2 of the council's Licensing Policy states that the council will generally not consider any premises application unless it can be demonstrated that the premises has either an appropriate planning application or certificate of lawful use. Exceptions will only be made where the applicant can offer compelling reasons as to why the application should be considered.

In conclusion Mr Scrase said he felt a representation was necessary as the application breaches the council's agreed Licensing Policy.

The Chair invited the applicant to ask questions of Mr Scrase. The applicant said that he now has his personal licence and has letters of support from the tenants of the building. There have been no issues raised by the police or neighbours in four years of trading.

Mr McLean, the applicant's representative, said no concerns had been raised by the police, ambulance service, Bar Watch or Hastings Business Improvement District (BID). Some of the concerns raised by the Licensing Officer have been addressed, and the applicant has a letter of support from the Hastings BID Manager.

Mr Scrase reiterated that if the variation is agreed the applicant would not be able to use the premises to its full extent until planning consent for a change of use had been granted.

The applicant, Mr Olujobi, made a submission to the Sub-Committee and said the application would enable a safe space for ethnic minority groups to come together. Mr Olujobi said he would submit a planning application for a change of use if the variation to the licence is granted as this is the most economical way to proceed. The restaurant has been operating for four years and has added a lot of value to the area, attracting people from out of town and becoming well regarded. Mr Olujobi said that the establishment will remain a restaurant, with alcohol served alongside meals. The restaurant offers a local alternative to traditional British food and attracts tourists from out of town into Hastings, enabling people to have a cultural experience.

Mr McLean said that the variation would give local residents the opportunity to experience good food late at night and will also provide a safe haven area in the town centre. This is the only local venue which is Caribbean and African based and the Sub-Committee needs to consider ethnic minority and diverse residents and visitors.

Mr Bryant clarified that the applicant did not have a personal licence from Hastings Borough Council. Further to this, the Sub-Committee were informed that two complaints were received regarding noise from the premises in 2019.

Mr Scrase asked the applicant why he needed a licence to operate until 03:00 hours. Mr Olujobi said he wanted to add value to the town by providing live music and a venue for older adults rather than younger people. The premises will give people choices in the town centre.

LICENSING SUB COMMITTEE

7 APRIL 2022

Councillors asked questions of the applicant. The applicant confirmed that the basement area will have tables and chairs for dining. There will be door staff employed and people who are drunk will be denied entry.

The Licensing Officer summarised his report.

Mr Scrase summarised his representation.

The applicant and his representative summarised their representation.

The Sub-Committee retired to consider the application.

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 variation of the licence.

In recognising the concerns raised about the specific issues under the Licensing Objectives, the licence is varied to include the following conditions:

1. The operating hours of the Premises are varied to be Monday to Sunday 07:00-00:00.
2. The hours for the supply of alcohol for consumption on the premises are to be Monday to Sunday 10:00 – 23:45.
3. The hours for late night refreshment are to be Monday to Sunday 23:00 – 00:00.
4. The hours for plays, films and performances of dance are varied to be Monday – Sunday 23:00 – 23:45.
5. The hours for live music are varied to be Monday – Sunday 23:00 – 23:45.
6. The hours for recorded music are varied to be Monday – Sunday 23:00 – 23:45.
7. No noise generated on the premises from music, patrons or any mechanical equipment, shall emanate from the premises, nor vibration be transmitted

LICENSING SUB COMMITTEE

7 APRIL 2022

through the structure of the premises, that may give rise to a nuisance at any noise sensitive premises from opening until closing time.

8. To ensure that deliveries and emptying of bottle bins only happen between Monday – Friday 08:00 - 18:00, Saturday 08:00 – 13:00 and not on a Sunday or Bank Holiday.
9. All staff members at the premises must receive the following induction training prior to selling alcohol:
 - a. The lawful selling age of restricted products
 - b. Refusing the sale of alcohol to a person who is drunk

With the date and time of the induction training documented.

10. Further verbal reinforcement/refresher training covering the above must be carried out thereafter at intervals not exceeding three consecutive months with the date and time of the verbal reinforcement/refresher training documented.
11. Documentation of all induction and verbal reinforcement/refresher training undertaken by staff members must be signed by both the staff member and the DPS. All training records must be kept on the premises and made available to Sussex Police and/or officers of Hastings Borough Council and/or officers from Trading Standards upon request.
12. A list of all staff members who are authorised to sell alcohol on the premises must be kept on the premises and endorsed and dated by the DPS. The list must be made available to Sussex Police and/or officers of Hastings Borough Council and/or officers from Trading Standards upon request.
13. SIA Door Supervisor to be employed from 22:00 to 30 minutes after closing.
14. The volume of amplified sound used in connection with the entertainment provided must be operated at all times from a part of the Premises not accessible to the public.
15. 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.
16. A notice must 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 years of age to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18 years of age.
17. Signage advertising the age verification or “Challenge 25” Policy will be displayed in prominent locations at the premises.

LICENSING SUB COMMITTEE

7 APRIL 2022

These conditions take effect forthwith.

The reasons for granting this application are:

1. The Sub-Committee only grant part of the application as sufficient submissions were not made for the Sub-Committee to move away from the matrix in relation to the requested later opening time.
2. The Sub-Committee do however wish to provide the Applicant with the ability to expand the scope his business and put on entertainment in the evening.
3. The Sub-Committee were in favour of promoting culturally diverse restaurants in Hastings.
4. The early opening times have been given to provide the applicant the flexibility he requested where this does not conflict with the matrix.

(The Chair declared the meeting closed at 12.47pm)

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: 30th May 2022

**Report Title: Application for a Temporary Events Notice, with an objection.
YATES WINE LODGE, 53-57 ROBERTSON STREET, Hastings.**

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

Purpose of Report

To consider an Objection Notice to a Temporary Event Notice (TEN) served on behalf of Yates, Cambridge Road, Hastings.
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 18th May 2022, Hastings Borough Council was served a Temporary Events Notice in respect of **Yates Wine Bar, 53-57 Robertson Street, Hastings TN34 1HY. (Attached at Appendix A).**
3. This premise holds a licence to operate until SUNDAY-WEDNESDAY: 07:00-01:30 (SUBJECT TO NOTIFICATION TO POLICE AS SPECIFIED ABOVE).

THURSDAY-SATURDAY: 07:00-03:30 under the Licensing Act 2003

SUNDAY – WEDNESDAY FOR SALE OF ALCOHOL & OTHER LICENSABLE ACTIVITIES EXTENDED UNTIL 03.00 HOURS, WITH CLOSE AT 03.30 HOURS, MAY ONLY BE EXTENDED BEYOND 01.00 HOURS IF THE POLICE HAVE BEEN GIVEN TEN WORKING DAYS NOTICE OF THE INTENTION TO DO SO WITH POLICE HAVING ABSOLUTE VETO & CONFIRMING IN WRITING OR VERBALLY WITHIN 48 HOURS OF SUCH A REQUEST.

(Attached at Appendix B), The premise is located within Area 1A (Hastings Town Ctr) of the Council Special Saturation Policy (Cumulative Impact).

2.0 Application

4. The TEN application requests the following:

2nd June 2022 01.00 hours until 03.00 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.
6. A copy of the Police Objection Notice to the TEN, which was received on the 20th May 2022, is attached at **Appendix C**. Environmental Protection have not made any representations.
7. 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. This has been done. It should be noted that

Sussex police have attempted to persuade the DPS, to add the premises existing conditions on their licence to the TEN application but this has been refused.

8. This premises was placed on a 3-month Action Plan on 9th November 2021. The reasons for this was due to an increasing number of incidents generated from the premises and the drug swab results being very high. On 11th February another meeting was held to discuss their progress. The Action Plan was extended as incidents had not sufficiently reduced and drug swabs results were still high. The Action Plan was extended for a further two months. To date the premises remains on that Action Plan due to an ongoing state of affairs.
9. The licensing team has prepared a list of other Castle ward venues with late licences this is attached in **Appendix D**.

4.0 Legal Considerations

10. 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.
11. 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.
12. Paragraph 7.28 of the Section 182 Guidance sets how the Authority should decide what actions are appropriate.
13. Sch 1, para 1(11) of the Licensing Act 2003 (Hearings) Regulations 2005 confirms the hearing has to take place within 7 working days of the end of the objections period (being 3 working days from service on the objector of the TEN as per section 104(3) of the 2003 Act). But a decision must be reached and the written notice of the decision served at least 24 hrs before the beginning of the event (as per Section 105(4)).
14. 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.
15. 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.

16. 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.
17. All members of the Licensing Committee have previously been supplied with copies of the DCMS Government guidance and the Hastings Borough Council Statement of Licensing Policy.
18. 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 there is a right of appeal.

Right of Appeal

Under the provisions of Section 181 and Schedule 5 of the Licensing Act 2003, there is a right of appeal against the decision of the Licensing Committee if the applicant is aggrieved at the outcome. Where the relevant licensing authority gives a Counter Notice, the premises user may appeal against that decision.

Where that authority decides not to give such a Counter Notice, the chief officer of the police or environmental health department of the local authority may appeal against that decision.

Full details of all the rights of appeal can be found within Schedule 5 of the Act. Any appeal should be made to Hastings Magistrates Court, Bohemia Road, Hastings within 21 days from the notification of this decision but no appeal may be brought later than five working days before the day on which the event period specified in the Temporary Event Notice begins. You must contact the Magistrates Court to establish the formal procedure for the appeal.

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

Report Template v29.0

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. Premises Licence.
Appendix C. Sussex Police Section 104(2) LA2003 Letter of Objection.
Appendix D. List of closing times – Castle Ward late-night licensed venues

Officer to Contact

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

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Temporary Event Notice

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

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

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	KITSON
Forenames	PETER RICHARD
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) N/A	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	[REDACTED]
4. Your place of birth	[REDACTED]
5. National Insurance Number	[REDACTED]
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
YATES 53-57 ROBERTSON STREET	
Post town	HASTINGS
Postcode	TN34 1HY
7. Other contact details	
Telephone numbers Daytime	01424 441762
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)	

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

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
YATES 53-57 ROBERTSON STREET HASTINGS TN34 1HY	
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	HOP50093
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
WHOLE PREMISES	
Please describe the nature of the premises below. (Please read note 4)	
PUB / BAR	
Please describe the nature of the event below. (Please read note 5)	
QUEENS JUBILEE EVENT EXTENDING WEDNESDAY NIGHTS TRADE INTO THURSDAY MORNING.	

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[Empty box]

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

02/06/2022

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 10)

01:00 - 03:00
EXTENDING OUR WEDNESDAY NIGHT BY 2 HOURS
FROM 01:00 - 03:00 ON THURSDAY MORNING

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 11)

350

If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" 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 (including, but not limited to lap dancing and pole dancing). (Please see note 13)

N/A

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PREMISES LICENCE

Premises licence number

HOP50093

Part 1 – Premises details

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

**YATES'S
53-57 ROBERTSON STREET**

**Post Town
HASTINGS, EAST SUSSEX**

**Post Code
TN34 1HY**

Telephone number 01424 441762

Where the licence is time limited the dates
NOT APPLICABLE

Licensable activities authorised by the licence

FILMS, LIVE MUSIC, RECORDED MUSIC , DANCING , ENTERTAINMENT SIMILAR TO LIVE MUSIC, RECORDED MUSIC, DANCING (KARAOKE), LATE NIGHT REFRESHMENT, SUPPLY OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

FILMS:	SUNDAY-WEDNESDAY:	09:00-01:00
	THURSDAY-SATURDAY:	09:00-03:00
LIVE MUSIC:	SUNDAY-WEDNESDAY:	09:00-01:00
	THURSDAY-SATURDAY:	09:00-03:00
RECORDED MUSIC	SUNDAY-WEDNESDAY	09.00-01:00
	THURSDAY-SATURDAY	09.00-03:00
DANCING:	SUNDAY-WEDNESDAY:	09:00-01:00
	THURSDAY-SATURDAY:	09:00-03:00
ENTERTAINMENT SIMILAR TO LIVE MUSIC, RECORDED MUSIC, DANCING (KARAOKE)	SUNDAY-WEDNESDAY:	09:00-01:00
	THURSDAY-SATURDAY:	09:00-03:00
LATE NIGHT REFRESHMENT:	SUNDAY-WEDNESDAY:	23:00-01:00
	THURSDAY-SATURDAY:	23:00-03:00
SUPPLY OF ALCOHOL:	SUNDAY-WEDNESDAY:	08:00-01:00
	THURSDAY-SATURDAY:	08:00-03:00

AN ADDITIONAL HOUR TO THE STANDARD AND NON _ STANDARD TIMES ON THE DAY WHEN BRITISH SUMMERTIME COMMENCES.

ON NEW YEARS EVE THE TERMINAL HOUR TO BE 04:30 HOURS THE FOLLOWING DAY.

SUNDAY – WEDNESDAY FOR SALE OF ALCOHOL & OTHER LICENSABLE ACTIVITIES EXTENDED UNTIL 03.00 HOURS, WITH CLOSE AT 03.30 HOURS, MAY ONLY BE EXTENDED BEYOND 01.00 HOURS IF THE POLICE HAVE BEEN GIVEN TEN WORKING DAYS NOTICE OF THE INTENTION TO DO SO WITH POLICE HAVING ABSOLUTE VETO & CONFIRMING IN WRITING OR VERBALLY WITHIN 48 HOURS OF SUCH A REQUEST.

HASTINGS BOROUGH COUNCIL

Part 2

The opening hours of the premises

SUNDAY-WEDNESDAY: 07:00-01:30 (SUBJECT TO NOTIFICATION TO POLICE AS SPECIFIED ABOVE).
THURSDAY-SATURDAY: 07:00-03:30

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

STONEGATE PUB COMPANY LIMITED
3 MONKSPATH HALL ROAD
SOLIHULL
WEST MIDLANDS
B90 4SJ.

(Change of Regd. Company address 4th December 2020).
(Minor variation following internal alterations - granted 21st November 2016)
(Transfer 19th August 2011)
(Minor variation following refurbishment 10th September 2013)
(Minor variation re condition 3rd October 2013)
(Variation granted 29th October 2014)
(Full variation granted 27th April 2015)

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

FC029833

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

PETER RICHARD KITSON
YATES
53 – 57 ROBERTSON STREET
HASTINGS,
TN34 1HY.

(Change of DPS 19th May 2021)

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: 505 / 2270
ISSUING AUTHORITY: TUNBRIDGE WELLS BOROUGH COUNCIL

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).

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions - continued

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
 - (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

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions - continued

(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.

(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.

HASTINGS BOROUGH COUNCIL

Annex 1 – Mandatory Conditions – continued

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

General

The prevention of crime & disorder

During the consultation period of the full variation, the District Commander, Hastings Police requested the following conditions which the applicants accepted as follows:-

1. A digital CCTV system shall be installed at the premises and maintained in good working order and used at all times when the premises are open for licensable activities.
2. The CCTV system will be capable of producing an image which is regarded as identification standard.
3. The system will incorporate a recording facility and any recording shall be retained and stored in a secure manner for a minimum of 28days and made available, subject to compliance with Data Protection legislation, to an officer of the Local Authority or Sussex Police on reasonable request.
4. The system will record on any recording, the correct time and date of recording.
5. The system will be maintained and fully operational throughout the hours that the premises are open.
6. The Data Controller shall nominate members of staff who will be responsible for complying with requests made by the Police and other regulatory authorities for CCTV in pursuit of specific incidents of crime and disorder.
7. The premises will employ SIA approved door supervisors to facilitate the management of the premises and fill a security role when the risk assessment conducted by the DPS, or duty manager in their absence, indicates events as high risk and cognisance will be taken of any police advice.
8. The premises will actively participate and adhere to the local Bar Watch scheme, or similar, where such a scheme exists. The DPS will attend a minimum of six meetings per year or if the DPS is not available, the duty manager or other nominated employee.
9. A proof of age scheme such as Challenge 25 / Challenge 21 be adopted and only photographic ID such as a passport, driving licence, citizen cards and proof of age standards scheme (PASS) cards be acceptable. Staff are to be trained to request the appropriate ID from anyone who appears to be under the age of 25 / 21 years of age and that alcoholic drinks are refused unless that ID is produced.
10. Maintain a written or electronic incident register at the premises which will be made available on request to an authorised officer of the Council or Police which will record the following details:-
 - Any incident relating to crime or disorder;
 - Seizures of drugs or offensive weapons;
 - Ejections of patrons;
 - Details to be recorded to include date and time, details and / or descriptions of the people involved, exact location of the incident and which staff are present when the incident took place. The use of such a register will ensure that all staff are aware of any ongoing problems and the persons responsible.
11. A log (which may be electronic) shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refusal and the name of the member of staff who refused sale. A copy of the log or electronic report shall be made available upon reasonable request by any officer of the Licensing Authority of the Police and shall be made available upon reasonable request.

HASTINGS BOROUGH COUNCIL

Annex 2 – Conditions consistent with the operating schedule – continued

Public safety

The prevention of public nuisance

LICENSING COMMITTEE CONDITION – that noise, including music, from the premises shall be inaudible at the boundary of any noise sensitive premises.

Reasonable steps will be taken to recognise the rights of local residents and to encourage customers to leave the premises quietly.

The protection of children from harm

AS under the Prevention of crime and disorder in 9. & 11.

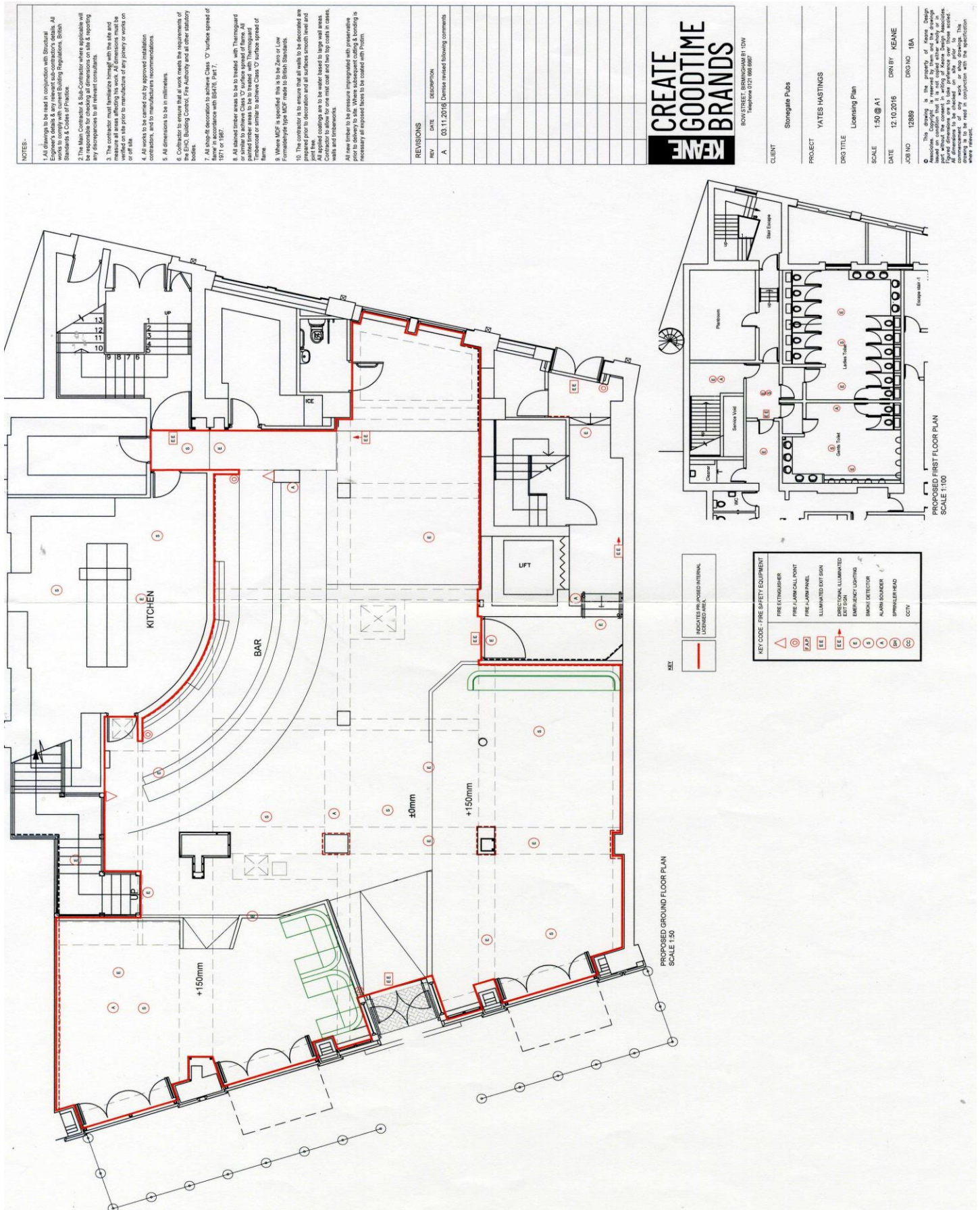
HASTINGS BOROUGH COUNCIL

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

RESOLVED (unanimously) that the application be GRANTED subject to the following conditions that:-

- 3 Thursday to Saturday the permissible hours for sale of alcohol and other licensable activities be extended until 03.00hours, closing at 03.30hours; and**
- 2 Sunday to Wednesday the permissible hours for sale of alcohol and other licensable activities be extended until 03.00hours, closing at 03.30hours with the promise that they may only be extended beyond 01.00hours if the Police have been given ten working days notice of the intention to do so and with the Police having the absolute power veto, and confirming in writing or verbally within 48 hours of such a request.**
- 3 that noise, including music, from the premises shall be inaudible at the boundary of any noise sensitive premises.**

Annex 4 – Plans - Minor variation November 2016





Sussex Police
Serving Sussex

www.sussex.police.uk

East Sussex Licensing

20th May 2022

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) YATES HASTINGS, 53-57 Robertson Street, Hastings, TN34 1HY 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.

Sussex Police received the TEN on Wednesday 18th May 2022. The TEN seeks to licence the sale by retail of alcohol, the provision of regulated entertainment and late-night refreshment between the hours of 0100-0300 on Thursday 2nd June 2022. The nature of the event is described as Queens Jubilee event. Extending Wednesday nights trade into Thursday morning.

The application did not offer to extend their licence conditions for the extended hours which we feel is required owing to the premises being in the cumulative impact zone and because we have on-going concerns with the premises.

This premises were placed on a 3-month action plan on 9th November 2021. The reasons for this was due to an increasing number of incidents generated from the premises and the drug swab results being very high. On 11th February another meeting was held to discuss their progress. The Action plan had to be extended as incidents had not sufficiently reduced and drug swabs results were still high. The action plan was extended for a further two months. We are now reviewing the latest drug swabs results and incidents and are likely to extend the action plan by a further two months for the same reasons before making a final decision about what action we might take against the premises licence.

Allowing this premises to increase their hours whilst they are on an action plan for reasons explained, would not only increase the risk of crime and disorder but could also add pressure to the emergency services in what will be a very busy period of time.

Therefore, the Chief Officer of Police contends that permitting the 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 via email.

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.

Closing times licensed public houses / licensed premises in Castle Ward, Hastings.

MODA, Queens Road	05.00 hours.
Clarence, Middle Street	Friday 02.30 / Saturday 03.00 / Christmas Eve 03.00
John Logie Baird, Havelock Road	02.00
The Brass, Havelock Road	Friday & Saturday 04.00
Havelock, Havelock Road	Friday 02.00 / Saturday 03.00 / Christmas Eve 03.00
Crypt, Robertson Street	Friday & Saturday 03.30 / Christmas Eve 04.00
Yates, Robertson Street	Friday & Saturday 03.30
South Star, Robertson Street	Friday & Saturday 02.00
Tin Tins, Robertson Street	Friday & Saturday 03.30
Owl & Pussycat, Robertson Street	03.00
Trinity Townhouse, Claremont	Friday & Saturday 02.30
Printworks, Claremont	Friday & Saturday & Christmas Eve 03.30
Pigs Palace, White Rock	Friday & Saturday 02.30
Club XS, Prospect Place	06.00.

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