

# Licensing Sub Committee Agenda

**Monday, 15 August 2022 at 10.00 am**

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

For further information, please contact Democratic Services on 01424 451719 or email [democraticservices@hastings.gov.uk](mailto:democraticservices@hastings.gov.uk)

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<b>Members of the Licensing Sub Committee to sit on this hearing are:</b>		
<b>Councillors Patmore, Rankin and Rogers with Councillor Collins in reserve.</b>		
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. The Crypt & Bat and Bee 53-57 Robertson Street, Hastings	9 - 52
7.	Additional urgent items (if any)	

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# Agenda Item 3 Public Document Pack

## LICENSING SUB COMMITTEE

15 JUNE 2022

Present: Councillors Patmore (Chair), Roberts, Sinden and Jobson (in reserve).

### 19. APPOINTMENT OF CHAIR FOR THIS MEETING

In accordance with the terms of reference of the Licensing Committee, the council solicitor invited nominations for the appointment of Chair for the duration of the meeting.

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

### 20. APOLOGIES FOR ABSENCE

None received.

### 21. MINUTES OF PREVIOUS MEETING

Approved.

### 22. DECLARATIONS OF INTEREST

None received.

### 23. VARIATION OF A PREMISES LICENCE WITH REPRESENTATIONS, THE FORBIDDEN FRUIT, 22 GRAND PARADE, ST LEONARDS ON SEA

The Sub-Committee took a vote on whether to continue with the hearing in the absence of any of the public objectors.

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

**That the Licensing Sub-Committee hearing continue in the absence of any of the public objectors.**

The applicant confirmed that he had received the report.

The Licensing Lead Officer, Mr Bryant, introduced his report. The premises formally operated under a licence granted in 2005 and has since been managed by several different operators. The premises holds a licence under the Licensing Act 2003 and is not located within the Council Special Saturation Policy (Cumulative Impact Zones).

The application requests an extension of opening hours and an extension of the licensable area into the basement, as set out in the report.

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As a result of the consultation period a representation was received from a responsible authority, Mr John Ballam, Environmental Protection Officer, Hastings Borough Council. The representation relates to the licensing objectives Prevention of Crime and Disorder and Prevention of Public Nuisance. Mr Ballam's representation suggests amendments to the main noise prevention condition, and the addition of a further noise prevention condition.

In addition, a number of public objections were also received and attached as appendices to the report. Sussex Police licensing team made no formal representation. Hastings Borough Council planning department made no objection, although advise that the applicant may want to pursue a formal certificate of lawful use for the basement area.

Mr Ballam was present and made a submission. Mr Ballam said his suggested amendments and additions are standard conditions that the environmental health department are requesting on all new licences and variations to licences.

Mr Colfield said he had been in discussion with environmental health and asked for clarification on the precise meaning of 'nearest noise receptor'. Mr Ballam said that would be the nearest residential premises.

Mr Colfield informed the Sub-Committee that he was planning to use the basement so that music will be more contained. The volume in the upstairs area will be lower and only background music. When taking over the premises a letter was sent to all neighbours providing contact details and introducing the management. In nine months of operating the premises Mr Colfield said he had never been contacted by any neighbours in Adelaide House, and there have been no issues with the police.

Mr Colfield noted the public objections refer to Bar Blue, which was the name of the premises under the previous owners and nothing to do with current management. Polite notices are displayed around the bar asking patrons to be quiet and respectful when entering and leaving the building. There have been no noise complaints until this current application. The most memorable event noted by the objectors was the opening night, nine months ago. Police were called on that occasion but there were no issues. Lessons have been learnt since then and Mr Colfield said he remains outside asking customers to be respectful of neighbours. There have been mistaken noise complaints regarding The Forbidden Fruit, which the police have subsequently traced to other local licensed premises.

The premises is an LGBT venue and works closely with local charities to provide a safe space for the LGBT community. The bar has a diverse customer base which brings together the local LGBT and heterosexual communities and customers have always been complimentary of the venue.

Councillors asked questions of the applicant.

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Mr Colfield explained that although the application requests earlier opening hours this is to give the venue the option of doing so when local events are on, without having to apply for a Temporary Event Notice. There are no plans to open earlier.

In response to a question Mr Colfield said he would accept the conditions proposed by the Environmental Protection Officer.

The Licensing Lead Officer informed the Sub-Committee that the application also requests opening hours of 10:00 to 03:00 hours for Christmas Eve and New Year's Eve.

The Licensing Lead Officer, Environmental Protection Officer and applicant summarised their submissions.

In summary Mr Colfield said that the objections raised concern about the premises being open to 2am. Although these hours are already on the licence there are no plans to extend the opening hours until 2am.

The Sub-Committee retired to consider the application.

**RESOLVED (unanimously):**

### **GRANT IN PART WITH CONDITIONS**

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 part of the application to vary the licence.

The incorporation into the licenced premises of the basement as per the plan provided as part of the application is granted.

In recognising the concerns raised about the specific issues under the Licensing Objectives, the application is granted in part subject to the following conditions:

The opening hours of the premises remain Sunday-Wednesday 10:00-01:30 and Thursday-Saturday 10:00-02:30.

Films remain: Sunday-Wednesday 10:00-01:00, Thursday-Saturday 10:00-02:00

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Performance of dance remains: Sunday-Wednesday 10:00-01:00, Thursday-Saturday 10:00-02:00

Plays: Sunday-Wednesday 10:00-01:00, Thursday-Saturday 10:00-02:00.

Live music remains: Sunday-Wednesday 10:00-01:00, Thursday-Saturday 10:00-02:00

Recorded music/DJ performance remains: Sunday-Wednesday 10:00-01:00, Thursday-Saturday 10:00-02:00

Late night refreshment remains: Sunday-Wednesday 23:00-00:30, Thursday-Saturday 23:00-01:30

Supply of alcohol on and off premises remains: Sunday-Wednesday 10:00-01:00, Thursday-Saturday 10:00-02:00

Before any live music or events take place on the premises, the DPS will ensure that all windows and doors are kept closed apart from allowing ingress or egress, in order to minimise potential noise outbreaks.

The DPS or a responsible member of staff shall monitor the impact of possible noise outbreak on neighbouring properties along Grand Parade and take action to reduce noise levels if they are found to be clearly heard at the nearest noise sensitive receptor. A log of the monitoring information should be kept available for the Local Authority to view on request.

The existing condition "Noise and music arising from the premises shall not be audible in any residential premises after 23:00hrs. For the avoidance of doubt noise shall include that arising from all mechanical or electrical equipment used by the premises and that noise arising from customers in the premises" is deleted and replaced with the following condition "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".

The existing condition "Will review the need for SIA trained and authorised door staff for pre-planned events" is deleted and replaced with the following condition: "One SIA trained and authorised door supervisor to be employed from 22:00hrs until 30 minutes after closing time on any pre-planned event".

The existing condition "Ensure staff promote a challenge 21 policy and accept only photographic evidence as proof of age" is deleted and replaced with "A challenge 25 policy shall be in operation at the premises and staff will be suitably trained to implement this policy".

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The existing condition “Ensure CCTV system is properly maintained and images recorded stored for 28 days and made available to police and the licensing authority at any reasonable time” is deleted and replaced with “Ensure internal and external CCTV system is properly maintained and images recorded and stored for 28 days and made available to police and the licensing authority at any reasonable time” .

The reasons for granting this application are:

1. The Sub-Committee noted the licence currently allowed for longer periods of licensable activity than provided for in the matrix as set out in the Council’s policy. The Sub-Committee did not believe they had been provided with sufficient evidence to support further extension of the hours contrary to the policy.
2. The Sub-Committee did however note that the application appears responsible and appear to be operating a well-run establishment. The Sub-Committee hoped the applicant keep up the good standards of running their establishment.
3. The Sub-Committee looked at this case on its own merits and believed that the Environmental Health officer’s suggested conditions were proportionate in this case given the objections raised by local residents.

(The Chair declared the meeting closed at 12.55pm)

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# Agenda Annex

## **Licensing Sub Committee Procedures** **Temporary Event Notice**

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

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

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

### **2. Summary of report by Licensing Manager / Officer.**

### **3. Police make submissions on the application.**

Any questions from

- Applicant / Representative?
- Officers?
- Members?

### **4. Applicant / Representative make submissions on the application / call any witnesses.**

Any Questions for Applicant / Representative / Witnesses from

- Officers?
- Members?
- Police?

### **5. Do Members require any clarification from the Licensing Manager / Officer?**

If clarification given, questions on clarification only from:

- Applicant / Representative?
- Members?
- Police?

### **6. Summaries (if required)**

- Licensing Manager / Officer summing up
- Applicant/Representative summing up
- Police summing up

### **7. Decision Making**

- Members retire to discuss the application, propose and second a recommendation and vote on this.
- They may take legal advice from the Legal Advisor. The Legal Advisor will advise the Parties of any legal advice given to the sub-committee. No other person may retire with the Sub-committee.
- The decision is announced by the Chair giving full reasons for the decision, together with any conditions, which are to be attached to the grant of the licence or the reasons for a refusal of the application.

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# Agenda Item 6



**Report to: Licensing Sub-Committee.**

**Date of Meeting: 15<sup>th</sup> August 2021**

**Report Title: Application for a Temporary Events Notice, with an objection.  
The Crypt & Bat and Bee 53-57 Robertson Street, Hastings TN34 1HY**

**Report By: Andrew Palmer, Assistant Director, Housing and Built Environment**

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## **Purpose of Report**

To consider an Objection Notice to a Temporary Event Notice (TEN) served on behalf of The Crypt 53-57 Robertson Street, Hastings TN34 1HY Responsible Authorities. One.

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## **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.**

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## **Reasons for Recommendations**

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

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## Introduction

### 1.0 Background

1. Authorisation from the Council is required for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late-night refreshment.
2. While most large-scale or permanent businesses will hold Premises Licences to authorise their activities, the Licensing Act 2003 (“the Act”) also provides a light-touch mechanism for smaller, infrequent events, known as a Temporary Event Notice (“TEN”).
3. An individual (known as the “premises user”) may give notice of a proposal to use premises for a temporary event, engaging in one or more licensable activities for a period of no more than 168 consecutive hours. The Licensing Sub-Committee is required to consider any Objection Notice received and must give the premises user a Counter-Notice under Section 105 of the Act if it considers it appropriate for the promotion of a Licensing Objective to do so. The temporary event may not proceed if a Counter-Notice has been issued.
4. On the 2<sup>nd</sup> August 2022, Hastings Borough Council was served a TEN in respect of **The Crypt & Bat and Bee 53-57 Robertson Street, Hastings TN34 1HY. (Attached at Appendix A).**
5. This premise holds a licence to operate until 03:30hrs (Opening hours below) under the Act (**Attached at Appendix B**), The premise is located within Area 1a (Hastings Town Ctr) of the Council Special Saturation Policy (Cumulative Impact).

The opening hours of the premises:

SUNDAY – WEDNESDAY 08.00 – 02.30

THURSDAY – FRIDAY 08.00 – 03.30

SATURDAY 11.00 – 04.30

ON FRIDAY, SATURDAY AND SUNDAY ONLY PRECEDING A BANK HOLIDAY MONDAY, UNTIL 04.00.

ON CHRISTMAS EVE AND NEW YEARS EVE UNTIL 04.00.

### 2.0 Application

6. The TEN requests the following on the morning of Saturday 27th August 2022:

Opening Hours: 03.30 hours until 04.00 hours on the same day.

The Sale by Retail of Alcohol: 03.00 hours until 04.00 hours on the same day.

The supply of Alcohol by or on Behalf of a Club to, or to the Order of, a Member of the Club 00.00 hours until 04.00 hours on the same day.

**It should be noted that this ‘tick’ and the hours are a mistake on the notification form as the premises holds a premises licence, not a club certificate to which this refers. You should only tick this box when applying for a temporary event notice if your event is taking place on a premises that is licensed by a club premises certificate and alcohol is only being supplied to members of that club and no one else.**

The Provision of Regulated Entertainment: 03.00 hours until 04.00 hours on the same day.

The Provision of Late Night Refreshment: 03.00 hours until 04.00 hours on the same day.

### **3.0 Consultation**

7. The fee for giving a TEN is prescribed within the Act
8. 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.
9. The Police and Environmental Protection then have three working days to lodge objections with the Licensing Authority and Applicant.
10. A copy of the Police Objection Notice to the TEN, which was received on **4<sup>th</sup> August 2022**, is attached at **Appendix C**. Environmental Protection have not made any representations.
11. Objections must relate to the undermining of the Licensing Objectives, the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm. Copies of the TEN are required to be served on a list of Responsible Authorities at the same time as placing the TEN before the Licensing Authority, this has been done.
12. The Act does not make provision for further consultation with any other Responsible Authorities nor interested parties, and there is no requirement for the premises user to publicise their TEN.

### **4.0 Legal Considerations**

13. When carrying out its licensing functions, the Sub-Committee shall act with regard to the Council's Licensing Policy, Statutory Guidance, and with a view to promoting the Licensing Objectives. The Licensing Objectives are:
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm

14. Part 5 of the 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.
15. If an Objection Notice to a TEN is made by a Responsible Authority and no compromise can be reached between the parties, a hearing must be held.
16. Paragraph 7.28 of the Section 182 Guidance sets how the Authority should decide what actions are appropriate.
17. If the Licensing Authority receives an Objection Notice from the police or EH 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.
18. The Licensing Sub-Committee may decide to allow the licensable activities to go ahead as stated in the TEN. If the TEN 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.
19. Section 105(2)(b) of the Act requires that the Licensing Authority must, having regard to the Objection Notice, give the premises user a Counter Notice under this Section if it considers it, "appropriate for the promotion of a Licensing Objective to do so." The temporary event may not proceed if a Counter-Notice has been given.
20. Section 106A(2) of the Act provides that the Licensing Authority may impose one or more conditions on the standard TEN if:
  - a) it considers it appropriate for the promotion of the Licensing Objectives to do so.
  - b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of or in any part of the same premises as the TEN.
  - c) the conditions would not be inconsistent with the carrying out of licensable activities under the TEN.
21. 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.
22. It is considered inappropriate for officers involved in the administration of notices to make recommendations. However, the Sub-Committee may choose whether to have regard to any representations made by police officers or Council's Noise and Pollution Team if they believe that using the premises in accordance with the TEN will undermine the Licensing Objectives.
23. Subject to both the Council's Statement of Licensing Policy and Statutory Guidance having been properly considered a Sub-Committee may depart from them if there are good reasons for doing so. Full reasons must be given and Sub-Committees

should be aware that such departures could give rise to an Appeal or Judicial Review.

- Human rights considerations must be taken into account fully in balancing licensing issues, in particular, Article 1 of the First Protocol and Article 8 to the European Convention on Human Rights which are applicable in England and Wales via the Human Rights Act 1998. 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.
24. In accordance with the provisions of Part 3 of Schedule 5 of the Act, where the Licensing Authority gives a Counter-Notice under Section 105, the premises user may Appeal against the decision. Where the Licensing Authority does not give a Counter-Notice, the person giving the Objection Notice may Appeal against the decision. In both cases, Appeals must be made to a Magistrates Court within 21 days of receiving notification of the decision - however, no Appeal can be brought less than 5 working days prior to the first proposed event day.

## 5.0 Options

25. The Sub-Committee must ensure that all licensing decisions have:

- a direct relationship to the promotion of one or more of the 4 Licensing Objectives.
- regard to the Statement of Licensing Policy.
- regard to the Secretary of State's Guidance.
- there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded.

26. You the Sub-Committee have the following options

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

27. Full reasons must be given and Sub-Committees

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**Wards Affected**

Castle Ward.

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**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

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**Additional Information**

Appendix A. Temporary Event notice.

Appendix B. Licence summary.

Appendix C. Sussex Police Letter of Objection.

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**Officer to Contact**

Stewart Bryant, Licensing Lead.

stewart.bryant@hastings.gov.uk

01424 783232

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## Hastings Borough Council

### 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		
Surname	Mandry		
Forenames	Paul		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <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)			
redacted			
Post town		Postcode	
7. Other contact details			
Telephone numbers Daytime	redacted		
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	redacted		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			

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

<b>2. The premises</b>	
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)	
53-57 Robertson Street Hastings Sussex 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	HO313477
Club premises certificate number	HOP50512
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)	
Please describe the nature of the premises below. (Please read note 4)	
Nightclub	
Please describe the nature of the event below. (Please read note 5)	
Extending the hours of trade of event	

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		✓
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		✓
The provision of regulated entertainment (Please read note 7)		✓
The provision of late night refreshment		✓
Are you giving a late temporary event notice? (Please read note 8)		
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
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)		
26/08/2022 22:00 - 00:00 (Licensable activities) All premise licence 26/08/2022 00:00 - 04:00 (Licensable activities) conditions transferred 27/08/2022 04:00 – 04:00 ( Dispersal procedure) to temporary events notice		
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)		499
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	✓
	Off the premises only	
	Both	

<p>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)</p> <p>No</p>
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. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes ✓	No <input type="checkbox"/>
If “Yes” please provide the details of your personal licence below.		
Issuing licensing authority	Hastings Borough Council	
Licence number	HO 31477	
Date of issue	02/10/2019	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes	No ✓
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No ✓

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No ✓
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No ✓
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No ✓
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No ✓

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	
Made or enclosed payment of the fee for the application	
Signed the declaration in Section 9 below	

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	02 August 2022
Name of Person signing	Paul Mandry

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	
	On behalf of the licensing authority
Date	

Name of Officer signing	
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## Notes for Guidance

### General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times or, for event periods occurring wholly or partly in 2022 or 2023, 20 times a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days or, for event periods (or any part of those periods) occurring in 2022 or 2023, 26 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine on conviction);
- allowing the sale of alcohol to children under 18 ( subject to an unlimited fine on conviction);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction );
- allowing disorderly behaviour on the premises (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- the sale of alcohol to a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- obtaining alcohol for a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (subject to a fine not exceeding level 1 on the standard scale, on conviction); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (subject to a fine not exceeding level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

#### Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.



If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

#### Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

#### Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

#### Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

#### Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

#### Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

#### Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community

- premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

#### Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

#### Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48-hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise

you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

#### Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment — see note 6 above). A temporary event notice may be given for this purpose.

#### Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

#### Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices for each year. However, only one notice needs to be given. The limits are:

- i. for event periods occurring wholly or partly in 2022 or 2023, up to 20 times in the calendar year for each premises;
- ii. for other event periods, 15 times in a calendar year for each premises;
- iii. for event periods (or any part of a period) occurring in 2022 or 2023, 26 days in the calendar year for each premises;
- iv. for other event periods, 21 days in a calendar year for each premises;
- v. 50 per personal licence holder each calendar year; and
- vi. 5 for non-holders each calendar year.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year),

temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 16 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 16 below sets out the definition of an “associate”.

#### Note 16

An “associate” of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

#### Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

#### Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### Note 19

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

Note 20

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

## PREMISES LICENCE

Premises licence number

HOP50512

## Part 1 – Premises details

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

THE CRYPT & BAT AND BEE  
 BAT AND BEE, GROUND FLOOR 53 & THE CRYPT, BASEMENT 53 – 57 ROBERTSON STREET

Post Town  
 HASTINGS, EAST SUSSEX

Post Code  
 TN34 1HY

Telephone number  
 NONE GIVEN

Where the licence is time limited the dates

NONE

Licensable activities authorised by the licence

PLAYS, FILMS, LIVE MUSIC, RECORDED MUSIC, PERFORMANCES OF DANCE, ENTERTAINMENT SIMILAR TO  
 LIVE MUSIC, RECORDED MUSIC OR PERFORMANCE OF DANCE, LATE NIGHT REFRESHMENT  
 SUPPLY OF ALCOHOL

The times the licence authorises the carrying out of licensable activities

PLAYS	SUNDAY – WEDNESDAY	11.00 – 02.00
	THURSDAY – FRIDAY	11.00 – 03.00
	SATURDAY	11.00 – 04.00
FILMS	SUNDAY – WEDNESDAY	11.00 – 02.00
	THURSDAY – FRIDAY	11.00 – 03.00
	SATURDAY	11.00 – 04.00
LIVE MUSIC	SUNDAY – WEDNESDAY	11.00 – 02.00
	THURSDAY – FRIDAY	11.00 – 03.00
	SATURDAY	11.00 – 04.00
RECORDED MUSIC	SUNDAY – WEDNESDAY	08.00 – 02.00
	THURSDAY – FRIDAY	08.00 – 03.00
	SATURDAY	08.00 – 04.00
PERFORMANCE OF DANCE	SUNDAY – WEDNESDAY	11.00 – 02.00
	THURSDAY – FRIDAY	11.00 – 03.00
	SATURDAY	11.00 – 04.00
ENTERTAINMENT SIMILAR TO	SUNDAY – WEDNESDAY	11.00 – 02.00
	THURSDAY – FRIDAY	11.00 – 03.00
	SATURDAY	11.00 – 04.00
LATE NIGHT REFRESHMENT	SUNDAY – WEDNESDAY	23.00 – 02.00
	THURSDAY – FRIDAY	23.00 – 03.00
	SATURDAY	23.00 – 04.00
SUPPLY OF ALCOHOL	SUNDAY – WEDNESDAY	11.00 – 02.00
	THURSDAY – FRIDAY	11.00 – 03.00
	SATURDAY	11.00 – 04.00

ALL OF THE ABOVE, ON FRIDAY, SATURDAY AND SUNDAY ONLY PRECEDING A BANK HOLIDAY MONDAY,  
 AND CHRISTMAS EVE AND NEW YEARS EVE, UNTIL 04.00.

## HASTINGS BOROUGH COUNCIL

## Part 2

**The opening hours of the premises**

SUNDAY – WEDNESDAY 08.00 – 02.30

THURSDAY – FRIDAY 08.00 – 03.30


SATURDAY 11.00 – 04.30

ON FRIDAY, SATURDAY AND SUNDAY ONLY PRECEDING A BANK HOLIDAY MONDAY, UNTIL 04.00.

ON CHRISTMAS EVE AND NEW YEARS EVE UNTIL 04.00.

**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

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


(Full variation – extending authorised hours – granted 21<sup>st</sup> March 2022)  
 (Full variation- amending / replacing conditions- granted 21<sup>st</sup> April 2021)  
 (Change of name for 53 Ground Floor licensed area on 2<sup>nd</sup> May 2018)  
 (Full variation granted 9<sup>th</sup> April 2018)  
 (Transfer of limited company holders 22<sup>nd</sup> January 2018)  
 Granted on 6<sup>th</sup> August 2015

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

10097750

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

Change of DPS on 10<sup>th</sup> October 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**

PERSONAL LICENCE NUMBER: HO31477

ISSUING AUTHORITY: HASTINGS 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

- 1) It is Grand Elektra's policy to maintain a good neighbour policy and emphasizes the importance of good relationships with its local residents and authorities.
- 2) Due to the premises being within a local authority defined cumulative impact area, special consideration has been given to policies and management processes in order to prevent negative effects within the cumulative impact area.
- 3) Grand Elektra recognizes the need for a comprehensive and considered dispersal policy to avert potential disorder and disturbance throughout the duration of operation and at the end of the night. The policy highlights the steps necessary to minimize this potential and ensure safe, orderly and quiet egress by patrons and minimize the risk of disturbance throughout the hours of operation. As such, the venue will endeavour to ensure that all customers leave the premises and immediate vicinity without causing disturbance.
- 4) Staff will be comprehensively trained and inducted and a written log kept. Specific interest given to the following areas; Personal Responsibilities of staff serving alcohol under the 2003 Licensing Act, Intoxication & Refusals, Health & Safety, Fire Safety, Noise management, dispersal procedures, Food Hygiene & Security.
- 5) Training packs and handbooks will be provided to staff and training will be given on induction and periodically refreshed on a minimum of a quarterly basis.

#### The prevention of crime & disorder

**In the consultation period of the full variation March 2018, the following conditions were added 6, 7, 8 & 9:-**

- 6) **(Amended in full variation April 2021)** On non – club nights / limited capacity pre – paid ticket events, SIA trained door staff stationed at the door to restrict access to patrons unless previously scanned at designated entrance in use for specific event from 21.00 hours..
- 7) **(Amended in full variation April 2021)** Additional SIA trained door staff stationed outside Bat & Bee (53 Robertson Street), in the smoking area, to monitor noise levels and potential disturbance. This will alleviate pressure and disturbance at the existing entrance to The Crypt..
- 8) **(Amended in full variation March 2022)** Management and SIA door staff will complete dynamic risk assessments every 30 minutes between 23.00 and 02.00 to ensure there is no outbreak of disturbance or sound at the premises. A log will be available for inspection at any reasonable time.
- 9) **(Amended in full variation March 2022)** There will be no access to patrons to the downstairs Club area of the premises known as 53 Robertson Street from Bat & Bee, 53 Robertson Street. Patrons wishing to enter the club will be required to enter through The Crypt entrance to enable them to be scanned and have wrists stamped or wristband provided. We will maintain the time for latest admissions to venue (capacity limits permitting, to no later than 02.30 hours.
- 10) The venue will be protected during the hours of closure by way of an intruder alarm.

## HASTINGS BOROUGH COUNCIL

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

- 11) Emergency exits will be protected by alarms to prevent un authorised opening or tampering.
- 12) Staff and security will be briefed on a daily basis on security issues and operational guidelines specific to the day of operation.
- 13) Any promoted events or those that may attract a larger crowd than normal will be individually risk assessed and details provided to the police a minimum of 14 days in advance.
- 14) Door supervisors will be trained on induction and periodically refreshed on operational and security policies.
- 15) A security risk assessment will be in force to minimize any risks of crime and disorder and will be under constant review with an audit taking place annually. Sufficient numbers of door supervisors who are suitably trained will be provided on the premises, depending on the site-specific risk assessment, activities or entertainment. Door supervisors will all be Security Industry Authority accredited.
- 16) Grand Elektra Operational Deployment Plan 8 x Door Supervisors:  
The Grand Elektra Security Deployment Plan is based on a minimum team of 8 x Door Supervisors. This is the minimum number of Security personnel required to operate to the maximum efficiency, during a normal club session. Normal club sessions are assumed to run from 22:00-03:00 on a Thursday, Friday, Saturday and Sundays preceding bank holiday Mondays.  
**(Amended in full variation April 2021)** On busier nights and special promotions, manpower should be increased accordingly at a ratio of 1:50 (Security: Customer) ratio. On less busy nights, or if post pandemic capacity limits are restricted, the Security Team can be reduced in numbers or if certain floors/ levels remain closed by the same ratio.
- 17) Deployment of Door Supervisors is as follows:  
1 x Head Door Supervisor with a Minicam will operate from front of house and oversee the security operation as front of house is the most efficient point from which to run the security operation.
- 18) The Head Door Supervisor will also conduct ID/entry control checks, meet and greet customers.
- 19) 1 x Door Duty Manager will operate from front of house to assist the Head Door Supervisor, meet and greet customers, conduct ID/entry control checks and be assisted by the HD if necessary.
- 20) **(Amended in full variation April 2021)** On normal club nights' customers will enter via the entrance door and exit via the exit/smoking area door at front of house. On non - club nights, when early evening ticketed events with reduced capacity are being held and to comply with post pandemic traffic flow system, customers may enter and exit the premises by means of the Havelock Road exit.
- 21) 1 x Door Supervisor will conduct 'Condition of Entry' searches at front of house and support a member of staff who will operate as Ticket Collector. The male searcher may check the bags of female customers but not conduct 'Condition of Entry' searches on female customers. Should a more in depth search be required, this should be conducted by a female manager or supervisor under the cover of CCTV. **Page 36**

**HASTINGS BOROUGH COUNCIL**

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

- 22) A female Manager will be required to conduct regular female toilet checks in the absence of a female Door Supervisor.
- 23) A member of Staff will collect admission tickets after customers have paid and be supported by the Door Supervisor searcher.
- 24) 1 x Door Supervisor will deploy to Smoking Area OP and control customer ingress/egress. This Door Supervisor will also control customer exits at front of house via the exit door.
- 25) 1 x 'Mr Walker' will patrol the venue and be responsible for 'Incident Response' and 'OP Change Overs'.  
 1 x Door Supervisor will deploy to 53 Ground Floor OP1.  
 1 x Door Supervisor will deploy to DJ Box OP2.  
 1 x Door Supervisor will deploy to Fire Exit 2 OP3.  
 1 x Door Supervisor will deploy to Toilet area reception 2 OP4. There is no 'Shadow' during early doors.
- 26) Should the VIP Rooms be in use 1 x Door Supervisor will be deployed to the VIP Entrance and will control entry to ensure only authorised VIP customers gain admission.
- 27) Each OP will maintain communication via radio where there is no line of sight. Messages are transmitted using standard Colour Code Radio VP.
- 28) All OPs maintain visual communication with the 'Mr Walker' Patrol as the 'Mr Walker' patrol passes through their area of responsibility.
- 29) Observation Posts (OP) are situated and Patrols routed in specific areas of the venue in order to cover the 'Hot Spot' areas highlighted by 'Incident Mapping' and Security Risk Assessment.
- 30) During Late Doors when admissions have ceased, the searcher may redeploy to the inside of the club to operate as 'Shadow' for 'Mr Walker' acting as support for Incident Response, male toilet checks and control OP 'Change Overs.
- 31) Dispersal Policy:  
 Key Prevention Steps  
 Effective management of customer behaviour whilst in the premises
- High staff, security and management ratio to customers
- Management presence front of house at all times
- Senior Management to be SIA trained.
- Strong staff training in intoxication and refusals to minimize risk of anti social behaviour away from the premises
- Signs displayed at point of entry. Have you planned your journey Home? Why not book with one of our partner Taxi companies now and relax in the knowledge your journey is taken care of. Cards with taxi numbers are available.

## HASTINGS BOROUGH COUNCIL

### **Annex 2 – Conditions consistent with the operating schedule – continued**

Manager will keep an active line of communication throughout the night with the police to update them on numbers inside the venue and expected closing time.

A premises of this nature reaches peak capacity 1 hour before it closes. One hour before the close of business, management will begin the dispersal procedure and therefore the premises will not be at peak occupancy at close of the premises.

Music is emotive and by slowing tempo of the atmosphere this has a calming effect. Because people are not shouting over/talking loudly over the music throughout dispersal time they tend to leave more quietly. This is because they are not unwittingly still using raised voices.

30 Minutes before the end of regulated activities and 1 hour before close, music is slowed, genre softened and volume reduced.

Manager will telephone taxi partners 1 hour before close to advise of expected numbers to ensure enough provision for a swift dispersal from the town centre.

Lighting levels are slowly increased every 5 to 10 minutes

At this point management instructs increased levels of staff and security to man the cloakroom to ensure patrons can retrieve belongings in a prompt and calm manner  
Signs are displayed at the cloakroom giving information on transport options  
Security staff and management are deployed to dispersal positions;  
Most senior manager to front door to supervise front door and the town centre dispersal.

Security staff (OP4) move to lower exit one to ensure customers leave drinking vessels downstairs before they commence their journey toward the exit.

At end of regulated activities Manager 3, accompanied by security 4&5 gently ask customer to start collecting their belongings, reminding patrons to leave calmly and quietly.

Security 3 move to front door internal and security 1 & 2 to the external boundary.

When basement is clear, security 4 & 5 move to the outside of the venue to supervise external dispersal and security 6 to rear exit 2 to supervise patron walking to the taxi rank. Walker (security 7 and manger 2 supports security 6 at exit 2 who oversee taxi rank)

Security 1 & 2 Remain to secure front door and support 4 & 5

Signs are displayed throughout the exit to remind customers to respect our neighbours and leave peacefully. Security staff politely inform customers to keep noise levels down, hosts are available at the front door to help with transport arrangements.

### **32) Grand Elektra Customer Ejection Policy**

All Security Personnel will adhere to standard 'Colour Code Radio Voice Procedure' system and Immediate Action Drills. Physical intervention will only be used as an absolute last resort and will observe 'Reasonable, Necessary and Proportionate Use of Force' under the Criminal Law Act 1967 Section 3:1 and Common Law.



**HASTINGS BOROUGH COUNCIL**

**Annex 2 – Conditions consistent with the operating schedule – continued**

**33) Radio VP (Voice Procedure)**

“Code Green” – No Problem

“Code Amber/Code Amber Back Up” – Possible threat –Maintain Radio Silence – Wait for Update –

Either “Code Red” or “All Stations, Stand Down”

“Code Black” – Serious Incident – All sections respond but leave 1 x Door Supervisor at front door.

- 34) Restraining a person on the ground will be an absolute last resort and great care will be taken to ensure no undue pressure is exerted on the persons chest cavity as this may induce positional asphyxia. Constant assessment will be made by a duty first aider.
- 35) All ejections should be conducted via the Front Door, however should an ejection via the Front Door be judged as an 'unacceptable risk', the ejection may be conducted via an approved ejection route such as secondary fire exit.
- 36) All ejections will be attended by a 'Mr Walker' and where possible a Door Supervisor with a recording Mini cam plus a Duty Manager if available.
- 37) The Duty Manager must be informed when an ejection is to take place.
- 38) The ejection must be recorded in detail specifying the ejection route, reason for ejection, conclusion and personal details of all involved in the appropriate Incident Report Book.
- 39) Council CCTV will be informed of all ejections and a full description of the offender given.
- 40) Should an arrestable offence occur, 2 x Holding Areas for 'Aggressor' and 'Victim' groups have been designated.
- 41) Designated 'Holding Areas' will be 'Hold 1 Aggressor Group' which is situated either inside Fire Exit 1 if the incident occurs on the Main Floor or inside Fire Exit 2 if the incident occurs on west side of the building.
- 42) Floor. Victim Group 'Holding Area is situated in the Staff Room on the Upper Floor.
- 43) Any detentions must be covered by CCTV or Minicam and have a Duty Manager present.
- 44) Offenders will be held under 'Citizen Arrest' until the Police attend.
- 45) Should a public order situation arise, Security will exercise duty of care towards customers.
- 46) Force will only be used as a last resort, however if the use of force cannot be avoided, only 'Such Force as is reasonable in the circumstances' under the Criminal Law Act 1967 Section 1.1 will be used by Door Supervisors.
- 47) **(Amended in full variation April 2021)** On club sessions after 21.00 (9pm) an ID scanner will be used to photograph and record patron data. Data to be made available at the request of a police officer. On earlier evening non – club nights when holding reduced capacity, pre – booked ticketed events data to be made available at the request of a police officer.

## HASTINGS BOROUGH COUNCIL

## Annex 2 – Conditions consistent with the operating schedule - continued

- 48) Toilet attendants will be in place on club nights to supervise toilet area and minimize the risk of drug use.
- 49) Clear and conspicuous notices warning of potential criminal activity such as pick pockets and handbag thieves within the premises, who may target patrons of the premises, will be displayed.
- 50) CCTV capable of covering both inside and outside the premises in positions which satisfy both the Council and the Police, will be provided to enhance the safety of patrons and staff .
- 51) All cameras will be maintained in good working order and must continually record.
- 52) Data retained for a minimum of 31 days and to be made available to the police, where the police demand them to be of evidential value.
- 53) A register of all staff, including door supervisors, who are working at the premises whilst the public is present, will be maintained.
- 54) Any person employed or engaged on the premises in a security activity such as the vetting of customers and/or the maintenance of public order at either any entrance to the premises or any part within, shall hold the appropriate Security Industry Authority accreditation.
- 55) When on duty every door supervisor shall wear a uniform, distinctive dress or armband.
- 56) The premises will be a member of the local bar watch scheme.
- 57) Effective two-way communication via Night Net radio, between the designated premises supervisor or their representative and the Police and other clubs or licensed premises in the locality. The equipment/system will be kept in working order at all times that the premises are open to the public ensuring that all instances of crime and disorder are reported to an agreed police contact point and any police instructions/ directions will be complied with whenever given.
- 58) (Removed in full variation April 2021).
- 59) Telephone numbers of the DPS and management team will be available to the police.
- 60) The premises will implement a random search policy. A specified CCTV covered area has been identified to search entrants. A management scheme is in place to ensure the search is operated in accordance with the recommendations of the “Safer Clubbing Guide.” Where necessary, appropriate metal detection equipment will be used in searches.
- 61) A female supervisor will be available for searches that might be conducted on female customers.
- 62) A **Zero Tolerance** drugs policy is in force at the premises with the objective of securing, as far as reasonably practicable, the safety of patrons and others attending the premises. A secure drug deposit box of a type approved by Sussex Police for the safe storage and containment of any drugs found or seized on the premises is located on the premises.

**HASTINGS BOROUGH COUNCIL**

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

A hardbound drugs register is maintained in accordance with guidelines laid down by Sussex Police.

- 63) Posters will be displayed throughout the premises to remind customers of the zero tolerance policy.
- 64) Grand Elektra will refuse entry to anyone who appears to be showing signs of drug use and contacting the emergency services in appropriate circumstances. In such cases, an entry should be made in an incident log book.
- 65) Grand Elektra recognizes a duty of care policy regarding persons suffering adversely from the effects of drugs will be in place at the premises. Staff and Security will be trained in drug awareness so that they can recognise the effects of controlled drugs and provide medical attention where necessary.
- 66) The provision of plastic glass and bottles will be provided depending on the type of entertainment provided, time of day and the number of patrons.
- 67) On club sessions after 22:00hrs polycarbonate glasses will be used in the main event space.
- 68) Drinks, whether in drinking glasses or in opened bottles, may not be taken outside of the licensed area.
- 69) Any daytime event including a regulated activity will be notified in advance to the police and local authority 14 days in advance.
- 70) Regular glass and bottle collection policy will be undertaken throughout the premises.
- 71) When in use VIP bottle serve area will be overseen by senior member of staff and attended 100% of the time.
- 72) Spirit bottle serves will be under the control of staff. Should patrons purchase spirits by the bottle these will remain in staff possession and be served to the customer in measures no larger than 50ML
- 73) As a premises adjacent to a “no drinking zone” specified by the Council, the licensees will take steps in the form of advertising to their patrons on exit, that they are entering a “No Drinking Zone”.
- 74) Grand Elektra will Discourage drink driving by promoting schemes such as Designated Driver, with notices clearly displayed in the premises.

**Public safety**

- 75) The maximum occupancy of the building or venue at any one time will be restricted in respect of certain areas, parts or floors as specified by the Fire Risk Assessment.
- 76) The number of persons admitted to the basement of the premises is 450. Occupancy of Ground floor number 53 is 60. A suitable system to control entry to the premises will be used to count the number of persons entering and leaving the premises, or parts of the premises where appropriate, to ensure the maximum specified occupancy is not

**HASTINGS BOROUGH COUNCIL**

**Annex 2 – Conditions consistent with the operating schedule – continued**

exceeded at any one time. The counting system is sufficiently accurate to inform an authorized person, on request, of the number of persons in the premises or part of the premises as appropriate.

- 77) A log book shall be kept upon the premises in which shall be entered particulars of inspections made; Dependant on specific items, checks will be made daily, weekly or monthly as dictated by the area of inspection. Management will take specific interest in areas connected to fire and health and safety. The logbook shall be kept available and produced for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
- 78) Adequate access and policy will be provided for emergency services as per house crisis manual.
- 79) Where patrons wait in a queue for admission, all reasonable steps will be taken to ensure that such persons do not obstruct exits, yards, passageways, stairways and ramps leading to the outside of the premises.
- 80) Barriers will be provided to control queuing patrons to prevent crushing. Portable barriers/guards will be available where queues for entry can be envisaged.
- 81) 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.
- 82) An area separate from the main dance area is provided with adequate seating and suitable means of providing cool air (either by air conditioning or ventilation to the external air and, so far as is practicable, respite from music.
- 83) Cold drinking water is available at the bar and a notice of the availability is displayed at suitable locations within the premises.
- 84) At least one qualified first aider will be present on the premises during the whole time the premises are made available for regulated entertainment. If more than one suitably qualified first- aider is required then their respective duties must be clearly defined. The date on which any staff have obtained first aid qualifications or received refresher training shall be recorded and kept within a logbook. Facilities and equipment suitable for the number of patrons and the type of event undertaken are provided to enable first-aid treatment to be given promptly in the event of injury to patrons or staff.
- 85) Persons will not be allowed to stand, sit or otherwise remain in any gangway or exit way.
- 86) Curtains will not be hung across gangways, exit ways or over staircases. Where hung over doorways or across corridors, they shall draw easily from the centre and slide freely and shall be clear of the floor. All doors and fastenings will at all times be kept in proper working order.

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

- 87) Gangways, exit routes and steps will be maintained in good order with non-slippery and even surfaces. Seating will at all times ensure free unobstructed access to all exit doors.
- 88) All parts of the premises will be adequately illuminated and those portions to which the public has access and all routes of escape for performers and staff shall be provided with adequate means of illumination.
- 89) In the event of failure of the general lighting, the public shall be required to leave the Premises forthwith.
- 90) In the event of the failure of the emergency lighting, the building shall be immediately fully illuminated by the general lighting and the public shall be required to leave the Premises forthwith.
- 91) Emergency lighting shall be inspected on a daily basis before the public are admitted to the Premises. They shall be of such capacity and so maintained as to be capable of supplying at normal voltage the full load of the emergency lighting during the time required for “safe escape” of the public in an emergency.
- 92) (Removed in full variation April 2021).
- 93) (Removed in full variation April 2021).
- 94) Pyrotechnics or indoor fireworks will be stored in a fire retardant vessel and will be used only by trained members of staff.
- 95) Smoke machines (and similar vapour producing apparatus) will limit the amount of smoke/vapour to the minimum necessary for the desired effect and will not impede means of escape or obscure exit signs. The machines will be in a fixed position and protected against unauthorised interference and be manned by or readily accessible to a competent operator at all times when it is in use.
- 96) (Removed in full variation April 2021).
- 97) When disabled people are present on the premises adequate arrangements will be in place to enable their safe evacuation in the event of an emergency and disabled persons on the premises must have been made aware of those arrangements.
- 98) Noise protection steps 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. Where appropriate noise limiters will be installed.
- 99) To encourage dispersal a specific taxi operator has been nominated for staff and customers use. The company’s telephone number is advertised to customers.

## HASTINGS BOROUGH COUNCIL

## Annex 2 – Conditions consistent with the operating schedule – continued

## The prevention of public nuisance

- 100) **(Amended in full variation March 2022)** There will be no amplified live music in the area of the premises known as Bat & Bee, (formerly Virtue) 53 Robertson Street and any incidental background music shall be restricted to a level barely audible at the frontage of the nearest noise sensitive premises.
- 101) **(Amended in full variation March 2022)** All speakers near the door area will face back into the venue to further reduce noise levels and volume limiters will be used to ensure noise levels are to a level barely audible.
- 102) We intend to keep the doors partially closed and install a side panel to the existing awning to soften any potential noise nuisance.
- 103) **(Amended in full variation April 2021)** During club sessions a No re-entry policy will be in place after 02:15 to allow patrons entry to Grand Elektra, coming from the area of the premises known as Bat & Bee' at closing time at 02.00. Door staff will be able to identify patrons by means of a wristband if leaving after 02.00, or by unique VIP stamp on wrist if they have entered Grand Elektra earlier in the evening and wish to return after leaving Bat & Bee at 02.00 closing.
- 104) **(Removed in full variation April 2021).**
- 105) To avoid queues late at night and to further prevent disturbance, last entry to the premises Grand Elektra, will be 02:15. **(Amended in full variation issued 9<sup>th</sup> April 2018).**
- 106) Entry process will be supervised by management and will have a high staff to customer ratio to ensure fast entry, to limit queues and potential noise and disorder from queueing patrons.
- 107) Searches will be conducted in such a way as to not slow down they entry process. Queues will be directed away from residential properties in Cambridge road.
- 108) External smoking area will be supervised by security and notices will be displayed to inform patrons to keep noise to a minimum.
- 109) A contact telephone number of the DPS or senior management will be made available to local residents and businesses which they can use to report noise disturbances and will be available at all times the licence is in use.
- 110) **(Removed in full variation April 2021).**
- 111) The ground floor West area number 53 (Bat & Bee) is a weak point due to potential music breakout, due to this the following change in the operating schedule applies to this area; At 02:00 external entry to this part of the building and use of external area outside Virtue is terminated. Doors will be closed. For bank holiday weekends, Friday nights into Saturday mornings, Saturday nights into Sunday mornings and Sunday nights into Bank Holiday Monday mornings, Christmas Eve into Christmas Day and New Year's Eve into New Year's Day, this will be at 02.00. External seating will be removed at 23.00 and the area used to allow patrons to use as a stand up smoking area after 23.00 and allow entry and exit to Virtue until 02.00. **(Amended in full variation issued 9<sup>th</sup> April 2018).**

**HASTINGS BOROUGH COUNCIL**

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

- 112) Access is achievable internally for the purposes of late night refreshment (food), and for the provision of a cool area with respite from high levels of noise.
- 113) Live music, activities similar to live music, plays, performances of dance and showing of films will not be in use in this area. Recorded music will be subject to a sound limiter and is intended for background and atmospheric use.
- 114) Music will be subject to Grand Elektra's noise management policy and all performers, Dj's and management will be aware of the policy and comply.
- 115) To reduce the chance of breakout from the main event space the link corridor will be sound proofed and Automatic doors closers are fitted. Acoustic curtains will be in use on the ground floor area of number 53 to further reduce the chance of breakout, specified to the satisfaction of the local authority.
- 116) The volume of amplified sound used throughout the venue in connection with the entertainment provided shall at all times be under the control of the Licensee/Management.
- 117) (Removed in full variation April 2021).**
- 118) The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
- 119) Doors, windows and acoustic lobbies will be kept shut during entertainment, to reduce noise break out. (Save those for ingress and egress)
- 120) During performances/shows or club sessions staff will check prior to entertainment, and periodically check throughout (Every 30 minutes or 15 minutes during live performances), that all windows and doors are shut.
- 121) Staff will monitor and document external sound levels during entertainment. Process as follows.  
Management performing the noise assessment must be the manager overseeing entrance. This person is chosen so that high levels of the background noise that may arise inside the premises do not affect their hearing and threshold levels so that they may make accurate assessment.
- The FOH manager will perform a perimeter assessment of the entire building to ensure all doors, windows and acoustic lobbies are shut. They will ensure that acoustic curtains and any sound attenuating equipment is in operation and assess external noise levels emanating from both the performances and public are at an acceptable level.
- A record will be kept and any actions noted. Any defects or actions should be reported to the most senior manager immediately.
- 122) (Removed in full variation April 2021).**

## HASTINGS BOROUGH COUNCIL

## Annex 2 – Conditions consistent with the operating schedule - continued

123) (Removed in full variation April 2021).

124) (Removed in full variation April 2021).

125) External lighting will be designed so as not to cause unnecessary light pollution or disturbance to neighbouring premises.

## The protection of children from harm

126) The premises will operate a “Challenge 25” policy on sales of alcohol.

127) Any under 18’s events will be individually risk assessed and notified to the police a minimum of 14 days in advance.

128) Staff will ensure that no unaccompanied children are permitted on the premises at any time.

129) Children below the age of 18, shall be excluded from the premises after 20:00. (Save for specific under 18 events.) Such events are to be individually risk assessed and agreed by Sussex Police. For a parent and child fitness class to take place in Grand Elektra until 21.00 hours, a risk assessment is required submitted to Sussex Police (Licensing) and their agreement sought as with any other Under 18 years of age event. **(Amended in full variation issued 9<sup>th</sup> April 2018).**

130) In further interest of protecting children from harm, No film shall be exhibited unless: it has received a “U”, “PG”, “12”, “15”, or “18” certificate issued by the British Board of Film Classification.

a. No person under the age of eighteen years will be admitted to any exhibition at which there is to be shown any moving picture which has received an “18” certification from the British Board of Film Classification.

b. No person under the age of fifteen years will be admitted to any exhibition at which there is to be shown any moving picture which has received an “15” certification from the British Board of Film Classification.

c. No person under the age of twelve years will be admitted to any exhibition at which there is to be shown any moving picture which has received an “12” certification from the British Board of Film Classification.

131) ‘During the events that will have an attendance of under 18’s, no alcohol will be advertised or visible to young persons nor available for sale’. **(As amended in licensing sub committee hearing)**

132) The premises shall install a recognised electronic identification scanning system for customers entering the premises. The system shall be operated on club sessions after 22:00 and all persons entering the premises will be scanned.

133) Club sessions are assumed to be Thursday, Friday, Saturday and Sundays preceding bank holiday Sundays between 22:00-03:00.



HASTINGS BOROUGH COUNCIL

Annex 2 – Conditions consistent with the operating schedule - continued

134) (Removed in full variation April 2021).

135) (Removed in full variation April 2021).

136) As an exception to the use of the recognised ID scanning system to scan ALL customers, the name and date of birth of customers who appear to be over the age of 30, without ID, shall be recorded and a photographic image obtained.

137) This information will be made available to a Police Licensing Officer or Local Authority Licensing Officer upon request.

HASTINGS BOROUGH COUNCIL

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

**DATE OF HEARING: 6 August 2015**

**GRANT THE APPLICATION AS SUBMITTED IN WRITING**

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

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

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

In recognising the concerns raised about the specific issues under the Licensing Objectives, the application is granted subject to the following conditions:

All the conditions as detailed in the applicant's operating schedule, plus the following:-

**Live music and club nights should be restricted to the basement 'crypt' area of the premises.**

**Any incidental background or piano (lounge) type music in the area of the premises known as 53 Robertson Street, shall be restricted to a level barely audible at the frontage of the nearest noise sensitive premises.**

**Regular checks to be made to ensure there is no serious breakout of sound at the premises.**

**External access to the area known as number 53 be restricted after 23:00hrs as per the recent application.**

**No deliveries or removal of glass/rubbish etc take place before 07:00hrs or after 23:00hrs.**

And an amendment to the conditions on page 44 to read: **'During the events that will have an attendance of under 18's, no alcohol will be advertised or visible to young persons nor available for sale'.**

The Committee have listened very carefully to all representations and are satisfied that the applicants have made substantive and significant changes to their previous application which in the committee's view addresses the possible negative effects of Cumulative Impact.

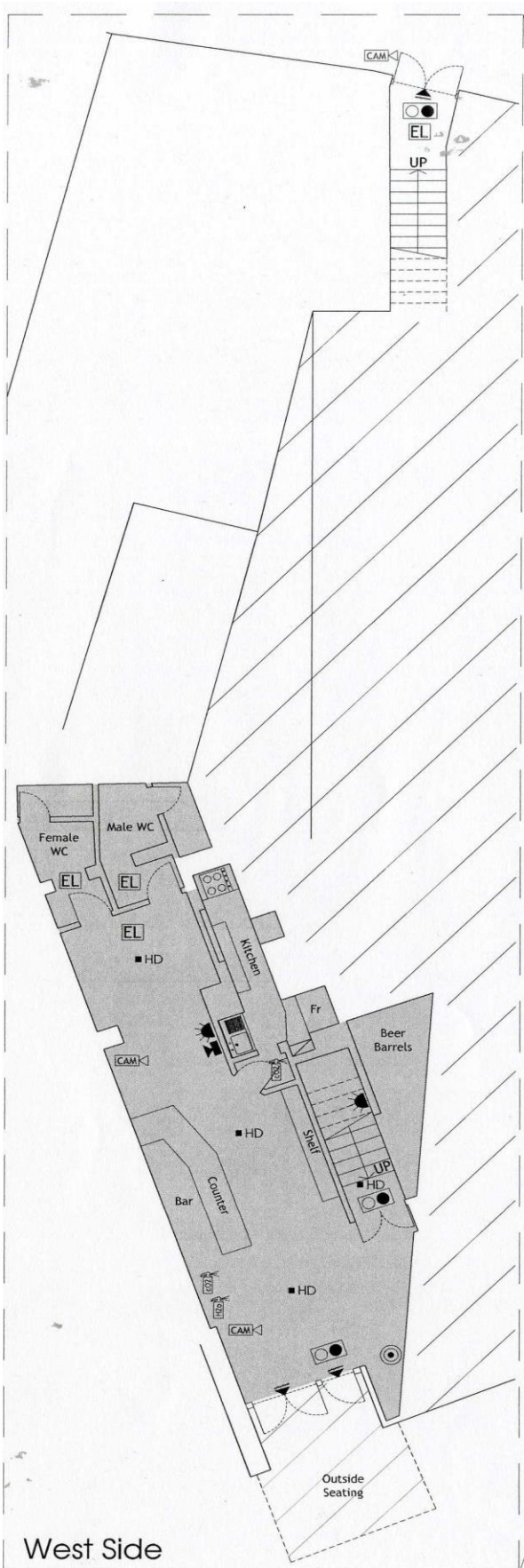
The applicants have worked constructively with all agencies to achieve this outcome. The Committee are particularly impressed with the applicants commitment to patrons safety for example: the ID scanner; no drinks promotions, and the dispersal policy.

The Committee recognise the concerns expressed by the police, however it believes that the comprehensive application merits approval because it addresses these concerns.

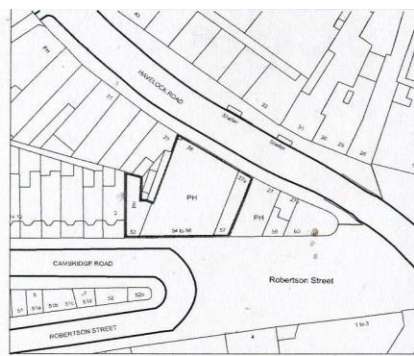
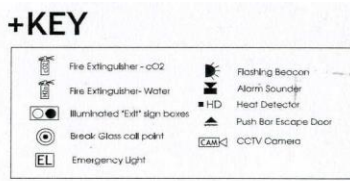
The Committee have had due regard to the guidance issued by the Secretary of State and its own policy.

HASTINGS BOROUGH COUNCIL

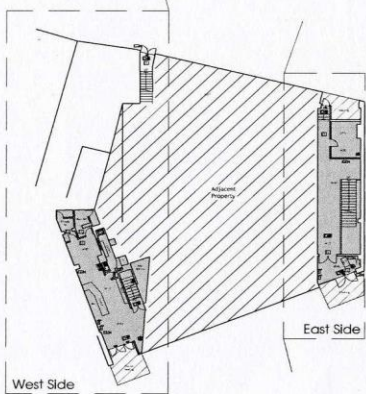
Annex 4 – Plans Bat and Bee, Ground Floor 53 Robertson Street:



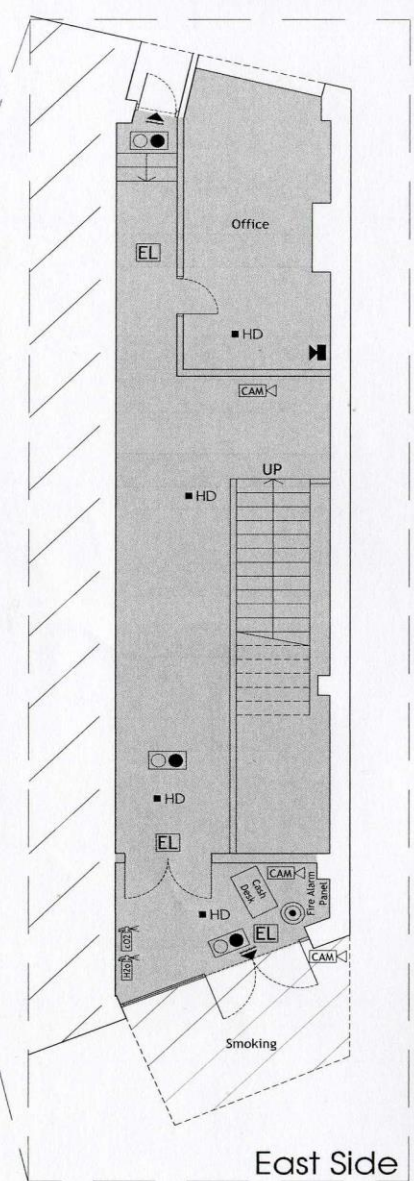
**+00** Ground Floor Plan 1:100  
Scale in Metres 1:100



**+LP** Location Map 1:1250  
Scale in Metres 1:1250



**+SP** Schematic Plan 1:500



East Side

address: 53-57 Robertson Street  
Hastings  
East Sussex

title: Licensing Plans  
client:

date: April 2015  
drg. no. 626-2-2

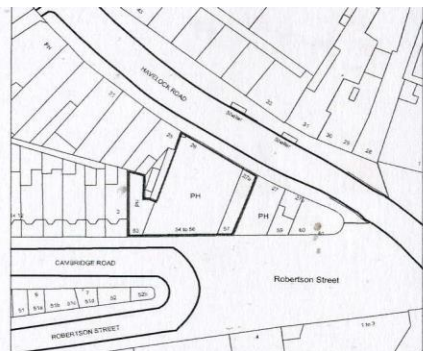
scale: As shown@A3  
revision:

HASTINGS BOROUGH COUNCIL

Annex 4 – Plans Basement 53 – 57 Robertson Street:

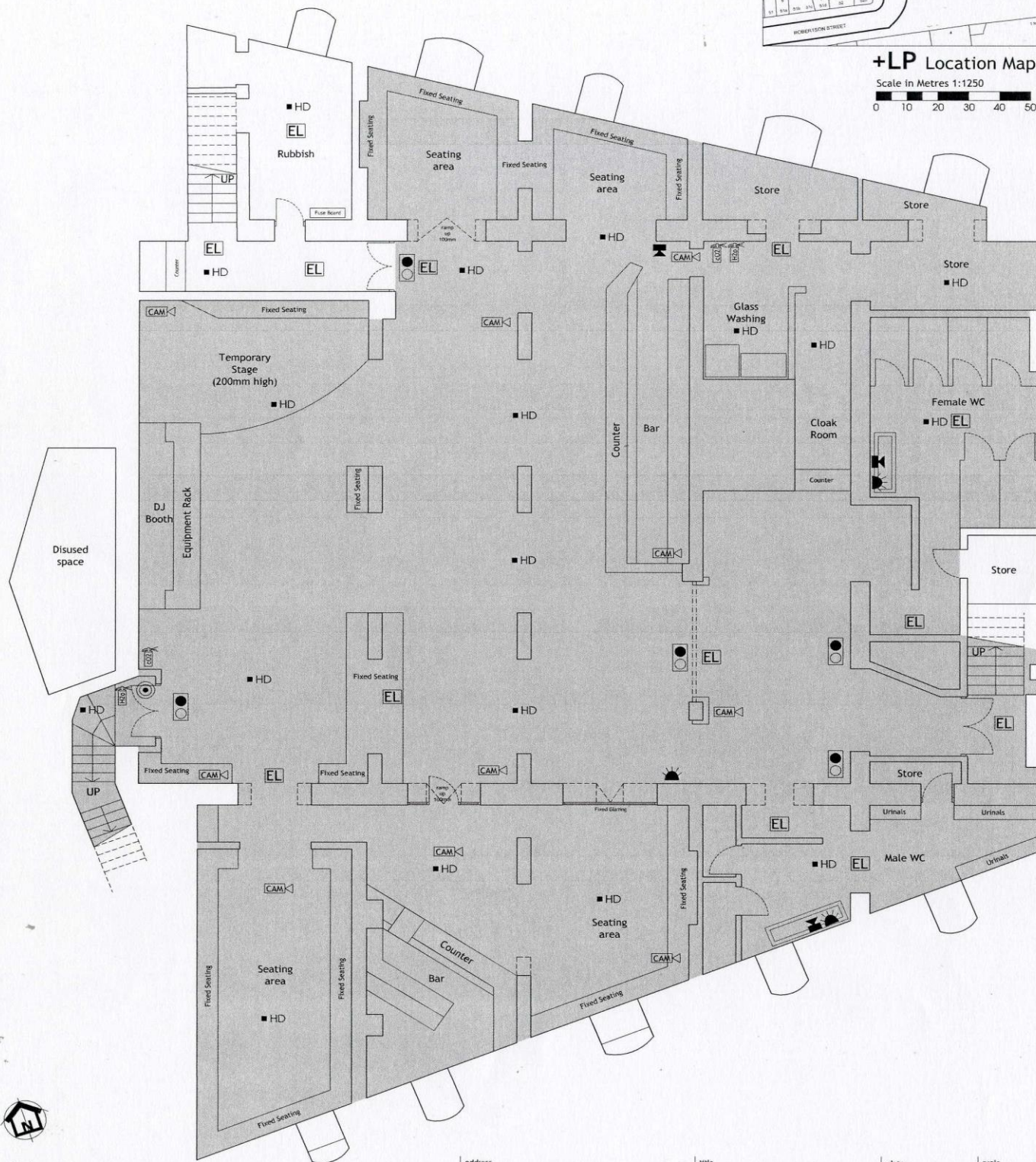
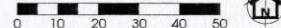
+KEY

	Fire Extinguisher - CO2		Flashing Beacon
	Fire Extinguisher - Water		Alarm Sounder
	Illuminated 'Exit' sign boxes		Heat Detector
	Break Glass call point		Push Bar Escape Door
	Emergency Light		CCTV Camera



+LP Location Map 1:1250

Scale in Metres 1:1250



-01 Basement Plan 1:100

Scale in Metres 1:100



address  
53-57 Robertson Street  
Hastings  
East Sussex  
TN34 1HV

title  
Licensing Plans  
client

date  
April 2015  
drg. no.  
626-1

scale  
As shown@A3  
revision.  
A



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## East Sussex Licensing Team

4<sup>th</sup> August 2022

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

Dear Licensing,

**RE; TEMPORARY EVENT NOTICE (TEN) THE CRYPT, 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.

We received a TEN on Wednesday 4<sup>th</sup> August 2022 for an extension of hours to 0400 26<sup>th</sup>/27<sup>th</sup> August 2022, for all licensable activities. The application states all licence conditions will be transferred to the TEN.

Sussex Police has seen an increase in public place violence month on month in the night time economy. There is also the added concern of violence against women and girls with an increase in suspected spiking incidents. Our records show that Robertson Street is within the Hastings Cumulative Impact Policy.

Allowing premises to increase the operational hours whilst crime rates are increasing, would not only add to the increase in crime and disorder but also add pressure to the emergency services. Therefore, the Chief Officer of Police contends that permitting TEN to be used in accordance with the notice is likely to undermine the licensing objectives of the prevention of crime and disorder, public nuisance and public safety.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'T. Tombling', written over a faint circular stamp.

Insp Tombling  
Licensing Inspector  
East Sussex Licensing Team  
Sussex Police

**Please address all future correspondence to email; [EastSussex.Licensing@sussex.pnn.police.uk](mailto:EastSussex.Licensing@sussex.pnn.police.uk)**