

**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I STATION MANAGER DAN CHANNON

(Insert name of applicant) **apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description THE TUB 57 CAMBRIDGE ROAD	
Post town HASTINGS, EAST SUSSEX	Post code (if known) TN34 1BL
Name of premises licence holder or club holding club premises certificate (if known) MR ROBERT FALCONER	
Number of premises licence or club premises certificate (if known) HOP 50183	

Part 2 - Applicant details

I am

Please tick yes 1) an interested party (please complete (A) or (B) below)

- a) a person living in the vicinity of the premises ☐
- b) a body representing persons living in the vicinity of the premises ☐
- c) a person involved in business in the vicinity of the premises ☐
- d) a body representing persons involved in business in the vicinity of the premises ☐

2) a responsible authority (please complete (C) below) ☐

UK 2016 14399
Received in his Auth &
responsible authorities on 28/01/2017.
Gds on 22/02/2017.

Recd 16/01/2017.

Gds 13/02/2017

- 3) a member of the club to which this application relates (please complete (A) ☐ below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

EAST SUSSEX FIRE & RESCUE SERVICE
EAST BUSINESS FIRE SAFETY OFFICE
BOHEMIA ROAD
HASTINGS
EAST SUSSEX
TN34 1EX

Telephone number (if any) 01323 462133

E-mail address (optional) East.BusinessSafety@esfrs.org

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

☐
☒
☐
☐

Please state the ground(s) for review (please read guidance note 1)

Failure to produce/carry out a suitable and sufficient fire risk assessment of the fire related risks to which relevant persons are to comply with published guidance.

Inadequate maintenance of existing fire detection and warning system, fire-fighting equipment, emergency lighting and maintaining the means of escape readily available whilst occupied.

No staff training to assist with evacuation procedures to ensure Public safety.

Following numerous attempts to carry out full fire safety audit of the premises over the past 6 months no response has been made to complete this to achieve compliance with the Regulatory Reform (Fire safety) Order 2005 or the Licensing Conditions relating to Public safety.

Therefore, we would ask the licensing sub-committee to consider revoking the licence as a result of the lengthy and on-going non-compliance with the conditions in the licence and the Regulatory Reform (Fire Safety) Order 2005. This non-compliance is placing the public at risk on a daily basis.

Please provide as much information as possible to support the application
(please read guidance note 2)

18/08/2016 – Concerns passed to this office by Sussex Police relating to concerns about fire safety measures in the premises and inadequate protection to relevant persons sleeping on the upper floors in the residential part above.

Several attempts made to contact by telephone and visits but unsuccessful.

23/08/2016 – Attended premises and met with previous DPS who resides in the flat above. No fire risk assessment had been carried out, concerns were observed with regards to the hard wired fire alarm system had been disabled and partly removed, unserviceable. Inadequate separation from the licensed parts to the upper floors, emergency lighting luminaires missing or defective, firefighting equipment not maintained since 2005, damaged sockets and exposed electrics. Prohibition Notice restricting sleeping averted as interim single point wireless detection provided as a temporary measure. Informal notice served requiring fire risk assessment to be carried out, and existing fire safety measures maintained and re-instated by 22 Sept 2016.

Several unsuccessful attempts made to arrange for full fire safety audit to be carried out following visit as no contact established.

23/12/2016 – DPI visit carried out with Licensing and Sussex Police. No fire risk assessment had been carried out, emergency lighting and hard wired fire alarm system had not been maintained or re-instated (temporary alarms still in place, not tested). Poor separation between commercial and residential parts, fire-fighting equipment not serviced, means of escape to rear observed blocked internally and externally obstructed by large quantities of building materials following recent refurbishment.

Jan 2017 – Several unsuccessful attempts made to make contact to address concerns/deficiencies identified following DPI visit to carry out full fire safety audit.

10/01/2017 – Letter provided to Robert Falconer and Harvey Palmer instructing that a full fire safety audit will be carried out by East Sussex Fire & Rescue Service on 19 Jan 2017 following unsuccessful attempts to contact.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

11/01/17.

Capacity **East Business Fire safety Hub Manager**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your email address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Post Office Ltd.
www.postoffice.co.uk

10/01/2017 13:28 TP:09 BP:04 SU:SS
Baldslow
222 Harrow Lane
St Leonards-On-Sea
East Sussex
TN37 7PR
FAD: 0529257

Session Id: 2-310813
Txn Id: 1

Horizon Certificate of Posting

An item addressed as follows:-

Building Name or No: 57
PostCode/Zip Code: TN341EL

Has been accepted here today.

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East Sussex Fire & Rescue Service
East Business Fire Safety Office
Bohemia Road
Hastings
East Sussex
TN34 1EX

Tel: 01323 462133

Switchboard: 0303 999 1000

Fax: 01424 420040

E-mail: East.BusinessSafety@esfrs.org

In the case of emergency please dial 999

Mr H Palmer
The Tub
57 Cambridge Road
HASTINGS
TN34 1EL

10 January 2017

please ask for
Craig Williams

our ref
CW/KB/40000972

your ref
n/a

Dear Sir

REGULATORY REFORM (FIRE SAFETY) ORDER 2005
PREMISES: THE TUB, 57 CAMBRIDGE ROAD, HASTINGS TN34 1EL

We have been unsuccessful in trying to contact you regarding a forthcoming fire safety inspection, I confirm that a Fire Safety Inspector will inspect the above premises on Thursday 19 January 2017 at 1400hrs. If however this appointment is inconvenient, please phone the above number so that another mutually convenient date and time can be arranged.

The inspection will include an audit of your fire safety measures and procedures. To assist you in preparing for the audit, please refer to the advisory notes which accompanies this letter.

If you need further advice please consult the publication Fire Safety Risk Assessment Guide for Small and Medium Places of Assembly which provides information regarding risk assessment and fire safety relevant to the above premises. This publication may be viewed on the following website: www.firesafetyguides.communities.gov.uk. It is also available for purchase from TSO (The Stationery Office) online at www.tso.co.uk, over the telephone on 0870 600 5522 or from any good bookseller.

For your information a leaflet explaining the Inspection and Enforcement Procedures of East Sussex Fire Authority is also enclosed

Should you require further advice or clarification, please do not hesitate to contact me at the above address.

Yours faithfully



**FIRE SAFETY INSPECTOR
FOR CHIEF FIRE OFFICER & CHIEF EXECUTIVE**

Enc Advisory Notes
 Inspection and Enforcement Procedures (SF44)

**Emailed copies to: Mr R Falconer
 Mr D Vokins – Sussex Police**

Karen Benton - Confidential - Audit of premises by East Sussex Fire & Rescue Service

From: Karen Benton
To: bobfalconer1@yahoo.co.uk
Date: 10/01/2017 12:35
Subject: Confidential - Audit of premises by East Sussex Fire & Rescue Service
CC: 'Denham.vokins@sussex.pnn.police.uk'; Craig Williams; Dan Channon
BC: Trevor Scrase
Attachments: 40000972-10-Jan-17.docx

Security: Confidential

Dear Mr Falconer

Please find attached a copy of the letter of which we have sent to Harvey Palmer today regarding carrying out an audit of The Tub, 57 Cambridge Road, Hastings.

If there are any queries concerning this matter, please do not hesitate to contact us.

Kind regards

Karen

Karen Benton

East Business Fire Safety
Hastings Fire Station (Stn 76)
Bohemia Road, Hastings
Tel 01323 462133
karen.benton@esfrs.org

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FIRE PROTECTION NOTE FOR CASE

NAME AND ADDRESS OF PREMISES:	F.S.O.: Craig Williams
The Tub	FILE NO: 4000972
57 Cambridge Road	DATE INSPECTED: 23/12/16
Hastings	DATE REQUESTED: 23/12/16
TN34 1BL	LEGISLATION: FSO
	SUPERVISORY OFFICER: Dan Channon

Visited premises accompanied by Trevor Scrase (Hastings senior Licensing Officer) and PC Laura Deacon (Sussex Police Rother Licensing Officer) to carry out a During Performance Inspection (DPI).

On arrival met with Harvey Palmer (HP) who is the new DPS, HP was unable to produce a fire risk assessment and stated that they had printed off a copy from the ESFRS website but were unsure how to complete this. This had previously been requested by an SF21 (Informal Notice) served on 22/08/16 with a completion date by 22/09/16.

It was confirmed the existing automatic fire detection and warning system was still unserviceable and was not likely to be fixed until late in 2017. A temporary measure is still in place which had been provided to avert Prohibition restricting sleeping in August 2016. This had not been tested and no records of maintenance were available. I provided HP with an ESFRS fire safety log book.

I observed that emergency lighting in the premises had missing luminaires still and the premises has been painted black throughout following refurbishment. Firefighting equipment had still not been subject to any maintenance, this was previously noted as last being carried out in 2005.

I then checked the means of escape from the rear of the premises which was blocked internally by the storage of a hoover and other items, these were requested to be removed immediately as the premises were occupied by a large crowd of 18-25 year olds, the premises had live music playing which it was confirmed in the event of a fire the sound could be disabled.

Opening up the rear fire exit door it was observed that the escape route was partially blocked by large quantities of building materials and waste, this was stated as being left since the recent refurbishment and would be cleared in the new year.

Prior to leaving I spoke with both HP and Paul Osmond (PO) who was the previous DPS and current tenant in the residential premises on the upper floor. PO expressed concerns that following requests to have works carried out these were not a priority and would be dealt with during 2017 by the Freeholder Mr Robert Falconer.

I instructed HP that contact would be made in the New Year to carry out a full fire safety audit of the premises to address the areas observed and the requirement to carry out and produce a fire risk assessment as previously required following a visit in August 2016.

Craig Williams

Karen Benton - RE: Union Bar, Hastings

From: Trevor Scrase <TScrase@hastings.gov.uk>
To: 'Craig Williams' <Craig.Williams@esfrs.org>
Date: 22/09/2016 16:15
Subject: RE: Union Bar, Hastings
CC: Bob Brown <BBrown@hastings.gov.uk>

Hi Craig,

I am very grateful for confirmation of your inspection.

The Union Bar has been a constant source of noise complaints, primarily to the elderly residents opposite in Holmbury House but they do not call our OOH number when this occurs to enable an authorised officer to attend and ideally witness.

Robert (Bob) Falconer, is I am sure well known to you / your colleagues. He puts a manager in but does little else to assist in respect of repairs or maintenance.

This premises licence was reviewed by Environmental Health, supported by the police back in July 2014.

I was called by Sergeant Denham VOKINS regarding this premises following their visit earlier this month, leading to them reporting their public safety concerns to yourselves. I did question as to why police were not considering reviewing, based on their findings. I was very disappointed in the response especially as I indicated that as they had primary grounds to review for serious breaches of many of the conditions on the licence, with EH expected to join in review re noise and the probability of the fire service under public safety grounds, it would have given sufficient grounds for the licensing committee to revoke the premises licence and close it down.

You may be aware that as a result of a further police visit on Monday 19th September, whilst Bob Falconer was present, when he was fully updated exactly what has allegedly been going on, he as the premises licence holder has removed David Francis (the DPS) from the licence. This means that until he appoints a new personal licence holder, to whom police have no objections, The Union Bar is currently closed for business.

John Ballam, EH is still obtaining witness evidence re noise in the expectation that although it is temporarily not trading at present it will re open in the future.

Please understand that I am not expecting yourselves to instigate a review but would very much appreciate if a review is subsequently received by us from the police, that the fire service would be willing to assist with their evidence under Public Safety grounds. You may be unaware but the fire service put in a response to the review of the Havelock, brought by police, supported by EH, which was crucial in demonstrating the poor and inefficient management on many levels by the then premises licence holder. The committee decision was revocation.

Trevor Scrase
Senior Licensing Officer
Licensing
Environmental Services
Hastings Borough Council
Aquila House

Breeds Place
Hastings,
TN34 3UY
Telephone 01424 451042
licensing@hastings.gov.uk
www.hastings.gov.uk/environment_planning/licensing/

From: Craig Williams [Craig.Williams@esfrs.org]
Sent: 22 September 2016 15:40
To: Trevor Scrase
Cc: Channon, Dan
Subject: Union Bar, Hastings

Hello Trevor

Following concerns passed to this office from the police I subsequently visited the premises. My main concern related to the sleeping accommodation above and lack of adequate separation from the bar area due to a badly damaged door with no self closer, ceilings are also damaged exposing floor above.

The fire alarm panel has been disabled and this is mainly due to break glass call points and detector heads being removed, it was stated Bob Faulkner has not done anything due to costs? At this stage to avoid Prohibition due to the sleeping the DPS(as was) was informed he would need to provide interlinked wireless interim detection which he agreed, this was checked as being carried out during a later visit in the evening by a flexi officer.

Other concerns discussed are that there is not a written fire risk assessment for the premises which is a legal requirement under our legislation, fire extinguishers in the premises have not been tested since 2014, no staff training has been carried out, emergency lights observed as damaged, no maintenance records in place and numerous sockets in bar area with smashed cases and exposed wires - advised during visit these are isolated.

Left a 'Record of Inspection' with premises but unfortunately our carbon copy is not legible. A full fire safety audit is due to be arranged for October 2016, without the fire risk assessment being carried out this potentially may result in enforcement action being taken by the Fire Authority.

I hope this assists in your request?

Kind Regards

Craig

Craig Williams CFPA-E Dip
Fire Safety Inspector



Central Business Fire Safety Office

(Eastbourne, Wealden & Lewes)

Eastbourne Fire Station
Whitley Road
Eastbourne BN22 8LA
Tel: (01323) 462434
Mobile: 07506751462
Email: craig.williams@esfrs.org
Office Email: Central.BusinessSafety@esfrs.org
Web: www.esfrs.org

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At ESFRS we continually do all we can to minimise our impact on the environment - Please do not print this email unless it is absolutely necessary.

FOLLOW US ON 

CONFIDENTIALITY AND DISCLAIMER NOTICE

This message and any attachments are confidential and may be legally privileged or otherwise protected from disclosure. If you are not the intended recipient please telephone or email the sender and delete this message and any attachments from your system. If you are not the intended recipient you must not copy this message and attachments, or disclose the contents to any other person.

Although Hastings Borough Council has taken steps to ensure that this message and any attachments are virus free, we can take no responsibility if a virus is actually present. We advise you to carry out your own virus check.

For further information about Hastings Borough Council please see our website at <http://www.hastings.gov.uk> or refer to any Hastings Borough Council office.

This message has been checked for all known viruses by Star Internet

delivered through the MessageLabs Virus Scanning Service. For further information visit <http://www.star.net.uk/stats.asp>

Craig Williams - Union Bar, Hastings

From: Craig Williams
To: TScrase@hastings.gov.uk
Date: 22/09/2016 15:39
Subject: Union Bar, Hastings
CC: Channon, Dan

Hello Trevor

Following concerns passed to this office from the police I subsequently visited the premises. My main concern related to the sleeping accommodation above and lack of adequate separation from the bar area due to a badly damaged door with no self closer, ceilings are also damaged exposing floor above.

The fire alarm panel has been disabled and this is mainly due to break glass call points and detector heads being removed, it was stated Bob Faulkner has not done anything due to costs? At this stage to avoid Prohibition due to the sleeping the DPS(as was) was informed he would need to provide interlinked wireless interim detection which he agreed, this was checked as being carried out during a later visit in the evening by a flexi officer.

Other concerns discussed are that there is not a written fire risk assessment for the premises which is a legal requirement under our legislation, fire extinguishers in the premises have not been tested since 2014, no staff training has been carried out, emergency lights observed as damaged, no maintenance records in place and numerous sockets in bar area with smashed cases and exposed wires - advised during visit these are isolated.

Left a 'Record of Inspection' with premises but unfortunately our carbon copy is not legible. A full fire safety audit is due to be arranged for October 2016, without the fire risk assessment being carried out this potentially may result in enforcement action being taken by the Fire Authority.

I hope this assists in your request?

Kind Regards

Craig

Craig Williams CFPA-E Dip
Fire Safety Inspector



Central Business Fire Safety Office
(Eastbourne, Wealden & Lewes)
Eastbourne Fire Station
Whitley Road
Eastbourne BN22 8LA



RECORD OF INSPECTION

Sheet 1 of 1

Premises & Contact Details

File No: 40000972
Premises Name: THE UNION BAR
Building: _____
Street: CAMBRIDGE RD
Town: HASTINGS
Post Code: TN34 1BL

Person with Responsibility for the Premises

Name: PAUL OSMOND
Position: LEASEHOLDER
Telephone Number: _____

Inspector's Details

Inspector's Name: SM D. CHANNON Telephone Number: 01323 463133
Address: BOHEMIA RD, FIVE ST, BOHEMIA RD, HASTINGS
Post Code: TN34 1EX

I have carried out an inspection at the above address and discussed Fire Safety/Petroleum Safety issues* with PAUL OSMOND. This note, although not a formal Enforcement Notice, lists matters below that you should deal with in order to comply with the Regulatory Reform (Fire Safety) Order 2005*/the Petroleum (Regulation) Acts 1928 & 1936*
(insert other legislation) *

We agreed that the matters listed below will be dealt with before _____
or as stated below.

Please let me know when you have taken the necessary action; sending me an annotated copy of this form will be acceptable. The Fire & Rescue Service also inspects premises on behalf of other agencies with regard to Fire Safety related matters. Where the Fire & Rescue Service is acting on behalf of another agency/authority, a copy of this form will be sent to them. You should notify them when the work has been completed.

AREA/ITEMS INSPECTED BAR AREA

Area/Items inspected have been found to be satisfactory ☐ (If not satisfactory, detail below)

Item No

Notification of Deficiencies

Attended above address at 20:15 on 22nd th August 2016 and spoke with Paul Osmond (PO) and witnessed interlinked wireless smoke detectors fitted to bar area and hall on second floor landing.

Inspector's signature: _____

Date: 22/08/16

Recipient's signature: _____

Position in
Company:LEASEHOLDERDate: 22/08/16

* Delete as appropriate

Title Note created on 23/08/2016 08:35 by Benton, Karen

Attended the premises following concerns passed to the office from Sgt Denham Vokins on 18/8/16.

On arrival I was met by PAUL OSMOND (PO)(Leaseholder) whom resides in the flat above the commercial premises. PO confirms that the premises does not have a current fire risk assessment and was therefore provided with the ESFRS proforma and fire safety log book which I explained what was require to identify the preventive and protective measures.

The current automatic fire alarm system was observed to be off line and not working, this was explained as being due to various detector heads and manual call points being removed. I explained that due to the sleeping risk above this was inadequate and interim detection was required to avoid prohibition or restriction of sleeping. I contacted SM DAN CHANNON (DC)to attend to discuss whether interim detection would be acceptable in theses circumstances, on arrival and following discussion it was agreed by PO that wireless interlinked detectors would be provided and a further inspection by DC would take place this evening at 2000hrs.

A record of inspection (SF21) was left with PO and further identified deficiencies observed such as fire fighting equipment not maintained since 2005, defective emergency light units in ground floor, damaged electrical sockets and exposed cables and compartmentation issues in various locations due to water ingress. Door leading from the ground floor bar area leading to the sleeping accommodation on the 1st and 2nd floors requires maintaining to provide 30 minutes fire separation to include intumescent strips, cold smoke seals and a self closing device.

PO explained that the pub has primarily in the process of being allocated funding to carry out a full re-furbishment by Heineken however, this is still in the early stages.

Further fire safety audit to be carried out in November 2016.



Craig Williams CFPA-E Dip
Fire Safety Inspector

Regarding Other FS Activity, Complaint - The Union Bar, 57, Cambridge Road, Hastings, TN34 1EL

File Attachment

File name:



East Sussex Fire & Rescue Service

RECORD OF INSPECTION

Form 1 of 2

Premises & Contact Details

File No: 40000972
 Previous Name: Unit 206
 Building: Canterbury Road
 Street: Unit 206
 Town: Tonbridge
 Post Code: TN11 1BL

Person with Responsibility for the Premises

Name: Mr R Fothergill
 Position: Owner
 Telephone Number: 07710 272 100

Inspector's Details

Inspector's Name: CRAIG MURRAY Telephone Number: 01323 462434
 Address: Canterbury Road, Tonbridge, Kent, TN11 1BL Post Code: BN22 8L2

I have carried out an inspection at the above address and discussed Fire Safety Education Safety issues with Paul Osmond. This note, although not a formal Enforcement Notice, lists matters below that you should deal with in order to comply with the Regulatory Reform (Fire Safety) Order 2005, The Petroleum (Regulations) Act 1998 & 1999, (insert other legislation).

We agreed that the matters listed below will be dealt with before 22 September 2006 or as stated below.

Please let me know when you have taken the necessary action, sending me an annotated copy of this form will be acceptable. The Fire & Rescue Service also inspects premises on behalf of other agencies with regard to Fire Safety related matters. Where the Fire & Rescue Service is acting on behalf of another agency/authority, a copy of this form will be sent to them. You should notify them when the work has been completed.

AREAS/ITEMS INSPECTED

Perimeter

Area/items inspected have been found to be satisfactory ☐ (if not satisfactory, detail below)

Item No

Notification of Deficiencies

There is currently no working fire alarm in the premises. Due to the sleeping risk above and compartmentation issues interim single point wireless detectors are requested immediately before any sleeping can take place in the premises this evening. An agreed St. Charles will re-visit the premises at 2000 hrs to inspect that these measures have been put in place.

Inspector's signature

C. Murray

on 22 Aug 2006

Recipient's signature

[Signature]

Position in Company

Responsible

on 22/8/06

* Delete as appropriate



East Sussex Fire & Rescue Service

RECORD OF INVESTIGATION

Investigation No.

Date

Ref No.

Location

1.

Carry out a search and seizure for evidence for the purpose of identifying the person and person(s) responsible for the fire.

Although not exhaustive, the search should include the following areas, and find during the investigation -

(1) Evidence for which signs, symptoms, or other evidence of a fire or explosion -

(2) Evidence of any person, vehicle, or other object, which may have caused, contributed to, or been involved in the fire or explosion.

(3) Evidence of any person, vehicle, or other object, which may have been involved in the fire or explosion, and which may have caused, contributed to, or been involved in the fire or explosion.

(4) Evidence of any person, vehicle, or other object, which may have been involved in the fire or explosion, and which may have caused, contributed to, or been involved in the fire or explosion.

Witness List

Witness

Address

Phone

Investigator's Signature

[Signature]

Date

Witness's Signature

[Signature]

Witness's Name

[Signature]

Date

PREMISES LICENCE**Premises licence number****HOP50183****Part 1 – Premises details****Postal address of premises, or if none, ordnance survey map reference or description**THE TUB
57 CAMBRIDGE ROAD**Post Town**
HASTINGS, EAST SUSSEX**Post Code**
TN34 1BL**Telephone number** 01424 420074**Where the licence is time limited the dates**
NOT APPLICABLE**Licensable activities authorised by the licence**
LIVE MUSIC
RECORDED MUSIC
SUPPLY OF ALCOHOL**The times the licence authorises the carrying out of licensable activities**

LIVE MUSIC:	FRIDAY-SATURDAY: 08:00-23:30	SUNDAY: 08:00-22:30
RECORDED MUSIC:	MONDAY-THURSDAY: 10:00-00:00 SUNDAY: 10:00-23:30	FRIDAY-SATURDAY: 10:00-01:00
SUPPLY OF ALCOHOL:	MONDAY-THURSDAY: 10:00-00:00 SUNDAY: 10:00-23:30	FRIDAY-SATURDAY: 10:00-01:00

The opening hours of the premisesMONDAY-THURSDAY: 10:00-00:30
FRIDAY-SATURDAY: 10:00-01:30
SUNDAY: 10:00-00:00**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

SALE BY RETAIL OF ALCOHOL FOR CONSUMPTION ON THE PREMISES

HASTINGS BOROUGH COUNCIL

Part 2

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

ROBERT FALCONER
C/O THE CLARENCE @ SILVERHILL
391 LONDON ROAD
ST. LEONARDS ON SEA
TN37 6PA.

(Change of registered address July 2016)

(CHANGE OF REGISTERED ADDRESS 23RD JUNE 2008)

(Change of premises name on 26th September 2013)

(Review on 15th July 2014)

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

NOT APPLICABLE

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

HARVEY PALMER

(Change of DPS 20th October 2016)

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: HO31223

ISSUING AUTHORITY: Hastings Borough Council

HASTINGS BOROUGH COUNCIL**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**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

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

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

EMBEDDED RESTRICTIONS

On Licences

2. RESTRICTIONS

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours the consumption of alcohol on the premises
- b) during the first twenty minutes after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or taken in an open vessel
- c) during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals
- d) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises
- e) the ordering alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered
- f) the sale of alcohol to a trader of club for the purposes of the trade or club
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, of the liquor is supplied at the expense of their employer or of the person carrying on in charge of the business on the premises.

3. Premises with no children's certificate

No person under 14 shall be in the bar of the licensed premises during that permitted hours unless one of the following applies-

- a) he is the child of the holder of the premises licence
- b) he resides in the premises, but is not employed there
- c) he is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
- d) the bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168, 171 and 201 Licensing Act 1964

4. Premises with children's certificate

A notice which states that a Children's certificate is in force, in relation to the area to which the certificate relates, and explains the effect of the certificate and of any conditions attached to it must be posted in some conspicuous place in that area.

No person under fourteen shall be in the bar of the canteen during the permitted hours unless one of the following applies:

HASTINGS BOROUGH COUNCIL

EMBEDDED RESTRICTIONS

On Licences

3. Premises with children's certificate – continued

- 1) he is the child of the holder of the premises licence
- 2) he resides in the premises, but is not employed there
- 3) he is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress
- 4) the bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary
- 5) he is in an area shown on the plan attached to the licence
 - a. Meals and non-alcoholic beverages are available for sale for consumption in that area
 - b. He is in the company of a person aged 18 or over
 - c. He is there prior to 9pm
 - d. He may remain in the area of the premises specified during the first thirty minutes after the certificate has ceased for the consumption of refreshment.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168, 168a, 171, 201, Schedule 12a Licensing Act 1964

Note:

The latest hours for operation of a certificate is 9pm. See Sch 12A para 5(1) LA 1964.

Where justices have imposed a later hour under Sch 12A para 5(2), that should be reflected in condition (5)(d)

5. Late Night Refreshment

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out in the 1964 Licensing Act, and on New Years Eve until 5am on New Years Day.

HASTINGS BOROUGH COUNCIL

Annex 2 – Conditions consistent with the operating schedule

GENERAL

Comply with the requirements of the licensing Act 2003.

THE PREVENTION OF CRIME AND DISORDER

Maintain existing CCTV system and make tapes available to the police or licensing authority at any reasonable time.

Remain an active member of bar watch as long as such a system operates in the Borough.

PUBLIC SAFETY

Ensure all fire exits, extinguishers and emergency lighting is properly maintained.

Ensure all health and safety legislation is adhered to.

THE PREVENTION OF PUBLIC NUISANCE

Ensure staff monitor noise levels to ensure no disturbance to residents.

THE PROTECTION OF CHILDREN FROM HARM

No unaccompanied children allowed on premises.

Staff continue to operate a 'Proof it' age campaign. For persons suspected of being under 18 years.

No Id No sale . Only photographic evidence of age accepted.

Maintain a refusal register.

HASTINGS BOROUGH COUNCIL

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

RESOLVED (unanimously) that the application to vary the conditions of the licence be granted subject to the following conditions:

1. There shall be no use of the beer garden for any purpose after 23.00 hours;
2. Replaced with new condition following review hearing.
3. Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

DATE OF HEARING: 15 July 2014

LICENSING SUB-COMMITTEE: Councillors Roberts (Chair), Sinden and Webb

APPLICATION FOR REVIEW

We have listened carefully to all the submissions and we are bound to be directed by the promotion of the Licensing Objectives, in particular the Prevention of Public Nuisance

DECISION

The Sub-Committee uphold the review subject to the retention of the Designated Premises Supervisor (DPS) and a site survey for the rear of the premises. However, in recognising the concerns raised about the specific issues under the Licensing Objectives, the licence is subject to the following conditions:

1. The premises licence holder shall ensure that on Fridays, Saturdays and Sundays at least one Security Industry Authority (SIA) approved supervisor will be present when live and recorded music is taking place:

- Ensure that orderly queuing is maintained.
- Ensure that noise is kept down from those who are queuing at the front entrance of the premises.
- Ensure that noise is kept down from those who are using the back garden.
- Assist with the dispersal of customers 30 minutes after the licensable activity has ceased.

HASTINGS BOROUGH COUNCIL**Annex 3 – Conditions attached after a hearing by the licensing authority - continued**

- 2. From Monday to Thursday a responsible member of staff shall be in attendance in the vicinity of the exits to assist with the dispersal 30 minutes after the licensable activity has ceased to ensure that patrons disperse quietly.**
- 3. Noise and music arising from the licensed premises is to be barely audible at the facade of, or in, any residential premises. Noise shall include that arising from all mechanical or electrical equipment used by the premises and noise arising from customers in the premises.**
- 4. The premises licence holder must carry out the written scheme of sound proofing to the rear of the premises in accordance with the site survey (site survey of the rear of The Union Bar, 57 Cambridge Road, Hastings, TN34 1EL) within 2 months of the hearing. On completion of all relevant works the premises must be approved by the Environmental Protection Team.**
- 5. Persons using the front of the building shall not be permitted to take drinks out with them.**
- 6. Where the premises operates with live or recorded music all doors and windows at the front and rear of the premises are to remain closed, save for access and egress.**
- 7. To prevent the escape of music and noise from customers inside the premises the lobby shall not be used for any other activity by patrons or staff save for access or egress.**
- 8. The premises will make available to local residents a contact number of the designated premises supervisor or representative**

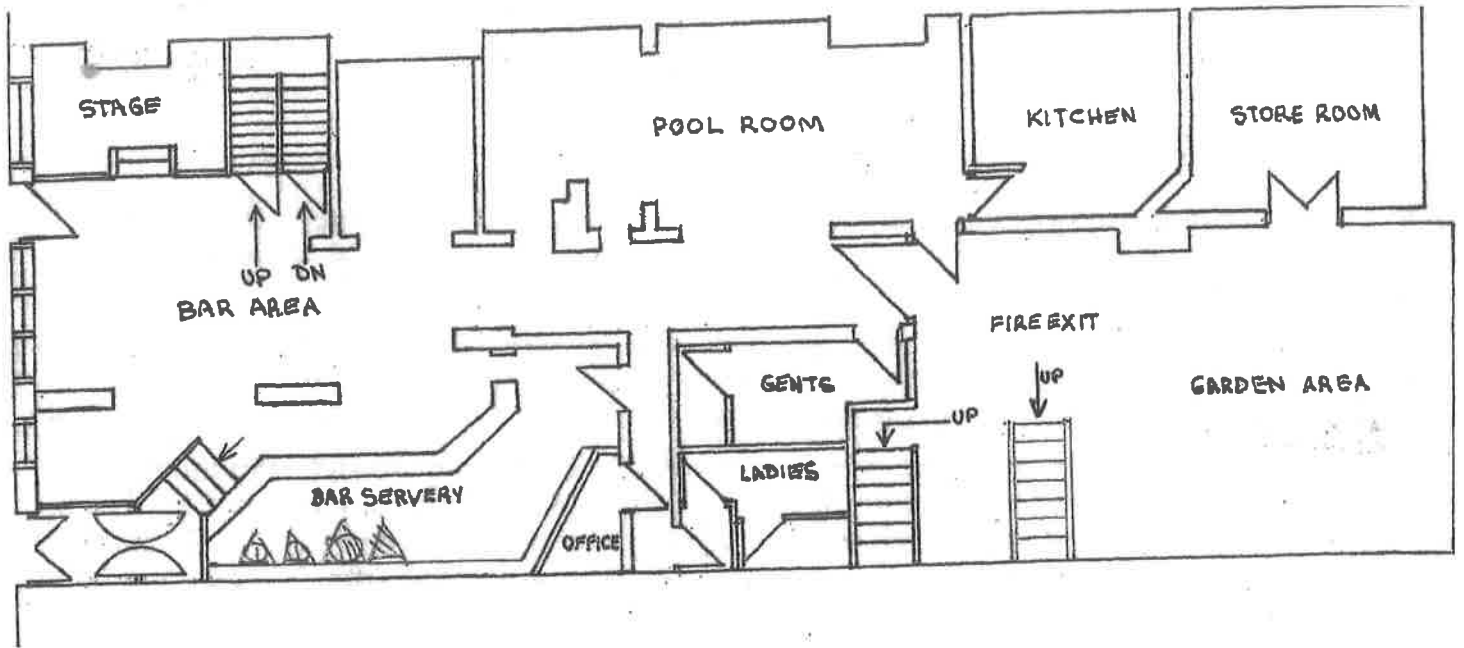
Reason - The Committee believe that Mr Francis has previously not engaged fully with his duties as DPS. The Committee hope that this process has assisted him in realising those duties.

The Committee is encouraged that there has been meaningful contact between the Council's Environmental Health Department and the licensed premises.

The Committee have had regard to it's own licensing policy and the guidance issued by the Secretary of State.

HASTINGS BOROUGH COUNCIL

Annex 4 – Plans



GROUND FLOOR PLAN OF TOB MAN SCALE 1:100