

# MEMORANDUM



Date: 16<sup>th</sup> February 2017  
From: John Ballam -Environmental Protection Officer  
To: Licensing  
My Ref: WK201614444  
Your Ref:

---

Application Number: WK201614444  
Address: The Tub, 57 Cambridge Road, Hastings, TN34 1BL

Proposal: Application for the review of a premises licence or club premises certificate under Section 51 of the Licensing Act 2003

Dear Mr. Brown

An application for a review of the premises licence for the above premises was received by the Licensing Authority on 25<sup>th</sup> January 2017.

The application has been made by Station Manager Dan Shannon, East Sussex Fire and Rescue Service, Hastings under the licensing objective public safety.

Under the Licensing regime the role of Environmental Health is to avoid the creation of situations wherein a licenced premises by virtue of their proposed activities, their locations, or times of operation, give rise to nuisance to local residents. In this respect the provisions of the Environmental Protection Act 1990 provide some protection to the general public from the effects of noise nuisance. However as the DCMS guidance recognises these may not, by themselves, be sufficient to protect local residents.

I wish to make representation as I have serious concerns with the current management of the premises, in respect of the Licensing objectives the Prevention of Public Nuisance and Public Safety

In order to explain the history of this premises license in respect of noise complaints, I will outline the following incidents to assist:

Following a series of complaints and the witnessing of a noise nuisance by an authorised officer of the council a Noise Abatement Notice was served, on 1<sup>st</sup> July 2011 on the Manager of the premises Paul Osman.

Despite this notice Hastings Borough Council continued to receive complaints from 2012 – 2016 unfortunately the complaints were either received post event or the officers arrived when the music was finished, having been called too late to witness. The complaints were of loud music and noise from patrons either waiting outside the premises or leaving the premises. The complaints included enquiries from Councillor Clark, on the issues, on behalf of local residents.

On 15<sup>th</sup> July 2014 a review of the premises licence was undertaken following the high number of complaints. However complaints continued, including one on 20<sup>th</sup> July 2014 and two in August 2014.



On 26<sup>th</sup> October 2016 another complaint was received via Councillor Rogers and yet another warning letter was sent, this time to the recently appointed Designated premises Supervisor Harvey Palmer.

On 2<sup>nd</sup> December 2016 officers witnessed a noise nuisance from the premises in the form of loud music and noise from patrons outside the premises, during an observation period of 1 hour and 9 minutes. During this period there were between 20-30 people outside the premises.

On 12<sup>th</sup> December 2016, due to the length of time since the service of the last Noise Abatement Notice, new notices were served on The Premises Licence Holder Robert Falconer, The Designated Premises Supervisor Harvey Palmer and The Manager Paul Osman. The case remains on the Council's out of hours referral list in order to witness any breach of these notices.

Under the original Premises Licence the THE PREVENTION OF PUBLIC NUISANCE states to:  
*Ensure staff monitor noise levels to ensure no disturbance to residents.*

Following the review in July 2014, further conditions were added these included:

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 to:

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 dispersal of customers 30 minutes after the licensable activity has ceased

2. Noise and music arising from the licensed premises is to be barely audible at the façade 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;

This department, upon discussion with Trevor Scrase, Licensing Officer at Hastings Borough Council, is aware that other noise complaints have been received directly by the Licensing department and a further investigation undertaken by them.

We are also aware that there have been further incidents relating to the licensing objectives that have been linked to this premises that have had a negative impact on the surrounding area and as such has shown that there has been a lack of compliance and poor management shown by management in respect of the licensing objectives, primarily the Prevention of Public Nuisance and Public Safety

We have continued to gather evidence for a possible review ourselves and we are happy to support the application made by Station Manager Dan Shannon under the Licensing objective Public Safety for a review of the premises license

In Conclusion:

Both Paul Osman and Robert Falconer have been present in their respective roles throughout the process of complaints, which is, in the opinion of this department, indicative of the poor management, previously alluded too.

This is the second review initiated against the premises in the last three years.

The noise issues and complaints have continued, despite the service of a notice and numerous warnings.

It is the opinion of Environmental Health that given the stated points above, that a request for revocation of the licence would be appropriate in this case and would ask the committee to seriously consider this action.

Kind Regards



John Ballam  
Environmental Protection Officer  
(On Behalf of Ian Wheeler – Environmental Health Manager)