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LICENSING SUB COMMITTEE

27 JUNE 2017

Present: Councillors, Patmore, Sinden and Street (Chair) with Councillor Cartwright in reserve. Also in attendance: Bob Brown, Licensing Manager; Anthony Masters, Sussex Police Licensing Officer and Sergeant Vokins, Sussex Police Licensing Team. Mr Ian Tribe, Licence Holder and Designated Premises Supervisor (DPS)

1. APPOINTMENT OF CHAIR FOR THIS MEETING

In accordance with the terms of reference of the Licensing Committee, the Chief Legal Officer invited nominations for the appointment of Chair for the duration of the meeting. Councillor Sinden moved that Councillor Street should take the Chair. This was seconded by Councillor Patmore.

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

2. APOLOGIES FOR ABSENCE

None.

3. DECLARATIONS OF INTEREST

None.

4. NOTIFICATION OF ADDITIONAL URGENT ITEMS

None.

5. APPLICATION FOR TRANSFER OF PREMISES LICENCE: THE ROYAL GEORGE, 32 STATION STREET, HASTINGS

Councillor Street set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice).

Members of the Committee, Officers and the applicant introduced themselves. Councillor Street set out the procedure that the Sub-Committee would adopt (in accordance with Standard Practice).

The Licensing Manager, Mr Brown, presented the report of the Assistant Director of Environment and Place in respect of an application made to Hastings Borough Council on 16 May 2017 under Section 51 of the Licensing Act 2003 for the transfer of premises licence at The Royal George, 32 Station Street, Hastings, as a result of representations received.

The premises were opened as the Royal George on 16 March 2017. The transfer at that time to Mr Nigel Lewis was challenged by Sussex Police on Crime Prevention Grounds. The sub-committee upheld the objection and the transfer was refused and the licence reverted back to the existing holder at the time (Priory Sussex Ltd). On 25 April 2017, Priory Sussex Ltd again transferred the licence, on this occasion to Hayley

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Heritage, she was also named as the designated premises supervisor, this application was not challenged. On 16th May 2017 Hayley Heritage requested the transfer of the licence to Mr Ian Tribe. Mr Tribe is also the designated premises supervisor and holds a personal licence from Hastings Borough Council.

The application to transfer the premises licence had been brought to the committee in respect of an objection from Sussex Police in relation to activities at the premises since Mr Tribe's transfer. Sussex Police were satisfied that there were exceptional circumstances in the case and that the granting of the transfer would undermine the crime prevention objective. Their letter of objection was appended to the agenda under Appendix C of the report.

Their letter also noted a supplementary appendix which was sent to all parties after agenda publication, prior to the committee meeting. The supplementary appendix contained the following listed documents:- a formal police objection to the application for transfer of the premises licence to Mr Lewis which was upheld by the committee; complaints from local residents and members of the public regarding disorderly behaviour at or associated with the premises; and Mr Lewis's alleged attempt to circumvent the decision of the Licensing Sub Committee in the opinion of the police. Members of the committee and Mr Tribe confirmed they had received the supplementary information.

Mr Brown explained that the premises were not currently trading and that Mr Tribe had withdrawn his consent as the Designated Premises Supervisor (DPS). He advised that if the application was refused, the premises licence will revert back to the previous Licence Holder, Hayley Heritage.

Mr Masters, Sussex Police Licensing Officer, explained that the landlords were Priory Sussex Ltd. and that Mr Lewis became the tenant on 10 March 2017. Mr Tribe was the Licence Holder and DPS.

Mr Masters referred to their statements in the supplementary agenda. He spoke about his visit to the Royal George on 22 May 2017 to meet with Mr Tribe in respect of the application to transfer the premises licence into his name and to be named as the DPS. He said there was one sole member of staff (Mr Foster) who was working behind the bar and in his professional opinion, was drunk. In Mr Tribe's absence they spoke to Mr Lewis who was present at premises, they told Mr Lewis about their concerns and he asked for two females who were drinking alcohol on the customer side of the bar to take over working behind the bar. Mr Masters said they also noted the refusal register and incident book had been used incorrectly and was being used for bar tabs for different persons for varying amounts. PC Travena explained that at no time had Mr Foster read the training journal regarding the operation of the premises. He said it was a condition on the premises licence to ensure that two bar staff are on duty at any one time and that staff involved in the sale of alcohol shall receive training. As Mr Foster had not received training this constituted one of a number of breaches of the licensing conditions. He said they undertook a drug swab test in various areas of the premises, the reading came back: male toilets, 5.36, Cocaine. Sussex Police have concerns at readings over 4, and readings near and over 6 are of serious concern. "We brought this concern to Mr Lewis and he closed the premises on that day".

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On 25th May 2017, PC Travena and PC Freeman undertook a further visit having noticed the premises was open when passing by. On this occasion they again noticed Mr Tribe was behind the bar and appeared to be drunk. Mr Tribe explained that he had a call the night before asking him to go in and confirmed he would close the premises. Sergeant Vokins said the premises had voluntarily closed twice. Several conditions on the licence had been breached due to poor management and Mr Lewis continued to operate the premises as the tenant.

In his submission, Mr Tribe, said he handed back the DPS, he was not happy as he had no control. Mr Lewis was always at the premises. He said he could not be there 24/7.

In his summary Mr Brown said the DPS will either stay as is or revert back to the previous Licence Holder, Hayley Heritage. He said Mr Lewis is purely the lease holder, he has 5 years lease on the building. Mr Tribe removed himself as DPS and the premises closed. There were objections to the transfer of the premises licence.

Sergeant Vokins stated that 9 days from the point application made there were 2 voluntary closures of the premises and a number of breaches contravening the premises licence. He said that Sussex Police had no confidence the licensing objectives will be upheld.

RESOLVED (unanimously) to REVOKE the licence.

The reason for this decision was:

Having listened to all the evidence before it, the committee agree that the required “exceptional circumstances” on which the police have objected are met.

The police evidence shows that the licensing objections are seriously undermined. In 9 days the premises have been voluntarily closed on two occasions. There have also been several breaches of the licence.

The committee have no confidence that Mr Tribe can effectively manage the premises without influence from the tenant Mr Lewis. The previous DPS suffered a similar experience whilst trying to manage the premises.

The committee have had regard to the current guidance issued by the Secretary of State.

6. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 10.30 am)

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