

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

**Date of Meeting: 22<sup>nd</sup> January 2018.**

**Report Title: Review of Premise Licence. The Royal George PH, 32 Station Road, Hastings. TN34 1NJ.**

**Report By: Mike Hepworth. Assistant Director Environment and Place.**

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### **Purpose of Report**

To consider an application to review the Premises Licence as a result of representations received.  
Responsible Authorities. One.

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### **Recommendation(s)**

**1. Member's instructions requested.**

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### **Reasons for Recommendations**

The Licensing Act 2003 requires a licensing sub-committee to consider such applications when appropriate representations have been made. The decision reached at the sub-committee can be subject to appeal at the Magistrates Court by any party to the hearing, who is aggrieved by the decision.

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## Introduction

### 1.0 Background

1. On 7th February 2005 the Licensing Act 2003 came into force for all local authorities, marking the practical commencement of the Government's new liquor licensing regime.
2. On the 5<sup>th</sup> December 2017 Hastings Borough Council received an application for the review of an existing premises licence for The Royal George PH, 31-32 Station Road, Hastings, TN34 1NJ from Stewart Bryant, Senior Environmental Health Officer, Hastings Borough Council, made under Section 51 the Licensing Act 2003. (The application for review and supporting papers is attached Appendix A.)
3. The premise was initially operating as The Priory PH when it transferred from the Magistrates Court system to the local authority in 2005. In 2009 it closed for redevelopment and opened as Franks Front Room in 2012. It closed again in January 2014 and remained closed until March 2017 when it became The Royal George PH. (Map of Location included within, Appendix A).
4. From early 2017 it operated briefly under different management, but these transfers were challenged at licensing sub-committee by Sussex Police, under the prevention of crime objective and were rejected.
5. In July 2017 it was transferred to the current operator Mr Andrew Palmer, C/O Hollington Oak PH, 210 Wishing Tree Road, St Leonards on Sea who is also the designated premises supervisor (DPS) of the premise (since 28.07.17.).
6. The premise currently holds a premises licence under the Licensing Act 2003, (Attached Appendix B), which covers the use of the premises for the ' On Sales ' supply by retail of Alcohol, Live and Recorded Music, Late Night refreshment and other licensable activities.

It currently operates under the following trading hours;

- Sale of Alcohol . Monday to Thursday 10.00 - 00.00 hrs, Friday – Saturday 10.00 - 01.00hrs and Sunday 11.00 – 23.30 hrs.
- Recorded Music. Monday to Thursday 07.00 - 00.30 hrs, Friday – Saturday 07.00 – 01.30hrs and Sunday 07.00 - 23.30hrs.
- Live Music / Dance / Plays / Films etc. Monday – Thursday 10.00 – 00.00hrs, Friday – Saturday 10.00 – 01.00 hrs, Sunday 11.00 – 23.00 hrs.
- Late Night Refreshment. Monday-Thursday 23.00 - 00.30hrs, Friday – Saturday 23.00 - 01.30hrs, Sunday 23.00 – 23.30hrs.

## 2.0 Application

7. The grounds for review made by Mr Stewart Bryant are under the licensing objective "Prevention of public nuisance" I have considered the application and consider it valid and in line with the central government guidance issued on such matters. In his application for review, he comments about the history of the premises, the conditions attached to the current licence and the history of noise complaints since opening in 2017. As a result he is seeking the removal / amendment of some licensable activities and the addition of new conditions.
8. When submitting an application for a review under the Licensing Act 2003 the applicant is required to send copies of the review application to the other responsible authorities listed under the Act and a copy to the premises licence holder, this has been done.
9. In addition, the licensing authority is required to place a copy of the notice on the premises concerned and the public notice board situated at Council Offices this has been done, in addition the review notification has been placed on the Council website. These notices must remain in place for 28 days to allow further representations to be made.
10. An application for review cannot be considered by the Council's Licensing Sub-Committee until the 28 day representation period has elapsed, in this case that ended at midnight on the 2nd January 2018.

## 3.0 Consultation

11. No further representations were received during the consultation period, although Sussex Police have sent an email outlining their involvement with the premises since the transfer to Mr Palmer. Senior licensing officer Mr Trevor Scrase has also included an information memo outlining the licensing timeline of activities with the property. (Both attached Appendix C). A review support statement from a local resident is included within the application bundle supplied by Mr Bryant. (Attached in Appendix A).

## 4.0 Legal Considerations

The Licensing Act 2003 is now the only process to licence and control premises for all forms of entertainment, late night refreshment and the sale of Alcohol.

The review process is laid down in statute and allows for representations to be made by specified groups of people provided they are relevant to one or more of the licensing objectives listed in the Act and are not considered frivolous, vexatious or repetitive.

If a relevant representation is made by either a responsible authority or other party, a hearing must be held.

The Home Office has issued guidance under Section 182 of the Licensing Act 2003. This guidance is provided to Licensing Authorities to assist them in carrying out their functions.

Hastings Borough Council has developed, published and reviewed its Statement of Licensing Policy as required by the Licensing Act 2003.

All members of the Licensing Committee have been supplied with copies of the Official Government guidance and the Hastings Borough Council Statement of Licensing Policy.

Human rights considerations must be taken into account fully in balancing licensing issues, in particular, article 1 of the first protocol. 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. These are qualified rights and can be deprived of "in the public interest". Interference is permissible if what is done, has its basis in law, and;

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.

The licence holder has a right of appeal to the Magistrates Court against any decisions made by the licensing Sub-Committee with respect to this application for review.

## 5.0 Options

To modify the conditions of the licence.

To exclude a licensable activity from the scope of the licence.

To remove the designated premises supervisor.

To suspend the licence for a period not exceeding three months.

To revoke the licence.

Members are reminded they must give written reasons for their decision.

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### Wards Affected

Castle.

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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. Review application and supporting papers.  
Appendix B. Copy of existing licence.  
Appendix C. Police / Licensing department e mail and memo.

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### **Officer to Contact**

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