

# MEMORANDUM



Date: 10<sup>th</sup> May 2018  
 From: Environmental Protection  
 To: Licensing  
 My Ref: SEB  
 Your Ref: WK/201800648

Application Number: **WK/201800648**

Address **Cactus Hound, 33 – 35 Western Road, St. Leonards on Sea, East Sussex, TN37 6DJ**

Proposal: **Application for a premises license under section 17 of the Licensing Act 2003**  
**An application for an existing premises, for regulated entertainment, as a creative space and studio and the sale by retail of alcohol for consumption on the premises.**

Under the new licensing regime the role of the Environmental Protection team is to avoid the creation of situations where new licenses, by virtue of their proposed activities, their locations, or times of operation, give rise to a justifiable nuisance to local residents. In this respect the provisions of the Environmental Protection Act 1990 and the Noise Act 1996 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.

These premises appear to have residential properties to either side.

The premise also falls within the cumulative impact / saturation policy area which offer the potential to positively change the ambience of parts of the borough, which in turn can reduce the public fear of crime and boost the number of evening visitors to the town centre. Too many single type licenses in a confined area, with their customers turning out onto the street at around the same time, can create opportunities for violent crime and disorder.

I consider the hours of operation both standard and non-standard to be excessive and inappropriate for the location of the premise, this being that the later hours suggested are likely to attract unwanted attention from those in the area unable to purchase alcohol due to earlier closing hours of other premises or being refused alcohol in general.

To ensure that no nuisance is caused to their residents care will, therefore, be required in the operation of the establishment. I welcome the comments made regarding the prevention of public nuisance and the improvement to the local economics. Nevertheless, I suggest that it would be reasonable to make any licence granted subject to the following conditions:-

- 1) Noise and music arising from the premises shall be barely audible at any noise sensitive premises before 23:00 and inaudible after 23:00 until close. 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.
- 2) Clear and prominent notices requesting patrons to "Please consider our neighbours and leave the area quietly and quickly" shall be maintained at the exits onto Western Road.



- 3) A responsible member of staff shall be in attendance in the vicinity of the main exit onto Western Road from 23.00 hrs until close of business each evening to ensure that patrons disperse quietly and quickly.
- 4) Suitably trained staff are to monitor external noise levels and ensure customers comply with condition 3
- 5) Responsible member of staff to monitor the external frontage to ensure that patrons do not take drinks outside after 22:00 hrs and that no more than five persons are permitted to smoke on the frontage at any time after 22:00 hrs.
- 6) Tables and chairs or other such furniture providing seating for no more than 10 people only to be used in the external frontage between 10:00 and 22:00; and any such furniture taken out of use after that time.
- 7) The doors and windows are to be provided with a suitable acoustic protection to prevent noise escape into Western Road / Warrior Gardens / Kings Road.
- 8) To ensure the bottle bins are only emptied between 09:30 and 21.30 Monday to Friday, 10:00 and 13:00 Saturday and not on a Sunday or Public/Bank holiday.
- 9) Standard Hours of operation should be restricted to a terminal hour of 00:30hrs on Friday / Saturday and 23:30 hrs, Sunday through Thursday to ensure the protection of residents from unwanted noise in a noise sensitive area. This will also apply to the non-standard hours specified due to the likelihood of noise disturbance outside of the usual business hours.
- 10) Glass or waste collection by external waste/recycling contractor between the hours of 08:00 and 18:00 Monday to Friday, 08:00-13:00 Saturday and not on a Sunday or Public/Bank Holiday.

Kind regards

Stewart Bryant BSc (Hons) Environmental Health MCIEH FRSPH  
Senior Environmental Health Officer  
Environmental Protection  
Hastings Borough Council  
Muriel Matters House, Breeds Place  
Hastings, East Sussex  
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**Please quote:** DCQ/18/00093 /MJ  
**Your Reference:**  
**Date:** 15 May 2018  
**Please ask for:** Mrs M Botting  
**Telephone direct:** (01424) 783252  
**Email:** mbotting@hastings.gov.uk  
**Web:** www.hastings.gov.uk/planning



**Development Management**  
Muriel Matters House, Breeds Place  
Hastings, TN 3UY

Hastings Borough Council  
Aquila House  
Breeds Place  
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TN 3UY

For the attention of: Trevor Scrase,  
Dear Sir/Madam,

**Enquiry Number:** DCQ/18/00093  
**Subject:** Comments on premises licence application  
**Location:** 33-35 Western Road, St Leonards-on-sea, TN37 6DJ

Thank you for consulting us on the above licence application.

The last planning use we have on record for this premise was under application HS/FA/04/01068 , for ground floor change of use from A1 to A3 and basement change of use to recording studio.

The following hours conditions was attached to the permission:

**Condition 2**

The use shall not commence until a scheme for the soundproofing of the ground and basement floors of the property to which this permission relates has been implemented, details of which shall be submitted to and approved in writing by the Local Planning Authority before any works commence.

**Condition 3**

The premises shall not be used, other than for maintenance or cleaning purposes, except between the following hours:-

9.00am - 11.30pm Monday - Saturday  
9.00am - 10.30pm Sundays

Having looked at the history I cannot see any compliance of condition 2.

It is considered that a full planning application would be required to vary the opening hours of the premises to allow for the proposed hours. In addition to this, the permission on this premises is for a cafe serving and recording studio. The proposed use could be considered a material change or mixed use to A3/A4/D2, and would advise the applicant that they should seek pre application advice before commencing works to avoid enforcement action for possible unlawful use.

The area is within a saturation zone so comments from the police will be able to provide advice on whether the use would result in anti-social activities.

The views expressed above represent my opinion only based upon the information currently available to me. It is made without prejudice to any decision which the Council may make on a subsequently submitted

formal planning application. This view may also change in the light of representations made, consultation response or any other information which is revealed in the course of the processing of an application for planning permission.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M Botting', with a long horizontal stroke extending to the right.

M Botting  
Development Control Officer

