

Date: 25th May 2022

From: Claire Worth, Licensing Officer

To: Ian Wheeler, Environmental Health & Licensing Manager.
Stewart Bryant, Senior EHP, Lead Licensing Officer.

Premises Licence - Full variation – Flames Grill, Havelock Rd, Hastings

On the 18th of February 2022 Hastings Borough Council received an application to vary the premises licence of 'Flames Grill' made under section 34 of the Licensing Act 2003.

The premises formally operated under a licence granted in 2006 operating as the Kebab Kingdom. A transfer to the current operation (hot food takeaway) was undertaken in 2011.

This premise holds a licence under the Licensing Act 2003. The premise is located within Area 1A (Hastings Town Ctr) of the Council Special Saturation Policy (Cumulative Impact).

This existing premises licence covers the use of the premises for.
Late night refreshment:

SUNDAY – WEDNESDAY	23.00 – 02.00
THURSDAY – SATURDAY	23.00 – 03.00
SUNDAY PRECEDING A BH MONDAY	23.00 – 03.00

The operating hours of the premises are:

SUNDAY – WEDNESDAY	17.00 – 02.00
THURSDAY - SATURDAY	17.00 – 03.00
SUNDAY PRECEDING BH MONDAY UNTIL	17.00 – 03.00

Havelock Road, York Buildings, Wellington Place, Hastings has a variety of commercial business premises along its length from Queens Road to Albert Road. Amongst those are the following food related businesses: -

The Good Place 53 Havelock Road
Cafeé Nero Bank Buildings, 2-3 Station Rd
Costa Coffee, 14 – 15 York Buildings.
Café Club, 11.
Fish Bowl, 6 – 7.
KFC Express, 4 – 5.
Carib De L'Afrique, 2.

KFC Express has authorisation for late night refreshment until Midnight.

McDonalds located on the opposite side of Wellington Place is not authorised for late night refreshment and closes at 23.00 hours.

The full variation is applying ' To extend late night refreshment and opening times'.

At present no regulated entertainment is authorised on the premises licence and the premises is not licensed to serve alcohol.

Late night refreshment requires authorisation on a premises licence for the sale and consumption of hot food on or from a premises from 23.00 hours until 05.00 hours. In this application it is applied for from 23.00 until 04.00 hours.

The hours open to the public are being increased from Thursday to Sat 17:00 hours until 03:00hrs on the current premises licence, to Thursday to Sat 17:00 hours until 04:00hrs

The intention of the applicant is to extend his hours of operation to include extending those hours to serve hot food by 1 hour from 23:00-03:00 to 23:00-04:00 Thursday to Saturday.

The Statement of Licensing Policy has recently been reviewed and amended with effect from the 10th February 2022. I understand the applicant's attention has been drawn to this by Mr Gordon.

In the licensing policy the cumulative impact area for Hastings town centre has been increased to include York Buildings / Wellington Place along its entire length from Harold Place to Albert Road, Queens Rd and to extend Cambridge road. The policy states- *This does not prevent any person making an application for a licence within the designated area.*

Responsible authorities must note that the licensing authority can only give effect to the Cumulative Impact Policy in respect of any application for a premises within the cumulative impact areas if a relevant representation is received.

No reference has been made to the licensing policy or cumulative impact policy in this full variation application.

The matrix (on pages 4 & 5 of the Licensing Policy,) gives examples to applicants that:-

In a cumulative impact area:-

Restaurant would be acceptable until Midnight,

Late night takeaways would not be acceptable.

Night club until 2am,. (there is no reference to a night club in the LA2003).

Public house until midnight.

The licensing authority is a responsible authority under the Licensing Act 2003 and in that respect, I make such a representation against this application.

My representation is based on the Licensing Policy in respect of the cumulative impact area now including York Buildings, Wellington Place, Havelock Road and Queens Road the hours being applied for in conflict with the 'matrix'.

My representation against the application is directed to the authorised use of the premises for late night refreshment until 04:00 Thurs through Saturday. This area of the town centre, is under the cumulative impact policy, is close to premises which are currently occupied by daytime to evening cafés and restaurants as part of the day and early evening economy, the latest of which at present is KFC Express authorised for late night refreshment until Midnight.

Claire Worth MloL
Licensing Officer