

MEMORANDUM



Date: 8th May 2015
From: John Ballam -Environmental Protection Officer
To: Licensing
My Ref: WK201500409
Your Ref:

Application Number: WK201500409
Address: Zsar Zsar Bar, 91-92 Queens Road, Hastings, TN34 1RL

Proposal: Review Application

Dear Mr. Brown

An application for a review of the premises licence for the above premises was received by the Licensing Authority on 14th April 2015.

The application has been made by Chief Inspector Paul Phelps, District Commander of Police, Hastings, under the licensing objective the prevention of crime and disorder.

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

On 6th December 2010. A premises licence was granted to Benson Properties (Hastings) Ltd, 89 Queens Road, Hastings for a premises licence for an unnamed premises at 91 – 92 Queens Road. Andrew Benson is the owner of this property. The premises licence was granted following the acceptance by the applicant of additional conditions under the licensing objective – the prevention of public nuisance. These are:-

THE PREVENTION OF PUBLIC NUISANCE

At the end of the consultation period the applicant accepted the following condition requested by the Principal Environmental Health Noise Pollution Officer:-

- The premises shall be operated as a café encouraging light alcohol consumption;*
- Clear and prominent notices requesting patrons to 'Please consider our neighbours and be quiet when outside and when going home', shall be displayed at the exit.*

Most events to be finished by midnight, during the week and at 01.00am on Friday & Saturday.

The following condition as agreed with the Interim Principal Environmental Health Officer:-

- 1) Noise and music arising from the premises shall not be audible in any residential premises. 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) A responsible member of staff shall be in attendance in the vicinity of the exit from 23.00 hours until close of business each evening to ensure that patrons disperse quietly and quickly;



- 3) The proprietor shall provide and maintain suitable and sufficient litter bin(s) outside the premises during opening hours and shall, at the close of business each night cause the street for a 200 metre radius of the premises to be checked for and cleared of all litter that may have arisen as a consequence of the business. If desired these measures may be undertaken in conjunction with the proprietors of other similar establishments in the vicinity, but, in any event the Licensing Manager shall be advised in writing and approve of the arrangements made and any subsequent change to this.

Environmental Protection at Hastings Borough Council have previously received noise complaints about the above premises, in May 2014 and November 2014. On both occasions a letter was sent to the Designated Premises Supervisor and diary sheets were sent to the complainants. No noise nuisance was witnessed by an authorised officer and no diaries were returned, therefore the complaints were unsubstantiated.

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 Nigel Lewis in respect of the licensing objectives, primarily the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

We support the Police application made by Chief Inspector Paul Phelps under the Licensing objective the Prevention of Crime and Disorder for a review of the premises license.

Kind Regards



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

MEMORANDUM



Date: 7th May 2015
From: Trevor Scrase, Senior Licensing Officer
To: Bob Brown, Licensing Manager
My Ref: Wk201500409
Your Ref:

Licensing representation – review of premises licence – Zar Zar Bar, 91 – 92 Queens Road, Hastings.

An application for a review of the premises licence for the above premises was received by this Licensing Authority on 14th April 2015.

The application has been made by Chief Inspector Paul Phelps, District Commander of Police, Hastings, under the licensing objective the prevention of crime and disorder.

Hastings Borough Council Licensing are a responsible authority, under the Licensing Act 2003 (amended), I submit this report as representation for the review hearing.

I include below a time line of the premises licence HOP 50421 (Zar Zar Bar).
In order to explain the history to this premises licence I have outlined the dates of transactions on the licence.

6th December 2010. A premises licence was granted to Benson Properties (Hastings) Ltd, 89 Queens Road, Hastings for a premises licence for an unnamed premises at 91 – 92 Queens Road. Mr Andrew Benson is the owner of this property. The premises licence was granted following the acceptance by the applicant of additional conditions under the licensing objective – the prevention of public nuisance. These are:-

THE PREVENTION OF PUBLIC NUISANCE

At the end of the consultation period the applicant accepted the following condition requested by the Principal Environmental Health Noise Pollution Officer:-

- The premises shall be operated as a café encouraging light alcohol consumption;*
- Clear and prominent notices requesting patrons to 'Please consider our neighbours and be quiet when outside and when going home', shall be displayed at the exit.*

Most events to be finished by midnight, during the week and at 01.00am on Friday & Saturday.

The following conditions as agreed with the Interim Principal Environmental Health Officer:-

- 1) Noise and music arising from the premises shall not be audible in any residential premises. 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) A responsible member of staff shall be in attendance in the vicinity of the exit from 23.00 hours until close of business each evening to ensure that patrons disperse quietly and quickly;



- 3) The proprietor shall provide and maintain suitable and sufficient litter bin(s) outside the premises during opening hours and shall, at the close of business each night, cause the street for a 200 metre radius of the premises to be checked for and cleared of all litter that may have arisen as a consequence of the business. If desired these measures may be undertaken in conjunction with the proprietors of other similar establishments in the vicinity, but, in any event the Licensing Manager shall be advised in writing and approve of the arrangements made and any subsequent change in those.

The premises licence was granted authorising the regulated entertainment / licensable activities as:-

The times the licence authorises the carrying out of licensable activities

LIVE MUSIC	SUNDAY – WEDNESDAY	09.00 – 23.00
	THURSDAY – SATURDAY	09.00 – 00.00
RECORDED MUSIC	MONDAY – SUNDAY	09.00 – 02.00
PROVISION OF FACILITIES FOR MAKING MUSIC	SUNDAY – WEDNESDAY	09.00 – 23.00
	THURSDAY – SATURDAY	09.00 – 00.00
PROVISION OF LATE NIGHT REFRESHMENT (NOT TAKEAWAY)	MONDAY – SUNDAY	23.00 – 03.00
SUPPLY OF ALCOHOL	MONDAY – SUNDAY	09.00 – 02.30

ON ALL BANK HOLIDAYS (EXCEPT CHRISTMAS) TO INCLUDE THE PRECEDING DAY (AT EASTER TO ALSO INCLUDE THE PRECEDING THURSDAY).
FOR CHRISTMAS (TO INCLUDE CHRISTMAS EVE) AND NEW YEARS EVE UP TO THE TERMINAL HOUR SET FOR SATURDAYS

The opening hours of the premises

MONDAY – SUNDAY 09.00 – 03.00

ON ALL BANK HOLIDAYS (EXCEPT CHRISTMAS) TO INCLUDE THE PRECEDING DAY (AT EASTER TO ALSO INCLUDE THE PRECEDING THURSDAY).
FOR CHRISTMAS (TO INCLUDE CHRISTMAS EVE) AND NEW YEARS EVE UP TO THE TERMINAL HOUR SET FOR SATURDAYS

20th April 2011. The premises licence was transferred into the name of Bottles & Cans Ltd, 15 Salisbury Road, St. Leonards on Sea and run by Mr Erol Ciftci until it was transferred again on the 23rd July 2012 by Nigel LEWIS trading as Zar Zar Bar Ltd.

23rd July 2012. Nigel LEWIS (trading as Zar Zar Bar Ltd) formally transferred the premises licence, changed the trading name and changed DPS, appointing Miss Kayleigh Banfield, who is a personal licence holder, to authorise the sale of alcohol on the premises licence. Nigel LEWIS was not a personal licence holder.

15th December 2012. Whilst engaged on late night licensing enforcement with the Licensing Manager I visited the Zar Zar Bar at 22.20 hours. Nigel Lewis was not present, neither was Kayleigh Banfield (DPS). Enquiries to establish if she was still employed were met with vague replies by the bar staff, a female. The list of staff of staff authorised by Kayleigh to sell alcohol was requested but unable to be produced. The female bar staff on duty admitted she wasn't the holder of a personal licence. I left an envelope and card with the barmaid requesting a call from Nigel Lewis. During the course of our visit a male

customer, clearly heavily intoxicated by alcohol and still drinking, questioned the identity and purpose of our visit, he and the female bar member was given clear advice.

17th December 2012. Nigel Lewis attended our offices and submitted an application to replace Kayleigh Banfield as the DPS by Mandy Kennell. He was appraised of the result of our visit and given advice.

2nd April 2013. Mandy Kennell notified this licensing authority that she was withdrawing her consent as the DPS. The reasons for this are explained in her email as follows, *The licensing concerns were that I had been made aware that a minor (under 18) had been served alcohol without any request for identification and the second incident was a minor (under 18) still in attendance on the premises after 10pm. I'm sure you are aware that these issues are unacceptable and I felt they were not fully addressed by both management and proprietor.*

4th April 2013. Tracey Perry was nominated as the DPS. No objections from police.

8th April 2013. I was updated by Mr Anthony Masters, Police Licensing Officer for Hastings, of follow up visits made by police over the weekend of the 5th, 6th and 7th April 2013.

8th May 2013. Nigel Lewis changed the holding name from Zar Zar Bar Ltd to Hastings Pubs Ltd.

8th November 2013. Nigel Lewis changed the holders name from Hastings Pubs Ltd to his own name. Simultaneously he nominated a new personal licence holder as the DPS – Lindsey Shirley – personal licence holder HO21003, issued by this authority on the 28th October 2013. No representations were made by the police to this nomination.

20th January 2014. A letter of suspension of the premises licence was delivered to Nigel Lewis at the premises. This was following non-payment of the annual fee of £180.00, for the premises licence due by the 5th December 2013. Under amendments to the Licensing Act 2003, licensing authorities were able to suspend a premises licence for non-payment by the due date. Payment was subsequently made and the suspension lifted. Copy attached appendix A

27th May 2014. A complaint regarding noise from the Zar Zar Bar was received by email to this authority. The complainant requested anonymity but explained issues arising on the spring bank holiday 26th May 2014 involving a barbecue outside the front of the premises, with six to eight customers outside drinking, smoking and shouting with loud music playing. It also referred to a previous date, 15th May, as being 'exceptionally bad'. I replied to the complainant and subsequently a strong letter was delivered to Nigel Lewis at the premises. Copy attached appendix B.

29th May 2014. Copy of letter attached from John Ballam, Environmental Protection Officer regarding the noise complaint on the 27th May 2014. Copy attached Appendix C.

31st July 2014. Letter sent to Nigel Lewis by Mrs Michelle Davies, Licensing Officer regarding the non-compliance of the display of the Licensed Premises Machine Notification. Copy attached together with Mrs Davies's inspection report as appendix D.

14th August 2014. Complaint received about the use of seating in use by customers immediately outside of the premises and alcohol consumption outside on the pavement. Another formal warning letter was delivered personally to Nigel Lewis at the premises. Copy attached appendix E.



30th October 2014. Reply received from Judith Warren, Development Control Officer, HBC, regarding the planning conditions applicable to 91 – 92 Queens Road, Hastings. The premises was granted change of use from A1 (furniture shop) to A3 (Café) on the 20th September 2005. For clarification A3 is Restaurants and Cafés, for the sale of food and drink for consumption on the premises. (Comment – this decision was following application by a previous premises licence holder at 91 – 92 Queens Road, who subsequently surrendered the premises licence on vacation. This required the new application as referred to on grant 6th December 2010. The history regarding that previous premises licence is not relevant to this report).

7th November 2014. A complaint regarding noise from the Zar Zar Bar, following complaint to police recorded by them at 00.20 on 1st November 2014. A further noise complaint also made to the police on the 8th November at 00.31 hours. As a result, enquiries made with Andrew Benson, the property owner which resulted in both Nigel Lewis and Lindsey Shirley (DPS) presenting themselves at our offices on Monday the 10th November 2014. The topic of the discussion was the ongoing non-compliance with the conditions of the premises licence, with reference to the 'planning use as a café' and the condition under prevention of public nuisance of ***The premises shall be operated as a café encouraging light alcohol consumption.*** I attach a copy of my PNB entry following their visit with advice given. Appendix F.

22nd November 2014. Whilst I was on late night licensing enforcement visits, at 23.10 the recorded music from Zar Zar Bar was audible from the forecourt of Morrison's petrol station opposite. Noted in PNB.

11th December 2014. A letter of suspension of the premises licence for non-payment of the £180.00 annual fee was served on the premises at 14.08 hours, for the immediate attention of Nigel Lewis. The premises licence annual fee was subsequently paid and the suspension lifted. Attached appendix G.

18th December 2014. I was informed by PC Chris Trevena – Police Licensing Enforcement of an incident to which police had been called on the 16th December 2014.

23rd February 2015. As a result of weekly sanitised incident reports regarding licensed premises, we were informed by police of an incident at Zar Zar Bar on the 16th February 2015, involving Nigel Lewis and Lindsey Shirley (DPS). As a result of this Andrew Benson submitted a notification of interest under Section 178 of the LA2003, as the owner of the premises. This was submitted to avoid the premises licence lapsing if it was surrendered by Nigel Lewis. I was informed by Andrew Benson that Nigel Lewis was overdue on his rent and he was in the process of instigating action to remove him from the premises. The premise was subsequently closed and not trading for a period of time, with additional information received that Lindsey Shirley was no longer the DPS.

26th March 2015. At 12.15 hours on a visit to Zar Zar Bar, 91 – 92 Queens Road, I found the front door open and a male on the premises, on the public side of the bar, with a partially consumed pint glass of beer on the bar counter. I advised him that as the licensing officer I was aware that there was no personal licence holder nominated as the DPS and as a result no alcohol could be sold or displayed for sale on the premises. I advised that he left and locked up the premises. The premise was subsequently closed.

27th March 2015. Nigel Lewis nominated Jason Burgess as the DPS. The premises subsequently re-commenced trading authorised to sell alcohol.

15th April 2015. Following receipt of the review application from police, I attended the premises at 11.45 where I saw Jason Burgess. I subsequently placed the blue site notice of review in the window.

Comments.

The purpose of the date line is to show the 'life' of the current premises licence from grant in December 2010, to show the transfer in July 2012 to Nigel Lewis as the premises licence holder.

As can be seen the issues relating to the dates specified, although relatively minor, have involved advice, letters, emails, formal warning letters, all to show a progressive course of action against Nigel Lewis for what is in my opinion a very poor management of the premises overall. He applied for a personal licence himself but this was refused. Details of this are contained in the police review application as confidential. Many of the issues date lined could collectively lead to a prosecution for 'Unauthorised licensable activities', contrary to section 136 of the Licensing Act 2003.

On summary conviction the maximum penalty is a fine of up to £20,000 or six months imprisonment, or both. However any prosecution and subsequent conviction does not affect the premises licence itself. This can only be changed as a result of the decision of a licensing committee at a licensing sub committee hearing. Hence the collation of incidents and complaints to gather evidence for the most appropriate action if it becomes required.

Conclusion.

I submit this report in my capacity as Senior Licensing Officer, Hastings Borough Council, for consideration by the Licensing Manager, as a representation in support of the review instigated by the police.

The purpose of this representation is to show the ongoing continued lack of compliance and poor management of the premises licence, throughout the holder ship of Nigel Lewis, or his previous companies Zar Zar Bar Ltd, or Hastings Pubs Ltd.

It is my opinion that the documented non-compliance and poor management shown, undermines the licensing objectives the prevention of crime and disorder and the prevention of public nuisance, as outlined.

I hold the following qualifications to support my knowledge of the Licensing Act 2003.

Holder of the BIIAB National Certificate for Personal Licence Holders certificate;

Holder of a personal licence number 08 / 00276 / LAPER issued by Rother District Council.

Holder of a BIIAB National Certificate for Licensing Practitioners of the Licensing Act 2003.

Trevor Scrase
Senior Licensing Officer.



Please quote: Invoice number 5099331
Your reference:
Date: 20th January 2014
Please ask for: Bob Brown
Telephone direct: 01424 451042
E-mail: bbrown@hastings.gov.uk
Web: www.hastings.gov.uk/licensing

App. A



Licensing Team
Aquila House, Breeds Place,
Hastings, East Sussex TN34 3UY

Mr Nigel Lewis
Zar Zar Bar
91 – 92 Queens Road
Hastings,
TN34 1RL.

Dear Mr Lewis,

**Re: Annual Fee Suspension
Premises Licence – Zar Zar Bar;**

According to our records the annual fee for the premise licence under the Licensing Act 2003 was due on 5th December 2013. You are reminded that the Licensing Act 2003 requires you to pay an annual fee, which is £180 on the anniversary date of the grant of your licence.

Failure to pay this fee has now resulted in the Authority decision to suspend your premises licence/club premises certificate with immediate effect on Thursday 23rd January 2014. Any future licensable activities carried on at the premise will make you liable to prosecution, should you pay the outstanding fee we will reinstate the licence once the fee has cleared our finance system.

Please therefore forward your fee to this office, please make all cheques payable to Hastings Borough Council, we also accept payment by credit/debit card over the phone. We will acknowledge your payment by letter enclosing a copy of your receipt within 14 days.

Should you have any queries please do not hesitate to contact me, on the above telephone number, during normal office hours.

Yours sincerely

Bob Brown
Licensing Manager

App. B

Please quote: Wk201401751
Your reference:
Date: 28th May 2014
Please ask for: Trevor Scrase
Telephone direct: 01424 451042
E-mail: tscrase@hastings.gov.uk
Web: www.hastings.gov.uk/licensing



Licensing Team
Aquila House, Breeds Place
Hastings, East Sussex, TN34 3UY

Mr N Lewis
Zar Zar Bar
91 – 92 Queens Road
Hastings,
TN34 1HL

Dear Sir,

Complaint – Zar Zar Bar, 91 – 92 Queens Road, Hastings, TN34 1HL.

I have received a complaint regarding your premises which I need to bring to your attention.

The complaint refers to a recent late afternoon, when it is alleged that your customers were on the footpath outside of your premises, drinking alcohol. Some of these customers were smoking, which is lawful but in the course of being outside these persons were shouting and subsequently blocking the footpath area to other persons.

It is also alleged that there was an electric barbeque operating outside, on an afternoon when the weather was described as 'foul', this added to the general disruption and noise.

Clearly if this is the case and I have no information to suggest it isn't, there are a number of issues that need to be outlined to you.

The conditions of your premises licence are quite specific as to its operation and the promotion of the four licensing objectives, with additional comments as in red as follows:-

Annex 2 – Conditions consistent with the operating schedule

GENERAL

Operate the premises in line with the recommendations of the Portman Group Prove it ID scheme.

Licensed area under supervision from bar.

Advice posters displayed re alcohol consumption.

THE PREVENTION OF CRIME AND DISORDER

Ensure staff challenge customers who are visibly drunk or intimidating and refuse them service.

From the conduct and behaviour alleged this has clearly not been enforced.

Staff trained in conflict resolution, due diligence.

Work in conjunction with local partnerships ie. Police and "Bar Watch" scheme.

Last orders taken 40 minutes before closing. Food always available. Music turned off and lights on 20 minutes before closing.

PUBLIC SAFETY

Ensure all fire exits and extinguishers are regularly and properly maintained.

Ensure staff are trained in fire procedures, and routinely tested.

Ensure fire resistant bins are provided in the seating area, behind bar and outside the premises for food packaging waste.

Advice notices are displayed encouraging responsible drinking and warning of the dangers of over consumption.

To ensure head counts are routinely taken on occasions of events to remain with the capacity limit of 45 persons maximum on the premises at any one time

THE PREVENTION OF PUBLIC NUISANCE

At the end of the consultation period the applicant accepted the following condition requested by the Principal Environmental Health Noise Pollution Officer:-

- ***The premises shall be operated as a café encouraging light alcohol consumption; This appears not to be complied with, with alcohol consumption as the primary function.***
- ***Clear and prominent notices requesting patrons to 'Please consider our neighbours and be quiet when outside and when going home', shall be displayed at the exit.***

Most events to be finished by midnight, during the week and at 01.00am on Friday & Saturday.

The following condition as agreed with the Interim Principal Environmental Health Officer:-

- 1) **Noise and music arising from the premises shall not be audible in any residential premises. 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; This has clearly been breached based on the information received.**
- 2) **A responsible member of staff shall be in attendance in the vicinity of the exit from 23.00 hours until close of business each evening to ensure that patrons disperse quietly and quickly;**
- 3) **The proprietor shall provide and maintain suitable and sufficient litter bin(s) outside the premises during opening hours and shall, at the close of business each night, cause the street for a 200 metre radius of the premises to be checked for and cleared of all litter that may have arisen as a consequence of the business. If desired these measures may be undertaken in conjunction with the proprietors of other similar establishments in the vicinity, but, in any event the Licensing Manager shall be advised in writing and approve of the arrangements made and any subsequent change in those.**

THE PROTECTION OF CHILDREN FROM HARM

Persons under 18yrs only permitted in the premise with a recognised responsible adult.

No children permitted on the premises after 22:00hrs, except for private parties until midnight.

Strict policy displayed 'If you look under 21 you will be asked to prove you are 18'.

Only accept photographic evidence as proof of age, ie. Passport, driving licence, Portman approved id cards.

Comment:

You are reminded that any breach of your conditions is an offence under section 143 of the Licensing Act 2003, the penalty for which on summary conviction is a fine of up to £20,000 and or 6 months imprisonment, or both.

Any use of the footpath outside of your premises for the consumption of alcohol is unlawful under the borough wide designated public place order(DPPO). Such alcohol consumption can only lawfully take place within a highways permit area for tables and chairs, which you do **not** have. Any customers outside smoking should not be allowed to take their drinks with them.

The use of a barbeque outside the front of your premises could also be unlawful as not only could it be considered an unlawful obstruction but also require a street trading consent which requires £10 million

public liability insurance. The cost for a street trading consent is £20 per day and subject of a minimum 28 day application in advance of the date. Any cooking of food should remain within the confines of the premises. It is extremely unlikely that such a consent would be granted as you have no outside area available.

I am sure you will appreciate that persons are somewhat reluctant to pass too close to persons engaged in drinking outside a licensed premises for fear of some form of confrontation. . Any person(s) trying to pass your customers outside on the footpath MUST NOT be required to step out into the road due to the obstruction of the footpath by your customers

As a result of this complaint you will receive a letter from the Principal Environmental Health Noise Pollution Officer. You should be aware that we have recently had one review of a licensed premises in the town centre, with another in its consultation period. A review of your premises licence could be instigated if you do not take steps to remedy these issues and ensure full compliance with the Licensing Act conditions.

I will be discussing the complaint with Police Licensing and you can expect to receive attention as a result.

However, I understand that this occasion may have been a 'one off' event on the recent bank holiday weekend. If that was the case, I hope the contents of this letter explain why such issues should not be repeated.

The purpose of this letter is to make you aware of the complaint, outline the issues and allow you the opportunity to ensure that such issues do not arise in the future.

Yours sincerely,

Trevor Scrase
Senior Licensing Officer

Cc
Anthony Masters – Police Licensing
Christopher Trevena – Police Licensing Enforcement
David Steeds – Principal Noise Pollution Officer HBC
Mr Benson – property owner.

App C

Please quote: WK/201401794
Your reference:
Date: 29th May 2014
Please ask for: John Ballam
Telephone direct: 01424 451079
E-mail: envprotection@hastings.gov.uk
Web: www.hastings.gov.uk/environmental_protection



Environmental Protection Team
4th Floor, Aquila House
Breeds Place, Hastings
East Sussex, TN34 3UY

Mr Nigel Lewis
ZAR ZAR BAR
91-92 Queens Road
Hastings
East Sussex
TN34 1RL

Dear Mr Lewis

ENVIRONMENTAL PROTECTION ACT 1990 – NOISE COMPLAINT
ADDRESS: ZAR ZAR BAR, ZAR ZAR BAR, 91-92 Queens Road, Hastings, East Sussex, TN34 1RL

I regret that I have to draw your attention to a complaint received by this section about noise from the above premises.

The complaint relates to noise from music and customers

If this is indeed the case, and I have no reason, presently, to doubt the information provided, I must advise you that any repetition is likely to constitute a statutory nuisance and result in a noise abatement notice being served on you. The effect of such a notice would be to make any further incident of nuisance an offence punishable, on conviction in the Magistrates Court, by a fine of up to £20,000.

Incidents of this nature could also result in a review of your licence being requested by those affected or this section under the provisions of the Licensing Act 2003.

I hope that, with your co-operation, neither course of action will become necessary.

If you wish to discuss this matter further please do not hesitate to contact me. If telephoning please call between 9.30am and 10.30am or between 3.00pm and 4.00pm.

Yours sincerely

John Ballam
Environmental Protection Officer



INVESTOR IN PEOPLE

App 0

Please quote: mld
Your reference:
Date: 31st July 2014
Please ask for: Michelle Davies
Telephone direct: 01424 451042
E-mail: mdavies@hastings.gov.uk
Web: www.hastings.gov.uk/licensing



Licensing Team
Aquila House
Breeds Place
Hastings
East Sussex
TN34 3UY

Mr Nigel Lewis
Zar Zar Bar
91-92 Queens Road
Hastings
TN34 1HL

Dear Mr Lewis

Re Gambling Act 2005-Notification of 2 or less Gaming Machines

On inspection of our records and your premises recently it was noted that your Licensed Premise Machine Notification was not displayed on your premise which is a legal requirement under The Gambling Act 2005.

If you wish to continue to have the machines operating on the premise you must be able to produce this to me within the next 7 days. If you have difficulty with this please contact me.

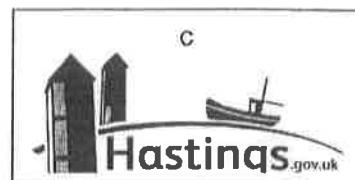
Please note the permit is non-transferable, therefore it will remain in force unless the Premise Licence (Alcohol) changes hands. There is no annual fee payable.

Should you have any queries please do not hesitate to contact me during normal office hours.

Yours sincerely

Michelle Davies
Licensing Officer





Inspection guide – Alcohol Licensed Premises

This template may assist authorised local authority officers with their compliance visits. It provides a list of the matters which are provided for licensed premises gaming machine permits under Schedule 13 of the Gambling Act 2005. It also outlines further requirements set out in the legislation and within the codes of practice issued by the Gambling Commission. Section 153 of the Gambling Act 2005 requires Licensing Authorities to exercise its functions in accordance with relevant codes of practice and those listed in this template aim to ensure that gambling is fair and safe for all.

Premises name and address	ZAR ZAR BAR 91-92 QUEENS ROAD HASTINGS
Premises person(s) present	CLAIRE BRILL
Authorised Officer(s)	MICHELLE DAVIES
Signature of Authorised Officer(s)	<i>Michelle Davies</i>
Date and time of the assessment	29/07/14 2.20pm

Legislative Requirement	Comment
The licensed premises gaming machine permit must be kept on the premises (GA05 Schedule 13 paragraph 8).	NOT ON DISPLAY X <i>Colt</i>
Offence to employ a child or young person to work in premises where gaming machines are situated where such persons may be required to perform a function in connection with the gaming machine (GA05 Section 54).	—
Gaming machines permitted: Category C and D gaming machines in line with allowances detailed under the premises permission. Category C = £1 stake / £100 prize Category D = 10p stake / £5 money prize or 30p stake / £8 non-money prize or 10p stake / £8 prize of which £5 maximum is money. Coin pusher only: 20p stake / £20 prize of which £10 maximum is money Crane grabs only: £1 stake / £50 non-money prize (GA05 Sections 282 or 283).	ALLICE QUEEN OF HEARTS CAT C, £100 JACKPOT.
Gaming machines satisfy SI 2007 / 2319 and SI 2007 / 2320 which include requirements that	

<p>gaming machines display:</p> <ul style="list-style-type: none"> • what category it is? • the name and telephone number for assistance with problem gambling • that the machine is not to be used by child / young person unless it is a category D and % return to player. 	<p>1 x CAT C</p> <p>✓</p> <p>✓</p>
<p>All gaming machines must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means (Code of practice for gaming machines in clubs and premises with an alcohol licence – For club gaming permits, club machine permits and alcohol licensed premises - March 2012).</p>	<p>A10</p>
<p>All gaming machines must be located in a place that requires a customer who wishes to use any ATM machine to cease gambling at the gaming machine in order to do so (Code of practice for gaming machines in clubs and premises with an alcohol licence – For club gaming permits, club machine permits and alcohol licensed premises - March 2012).</p>	<p>A10</p>
<p>If Skill with Prizes machines are available at the premises, checks should be made to ensure no category C or D machines are included within the software.</p>	
<p>The premises must not be mainly used for making gaming machines available (GA05 Schedule 13 paragraph 16).</p>	
<p>If facilities for equal chance gaming are provided then it must comply with the conditions below:</p> <ul style="list-style-type: none"> • that no amount is deducted or levied from the sums staked or won • that there is no participation fee charged • that there is no linking of games with games played in other premises • that persons under 18 are excluded from the gaming <p>(GA05 Section 279).</p>	
<p>If facilities for equal chance gaming are provided then it must comply with the stakes and prize regulations below:</p> <ul style="list-style-type: none"> • All gaming (other than dominoes and cribbage) has a stakes limit of £5 per person per game. Poker carries an aggregate stakes limit per day of £100. 	

<ul style="list-style-type: none"> • Poker has a prize limit of £100 per game. Other gaming (excluding bingo) has no prize limits (SI 2007 / 1940). 	
<p>Bingo: in any 7 day period the aggregate stakes or prizes for bingo must not exceed £2000. If that limit is exceeded the Gambling Commission must be notified. An offence is committed if the limit is exceeded more than once in any rolling year and an appropriate operating licence is not in place (GA05 Section 281).</p>	
<p>Premises, and designated persons, that offer exempt gaming should ensure the following code provisions are satisfied:</p> <ul style="list-style-type: none"> • games are held in areas restricted to adults • that checking of age is carried out for potentially underage players • games are conducted in supervised places • equipment is supplied by the premises and secured when not in use • rules should be displayed or otherwise available <p>(Gambling Commission Code of Practice for Equal Chance gaming for clubs and alcohol licensed premises – Dec 2009).</p>	
<p>Commercial betting isn't allowed in pubs. This includes the premises acting as "bookmaker", the premises acting as an intermediary by accepting bets on behalf of a licensed operator and a licensed operator (or their agent) directly accepting bets on the premises (GA05 Sections 33 and 37).</p>	
<p>Lotteries are a form of gambling and must be offered in compliance with the requirements primarily laid out within Schedule 11 of the Gambling Act 2005. It defines exempt lotteries and applicable conditions covering areas such as stakes and prizes, ticket information and suitability for fundraising.</p>	

App E

Please quote:
Your reference:
Date: 14th August 2014
Please ask for: Trevor Scrase
Telephone direct: 01424 451042
E-mail: tscrase@hastings.gov.uk
Web: www.hastings.gov.uk/licensing



Licensing Team
Aquila House, Breeds Place
Hastings, East Sussex, TN34 3UY

Mr Nigel Lewis
Zar Zar Bar
91 – 92 Queens Road
Hastings,
TN34 1HL

Dear Sir,

Complaint received.

I am writing to inform you that a complaint has been received about your customers drinking alcohol outside of the premises and also placing chairs on the footpath outside. Enquiries with ESCC Highways confirm that you do not have any permit to place chairs onto the pavement area of Queens Road, outside your premises.

There is a borough wide street drinking ban and if persons are under the influence and by their conduct or behaviour cause other persons harassment, alarm or distress, they could render themselves and your staff and yourself liable to formal action.

Although you may have a very narrow area immediately in front of your premises, it is only in that area that your customers are allowed to drink.

If they are outside smoking, they should not have their drinks with them.

I hope that this occurred only during the recent hot weather and is unlikely to be repeated.

However you should be aware that your premises is coming to our notice more frequently and I hope that everything is being run in full compliance with your premises licence.

You may recollect I wrote to you on the 29th May 2014, regarding a noise complaint, for which I did not receive any response from you.

Your premises licence has conditions which **MUST** be complied with otherwise you render yourself liable to prosecution under section 136 of the Licensing Act 2003 for unauthorised licensable activities. On summary conviction you could make you liable to a maximum fine of £20,000 and or 6 months imprisonment and / or both.

Yours sincerely,

Trevor Scrase
Senior Licensing Officer

02

Rd ad rec noise / m phone
 & cheery audible whist
 received drastically when
 door opened with customers
 entering or leaving.

2335

Sat in car ad for Nelson Rd.
 at rear of Car Cozy clearly
 audible noise of voice &
 accent noise of performance.

2340

Super Pizza - customer going in
 still open.

2345

Union Bar, Cambridge Rd. Sit +
 2 customers outside. All quiet.

2350

Super Pizza - still open with
 customers inside.

0000

Off duty 12 hrs total

Nov 10 Nov 2014

1005

Aquila Hse. Visited by

02

03

Nigel Lewis (PLH for ZorZor
 Bar) & Lindsey SHELLEY (DOS)

Explained reason for request for
 visit. Non compliance of
 premises lic conditions re
 food always available &
 operate as a cafe with light
 alcohol consumption.

Recent noise complaint 1/2 Nov.
 letter sent re noise back in
 summer but they didn't
 contact re delegated to their
 manager.

They explained - following
 refurb & move of bar kitchen
 yet to be fully restored.
 Outlined conditions on their
 premises licence that have
 been there all the time

03

04

of their holdship.

Advice given to give them opportunity to rectify & comply.

Planning use as a cafe not a BAR.

1030

left Aquila.

THURS 20 NOV 2014

1322

Super Pizza, White Rock
Delivered letter addressed to Mr. Toubaz.

Veh X36 SHK Nissan

Nissan silver double panel c/s.

3 mbs in penins. Exported

re an fee not paid by

17 Jan 2014 and my trade

after 2300hrs is unlawful

& illegal.

04

05

SAT 22 NOV 2014

2KSS

On duty

2200

The Convent, Harley Street Rd
TV on customs watching sports.
B/ board als two mischiefs not of
level of visit.

2215

Collected Tami Wood EH.

2220

Old King John Middle Rd

No custom outtake in sides,
over A10.

2235

Clive Vale Soc Club, Attleboro
Rd see Andrew Tapsell & 3
after comm mbs. Discussed
river caplast at measures.

2305

Leased.

2310

Zar Zar Bar 91-92 Queens Rd
See more rise available for
garage opp.

2315

Gardens fruit 119 Queens Rd

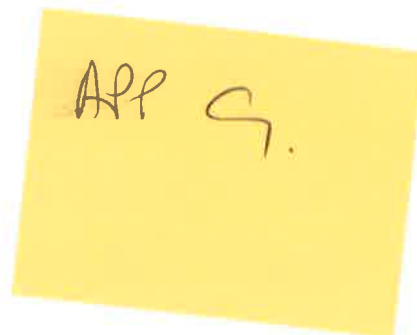
05

Please quote: Invoice5207083
Your reference:
Date: 11th December 2014
Please ask for: Bob Brown
Telephone direct: 01424 451042
E-mail: bbrown@hastings.gov.uk
Web: www.hastings.gov.uk/licensing



Licensing Team
Aquila House, Breeds Place,
Hastings, East Sussex TN34 3UY

Mr Nigel Lewis
Zar Zar Bar
91 – 92 Queens Road
Hastings,
TN34 1RL.



Dear Licence Holder,

Re: Annual Fee Suspension
Premises Licence – Zar Zar Bar, 91 – 92 Queens Road;

According to our records the annual fee for the premise licence under the Licensing Act 2003 was due on 5th December 2014. You are reminded that the Licensing Act 2003 requires you to pay an annual fee, which is £180.00 on the anniversary date of the grant of your licence.

Failure to pay this fee has now resulted in the Authority decision to suspend your premises licence with immediate effect from Tuesday the 16th December 2014. Any future licensable activities carried on at the premise will make you liable to prosecution, should you pay the outstanding fee we will reinstate the licence once the fee has cleared our finance system.

This suspension which prohibits any sale or supply of alcohol on or from your premises from the 17th J^y December 2014, means that you cannot trade selling alcohol in any form, on what is expected to be the busiest weekend on the year, the 20th and 21st of December, unless this overdue fee is paid immediately.

Please therefore make payment of the fee, following the instructions on the rear of the invoice and quoting the invoice number, as a matter of some urgency.

Payment can also be made by cash, debit or credit card or cheque at the Hastings Borough Council, Tourist Information Centre, Aquila House, Breeds Place, Hastings, in person if preferred. The invoice should be quoted for reference to ensure the records are recorded correctly and confirm your payment has been made.

Should you have any queries please do not hesitate to contact me, on the above telephone number, during normal office hours.

Yours sincerely

Bob Brown
Licensing Manager



INVESTOR IN PEOPLE

PERMISSION WITH CONDITIONS

Town and Country Planning Acts

Application Number: HS/FA/05/00542 **File Number:** QU80091/QU80092

Applicant: Out in the Alley Limited

Address:
91-92 QUEENS ROAD, HASTINGS, TN34 1RL

Description:
Change of use from furniture shop (A1) to Cafe (A3)

In pursuance of its powers under the Town and Country Planning Acts, and all other powers, the Council hereby permits the development described in the Plans and Application specified above, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The use shall not commence until detailed drawings of the proposed bridge threshold from the street into the cafe have been submitted to and approved in writing by the local planning authority. Thereafter no development shall take place other than in accordance with the approved detail and the use shall not commence until such time as the works have been completed to the satisfaction of the Local Planning Authority.
3. The premises shall not be used at any time for the preparation of hot food unless the ventilation fans and exhausts have been fully installed and maintained at all times in accordance with the manufacturers instructions.
4. Prior to the use commencing, an area for the storage of refuse shall be provided in accordance with detailed drawings to be prior submitted to and approved in writing by the local planning authority. Thereafter no development shall take place other than in accordance with the approved details.

The reasons for the imposition of the said conditions are:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that adequate disabled access is provided. (Hastings Local Plan 2004 Policy CN1)
3. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)

4. In the interests of the amenity of the neighbouring residential occupiers.
(Hastings Local Plan 2004 Policy DG1)

Notes to the Applicant

You are advised:-

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Should the premises remain open after 23.00 hrs, a premises licence will be required under the Licensing Act 2005.
3. A separate application will be required for any external changes to the building including the installation of an external ventilation/extraction system.

The reason for granting this permission is:

1. Having regard to local plan policy and to all other material considerations and taking account of comments and objections from interested parties the proposed use is considered to be acceptable. There will be no material harm to the neighbourhood in general or to adjoining residents in particular

This permission relates only to that required under the Town and Country Planning Acts and does not include any consent or Approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Dated: 20 September 2005

To: Out in the Alley Limited
112 Stonefield Road
Hastings
East Sussex
TN34 1QA


Borough Planning Officer

Application No. HS/FA/05/00542

Bob Brown

From: lalawaugh@hotmail.co.uk
Sent: 12 May 2015 00:56
To: Licensing
Subject: Hastings Online e-Forms - Enquiries or Comments form Ref no:SITE-EOC-132494 submitted

An instance of the Enquiries or Comments form has been submitted on 00:55:48 12 May 2015

The form reference is: SITE-EOC-132494

Start of Form Data

To: licensing@hastings.gov.uk

From: lalawaugh@hotmail.co.uk

Enquiry or Comment:

Dear Sir/Madam,

I have just been made aware of the review of the licence of The Zar Zar Bar, Queens Road, Hastings and after speaking to a member of the Licensing Department by telephone this afternoon I would like to take this opportunity to ask you to please consider the following:

We are residents of The Fountain Music Bar, 93 Queens Road, Hastings directly next door to The Zar Zar Bar and we are deeply concerned that none of the four licensing objectives are being adhered to by them.

They allow customers to drink outside the bar from opening until close which often forces pedestrians to have to walk on a very busy road also some of their customers are quite aggressive drunks who abuse people trying to pass which causes a lot of trouble. There is always noise from the customers outside the bar at night especially Friday and Saturday when they can be open until 3am which makes it impossible for the people residing in the surrounding flats etc to sleep until they have closed which is ruining the quality of life for these residents.

There is often fighting and shouting outside the bar which can be extremely frightening for residents and members of the public trying to pass. there seems to be no sense of responsible sale of alcohol taking place at all and the situation has now become intolerable.

We would be very grateful if you could take these points into consideration when you review their licence and will gladly discuss this matter with your Licensing Officers at your convenience.

Yours Sincerely

Caroline Waugh

End of Form Data

This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit:
<http://www.star.net.uk>
