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Hastings District

Licensing Manager
Environment and Safety Directorate
Cavendish House
Breeds Place
Hastings
TN34 3AA

6th May 2015

Dear Mr Brown,

**APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE FOR GRAND ELEKTRA,
(FORMERLY WEST EXIT & ELECTRIC STAG) GROUND FLOOR AND BASEMENT, 53-57
ROBERTSON STREET, HASTINGS, EAST SUSSEX TN34 1HY**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance will be undermined. The premises is located in the Cumulative Impact Area (CIA) as defined in the Hastings Borough Council Statement of Licensing Policy,

This application relates to a property which in the past was divided into two separate premises, known as The Crypt and Honey Lou Lou's and most recently, West Exit and Electric Stag. Each premises had its own premises licence, allowing for a number of licensable activities to take place during the relevant periods. The times for licensable activities to take place at the Electric Stag being some two hours shorter than the permitted hours for West Exit. This application seeks to amalgamate the previous two, lapsed, premises licences into one. Details of the application are as follows.

The standard hours the premises will be open to the public:

Monday to Thursday	08:00hrs - 03:30hrs
Friday and Saturday	08:00hrs – 04:30hrs
Sunday	08:00hrs - 02:30hrs

Continued/

Non Standard Times:

Thursday preceding Good Friday 08:00hrs - 04:30hrs
Sunday preceding Bank Holiday Monday 08:00hrs - 04:30hrs

Seasonal variation:

New Years Eve 08:00hrs – 06:30hrs

The application for the grant of a premises licence, made under Section 17 of the Licensing Act 2003, is for the licensable activities of supply of alcohol, the provision of regulated entertainment, and the provision of late night refreshment; the times of which are listed in the Application and the Officers report.

The concentration of licensed premises within a small area of the town causes problems of crime and disorder and public nuisance. In consequence of this, following extensive consultation in 2007, the Licensing Authority in January 2008 believed it was both appropriate and necessary to introduce the Special Saturation (Cumulative Impact) Policy. The policy was reviewed in 2009 when small amendments were made. Further reviews took place in January 2011 and February 2013 resulting in the three areas being retained with no additional modifications.

Paragraph 13.30 of the Secretary of State's Revised Guidance issued under Section 182 of the Licensing Act 2003, amended in March 2015 provides, *"The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licenses or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application"*.

This principle is reflected in the Hastings Borough Council Special Saturation (Cumulative Impact) Policy contained within the Hastings Borough Council Licensing Policy.

These premises are situated within Area 1 of the Special Saturation (Cumulative Impact) Policy in which there is a presumption that any new premises licence or variation will be refused. The policy states: *"This policy relates to applications for the grant and/or variation of premise licences, club premises certificates or the issue of provisional statements. Each application will be considered on its own merit. Where no representations are received any application will be granted in terms consistent with the operating schedule. Where relevant representations are received in relation to applications for the grant of a new premises licence, club premises certificate or provisional statement; there will be a presumption against the grant of such licence or certificate unless the applicant, in the operating schedule, can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives."*

Continued/

Paragraph 8.33 of the Secretary of State's Guidance to the Licensing Act 2003, amended in March 2015 provides, '*In completing an operating schedule, applicants are expected to have had regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.....*'.

At 11:00hrs Tuesday 17th March 2015 a meeting was held at Aquila House, Breeds Place, Hastings. Those in attendance being Mr. Robert Brown (Hastings Borough Council Licensing Manager), Mr, Trevor Scrase (Hastings Borough Council Licensing Officer), PS Denham Vokins, PC Chris Trevena and Mr Anthony Masters all from Sussex Police Alcohol Harm Reduction Unit. Representing the Applicant were Mr Paul Mandrey and Mr Oliver Ibrahim. The meeting was held to give the representatives from the premises the opportunity to inform those present of their thoughts and intentions for the premises. No specific details were discussed with regard to licensable activities to take place, hours of operation or proposed conditions. At no time since that meeting have the applicants contacted representatives of Sussex Police in order to seek guidance on their application.

Paragraph 8.35 of the guidance states '*Applicants are expected to include positive proposals in their Application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy*'.

Contrary to the Secretary of State's Guidance, the applicant has failed to demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. The only reference the application makes to the Special Saturation (Cumulative Impact) Policy is within Section M of the operating schedule, '*Due to the premises being within the a local authority defined cumulative impact area special consideration has been given to policies and management processes in order to prevent crime and disorder. Both within the premises and directly in the vicinity. We will comply with the licensing guidance and policy applicable to Hastings*'. Nothing in the application or the operating schedule either rebuts the presumption of refusal contained within Sect 1.11 of the Hastings Borough Council's Licensing Policy, or provides any reason for the Licensing Authority to depart from its special policy.

Within the four sub-sections of Section M of the operating schedule, the applicant has listed 56 measures that will be taken concerning the promotion of the licensing objectives, 28 measures specific to the prevention of crime and disorder and protection of children from harm. Some of these measures are either duplicated, already covered by the mandatory conditions or open to interpretation, for example:

- Where practical an ID scanner will be used during club sessions.
 - '*where practical*' is completely unenforceable, and is likely to result in no time when it is '*practical*' to use the scanner

Continued/

- Sufficient members of door supervisors who are suitably trained will be provided on the premises depending on the site specific risk assessment, activities or entertainment.
 - Completely unenforceable, as what does 'sufficient' mean and who decides what is 'sufficient'?
- The proposed measure for the use of CCTV does not meet the minimum Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05),

The previous capacity for the former West Exit was 440 persons. In considering the combined capacity of the former West Exit and Electric Stag, in addition to the extended operating times, Sussex Police contend that that volume of patrons leaving the premises in the early hours of the morning will have a negative impact on public nuisance and crime and disorder.

The operating times as specified in the application would mean customers remaining in the area beyond the terminal time for the transport systems serving Hastings and also the timings of the police resources. This will inevitably impact upon the licensing objectives, and give rise to negative cumulative impact.

Sussex Police contend that the Applicant has failed to demonstrate in their operating schedule that there will be no negative cumulative impact and we fail to understand how an Application for a nightclub, open until 4.30am, can have anything other than a negative impact on one or more of the licensing objectives.

Therefore Sussex Police invite the licensing committee to refuse this application.

Yours sincerely



Paul Phelps
Chief Inspector
Hastings District Commander
East Sussex Division

MEMORANDUM



Date: 8th May 2015
From: John Ballam - Environmental Protection Officer
To: Licensing
My Ref: WK201500418
Your Ref:

Application Number: WK201500418
Address: Grand Elektra, 53-57 Robertson Street, Hastings, TN34 1HL

Proposal: New Premises license.

Dear Mr Brown

Licensing Act 2003 – Grand Elektra 53-57 Robertson Street – New Application.

Under the licensing regime the role of the Environmental Protection Team is to avoid the creation of situations where new or varied licenses, by virtue of their proposed activities, their locations, or times of operation, give rise to 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.

I wish to make representation as I have serious concerns about the implications of a premises licence being granted for the above premises in respect of the licensing objectives prevention of public nuisance and prevention of crime and disorder as I consider that there is a likelihood of negative cumulative impact.

As you are aware we have long had concerns about the general noise climate in the Town Centre area during unsocial hours especially on Friday & Saturday nights. As such I welcomed the fact that a licence was surrendered for these and associated premises which had been the subject of complaint on occasion. Even with the closure of these premises I consider the town centre to continue to have an unsatisfactory noise climate as a result of music breakout and the noise of revellers outside premises and in the street in general.

Environmental Health at Hastings Borough Council have previously dealt with noise nuisance in the form of music and also from patrons outside the premises situated at Ground/Street level, formally known as Electric Stag. I am concerned that this area is intended to be used from 11:00 -01:00 for possible internal movement by both staff and patrons, with very little detail as to what the intended use is, close to noise sensitive premises.

The current application is for very long hours 7 days per week Monday-Thursday 08:00-03:30, Friday & Saturday 08:00-04:30 and Sunday 08:00-02:00. With later hours at peak bank holiday periods. The regulated entertainment and licensable activities terminating thirty minutes prior to closure times above. e.g. recorded music 08:00 – 04:00 and live music from 08:00 – 04:00 although it is stated that



Whilst live performances of music not deemed incidental (according to DCMS guidelines) are not planned there may be, on occasion, the possibility of live music on the premises". It strikes me that this application has been put together to cover a range of activities and times with little thought having been given to the suitability of the premises in terms of size or location.

I do not believe that the applicants have had any regard to the fact that the premises are within an area covered by the Special Saturation (Cumulative Impact) Policy within the Council's Licensing Policy. While they have made reference to this, they have not demonstrated that there will be no negative cumulative impact arising from their proposals or rebutted the presumption against grant of a new licence in this area.

In light of the above, I have no alternative but to recommend refusal of a licence.

Kind Regards



John Ballam
Environmental Protection Officer
(On behalf of Ian Wheeler - Environmental Health Manager)

MEMORANDUM



Date: 6th May 2015
From: Trevor Scrase, Senior Licensing Officer
To: Bob Brown, Licensing Manager
My Ref: Wk201500418
Your Ref:

Licensing representation against the full premises licence application for Grand Elektra, 53 – 57 Robertson Street, Hastings.

A new premises licence application was received by this licensing authority on the 13th April 2015. The consultation period ends at midnight on the 12th May 2015.

The applicants are Invest Nightlife Ltd, who have submitted their application through Woodfines Solicitors, Milton Keynes. Invest Nightlife Ltd is run by Mr Oliver IBRAHIM, who is known to this authority, due to his connections with the former Fluid nightclub, 20 Robertson Street, Hastings from 2005 until 2009.

The application is primarily for a 'nightclub' premises, located at the address above, in a large basement area situated immediately below Yates's licensed premises. It also includes a street level premises, to the immediate west of Yates's frontage and property. These two areas are linked by a corridor below street level, joining both of the proposed licensed areas, with a combined premises licence for the full postal address of 53 – 57 Robertson Street, Hastings. There is reference to this with no indication whether this will be solely for the use of staff or combined use of staff and customers during trading hours.

Robertson Street, Hastings is specified within this licensing authorities licensing policy as being in a saturation area / cumulative impact area, in the main town centre of Hastings.

The premises at 53 (Street level) and 53 to 57 Robertson Street (Basement), have been licensed since transition from the former licensing regime in 2005 until July 2011 when the then holders surrendered the premises licence. It was subject to a licensing committee hearing for decision on grant of new premises licences as two separate licensed premises in February 2013. Both ceased trading in March 2015 with the premises licences lapsing.

The new application is for one premises licence for both operations at 53 and 53 – 57 under one premises licence as follows:-

Plays, Films, Live music, Performances of dance, Entertainment similar to live music, recorded music or dance:-

Monday to Thursday	11.00 – 03.00
Friday & Saturday	11.00 – 04.00
Sunday	11.00 – 02.00

Recorded music:

Monday to Thursday	08.00 – 03.00
Friday & Saturday	08.00 – 04.00
Sunday	08.00 – 02.00

Supply of alcohol (for consumption on and off the premises)

Monday to Thursday	11.00 – 03.00
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Friday & Saturday	11.00 – 04.00
Sunday	11.00 – 02.00
Late night refreshment	
Monday to Thursday	23.00 – 03.00
Friday & Saturday	23.00 – 04.00
Sunday	23.00 – 02.00



Non standard timings.

Thursdays preceding Good Friday	08.00 – 04.00
Sundays preceding BH Mondays	08.00 – 04.00
New Years Eve	08.00 – 06.00.
Hours open to the public.	
Monday to Thursday	08.00 – 03.30
Friday & Saturday	08.00 – 04.30
Sunday	08.00 – 02.30

Comments.

1. In the accompanying letter submitted by Woodfines Solicitors, comment is made of the existence of the previous premises in operation, for many years, It makes reference to the recent lapse due to the recent previous licence holder company going into liquidation, otherwise this licence would have been subject of a variation, transfer and change of DPS rather than as a new application. (This explanation is correct).
2. In the application itself, there is reference to the link corridor between 53 and 53 – 57 at basement level, but no indication whether this will be solely for the use of staff or combined use of staff and customers during trading hours. It does state in the operating schedule, d) The prevention of public nuisance, (2) that the **entry via number 53 Robertson Street will be restricted to 1am and doors will be closed.** (This indicates it will be available for combined internal movement of staff and customers from 11.00 until 01.00 during trading hours).
3. This combined premises licence application for both 'premises areas' is for considerably longer hours than the previous application, which terminated at 03.30 (west Exit 53 – 57) and 01.30 (Electric Stag). However this was due to a licensing hearing decision.
4. This application requests - hours open to the public.

Monday to Thursday	08.00 – 03.30
Friday & Saturday	08.00 – 04.30
Sunday	08.00 – 02.30.
5. Those applied for regulated entertainment and licensable activities, terminating thirty minutes prior to closing times above.
6. Non-standard timings for regulated entertainment / licensable activities applied for are:-

Thursdays preceding Good Friday	08.00 – 04.00
Sundays preceding BH Mondays	08.00 – 04.00
New Years Eve	08.00 – 06.00.

Consequently the terminal, or closing hours will subsequently be a further thirty minutes later, making this 04.30 on peak BH weekends and 06.30 following New Years Eve on New Years Day.
7. Referring to the description of the premises in Part 3 of the application, comment is made of the link between both areas of the premises, with use from 11.00 hours each day for the range of regulated entertainments, '**will enhance the local area and provide users of Hastings leisure economy a venue of diverse entertainment and recreation, further supporting tourism, the local community and a growing university.**'



8. The application includes the following information regarding the commencement at 11.00 daily. It states, ***'whilst the hours cover a broad range, it is not the intention of the business to operate as a nightclub during the entirety of these hours.*** It goes on to indicate its availability for a ***range of daytime use for corporate, educational training sessions and functions.***
9. Oliver Ibrahim, gives his address as 44A Luton Road, Toddington, Bedfordshire. He is a personal licence holder and has nominated himself as the designated premises supervisor (DPS), this being the single named person identified with the Licensing Act 2003 as 'being in day to day control of the premises'. No alcohol can be sold at a premise unless a personal licence holder is specified on the premises licence. In addition, although there is no requirement within the Act itself, for that named person (DPS) to be present, or on the premises whilst trading, a nightclub venue is such a premises that requires close and continued supervision. This will not be possible from an address in Bedfordshire.
10. Brief reference is made within general section of the operating schedule of the application, of the location of the premises within the town centre saturation policy / cumulative impact area. Although the operating schedule in all four licensing objectives is fairly comprehensive, there is little indication of how the applicants have considered this aspect and shown the measures they propose to show that they are not going to add to the existing problems in the area.
11. However in respect of this element,
 - The saturation policy is to be reviewed this year following consultation with the relevant bodies concerned, including the police and licensed trade.
 - Each application will be considered on its own merits.
 - Where relevant representations are received in relation to applications for the grant of a new premise licence, there will be a presumption against the grant of such licence or unless the applicant, in the operating schedule, can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.

Conclusion.

As the licensing officer with responsibility for Licensing Act 2003 applications, I am aware of the concerns of the police to this application. In light of the severe financial implications on police budgets and recent cessation of Op Marble, which was directly linked to the policing of the late night environment.

I am further aware of issues raised by East Sussex Fire and Rescue Service in a letter dated the 20th April 2015, requesting a copy of the fire risk assessment and occupancy numbers to be provided within five days. At the date of preparing this report I have not confirmed if that request has been met.

I am aware of noise issues emanating from the premises formerly Electric Stag at 53 Robertson Street. I have myself witnessed such noise on late night licensing enforcement.



At the time of this report, one representation, in respect of noise, has been received from a local resident and accepted by the Licensing Manager under the objective 'prevention of public nuisance'.

The previous, now lapsed premises licences, made similar references to the use of the premises for activities available for day time usage but this never developed. Limited suggestions have been made in the application to these proposals and it is my opinion that this is to widen its appeal, if granted will be interesting to see how this enhances the facilities with Hastings.

The application was submitted with a supporting letter from Councillor Emily Westley, to Paul Mandy, who is the owner of Karma Security.

Although the application is lawful under the requirements of Licensing Act 2003, the extended general hours and further extended hours applied for at peak bank holiday times, are in my opinion the primary factors in undermining the existing saturation policy of this Authority and the applicant has failed to demonstrate that the granting of these additional hours would not undermine the licensing objectives.

It is for these reasons that I submit this representation, on behalf of Hastings Borough Council Licensing, as a responsible authority under the Licensing Act 2003 (as amended), and that this application should be brought before the licensing committee for decision.



Trevor Scrase
Senior Licensing Officer.

D G Prichard OBE, QFSM, CDir
Chief Fire Officer & Chief Executive

East Sussex Fire & Rescue Service
Hastings Business Safety Office
Bohemia Road
Hastings
East Sussex
TN34 1EX

Tel: 01323 462133

Switchboard: 0303 999 1000

Fax: 01424 420040

E-mail: hastings.firesafety@esfrs.org

In the case of emergency please dial 999

Mr T Scrase
Hastings Borough Council
Licensing Department
Aquila House
Breeds Place
HASTINGS TN34 3UY

12 May 2015

please ask for
James Portnell
james.portnell@esfrs.org

our ref
JP/KB/60740

your ref
N/A

Dear Sir

LEGISLATION: LICENSING ACT 2003
PREMISES: GRAND ELEKTRA, 53-57 ROBERTSON STREET, HASTINGS TN34 1HY

With reference to the application dated 15 April 2015 concerning the above-mentioned premises, the application has been examined and **the Fire Authority wish to make a representation** to the Licensing Committee that the public safety objective of the Licensing Act has not been adequately addressed.

The applicant has been informed that the Fire Authority will be making a representation to the Licensing Committee.

The Fire Authority has not received all of the information in sufficient time . We have not therefore been able to form a judgement as to whether the public safety objective of the Licensing Act has been adequately addressed.

Please advise us, at your earliest convenience, the date and time of the Licensing Committee hearing.

Should you require further advice or clarification, please do not hesitate to contact a Fire Safety Inspector at the above address.

Yours faithfully

**FIRE SAFETY INSPECTOR
FOR CHIEF FIRE OFFICER & CHIEF EXECUTIVE**

**Copy to: Mr O Ibrahim
Invest Nightlife Limited
GPG House
Walker Avenue
Wolverton Mill
MILTON KEYNES
MK12 5TW**

D G Prichard OBE, QFSM, CDir
Chief Fire Officer & Chief Executive

East Sussex Fire & Rescue Service
Hastings Business Safety Office
Bohemia Road
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East Sussex
TN34 1EX

Tel: 01323 462133

Switchboard: 0303 999 1000

Fax: 01424 420040

E-mail: hastings.firesafety@esfrs.org

In the case of emergency please dial 999

Mr O Ibrahim
Invest Nightlife Limited
GPG House
Walker Avenue
Wolverton Mill
MILTON KEYNES
MK12 5TW

20 April 2015

please ask for
James Portnell
james.portnell@esfrs.org

our ref
JP/KB/60740

your ref
N/A

Dear Sir

LEGISLATION: LICENSING ACT 2003

PREMISES: GRAND ELEKTRA, 53-57 ROBERTSON STREET, HASTINGS TN34 1HY

In response to your application regarding a new Premises Licence, the documentation has been examined and it has been determined that there is insufficient information detailed within the documentation.

A copy of the premises Fire Risk Assessment is requested which will include the maximum occupancy numbers and the methodology behind them.

If the information requested is not supplied within the **next 5 working days**, the Fire Authority will make a representation to the Licensing Authority to ensure that public safety objectives imposed within the Licensing Act are adequately addressed.

Please note that the Authority's representation may be withdrawn if all of the matters are resolved and we are informed at least 5 working days before the committee hearing date.

However, an inspection may be carried out in accordance with the Service's Risk Based Inspection programme and should this be deemed necessary, an Inspector will contact you to make an appointment.

The Regulatory Reform (Fire safety) Order 2005 applies to any premises (with few exceptions) other than domestic premises. It places a duty on the responsible person for any premises, to take such general fire precautions as is reasonably practicable. These general fire precautions are for the safety of any person who may be lawfully on the premises and any person in the immediate vicinity of the premises.

To identify the general fire precautions above, the responsible person must carry out a suitable and sufficient risk assessment. Advice, on carrying out fire risk assessments and on the legal duties imposed by the Order, is available in a series of guides produced by the government, **one or more** of which will be relevant to the above premises. These guides may be viewed on the following website: www.firesafetyguides.communities.gov.uk. They are also available for purchase from TSO (The Stationery Office) online at www.tso.co.uk, over the telephone on 0870 600 5522 or from any good bookseller.

For your information a leaflet explaining the Inspection and Enforcement Procedures of East Sussex Fire Authority is also enclosed.

When considering active fire safety measures for all types of premises, including residential and domestic buildings, East Sussex Fire & Rescue Service would recommend the installation of sprinkler systems. Information concerning guidance and standards for domestic and commercial sprinkler systems is available by reference to British Standard, Codes of Practice BS 9251 & BS EN 12845.

Should you require further advice or clarification on any points mentioned in this letter, please do not hesitate to contact a Fire Safety Inspector at the above address.

Yours faithfully



**FIRE SAFETY INSPECTOR
FOR CHIEF FIRE OFFICER & CHIEF EXECUTIVE**

Licensing Guidance Sheet (SF05)
Inspection and Enforcement Procedures (SF44)

**Copies to Mr T Masters – Sussex Police
Mr T Scrase – Hastings Borough Council - Licensing**

TEL
01424-200050

HASTINGS BOROUGH COUNCIL

01 MAY 2015

Top FLAT,
10, CAMBRIDGE RD
HASTINGS.
28/4/15

AQUILA HOUSE

Dear Sir / Madam,

I am writing
to you with regard to a
application that has been
placed for the Grand
Elektra.

The application for
what was the Electric Stag,
& West Exit, worries me as
before we had so many
problems of noise from their
in the evenings / early morning
and no one did anything
about it

2

As this application is for nightclub/caf  bar it will be all adjacent.

Therefore it will be an all in one situation with the same noises as before and is not acceptable for a late license.

We realise we are in a town centre. are it was W. H. Smith. when we moved in here, we had ~~no~~ problems. with Yates. but the present Manager has been very helpful. in the fact of any noise we call him and it is turned down

3.

immediately and they replaced our existing windows with triple glazing at a cost of £2,600.

We had a situation when family were here on holiday and my daughter had to go and see where the noise was and it was electric stag at 1am. This noise was unbearable.

Hoping you will understand our situation
Yours Sincerely
Ms. Isobel Nielsen

