



Sussex Police
Serving Sussex

www.sussex.police.uk

Licensing and Public Safety

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

7th July 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 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 Wednesday	08:00hrs - 02:30hrs
Thursday, Friday and Saturday	08:00hrs - 03:30hrs
Sunday	08:00hrs - 02:30hrs

Non Standard Times: Sundays preceding Bank Holiday Mondays	08:00hrs - 03:30hrs
---	---------------------

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.*"

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.....*'.

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*'.

On 8th June, 2015 the Licensing Committee considered an Application submitted by the same Applicant which was rejected following representations made by the Responsible Authorities. Amongst the concerns was the late opening of the venue.

At the Applicants request, on June 18th 2015, a meeting was convened at the premises between the Applicant, the Local Authority, the Licensing Authority and the Police. The meeting was attended by Jean Irving, Head of Licensing for Sussex Police, Sgt Denham Vokins and Tony Masters, from the East Sussex Licensing Unit and various officers from the Local Authority. The group were shown around the venue by the Applicant, with many queries being raised and comprehensive replies being forthcoming.

The Applicant noted the concerns and suggestions put forward by the Responsible Authorities and the current application reflects the amendments recommended by those present at the meeting, including a reduction of hours.

One minor point within the Application which Sussex Police would request is amended, at section E, the Applicant states:

During events that will have an attendance of under 18's no alcohol will be advertised or visible to young persons.

We would prefer this to have added '*nor available for sale*' at the end of the condition

The proposal by the Applicant to install a suitable electronic ID scanning system is welcomed by the police as it will ensure under age persons are identified and refused entry to the venue. Additionally those previously banned or banned via the town centre scheme, and other from other local schemes, will be uploaded on to the system, which will assist the venue in preventing crime and disorder.

The hours have been reduced from the previous application, to hours which reflect the old licence held by the West Exit venue.

There is a very comprehensive CCTV system which has already been installed by the Applicant and also the number of SIA staffing has been agreed with the police and represents a ratio higher than the usual 1:100, due to the layout of the premises.

Sussex Police contend that this application has been carefully thought though by the Applicant and the concerns raised by the police and other Responsible Authorities have been addressed. The committee may consider the steps proffered by the Applicant go a long way towards mitigating the cumulative effect on the town

However, it is impossible for a nightclub opening until 0330 hours to have no negative cumulative impact on the town, and therefore Sussex Police invite the committee to refuse this application.

Yours sincerely



Paul Phelps
Chief Inspector
Hastings District Commander
East Sussex Division

MEMORANDUM



Date: 13th July 2015
From: Stewart Bryant - Environmental Health
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.

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. The previous 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.

Following a recent unsuccessful application for a licence for the premises a multi-agency meeting took place with the applicants whereby all the potential issues were discussed at length and I believe the applicants made a concerted effort to reduce both HBC's and our partner agencies concerns in respect to the operation of the property.

I note the most recent application has cut back the terminal hour of operation to 03:30 in line with the premises next door at Yates wine bar, which is welcomed; this at least will prevent the neighbouring residential premises being potentially being disturbed twice, when the premises close.



Whilst live performances of music not deemed incidental (according to DCMS guidelines) the application and subsequent discussion with the applicant state that they intend to have live music and 'Jazz Club' type nights are planned on the premises".

The licence should be conditioned that these activities should be in the main be restricted to the 'Crypt' area of the Club and only Incidental background music or Piano lounge type music be played at low level in the area known as number 53, with checks put in place to ensure the unwanted escape of noise does not happen. Access to this area (Number 53) from street level will also be taken out of use at 23:00 as per the recent application.

The licenced should also be conditioned to ensure that no deliveries or removal of rubbish / glass etc. take place before 07:00 hrs and after 23:00 hrs.

Kind Regards

Stewart Bryant BSc (Hons) Environmental Health