

HASTINGS BOROUGH COUNCIL LICENSING POLICY – Simplified version

Reviewed and published January 2016

1.0 Introduction

We recognise that the full policy document is long and detailed, this simplified version is in basic terms and at each stage a page number for the full document has been added to make access easier.

1.1 Statement of Policy

Policy is made under the powers conferred by the Licensing Act 2003 (the Act).

Full policy page 6.

1.2 Licensing Objectives

Under the Act, the Licensing Objectives are:

1. Prevention of crime and disorder;
2. Public safety;
3. Prevention of public nuisance;
4. Protection of children from harm.

1.3 Statutory Consultees

The Council consulted in accordance with the Act on this policy.

Full policy page 7.

1.4 Local Features

Hastings & St Leonards is a busy seaside town that experiences a huge increase in visitors during the summer months. It has a vibrant nightlife which is concentrated in the three main commercial areas, Old Town, Hastings New Town, & St Leonards on Sea.

Full policy page 7.

1.5 Other Legislation

The Council is also bound by the other legislation as listed in the full policy.

See full policy page 8.

1.6 Other Policies

When considering applications under the Act we also take account of a number of the local policies as listed at page 8 of the full policy.

1.7 Modification of This Policy

This policy is regularly consulted upon and reviewed in line with the Act.

See full policy page 9.

1.8 Scope of The Policy

The Licensing Act 2003 covers.

The issue of personal licenses

The licensing of premises for sale of alcohol, regulated entertainment and late night refreshment.

The licensing of Club premises for supply of alcohol, regulated entertainment & late night refreshment.

The use of temporary event notices.

See full policy page 9.

1.9 Main Principles

- To reduce crime and disorder;
- To ensure public Safety;
- To prevent public nuisance;
- To protect children from harm;
- To reduce alcohol misuse; and
- To encourage tourism.

See full policy – page 10

1.10 Meeting the needs of local communities and helping them to participate in the Licensing process

The Council understands that licensed premises play an important role within our community, but also understands that problems can occur. We encourage residents and councillors to engage in a dialogue with the operator of these premises if problems occur to see if the matter can be resolved.

All new applications and variations are advertised on our website to give residents as much information as possible, easy to understand guides are included at the end of the policy.

See full policy pages 10-12

1.11 Local Impact

Need or in other words numbers of similar licensed premises in an area is not covered by this policy, it is a planning issue.

However, cumulative impact does fall under this policy: Hastings has three separate areas within the borough, they are shown in the attached maps.

These are as a result of considerable evidence supplied by Sussex Police and other interested parties and are subject to further review every 30 months.

In addition, the 2015/16 review instigated a matrix system for applicants to view, this is designed to show how the Authority would like the borough to develop in terms of licensing matters.

The effect of this policy is to place the responsibility on to the applicant to prove that any proposed premise application will not add to existing problems in that area.

It does not stop applications being made and all applicants will be considered on there individual merits.

See full policy pages 12-15

1.12 Enforcement

This is a joint responsibility between the council, police and Fire and rescue service on a risk assessment basis.

See full policy page 16.

1.13 Consumption of Alcohol in the Street.

This gives details of the Borough's Designated Public Place Order conferring powers on the police to control street drinking. This order is due to expire in 2017 and will be replaced by new legislation in certain parts of the Borough. See full policy page 16.

1.14. Smokefree Legislation (Health Act 2006)

Explains the problems identified by the Health Act 2006 as it affects licensed premises and offers advice to licence holders. See full policy page 16.

1.15 Administration, Exercise and Delegation of Functions

Explains the functions and delegated powers given under the Act. See full policy pages 17

2.0 The Policies

Lists all 19 licensing policies in greater depth with full explanation of the council rationale behind each policy. In addition it gives a detailed explanation on the differences between licensing matters and planning needs. It clearly places the responsibility on each applicant to ensure that they have the correct planning consent in place before applying for a licence. The policies are located on pages 17 to 24 of the full policy document.

3.0 Integration of Strategies

3.1 Integration

We integrate our policy with all national and local strategies. In addition, we link to other regulatory regimes that have responsibilities in specialised areas they are:

Health & Safety

Fire Safety

Food Hygiene

Noise Nuisance

Door Supervision

Full policy pages 25-27

Appendix 1

This shows the full delegation of functions under the Act.
Full policy see page 28-29.

Appendix 2

Advice on Matters for Consideration by Applicants

Licensing Objective 1 - Prevention of Crime and Disorder

This section gives advice on matters we expect applicants to consider when preparing their operating schedules, matters for consideration include:

Complying With Designing Out Crime Principles

Communication Systems

Door Supervisors

Bottle Bans

Plastic Containers and Toughened Glass

CCTV

Open Containers not to be taken from the Premises

Restrictions on Drinking Areas

Occupancy Limits

Proof of Age Cards

Crime Prevention Notices

Signage

See full policy pages 30-33

Licensing Objective 2 - Public Safety

This section gives advice on matters we expect applicants to consider when preparing their operating schedules, matters for consideration include:

People with Disabilities

Escape Routes

Safety Checks

Curtains, Hangings, Decorations and Upholstery

High Volume Vertical Drinking Establishments

Fire Action Notices

First Aid

Lighting

Temporary Electrical Installations

Ventilation

Indoor Sports Entertainments

Theatres and Cinemas (Promotion of Public Safety)

Premises used for Closely Seated Audiences

Standing and Sitting in Gangways etc

Drinks

Balcony Fronts

Special Effects

Scenery

Safety curtain

Ceilings

Seating

Premises used for Film Exhibitions

Minimum Lighting

Flammable Films

See full policy pages 33-41

Licensing Objective 3 - The Prevention of Public Nuisance

This section gives advice on matters we expect applicants to consider when preparing their operating schedules, matters for consideration include:

Matters to be considered by Applicants

Hours

Noise and vibration

Noxious Smells

Light Pollution

See full policy pages 42-44

Licensing Objective 4 - Protection of Children

This section gives advice on matters we expect applicants to consider when preparing their operating schedules, matters for consideration include:

Matters to be Considered by the Applicants

Access for Children to Licensed Premises - in general

Age Restrictions – Specific

Age restrictions – Cinemas

Theatres

Performances Especially for Children

Children in Performances

See full policy pages 44-47

Appendix 3

Definition of Terms

This section gives applicants a definition of all common terms used in the Licensing Act.

See full policy pages 48-53

Appendix 4

Responsible Authorities – Local Contacts

The following contacts are given to assist applicants. It is recognised that in many cases applicants will not have local knowledge and this information may help speed the application process:-

The Chief Officer of Police, Bexhill Police Station, Terminus Road, Bexhill on Sea, TN39 3NR. Tel 0845 60 70 999

The Chief Fire Officer, Fire Station, Bohemia Road, Hastings Tel 01424 431484

The Borough Planning Officer, Hastings Borough Council, Aquila House, Breeds Place, Hastings, TN34 3UY. Tel 01424 783201,
Email: DCEnquiries@hastings.gov.uk

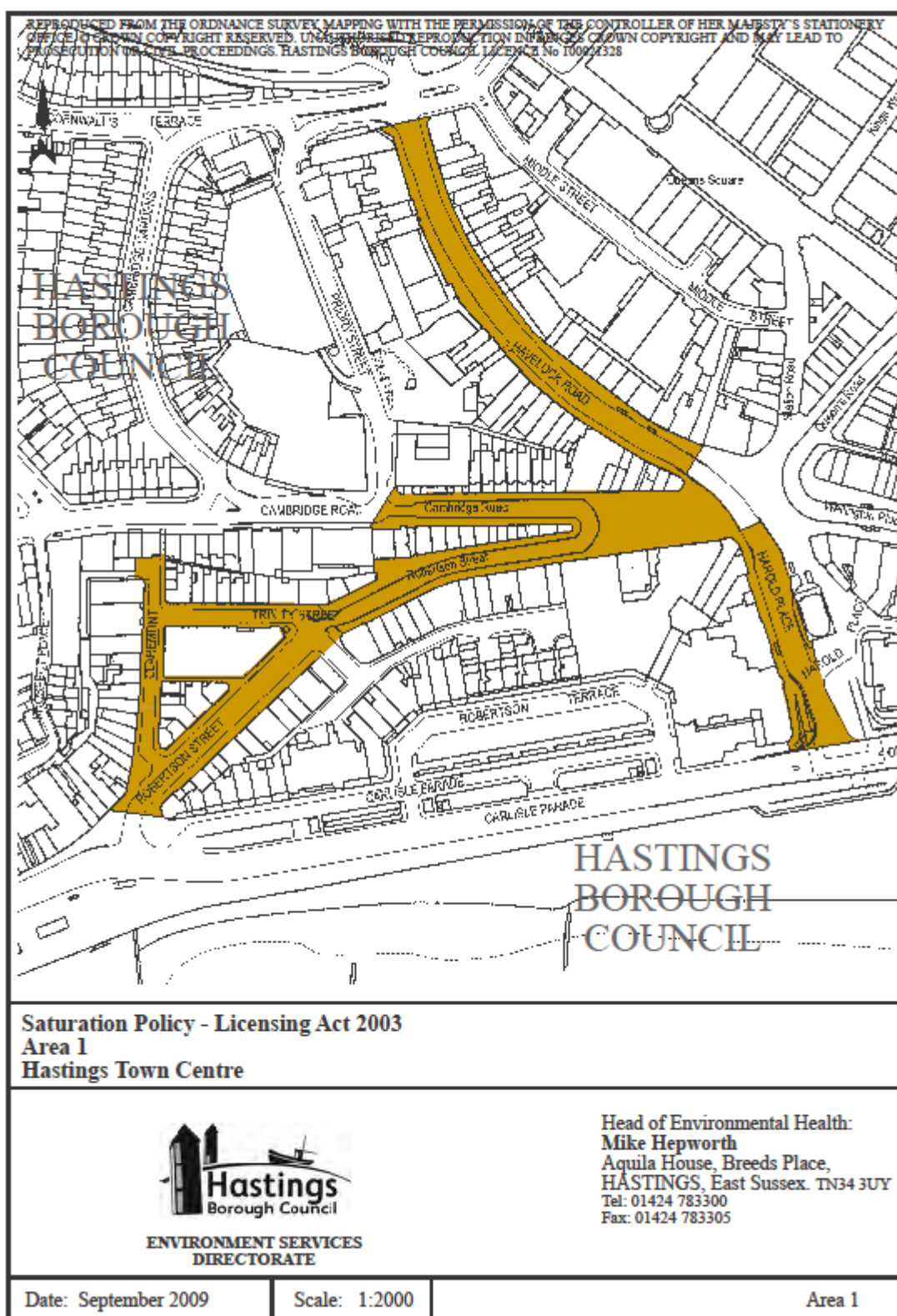
The Head of Environmental Health, Parking & Highways, Environment and Safety, Hastings Borough Council, Aquila House, Breeds Place, Hastings, TN34 3UY. Tel 01424 783332
Email: licensing@hastings.gov.uk

East Sussex Trading Standards, St Marys House, 52 St Leonards Road, Eastbourne. BN21 3UU. Tel. 01323 418200.
E Mail: trading.standards@eastsussexcc.gov.uk

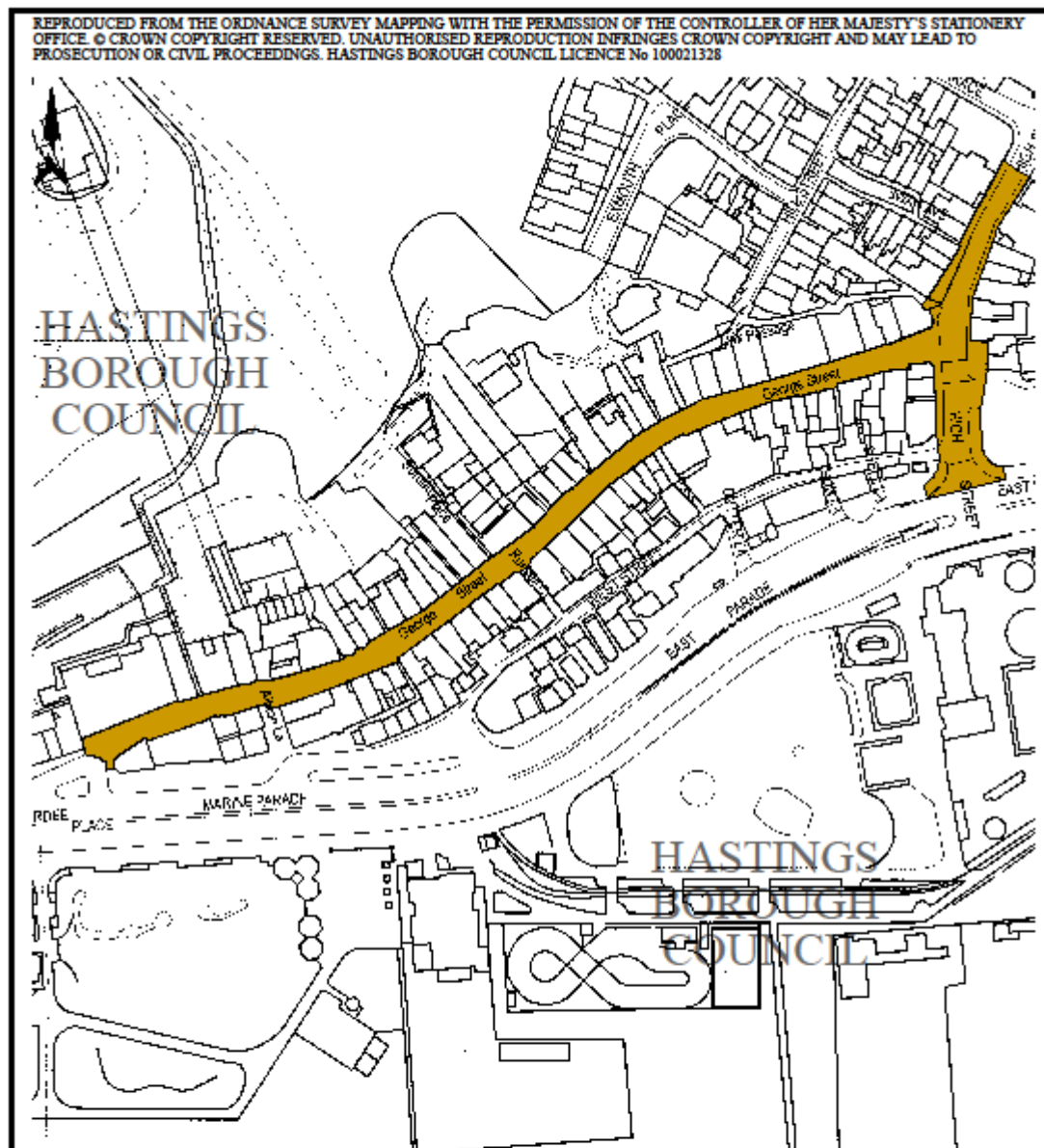
East Sussex County Council, Head of Children Safeguards and Quality Assurance, PO Box 5, County Hall, Lewes BN7 1SW Tel 01273 481289
Only required for educational establishments.
Health & Safety Executive, Phoenix House, 23 – 25, Cantelupe Road, East Grinstead, West Sussex, RH19 3BE.
Tel 01342 334200.

Appendix 5

Saturation Policy – Area 1, Hastings Town Centre



Saturation Policy – Area 2a, Hastings Old Town (George Street & part of High Street)



Saturation Policy - Licensing Act 2003
Area 2
Hastings Old Town (George Street & part of High Street)



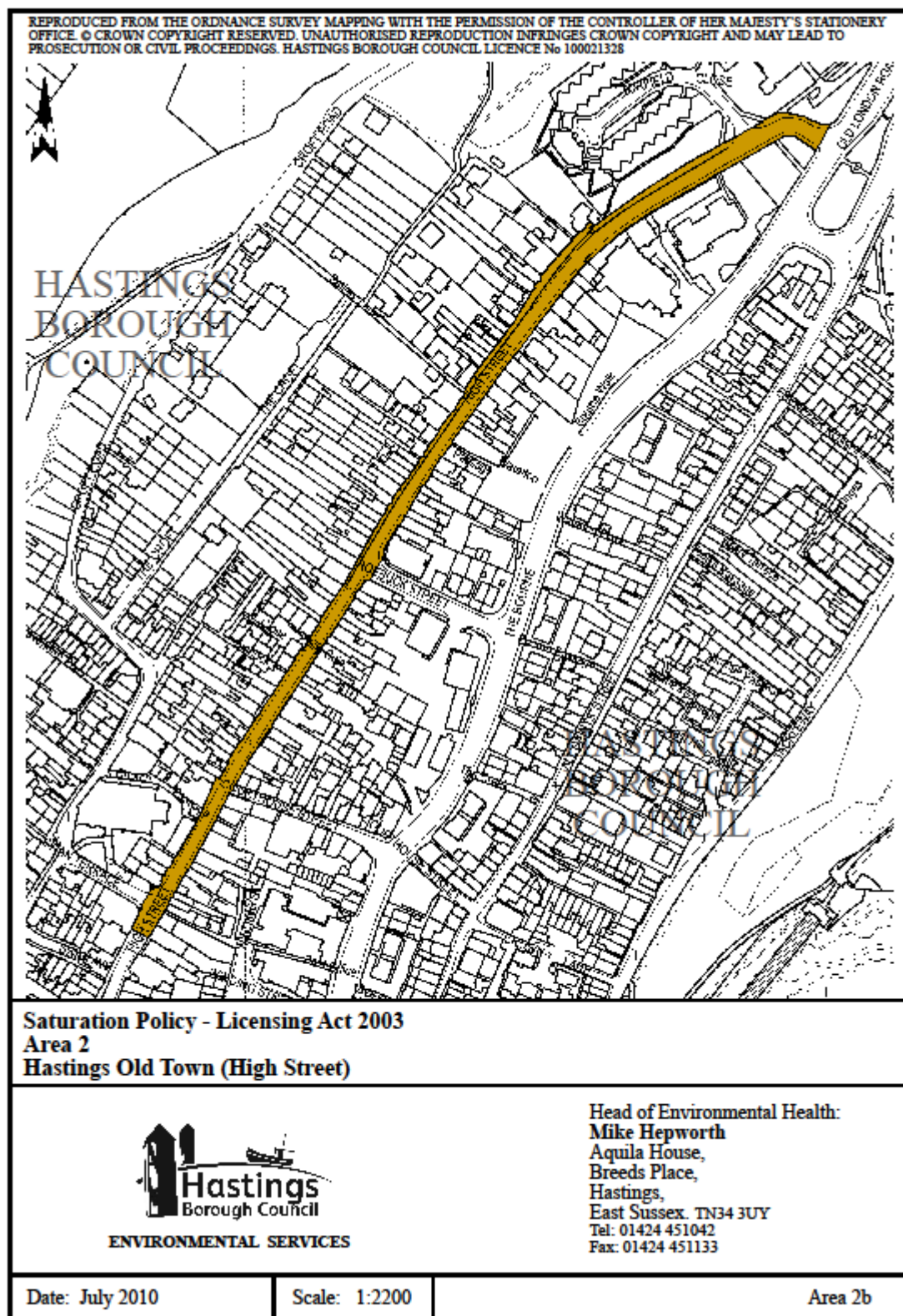
Head of Environmental Health:
Mike Hepworth
 Aquila House,
 Breeds Place,
 Hastings,
 East Sussex. TN34 3UY
 Tel: 01424 451042
 Fax: 01424 451133

Date: July 2010

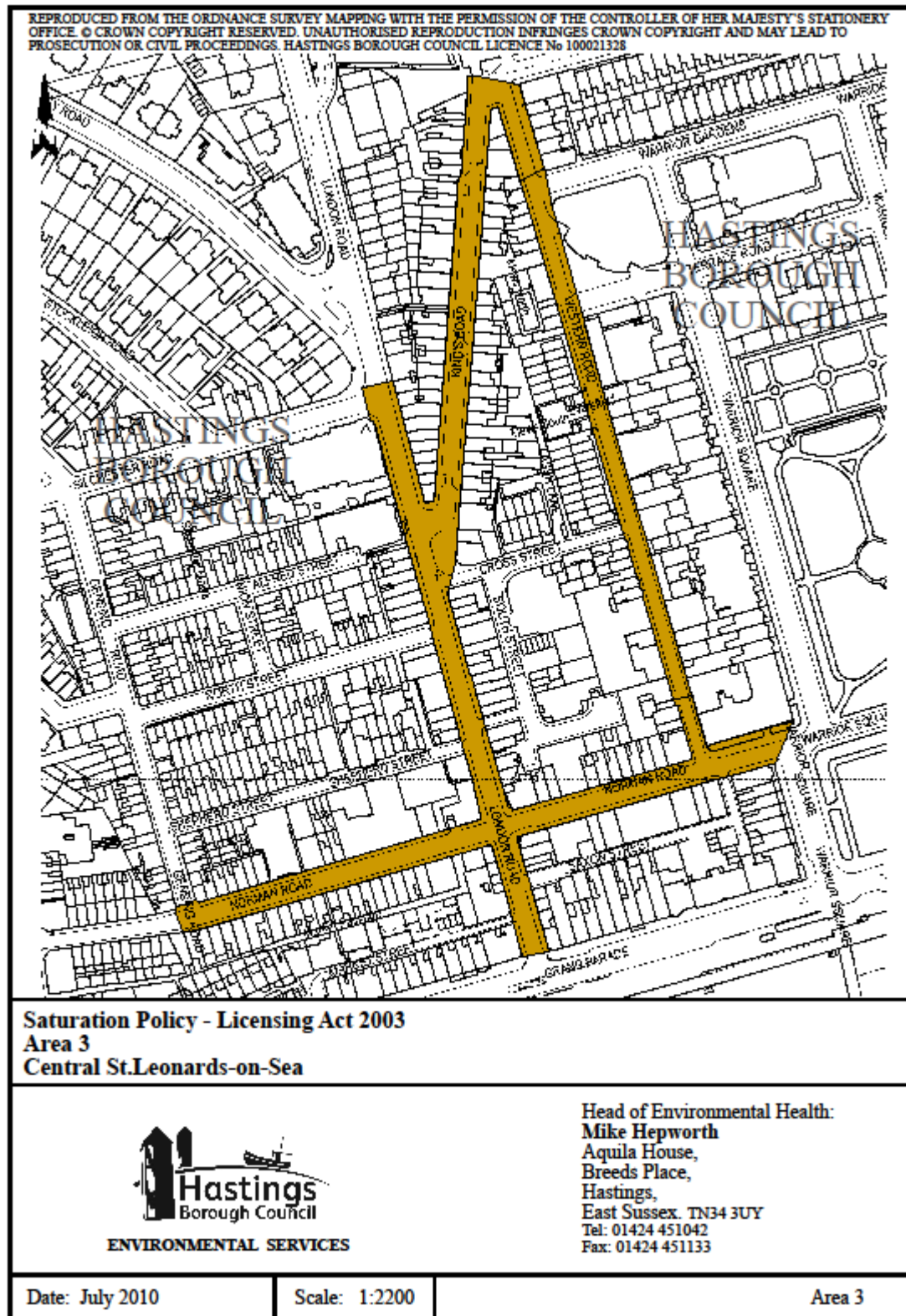
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Area 2a

Saturation Policy – Area 2b, Hastings Old Town (High Street)



Saturation Policy – Area 3, Central St Leonards



Appendix 6

Advice for Residents

It is not uncommon for residents to have concerns about some aspects of how an existing licensed premises is being operated near to where they live, or to be concerned about proposals for a new licensed premises. Our small Licensing Team are well placed to be able to advise you on such matters, or to put you in touch with a more relevant service depending upon the nature of your enquiry.

If you have a complaint in respect of the operation of a licensed premises, in the first instance it is often beneficial to make contact with the licence holder yourself to discuss your concerns and give them an opportunity to rectify the problem. However, if you feel unable to do this or have tried this before and the problem has not been resolved to your satisfaction please keep a written record of the incident(s) that are the basis for your complaint and contact the Licensing Team on tel. 01424 451042 during office hours, or email them on licensing@hastings.gov.uk.

If the complaint is related to noise from the premises or its immediate surroundings, the most appropriate service to contact is the Council's Environmental Protection Team. Ring 01424 451079 during office hours or email envprotection@hastings.gov.uk. If this team is able to put together a body of evidence indicating a serious problem, and if the licensee responsible for that premises doesn't co-operate to remedy the problem, this team can apply to have the licence for that premises formally reviewed by the Council's Licensing Committee. It is also possible that the Environmental Protection Team may serve the person responsible for the noise with a Noise Abatement Notice.

If your complaint relates to anti-social behaviour, crime and disorder or a serious disturbance in the street you should contact the police. To contact the Police either call 0845 60 70 999 for none emergencies, or 999 if a serious incident is taking place at the time.

It is also possible for a resident or a Hastings Borough Council Ward Councillor to apply for a premises licence to be formally reviewed by the Council's Licensing Committee.

If you are considering applying for a review or want to bring problems at a licensed premises to the attention of your local Ward Councillor, we would recommend that you first discuss your concerns with the Licensing Team on 01424 451042 as the review process can be complicated. However, there is also guidance available on the Council's website at www.hastings.gov.uk under Licensing

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Our Licensing Team can also advise you on who your local Councillor is and how to contact them. These details are also available on the Council's website at <http://www.hastings.gov.uk/representation/councillors.aspx>

Appendix 7

Advice for Applicants and Licencees

Whether you are an existing licensee seeking some guidance in relation to licensing requirements, or a member of the business community considering applying for a licence, our small Licensing Team are well placed to be able to advise you on such matters, or to put you in touch with a more relevant service depending upon the nature of your enquiry.

Whether English isn't your first language, or you're just not sure which form you need to fill in, our staff can discuss your proposals and help you to understand what you need to do. To contact us to make an appointment to come in and see us, either ring on 01424 451042 during office hours or email to licensing@hastings.gov.uk

All application forms are available from our office at Aquila House, Breeds Place, Hastings and on our website www.hastings.gov.uk under licensing or Microsoft WORD copies of the forms are available on the DCMS website http://www.culture.gov.uk/what_we_do/beer_and_entertainment/3189.aspx

We will also assist applicants by putting them in touch with officers from other Council services, such as Planning, or with other agencies such as the Police, and Fire and Rescue

Advice on appeals to decisions.

Applications for premises licences that attract representations are usually placed before the Licensing Sub committee for decision, as are all licence review applications.

The decision of the sub committee can be appealed by any party involved in the hearing, advice on how to appeal is read out at the conclusion of the sub committee hearing.

The process requires the person who wishes to instigate the appeal to attend the Magistrates court and lodge the appeal with the decision notice. This must be done within 21 days of the receipt of the decision notice. It should be noted that the court will require a fee to register the appeal, the costs are set by the court and not a matter for Hastings Borough Council.