

Agenda Item No: 4 **Report No: 147/07**

Report Title: Application for Premises Licence for the Buckle Caravan Park, Seaford

Report To: Licensing Sub-Committee **Date: 27 July 2007**

Lead Councillor: Councillor E N Collict

Ward(s) Affected: Seaford

Report By: Director of Planning and Environmental Services

**Contact Officer(s): I Kedge (Head of Environment and Health)
G Clark (Licensing Officer)**

1. The Application

- 1.1 Applicant:** Mr William Edward George Webb, 16 Cotswold Close, Eastbourne, East Sussex BN23 8HH
- 1.2 Premises:** Buckle Holiday Park, Marine Parade, Seaford, East Sussex BN25 2QR
- 1.3 Type of application:** Application for a new Premises Licence under the Licensing Act 2003 for the holiday park clubhouse
- 1.4 Relevant licensable activities:** Licensable activities applied for: Live, recorded music and anything of a similar description to live and recorded music (indoors) Monday to Sunday 1900 hrs to 2300 hrs. Sale and supply of alcohol (on and off the premises) Monday to Sunday 1000 hrs to 2300 hrs.
- 1.5 Designated Premises Supervisor:**
Mr William Edward George Webb, 16 Cotswold Close, Eastbourne, East Sussex BN23 8HH. Personal Licence number 005755 issued by Eastbourne Borough Council.
- 1.6 Steps to promote the licensable activities:**
- 1.6.1 General**
The caravan and holiday park premises currently called The Buckle will operate under Club Rules and admission to the club will be restricted to members and guests staying on the site.

1.6.2 Crime and Disorder

No one who is drunk and/or disorderly or showing signs of aggression will be permitted to the premises. Drink promotions that encourage binge drinking will not take place. Club Rules will be submitted to the Local Authority.

1.6.3 Public Safety

Staff will be trained in all aspects of Licensing Law and records of training will be kept. Will comply with any advice and recommendations that may, from time to time, be given by the Fire Authority and Local Authority on a risk assessed basis.

1.6.4 Prevention of public nuisance

Customers will be advised to leave the premises in a quiet and orderly manner and suitable signage will be displayed at exits.

1.6.5 Protection of children from harm

Proof of age will be required from anyone who appears to be under 18.

2. Background Information

2.1 The Buckle Holiday Park, Marine Parade, Seaford, is a small 10 acre site for static and touring caravans open throughout the year and Licensed under the Caravan Sites and Control of Development Act 1960 for a number of caravans, 60 static and 90 touring and tents , total numbers not to exceed 150 units. The Licence number LN/199300253 was issued to Mr Webb by Lewes District Council on 6th July 2005. The Buckle site has held a caravan site licence since 1981 and its current owner, Mr Webb, purchased the site in November 2004.

2.2 The Buckle caravan site is situated at the western end of Marine Parade adjacent to the Bishopstone railway station in a quiet residential area with large good quality properties fronting the site to the north and east side of Marine Parade and open land and beach to the South and west of the site.

2.3 There are no other Licensed Premises in the vicinity. The nearest public house is the Beachcomber about a mile away and the only other premises licensed for alcohol and entertainment is the Newhaven and Seaford Sailing Club premises which has a Club Premises Certificate under the Licensing Act 2003.

2.4 On purchasing the site in 2005, Mr Webb sought to undertake some development and improvements to the site and obtained planning permission from Lewes District Council on the 3rd March 2005 for a purpose built clubhouse situated on the north boundary of the site sheltered by the high railway embankment, see location plan.

2.5 The Clubhouse is a purpose brick built building comprising of entrance lobby, main lounge and bar area and there are toilet facilities,

kitchen/store area and office accommodation. The lounge bar area has a small stage in one corner and dance floor facilities. Capacity will be approximately 100 people.

- 2.6 Planning permission was granted subject to certain conditions and condition 4 states that: The Clubhouse hereby approved shall only be open for use by visitors on the site. The Clubhouse shall not be used for any public or private functions whatsoever by groups, organisations or individuals not staying on the site. The Clubhouse shall not be open beyond 11pm on any day.
- 2.7 Mr Webb originally submitted his application for a Premises Licence requesting alcohol hours until 2am and regulated entertainment until 12 midnight. This was, however, amended by Mr Webb on 27th June 2007, in view of the planning condition highlighted above to the current application for the premises to close at 11pm every day.
- 2.8 The Planning authority made representations which were subsequently withdrawn in view of the amended application and the Police and other authorities have made no representations or informed us of any concerns for crime and disorder, public nuisance, public safety or protection of children from harm.

3. Representation received

3.1 Responsible authorities

- 3.1.1 Police: No comment
- 3.1.2 Environmental Health: No comment
- 3.1.3 Fire Officer: No comment
- 3.1.4 ESCC – Child Protection: No comment
- 3.1.5 Trading Standards: No comment
- 3.1.6 Health & Safety Enforcing Authority: No comment
- 3.1.7 Planning Department: No comment . However, representations under public nuisance were withdrawn after the application was amended by applicant in view of planning condition 4 (attached at Appendix 1).

3.2 Interested parties

- 3.2.1 Letters received and not withdrawn within the relevant time wishing to make representations about the application by the Buckle Holiday Park are attached in Appendix 2
- 3.2.2 Four written representations have been made by six local residents in the vicinity of the Buckle Holiday Park who wish to continue with their objections albeit that they are aware of the amended application and the reduced licensing hours.

3.2.3 Their representations are against the licensing of the Clubhouse facility on the grounds that one or more of the licensing objectives relating to crime and disorder and public nuisance is likely to be undermined. They are considered to be relevant to the application and not frivolous, vexatious or repetitious.

3.2.4 There were five other written representations from residents in the vicinity but these were subsequently withdrawn by the objectors when the application was amended.

4. Licensing Policy Considerations

4.1 Lewes District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. It covers the licensable activities for retail sale of alcohol, regulated entertainment which are subject to this licence application.

4.2 The aims of the Policy are to secure the safety and amenity of residential communities, help to ensure a sustainable environment, and to provide regulation of the cultural/entertainment industry and to promote the four Licensing Objectives of the Act. Namely;

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

4.3 The three guiding principles (set out in Paragraph 4 of the Licensing Policy) adopted by the Council as the Licensing Authority serve as a general guide to the Council when it carries out its licensing functions.

4.4 All residents living in the vicinity have an equal right to make representations concerning applications for premises licences and hours of trading and to have those representations given equal weight regardless of the area of the District in which they live.

4.5 In each case that arises following representations the Policy states the Council will:

- a) Consider the potential for public nuisance, crime and disorder and/or danger to public safety associated with the style, characteristics and activities of the business involved.
- b) Examine the potential steps which could be taken to reduce the risk of public nuisance, crime and disorder and/or danger to public safety, particularly in areas of dense residential accommodation.
- c) Consider restricting the hours of trading as a last resort and only in cases where there are good grounds for believing that the licensing objectives will be or are being undermined.

- 4.6** The Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefits of the community. The Council will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children, and will not allow the views of vocal minorities to predominate over the general interests of the community.
- 4.7** If a responsible authority and/or interested parties do not raise any representations about a licensing application made to the Council, it is the duty of the Council to grant the Licence subject only to the conditions that are consistent with the operating schedule and any mandatory conditions prescribed in the 2003 Act itself.
- 4.8** The Council may not therefore impose any conditions unless its discretion has been engaged following the making of relevant representation and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions that are necessary to promote the Licensing Objectives arising out of consideration of the representations.

5. National Guidance

- 5.1** The Council may tailor its own conditions or draw from the model conditions in the National Guidance issued under section 182 of the Act.
- 5.2** The important sections are conditions relating to crime and disorder, Annex D and conditions relating to the prevention of public nuisance Annex G.

6. Financial Implications

There are no financial implications to this report

7. Environmental Implications

I have completed the Environmental Implications questionnaire and there are no significant effects as a result of these recommendations

8. Risk Management Implications

I have completed the Risk Management questionnaire and this report does not require a risk assessment.

9. Background Papers

- Statement of Licensing Policy with model pool of conditions
- Application for premises licence

- Plan of premises

10. Appendices

1. Email from planning officer Steve Howe outlining planning condition.
2. Four letters from interested parties outlining their representations/objections concerning the Buckle Holiday Park application.

11. Location Plan

Buckle Holiday Park, Marine Parade, Seaford and surrounding area.
Scale 1:1,250