

**Agenda Item No:** 4 **Report No:** 177/10  
**Report Title:** Application for a Premises Licence, Chestertons 1 High Street Ditchling BN6 8SY  
**Report To:** Licensing Sub-Committee **Date:** 24 August 2010  
**Ward(s) Affected:** Ditchling and Westmeston  
**Report By:** Director of Planning and Environmental Services  
**Contact Officer(s):** T. Albright (Principal Environmental Health Officer)  
Garry Clark (Licensing Officer)

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**1. The Application:**

**1.1 Applicant:** Amandeep Sehmbhy and Steven Porter 1 West Street, Ditchling. BN6 8ST.

**1.2 Premises:** Chestertons, 1 High Street, Ditchling. BN8 8SY.

**1.3 Type of application:** Application for a Premises Licence to be granted under the Licensing Act 2003

**1.4 Licensable activities:**

**1.4.1 Supply of alcohol** on and off the premises Monday to Sunday 8am to 11pm. Non standard timings. New Years Eve 8am to 2am (the following day).

Late night refreshments. New Years Eve 11pm to 2am (the following Day).

Hours open to the public. Monday to Sunday 8am to 11pm. Non Standard timings. New Years Eve 8am to 2am (the following day).

**1.5 Steps to promote the Licensing Objectives:**

**1.5.1** The applicants have offered the following conditions to promote the four licensing objectives including, importantly, operating under cafe bar conditions whereby customers will be served alcohol seated at tables by waiter/waitress service and food will always be available throughout the trading hours.

**1.5.2 General:**

Maintaining a food led shop with a mixed cafe/retail environment with substantial food available throughout the trading hours. Alcohol for on premises consumption to be served with table service in seating areas. No bar facility for vertical drinking.

Supply of alcohol and on New Years Eve late night refreshments will be restricted on Monday to Saturday from 9am to 6pm and on Sundays from 10am to 6pm on the first floor only until planning approval has

been granted by the planning authority in respect of the first floor to the full licensable hours or any lesser hours.

**1.5.3 Prevention of crime and disorder:**

Staff culture to regulate customers to ensure they are welcomed, seated and served responsibly.

Alcohol consumption to be restricted to seating areas by waiter waitress service.

Proof of age policy preventing the supply of alcohol to minors, those under the age of 18 years, by 'Challenge 21'

**1.5.4 Public safety:**

Safety for disabled customers and safe evacuation of disabled people from the premises. Such persons will be made aware of these Arrangements.

Escape routes. Maintenance of all escape routes, signage relating to them and ensuring that we function in a way that means internal gangways are not obstructed.

Emergency lighting and illuminated signage for escape.

**1.5.5 Prevention of public nuisance:**

Will ensure that noise or vibration on the premises does not cause a nuisance to nearby properties.

Will display prominent and visible notices that inform customers to respect the requirements of local residents and to leave the premises quietly.

Light pollution. Lighting will be at existing level which is soft and not intrusive.

**1.5.6 Protection of children from harm:**

Proof of age policy, 'Challenge 21'. Anyone appearing to be under the age of 21 years will not be permitted to purchase alcohol for consumption on or off the premises unless photographic ID with date of birth and holographic mark is produced.

**1.6 Additional conditions agreed by applicants:**

**1.6.1** As a result of recommendations by Environment and Health and to support the licensing objectives the following conditions have been accepted by the applicants.

**1.6.2 Public nuisance:**

The business operator and staff within the premises shall comply with any reasonable request made by the Environmental Health Department at all times to ensure noise or vibration from the premises does not cause a public nuisance.

The hours of operation of the outside courtyard area shall be restricted to 0800 until 2100 hours Monday to Friday, 0900 until 2100 hours on Saturday and from 1000 until 1900 hours on Sunday.

Prominent and visible notices shall be displayed urging customers to

respect the amenity of the area for local residents and leave the premises quietly.

The main entrance and exit to the premises shall be through the doors adjacent to the High Street. The doors opening onto West Street shall be used only in an emergency.

Lighting provided to illuminate the premises shall be directed so as to avoid causing a nuisance to the public.

- 1.6.3** This would mean that if the licence was granted these conditions shall replace the conditions under public nuisance that have been offered by the applicants on application.

## **2. Background Information:**

- 2.1** Chestertons, 1 The High Street, Ditchling is a food led retail outlet that currently has a premises licence for the sale of alcohol originally granted under the old Licensing Act and subsequently converted to the Licensing Act 2003 in September 2005. It is permitted to sale and supply alcohol for consumption off the premises Monday to Saturday 8am to 11pm and Sunday 12noon to 10.30pm. The plans as approved under the licence relate to the ground floor area and outside patio area.
- 2.2** The applicants have applied for a new premises licence for the ground floor and 1st floor retail area of the premises to allow them to supply alcohol for consumption on the premises to customers seated at tables by waiter/waitress service and to thereby enhance and compliment their current trading provision of cafe and delicatessen shop. There will be no bar or vertical drinking and substantial food will be available throughout the trading hours. The hours on the first floor will be restricted to 9am to 6pm Monday to Saturday and 10am to 6pm on Sundays to accord with the current planning consent for this floor. An application for A3 use on the ground floor is currently being considered.
- 2.3** Chestertons is situated at the crossroads in the centre of the village along with a few other retail outlets in this area including two traditional public houses, The Bull Hotel and The White Horse and a restaurant called Dolly's Pantry. These premises are all licensed for the sale and supply of alcohol and their latest closing times vary from 12am in the case of Dolly's Pantry until 2am for the White Horse Inn.
- 2.4** The applicants have owned the lease for the premises since 2006 and the current premises licence for off sales was transferred to them in November 2006. I have checked the Council records for complaints of noise nuisance or disorder associated with the premises since 2006 and there has been nothing recorded against Chestertons.

## **3. Representation received:**

- 3.1** Responsible authorities:

3.1.1	<u>Police:</u>	No comment
3.1.2	<u>Environmental Health:</u>	Additional conditions accepted by applicants. (see para 1.6 above)
3.1.3	<u>Fire Officer:</u>	No comment
3.1.4	<u>ESCC – Child Protection:</u>	No comment
3.1.5	<u>Trading Standards:</u>	No comment
3.1.6	<u>Health &amp; Safety Executive:</u>	No comment
3.1.7	<u>Planning:</u>	Report submitted regarding planning issues. (Appendix 1)

## **3.2 Interested parties:**

- 3.2.1** Correspondence received within the relevant time period wishing to make representations against the application by Chestertons number some 45 objectors, all of whom reside within the village of Ditchling.
- 3.2.2** The grounds for their objections are that the application will undermine one or more of the Licensing Objectives relating to crime and disorder, public nuisance and public safety. They are considered to be relevant to the application and not frivolous or vexatious.
- 3.2.3** However the licensing Act specifies that people making representations must be resident in the vicinity of the premises and licensing authorities should consider whether the individual's residence is likely to be directly affected by disorder or disturbance occurring or potentially occurring on those premises or immediately outside the premises and it is the impact of issues relating to the four licencing objectives that is the key consideration.
- 3.2.4.** Therefore taking into account the nature and scope of the application and the likely impact on the licensing objectives it has been necessary in this case to define vicinity for the purposes of representations to be within 200 metres of the premises.
- 3.2.5** As a result the number of valid and accepted representations concerning this application for Chestertons is 11 residents and their letters are attached. Appendix 2.
- 3.2.6** In addition there have been 13 representations in support of the application from residents and businesses within the 200 metre vicinity and their letters are attached. Appendix 3.
- 3.2.7** The applicants have submitted a statement in support of the application and this is attached. Appendix 4.

## **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 and late night refreshment 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** The Council will support cafe bar conditions where the sale of alcohol and other beverages are by waiter/waitress service for consumption by persons seated at tables or equivalent and substantial refreshments are available during operating hours.
- 4.5** Any objections to a licence application or variation on the grounds of cumulative impact must be relevant and impact on one or more of the licensing objectives.
- 4.6** All residents living in the vicinity of licensed premises 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.
- 4.7** 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 and the rights of local residents to peace and quiet.
  - 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 only in cases where there are good grounds for believing that the licensing objectives will be or are being undermined.

**4.8** 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.

**4.9** 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 under Annex D are conditions under part 1 relating to crime and disorder, part 2 relating to public safety, and part 4 relating to the prevention of public nuisance.

**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.  
Pool of conditions Annex D.  
Application for a premises licence for Chestertons.

**10. Appendices:**

1. Memorandum from planning officer Lewes District Council.
2. Letters from representors opposing the application.
3. Letters from representors supporting the application.
4. Supporting statement submitted by applicants.

**11. Plans and photographs:**

Plan of premises layout, ground and first floor, 'Chestertons'.

Street plan of premises location 1 High Street, Ditchling. Scale 1,250.

Street plan showing 200 metre buffer and location of representors.

Scale 1,2633.

Photographs of Chestertons and surrounding area.