



Lewes District Council

To all Members of the Licensing Sub Committee

A meeting of the **Licensing Sub Committee** will be held in the **Warren Room, Lewes House, High Street, Lewes** **Lewes House, High Street, Lewes** on **Wednesday, 26 July 2017 at 10:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

14/07/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Election of Chair of the Licensing Sub-Committee for this meeting**
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct**
- 4 Application to Vary a Premises Licence - Chailey Service Station, North Chailey Crossroads, Chailey, BN8 4DH (page 3)**
To consider the Report of the Director of Service Delivery (Report No 109/17 herewith).

For further information about items appearing on this Agenda, please contact Jen Norman at Southover House, Southover Road, Lewes, East Sussex BN7 1AB. Telephone 01273 471600

Distribution: Councillors J Harrison-Hicks, I Linington and W Elliott (Reserve: Councillor S Gauntlett)

Agenda Item No: 4

Report No: 109/17

Report Title: Application to Vary a Premises Licence. Chailey Service Station, North Chailey Crossroads, Chailey BN8 4DH

Report To: Licensing Sub Committee

Date: 26 July 2017

Ward(s) Affected: Chailey and Wivelsfield

Report By: Ian Fitzpatrick, Director of Service Delivery

Contact Officer(s)-

Name(s): Susan Lindsey

Post Title(s): Licensing Officer, Environmental Health

E-mail(s): sue.lindsey@lewes.gov.uk

1 Purpose of Report

- 1.1** To consider the Application to Vary the Premises Licence submitted under the Licensing Act 2003

2 The Application

- 2.2 Applicant:** Motor Fuel Limited, Building 2 Abbey View, Everard Close, St Albans, Herts AL1 2QU

- 3 Type of application:** Application to vary a Premises Licence granted under the Licensing Act 2003. **Appendix 1**

- 4 Premises:** Chailey Service Station, North Chailey Crossroads, Chailey, East Sussex BN8 4DH

5 Nature of proposed variation:

- 5.1** To extend the hours for the sale of alcohol, to add the provision of late night refreshment and to deposit modified plans **Appendix 2**
- 5.2** Sale of alcohol: The premises is already licensed for Monday to Saturday 6am to 11pm and Sunday's 7am to 11pm. The applicant is applying to extend this to a 24 hour service
- 5.3** Late night refreshment: The applicant is applying to add this to their current Premises Licence from 11pm to 5am (the following morning) and has limited this to the supply of hot drinks only (no hot food).

6. Steps to promote the Licensing Objectives

6.1 The applicant has offered the following conditions, additional to those currently imposed on their Premises licence (**Appendix 3**), to promote the four licensing objectives.

6.2 General

6.2.1 Late night refreshment will be limited to hot drinks only.

6.2.1 Access to the shop will be at the discretion of the cashier from 11pm to 5.30am.

7. Additional conditions agreed with Sussex Police

7.1 Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, (PSDB publication 09/05) operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

CCTV footage will be stored for a minimum of 28 days

The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

7.2 All staff will be trained in licensing law and the responsible sale of alcohol prior to commencement of selling alcohol; a staff training manual will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request to either management or the DPS. Refresher training will be given to all staff at least every six months by the DPS or an accredited trainer.

7.3 An incident book will be kept and maintained at the premises and made available for inspection by police, police licensing officers and local authority officers on request. This book shall solely be used for the purpose of recording incidents.

- 7.4 A refusals register will be kept and maintained at the premises and made available for inspection by police, police licensing officers and local authority officers on request.
- 7.5 All staff shall have written authorisations from the Designated Premises Supervisor to permit them to sell alcohol.
- 7.6 A 'Challenge 25' policy shall be in operation at the premises and staff will be suitably trained to implement this policy. The only form of ID that will be accepted are a passport, a photographic driving licence or a Proof of Age card bearing the 'PASS' hologram.

8. Background Information

- 8.1 The premises this application relates to is a convenience store attached to a Petrol forecourt. The site is located on the outskirts of Chailey, within a residential area on a main road.
- 8.2 In 2005 Murco Petroleum applied to convert their Justices 'Off' Licence (issued under the Licensing Act 1964) to the new Licensing Act 2003.
- 8.3 In October 2014 the Premises Licence was transferred to St Albans Operating Company Limited who applied (in February 2015) to extend their alcohol hours from 7am to 11pm Sunday's, and 6am to 11pm Monday through Saturday. This application was approved without objection.
- 8.4 The Premises Licence was then transferred to the current owner, Motor Fuel Group Ltd in July 2015.
- 8.5 Section 176 of the Licensing Act 2003 prohibits the sale or supply of alcohol from premises which are used primarily as a garage, or are part of premises used primarily as a garage.
- 8.6 If a licence is granted in respect of a premises and the primary use of that premises subsequently changes (for example, the primary use becomes that of a garage rather than a shop) it would no longer be legal to sell alcohol on that premises.
- 8.7 The applicant has been requested by the Local Authority to provide evidence that primary use of the premises is not that of a garage. This is a separate process to the variation application being considered and should have no bearing on the decision made at this Hearing.
- 9 Photographs of the service station and surrounding premises are attached at **Appendix 4**
- 10. The application has been advertised in line with The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4.

11. Representation received from Responsible Authorities:

<u>Police:</u>	Response received – additional conditions agreed
<u>Environmental Health:</u>	No comment
<u>Fire Officer:</u>	No comment
<u>ESCC – Child Protection:</u>	No comment.
<u>Trading Standards:</u>	No comment.
<u>Health & Safety:</u>	No comment.
<u>Planning:</u>	No comment.
<u>Public Health:</u>	No comment.
<u>Immigration:</u>	No comment

12. Representation received from others

- 12.1** There have been 19 objectors making representation regarding this application from members of the public and Chailey Parish Council. These have been submitted on the grounds that this variation application will undermine the licensing objectives of public nuisance, crime and disorder, public safety, and the protection of children from harm.

Appendix 5

13. Mediation

- 13.1** On the basis of the representations received and the opinions expressed, it is considered unlikely that this application will be successfully mediated before the Sub Committee Hearing.

14. Licensing Committee Considerations

- 14.1** In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- The steps that are appropriate to promote the licensing objectives
 - The representations presented by all the parties
 - The Home Office Guidance issued under Section 182 of the Licensing Act 2003
 - The Lewes District Council Statement of Licensing Policy
 - Any other relevant legislation

15. Licensing Policy Considerations:

- 15.1** 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 the retail sale of alcohol and the provision of late night refreshment which are the subject of this application.

Appendix 6

- 15.2** Section 6.2 of the Lewes District Council Statement of Licensing Policy relates to premises wholly or partly used as Shops, Stores and Supermarkets.
- 15.3** 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
- 15.4** 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.
- 15.5** In each case that arises following representations the Policy states the Council will:
- 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.
 - 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.
 - 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.
- 16 National Guidance:**
- 16.1** Relevant sections relating to the Home Office Guidance issued under section 182 of the Licensing Act are attached.
- 16.2** These sections cover:
- Hearings **Appendix 7**
 - The Licensing Objectives **Appendix 8**
 - Conditions **Appendix 9**
- 17. Other Relevant Legislation**
- 17.1** The Licensing Sub Committee should be mindful of requirements and responsibilities placed on them by other legislation. These include, but are not limited to, having due regard to the Equality Act 2010 and the Human Rights Act 1998.

18. Options

When considering this application for a Premises Licence, the following options are available to the Sub Committee:

- Decide to grant the licence in the same terms as it was applied for.
- Decide that it is necessary to refuse to issue the licence.
- Decide to grant the licence, but to modify the conditions.
- Exclude from the scope of the licence a licensable activity.

19. Rights of Appeal

19.1 Under Section 181 and Schedule 5 of the Act, there is a right of appeal to the Magistrates' Court in respect of applications to vary licences. This right of appeal is open to both the applicant and to any person who has made relevant representation.

20. Recommendation

20.1 Members are requested to determine the variation application made by Motor Fuel Limited, and Members are requested to give reasons for their determination.

21. Financial Appraisal

There are no financial implications that are not already contained within the Council's 2017/18 revenue budget.

22. Legal Implications

This report has been considered by the Council's Legal Section (IKEN 6445-MW)

23. Appendices

- 1 Application to vary a Premises Licence and associated plan
- 2 Modified Plans
- 3 Current Premises Licence with plans
- 4 Photographs and aerial view of the service station and surrounding area
- 5 E-mails of objection to application
- 6 Lewes District Council Statement of Licensing Policy
- 7 Home Office Guidance: Hearings
- 8 Home Office Guidance: Licensing Objectives
- 9 Home Office Guidance: Conditions



Lewes
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@lewes.gov.uk
 Telephone: 01273 484354

* required information

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	CHAILEY	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant? <input checked="" type="radio"/> Yes <input type="radio"/> No		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	MOTORFUEL	
* Family name	LIMITED	
* E-mail	aime.parsons@motorfuelgroup.com	
Main telephone number	44 01727 898 890	Include country code.
Other telephone number		
<input checked="" type="checkbox"/> Indicate here if the applicant would prefer not to be contacted by telephone		

Is the applicant:

- ☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	5206547	
Business name	MOTORFUEL LIMITED	If the applicant's business is registered, use its registered name.
VAT number	- 123 4141 61	Put "none" if the applicant is not registered for VAT.
Legal status	Private Limited Company	

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

*Continued from previous page...*Your position in the business Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 17****APPLICATION DETAILS**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description**Postal Address Of Premises**Building number or name Street District City or town County or administrative area Postcode Country **Premises Contact Details**Telephone number

*Continued from previous page...*Non-domestic rateable
value of premises (£)

32,750

Section 3 of 17**VARIATION**Do you want the proposed
variation to have effect as
soon as possible?☒

Yes

☐

No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?☐

Yes

☒

No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend**Describe Briefly The Nature Of The Proposed Variation**

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

CONVENIENCE STORE LOCATED ON A FORECOURT - EXTEND THE HOURS FOR THE SALE OF ALCOHOL AND ADD THE
PROVISION OF LATE NIGHT REFRESHMENT AND DEPOSIT A MODIFIED PLAN**Section 4 of 17****PROVISION OF PLAYS**Will the schedule to provide plays be subject to change if this application to
vary is successful?☐

Yes

☒

No

Section 5 of 17**PROVISION OF FILMS**Will the schedule to provide films be subject to change if this application to
vary is successful?☐

Yes

☒

No

Section 6 of 17**PROVISION OF INDOOR SPORTING EVENTS**Will the schedule to provide indoor sporting events be subject to change if
this application to vary is successful?

<i>Continued from previous page...</i>	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Section 7 of 17		
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS		
<p>Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?</p> <p style="text-align: center;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>		
Section 8 of 17		
PROVISION OF LIVE MUSIC		
<p>Will the schedule to provide live music be subject to change if this application to vary is successful?</p> <p style="text-align: center;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>		
Section 9 of 17		
PROVISION OF RECORDED MUSIC		
<p>Will the schedule to provide recorded music be subject to change if this application to vary is successful?</p> <p style="text-align: center;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>		
Section 10 of 17		
PROVISION OF PERFORMANCES OF DANCE		
<p>Will the schedule to provide performances of dance be subject to change if this application to vary is successful?</p> <p style="text-align: center;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>		
Section 11 of 17		
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE		
<p>Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?</p> <p style="text-align: center;"> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>		
Section 12 of 17		
PROVISION OF LATE NIGHT REFRESHMENT		
<p>Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?</p> <p style="text-align: center;"> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>		
Standard Days And Timings		
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 40%;"> <p>MONDAY</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <p>Start <input style="width: 80%;" type="text" value="00:00"/></p> <p>Start <input style="width: 80%;" type="text" value="23:00"/></p> </div> <div style="width: 45%;"> <p>End <input style="width: 80%;" type="text" value="05:00"/></p> <p>End <input style="width: 80%;" type="text" value="24:00"/></p> </div> </div> </div> <div style="width: 55%; font-size: small;"> <p>Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.</p> </div> </div>		

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TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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Start	<input type="text" value="23:00"/>	End	<input type="text" value="24:00"/>

SUNDAY

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Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

LIMITED TO THE SUPPLY OF HOT DRINKS ONLY

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

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Continued from previous page...

WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

ALCOHOL HOURS RESTRICTIONS REMOVED

Continued from previous page...

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 17**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

MANDATORY AND OTHER CONDITIONS TO REMAIN AND TO INCLUDE ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITIES, TRAINED STAFF WITH RECORDED ONGOING ALCOHOL TRAINING REGIME, CHALLENGE 25 AND PROOF OF AGE INITIATIVE EMBRACED, INSTORE CHALLENGE SIGNAGE, REFUSALS SYSTEM WITH REFUSALS BOOK AND INCIDENT LOG, LNR LIMITED TO HOT DRINKS ONLY, ACCESS TO THE SHOP AT THE DISCRETION OF THE CASHIER 23.00 TO 05.30

b) The prevention of crime and disorder

ALARM SYSTEM, CCTV SYSTEM WITH RECORDING FACILITY, TRAINED STAFF, CHALLENGE 25, REFUSALS SYSTEM AND INCIDENT LOG

c) Public safety

STAFF TRAINED IN FIRE SAFETY PROCEDURES AND THE USE OF FIRE SAFETY EQUIPMENT, FIRE FIGHTING EQUIPMENT

d) The prevention of public nuisance

STAFF TRAINED TO DEAL WITH SITUATIONS, USEABLE WASTE BINS PROVIDED ON THE FORECOURT

e) The protection of children from harm

FULL ALCOHOL TRAINING REGIME IN USE, ONGOING RECORDED ALCOHOL TRAINING WITH REFRESHER TRAINING TO BE CARRIED OUT EVERY 6 MONTHS, CHALLENGE 25 TRADING INITIATIVE EMBRACED, CHALLENGE SIGNAGE, REFUSALS SYSTEM AND REFUSALS BOOK

Section 17 of 17**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Continued from previous page...

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/lewes/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Continued from previous page...

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text" value="CHAILEY"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>



<h1>SHOPMATE</h1>	TITLE: Chesley Service Station North Chisley East Sussex	DRAWN BY: GPW	DRAWING NO: M/Chesley/01	CUSTOMER'S SIGNATURE:
Unit 66 North Western Street, Andover, Hampshire, H12 8DX. Tel: 0161 273 2088 Fax: 0161 273 5400 en@11 sales.shop-mate.co.uk		DATE: 10/07	REVISION: 100%	REPRESENTATIVE'S SIGNATURE:

PEX1000

● - Red dot = 100%
● - Red dot = 100%

The display of alcohol to be permitted
 throughout the store but spirits only to be
 located behind the counter







[I declare for all relevant purposes that I am a Parish Councillor for Chailey. I also live approx. half-a-mile from the Garage in question]

1. I am writing to object to the application made by Motor Fuels Group on behalf of the Shell Garage situated at the crossroads A272/A275, also known as the King's Head crossroads, for *a License to increase the sale of alcohol to 24 hours* (ie sell alcohol beyond the garage's current closing time of 2300 and throughout the night hours).

2. My objection is threefold:

- Prevention of public nuisance: I am a member of Chailey's litter-picking team. In February I cleared the unofficial lay-by in Banks Road, approx. ¾-mile from the garage of some 35 accumulated bottles, eg. half-bottles of Smirnoff vodka, and bottles of wine. Such bottles and brands are on sale at the garage and the presumption must be that they were bought to be consumed at Banks Road. I should be concerned at any change which encouraged this practice, whether on Banks Road or the adjacent Common and Sports Pavilion. In terms of non-alcoholic 'litter' other members of the Group are only too well aware of the detritus which we pick up along the way.
- Protection: I assume the garage will continue to be staffed by one employee during the late night hours. This could be construed as an incitement for younger people to seek to purchase alcohol, or as an incitement to criminals, whether stealing alcohol or cash.
- Potential for disturbance to neighbours (noise, increase in traffic): The application appears to be made by a central organisation which is ignorant of the village: specifically, neither of the highways in question is a major road. By contrast, there is a 24-hours' McDonalds and Shell garage on the A22 near Uckfield, but this is **situated well outside the urban area, and combines the possibility of eating as well as drinking.**

The King's Head crossroads is a residential area (and becoming more so with the development of 15 residential units opposite the garage). The roads in question run through a rural area and, in our experience, are not greatly used in the early hours.

- Need: I realise that the Authority cannot consider commercial viability; however, I see no positive side to the proposal but significant negative effects on neighbours and on the rural environment which (as our incipient Neighbourhood Plan confirms) is valued by residents and visitors alike. There has been (and it is expected to be re-let) an Inn, the King's Head (hence the local reference to *the King's Head crossroads*) for at least a century across the road from the garage.

There are two other public houses or inns within the village: the Five Bells; and Horn's Lodge. There are three pubs in our neighbouring village Newick: the Bull; the Royal Oak; the Crown. All these pubs offer dinner or supper and, to my knowledge, not one has felt the need to open later on any but the most occasional basis.

Mark EVANS, High Field, North Chailey, Sussex BN8 4JD

I have been made aware of the above application in the past few days, and wish to register my objections. I am a resident of North Chailey, living at Ashley, which is within 200yards of the garage.

Given the problems associated with drinking and driving, I find it surprising that a garage should be licensed to sell alcohol at all, let alone applying for such a licence to be extended throughout the night. It seems to me most unlikely that people availing themselves of this overnight facility will be stocking their home cellars, but that any alcohol purchased will be for immediate consumption, with attendant likely driving offences and other disorderly or criminal behaviour. I need hardly draw your attention to the frequency with which the garage has been targeted even under the present situation.

Quite apart from the criminal element, the behaviour of those availing themselves of this facility is likely to disturb the peace of what should be a rural community. Knowledge of the ready availability of alcohol throughout the night is likely to attract unruly individuals from the surrounding area and aggravate any such disturbance.

Yours faithfully,

P.H.Walter,

Sirs,

I write to express my dissatisfaction with the request from the Owners of the North Chailey Garage to extend to 24/7 for the sales of achoholic beverages.

As a resident of the A272 within 50 yds of the garage, I can see no advantage to be gained for the people of the locality by extending the current hours agreed. This is a "semi-rural" environment and I can only see an increase in noise, litter and anti-social behaviour if you were to extend hours and thereby encouragement drinkers to seek out an "open premises" in the wee small hours. There is to be the return of the King's Head Pub very shortly and this is situated exactly opposite the garage. I can see no positive reason to extend the hours, only negative one's.

Please can I register my desire that this application does NOT get approval.

Regards

Tim Lazenby Cert CII

MD FSB Insurance Service

Holly Rise

Haywards Heath Road

North Chailey

BN8 4ET

OBJECTION TO APPLICATION

Premises: Chailey Service Station, East Grinstead Road, Chailey, 4DH – King's Head Roundabout

Name of Applicant: Motor Fuel Limited

Proposed License to increase the sale of alcohol to 24 hours

Objection from: Cll Sharon Day, (District Councillor Chailey)

On behalf of myself as a resident of Chailey and representing a great many local residents I object to the forthcoming change of License

1. *Relevant Objectives when considering this application:*

*Prevention of public nuisance – The prevention of crime and disorder
– The protection of children from harm*

In accordance with Lewes District's description, this North Chailey location is a semi-rural environment. It is not in an urban area.

There is no local demand for alcohol to be purchased after 23.00. The King's Head, by popular demand, will re-open this year and a 12.00 midnight licence is being sought. Adjacent to the pub and its private car park, a new residential development will be constructed within a year – or so, and will provide modest homes for families – many with small children. The development is opposite the Garage. There would be a risk that this garage becomes an interesting attraction for motorists/bikers from far afield to make this a special destination spot for buying alcohol after the pubs are close. Thus, adding to the litter and glass problems we already have in lay-bys and Chailey Common Car Parks, a Site of Special Scientific Interest and Nature Park. It would, in the view of many, be unwise to create future problems for the residents and community as a whole.

This location is not in the middle of an urban area and there is no local demand for such alcohol to be sold 24 hours a day.

2. **Motor Fuel Community Statement**

It states:

The Company conducts its business in an ethically aware manner so as not to detrimentally affect the quality of life enjoyed by the communities in which it operates.

Some points that the Company strives to:

- *Engage with communities and support relevant and appropriate activities both at local and national level*
- *Respond quickly to issues or concerns raised by neighbours pertaining to the business*
- *Maintain properties, land and boundaries in such a condition so as not to degrade the visual amenities of the neighbours, or affect or endanger the surrounding communities*

Objection to Application:

Premises: Chailey Service Station, East Grinstead Road, Chailey, 4DH - King's Head Roundabout

Name of Applicant: Motor Fuel Limited

Proposed License to increase the sale of alcohol to 24 hours

Objection from: Cllr. Sharon Davy (District Councillor Chailey) – Moorings, Haywards Heath Road, North Chailey

The Prevention of Public Nuisance - The Principles in Detail

[I refer to 5.1.3. Recently, the Police have records to confirm public nuisance incidents by young people in the possession of alcohol very close to the Service Station. Increasing the sale of alcohol from the current closing time of alcohol sale of 23.00 throughout the night hours will create a public nuisance. An extension of the license will increase disorderly public nuisance, crime and disorder.

I refer to 5.1.5 Licensing law: In the rural areas there are a great number of village pubs, which are very much part of the community and supporting leisure and local activities. The Chailey community supports and welcomes the re-opening of the King's Head pub which has been granted an 12.00 midnight License. But an additional extended alcohol License, across the road from the pub at the petrol station does not enhance a community. Because of this, and many other principles submitted - the extension should not be granted.

Please can you kindly confirm you have received this submission and both of my submissions will be included in the report.

As ever, and with kind regards - Cllr Sharon Davy (District Councillor Chailey)

Michael and Betty Rider

Craigmyle North Chailey Lewes East Sussex BN8 4ET

t. 01825 723494

Attn: LDC Licensing Team

25th June 2017

We are writing to object to the current Application by Motor Fuels Ltd to seek a licence to sell alcohol at North Chailey service station from 11.0 pm to 5.0 am, 24/7.

We have lived and brought up our now adult family within 100 yards of the service station, on the south side of the A272. The area around North Chailey crossroads is essentially residential and is still developing as such. Within the last four years three new houses have been built adjacent to the garage and a further development of fourteen dwellings is shortly to be constructed immediately to the east of the site. The area has been characterised as 'semi-rural' in recent LDC Planning Dept. documents. The garage's small convenience store is a useful local facility and is supported by the local community as such – we know of no clamour for further commercial expansion on the site. There is certainly no local demand for all night sales of fuel or of other goods from the store; during normal trading hours there are ample and varied retail outlets within five miles of North Chailey, including motor fuel. There is also provision for all-night fuel sales within four miles at the junction of the A272 and A22 – this in a location that is isolated from residential properties. Other fuel outlets within five miles or so, three along the A272 into Haywards Heath, are likewise embedded in residential areas and do not open during night hours.

We are aware of the four objectives of LDC Licensing Authority and comment below specifically on three of these:

i) Protection of children from harm Each schoolday morning the crossroads is a transport hub where a large number of young people living locally congregate to catch school buses. They are hence well aware of the facilities at the crossroads, and older teenagers living within walking distance could be tempted by alcohol sales after 11.0 pm.

ii) Prevention of public nuisance Immediate neighbours report from time to time disturbances on the garage forecourt before its 11.0 pm closing. Recent incidents have included noisy party goers, minor damage and public urination on the forecourt – there are no public toilets available at the garage. (This latter has of course a public health implication.) There is a high risk that similar incidents might occur during night hours and could be even more vexatious. The likelihood of such incidents is confirmed by an informant with first hand experience of such shift work at night. Loud engine revving, car door slamming and noisy altercations are especially unacceptable in a residential area during hours of darkness.

iii) Prevention of crime and disorder Over the years there have been instances at the garage of criminal damage/breakins/theft during night hours. These have taken place when the store has been closed and in spite of the precautions taken. A facility open

during night hours for the sale of alcohol (and tobacco) could well increase the temptations for criminal actions. It could well be that undesirables may be attracted to the garage and its facilities precisely because of perceived opportunities for criminality under cover of darkness.

Unsightly and sometimes unhygienic litter is an ongoing problem associated with the garage – in particular wrappings etc tend to get sucked westwards down the A272 in the slipstream of passing vehicles on the southern carriageway. The Chailey village community has recently set up a anti-litter group which meets regularly; it risks an increased workload as a result of the additional activity created by night sales on the garage forecourt.

We have noted that LDC is keen to encourage communities to have their say on Licensing Applications. We have argued that the sale of alcohol (and hot refreshments) at night is unnecessary and unwanted by the local community, that our residential area is unsuitable for this commercial initiative, and that our present amenity is threatened by the risks cited above. It is a matter of record that LDC restricted the operation of the garage Car Wash, at its inception, to a tight timetable on the grounds of the amenity of neighbours. The owner (until very recently) of the Kings Head opposite the garage planned a village community pub and consulted widely with locals to establish their views, winning considerable support thereby. In spite of their claims we are unaware of any similar approach to the community by Motor Fuels Ltd.

In the wider context it seems perverse to impose a midnight limit on the sale of alcohol on one side of the road and allow purchases unconstrained by time on the other. Relevant too is the recent WHO report on alcohol consumption worldwide – this found that per head consumption in the UK was almost twice the international average. It may well be that in time this problematic social issue will be more effectively constrained by legislation – in the here and now and under present rules, by rejecting this Application in concert with the local community, LDC could play a small part in encouraging social responsibility.

Michael and Betty Rider

Dear Sir/Madam

We are resident at Briar Cottage, East Grinstead Road, North Chailey BN8 4DH and overlook the garage forecourt from our bedroom.

We are writing to register our objection to the above licensing application. The garage is currently not open for 24 hours and we would not appreciate the increase in noise level and would oppose any planning application for a variation to allow opening between the hours of midnight and 6.00am.

The basis for our opposition is that granting a license 24/7 throughout the night will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour. The North Chailey garage lies within a semi-rural environment and recent and ongoing residential developments are promoted for its rural tranquility.

We do not want to encourage any further night time traffic around the crossroads, with engine revving, slamming doors and shouting. The provision of alcohol during these hours is likely to be a public nuisance as it will become a meeting place encouraging antisocial behaviour and risking increased attraction to the garage for the criminally inclined and an increase in the above engine revving, door slamming and shouting.

Currently there are a number of family homes located close to the garage and we feel that we should be protecting the young people living in the area from harm and having a garage selling alcohol 24/7 does not help us in this process as the risks become greater due to the increased risk of attracting crime and public disorder from the sale of alcohol over night.

Planning permission has recently been agreed for a number of family homes to be built on the grounds of the Kings Head pub opposite the garage and as these are expected to house families with teenagers and small children then protection of these children/teenagers from harm should be paramount and therefore it is not in the interests of the future residents to have this application approved.

We also feel that this facility would be accessed mainly by people living out of the area and driving, possibly already having taken alcohol and then needing more, which creates a risk to the general public as they have been encouraged onto the roads in an unfit state.

In view of the above, we would urge the Licensing Authority to refuse the application.

Yours faithfully

Pat & Ron Russell

With reference to the North Chailey Garage Application for off-licence sales 24hours 24/7, I have the following comments:

1) The extension from 6.00 to 2300hrs to all night opening will attract people who have already been drinking and want to extend their drinking session.

This will bring rowdy traffic into a peaceful rural area when residents are trying to sleep.

2) Some of the people attracted, will be those with illegal tendencies, thus increasing the risk of law breaking in the area.

3) Drink availability always risks concurrent brawling and rowdy behaviour to the detriment of the area residents.

4) this provision would increase the temptation for our older teenagers to increase their drinking habits.

5) In general I think this is not the sort of facility that is in keeping with North Chailey.

Hoping that you will take these comments into consideration.

Sincerely Mr J. S. WALKER

Amalfi

Haywards Heath Road

North Chailey

BN8 4ET

To whom it may concern,

I strongly object to the 24 hour licensing application at the garage in North Chailey. The garage is in a rural location and will only encourage drink driving. Most of the customers that would be using the garage late at night would drive due to the lack of footpaths. I live on Station Road and do not walk along the road at night as it is unsafe and people drive way too fast along there. There is a pub directly opposite so I don't feel that the license is needed. North Chailey is a small, very quiet village with young families and elderly people and I think that if the application was approved it would lead to anti-social behaviour.

Many thanks,
Lauren Utley

I strongly object to the Motor Fuel Groups 24/7 licensing application at the North Challey garage. There is no need for it in the village and there is a pub directly opposite. The garage is in a rural location and it will only encourage drink driving. The speed limit in North Challey is 30 mph, but people drive a lot faster, especially along Station Road. I am also of the opinion that it will encourage antisocial behaviour and under age drinking.
Mrs Lauren Utley
Hillside, Station Road
BN8 4HD

I strongly object to the licensing application for 24/7 sale of alcohol by motor fuels group North Chailey garage being approved. The promotion of late sales of alcohol would be detrimental to the rural tranquility and would only encourage under age drinking and anti social behaviour.

Mrs Kristine Lorenzo

Aysgarth

bn8 4et

I strongly object to the licensing application for 247 sale of alcohol submitted by motor fuels group north chailey garage being approved. There is a public house opposite that if residents wish to seek refreshment is perfectly acceptable. The promotion of late sales of alcohol serves little to no purpose to the local community. In fact I believe it would be detrimental to the rural tranquility people wish to enjoy in the area. I also believe by granting such license would only serve to encourage under age drinking in the village as well as the increase of anti social behaviour.

mr Enrico lorenzo

Aysgarth haywards Heath road north chailey

Bn8 4et

As our property borders North Chailey Garage along its entire west boundary, we are already affected by noise coming from the rear of the garage as well as the forecourt at the front. We feel this will be greatly increased if the licence for all night alcohol sales is granted. As the garage already sells alcohol up to 11 pm every night of the week, we feel the only customers that will be attracted by this extended service will be those who have already spent the evening in local pubs and after closing time decide they want more alcohol. We already have to endure raised voices, vehicles revving their engines and slamming doors up to 11pm. In past years we have had to complain to the council when deliveries were made before 6 am disrupting our sleeping hours. If this application is granted, does this mean that deliveries will be made throughout the night? If so, we feel this would be totally unacceptable.

The toilet facilities once offered are no longer available to customers so at night time our bordering fence at the rear of the garage is frequently used as a urinal which has been recorded by the workshop on CCTV.

The garage has already been victim of several night time burglaries and we feel the all night opening hours will make it more of a target for criminals also putting the surrounding properties at risk.

We are a working family living in a semi-rural environment who believe that there is no local demand for an extended licence, which if granted, will be extremely detrimental to our neighbourhood.

V & J Spring

Dear Sir / Madam

As residents living adjacent to North Chailey crossroads we wish to object to the application by the owners of the North Chailey (Shell) garage who wish to extend their license to sell alcohol beyond the current 11.00 pm limit.

We have no objection to the garage selling non alcoholic drinks during extended hours.

Our objections to the extended alcohol licensing application are as follows:

1) Prevention of crime and disorder.

The village doesn't need a 24 hrs alcohol retailer. As a relatively quiet village with no regular police presence we would be poorly protected against the serving of alcohol to already drunk drivers or underage customers.

2) Prevention of public nuisance.

The village is rural and generally peaceful at night. A late night alcohol license would encourage people who have already been drinking, and may prompt them to drive whilst under the influence, to secure more supplies.

3) Public safety.

The sale of alcohol to pedestrians or drivers after 11.00pm will adversely affect public safety. The junction of the A272 and A275 is busy into the late hours and encouraging extra traffic for alcohol supplies will risk public safety. The safety of the garage employees would also be compromised.

4) Protection of children from harm.

We have 2 children, one of whom is a teenager. Part of the reason we moved to the village was to keep them safe and away from street drinking. The village does not need anything that encourages an illicit or out of hours drinking culture and we believe that this license would indeed encourage that.

Regards

Rachel and Jason Buckenham

4 Downsview Close

North Chailey

BN84HA

Dear Sirs. As local residents living very close to the N Chailey crossroads, we wish to object to the application by the owners of the North Chailey (Shell) garage who wish to extend their license to sell alcohol beyond the current 11.00 pm limit.

We have no objection to the garage selling non alcohol drinks, e.g. Coffee, on a 24 hrs. basis. Our objections-

1/ Prevention of crime and disorder. We live in a semi rural area which has no need for a 24 hrs alcohol serving environment, such services are best catered for, if necessary, in urban areas such as Haywards Heath only 5 miles west. N. Chailey as a village is isolated from more active law enforcement supervision and the serving of alcohol to persons with ill intent may feel more secure.

2/ Prevention of public nuisance. Our environment is rural and peaceful especially after 11.00 pm. On balance it is difficult to see how this would not be threatened by the sale of alcohol to persons who presumably are seeking some 'top-up' from earlier drinking action. As long term N Chailey residents we look forward to the historic King Head Inn coming back into existence and this facility will cater for all our local needs.

3/ Public safety. The sale of alcohol to anybody, either on foot or more importantly vehicle based, after 11.00 must by definition adversely affect public safety. There is no logic to argue otherwise. The junction of the A272 and A275 is always active into the late hours and taking on-board extra alcohol supplies must risk public safety. Additionally, the safety of the garage staff must be considered and this is clearly threatened by the prospect of dispensing alcohol to persons with ill intentions.

4/ Protection of children from harm. There is already a youth drinking culture in our area, including Lewes and Haywards Heath. To offer the chance for misguided older youth to obtain alcohol supplies to be shared to even younger persons beyond current licensing hours is irresponsible.

Michael and Dinah Sparks
Moorehayes
East Grinstead Road
N Chailey, Lewes
E Sussex, BN8 4HX

Licensing

I am emailing in order to register my objection to the 24/7 alcohol application made by Motor Fuels Group, North Chailey garage. This is a quiet village with no street lighting, police patrol and the successful application would cause a lifestyle change to all local residents. Noise and possible criminal behaviour are my main objection, being resident within 250 metres of the garage. Enough is enough.

John Fairclough
woodburn
bn8 4et

Dear Sirs

I reside on Station Road, North Chailey close to the Shell Garage. It has been brought to my attention this morning the owners of the garage have submitted an application to Lewes Council to sell alcohol until 5am, as well as non alcoholic beverages meaning the garage will be open 24 hours a day.

I wish to register my objection to this application.

If granted, the effect of this will impact severely upon the residents of not only Station Road, but the East Grinstead Roads and Haywards Heath Road.

Increased traffic along the roads will disrupt our night time hours rest.

People hanging around during the night meeting at the garage will disturb the peace resulting in loud behaviour thus increasing in reports to the police; residents will not feel safe.

I do not feel there is a necessity for yet another outlet to sell alcohol 24 hours a day, especially in a semi rural location as Chailey.

It will increase alcohol consumption in the local community, especially by young adults. Young people do not need any more temptation to buy alcohol; it encourages antisocial and aggressive behaviour.

There are several late night shops in Haywards Heath who have a license to sell alcohol.

The garage owners are thinking of their profit margins rather than the happiness and welfare of the people of North Chailey.

I therefore request the Licensing Authority decline this application.

Yours faithfully

Elizabeth McPherson
Valley View, Station Road, North Chailey

North Chailey Garage Overnight
Alcohol licence
application

I am writing to voice comments to object against the above application which is in close proximity to my property where I live with my wife and two young children.

We live in a rural location and the areas immediately around the mini roundabouts / garage are 30mph limits however this is rarely observed by passing traffic during the day but especially at night time when people speed more frequently. Any such licence would simply increase vehicle movements, possibly of drink driving and speeding which would be a nuisance and endanger safety of the residents in the immediate vicinity. It also has the potential to encourage late night criminal activity due to lack of street lighting in the surrounding roads and lack of footpaths so if someone did wish to walk there it can create a hazard for both pedestrian and vehicle users alike.

If a retail unit were to be granted and extended licence for out of hours alcohol surely the most ideal location would be within a built up area with a population who can safely access without the need to drive.

I trust you will take these comments on board when determining the application and ensure the continued safety and wellbeing of the local residents such as myself in close proximity.

Mr Ian Utley
Hillside, Station Road
BN8 4HD

We would like to express our concern and strong objection to the above license as a very near neighbour -

1. Do not see the need for such a license considering the rural nature of the premises and a pub due to re-open opposite shortly

and the fact that there are ample facilities to obtain alcohol within 6 miles.

2. Bringing excessive noise with cars revving up and slamming of doors in the area when we experience enough

noise during normal hours - having out of area people seeking out alcohol during the night can only attract the wrong type and

could lead to recurrent instances of criminal damage already experienced even with overnight closure.

3. Easy local availability of alcohol "out of hours" would only encourage our local older teenagers.

4. People tend to hang about at such "out of hours" establishments causing nuisance and dropping litter. Could cause vandalism to local residential properties which are currently for sale promoting the tranquility of the area.

David and Marietta Lewis-Griffiths

Fairfield

East Grinstead Road

North Chailey

BN8 4DH



Chailey Parish Council

Lewes District Council
Licensing
Southover House
Southover Road
Lewes
BN7 1AB

27th June 2017

Dear Sirs

Premises Licence Application (" the Application")

Applicant: Motor Fuel Limited ("the Applicant")

Premises: Chailey Service Station, East Grinstead Road, North Chailey, BN8 4DH ("the Premises")

I refer to the Application made by the Applicant for an extension of the hours during which the sale of alcohol is permitted at the Premises. The variation sought also seeks to add the provision of late night refreshments between 11pm and 5am.

The effect of the Application, if allowed, will be to turn the Premises into a 24 hour operation 7 days a week.

The Council has received comments from residents who live in the vicinity of the Premises. Concerns have been expressed about the possible deleterious effects on the area if the Application were to be granted. Chailey Parish Council ("the Council") shares many of the residents' concerns.

Noise and public nuisance

It is of course for the Applicant to determine whether extending the opening hours for the Premises is worthwhile commercially. The Council's view is that the location of the Premises is such that there cannot be any commercial justification for a 24 hour operation based on demand from those who reside in the vicinity of the Premises.

Chailey Parish Council, The Reading Room, Chailey Green, Chailey, Lewes, East Sussex. BN8 4DA

Tel. No. 01825 722388

E-mail: chaileypc@btconnect.com

Chailey.org

North Chailey is rural, being characterised by a clustering of residential properties around the intersection of the A272 and A275 (where the Premises are located) with other residences scattered around in the countryside. Councillors are aware from long experience of living in the area that traffic during the night on both roads is sparse.

The combined effect of the rural nature of North Chailey and the lack of passing traffic means that there is a real risk that the 24 hour operation of the stores (and presumably the petrol station) and the availability of alcohol at all hours will attract traffic from outside the area. At present, that traffic has no reason to be in, or even passing through, North Chailey during the night. With additional traffic inevitably comes noise and, potentially, nuisance. This is unwanted in what is, at present, in general a quiet and undisturbed rural area during night-time hours.

The potential for noise and disturbance, and therefore public nuisance, could be exacerbated by the fact that the Premises are located immediately opposite the Kings Head public house. This former licensed public house has been closed for some time, but has recently been fully refurbished. An application has been made to Lewes District Council for a premises licence permitting the sale of alcohol on and off premises for seven days a week from 10am to 12am with late night refreshment from 11pm to 12am. The Kings Head is currently being advertised for let by a national firm of agents. It is therefore quite likely that the Kings Head will reopen in the near future. The Council makes no comment on the premises licence application made for the Kings Head, but it seems likely that within a short time there will be two establishments within a very few yards that are licensed to sell alcohol. The demand from those in North Chailey who wish to buy alcohol for consumption off premises will therefore be more than satisfied, increasing the Council's fear that the only demand to buy alcohol in the early hours will come from outside the village, bringing noise and public nuisance.

Crime and disorder

The Council is of course aware that the purchasing and consumption of alcohol during night-time hours does not automatically lead to crime and disorder. However, the potential for the link cannot be entirely dismissed. The Council has been made aware of, but has no first-hand knowledge of, incidents of criminality occurring at the Premises. However, the Council is concerned about the potential for the availability of alcohol during the night to lead to crime and disorder within Chailey. The Premises are located in close proximity to Chailey Common which is an important area of preserved heathland and an SSSI. The Common is open to all, with numerous access gates and car parks for those who use this important amenity. The Council is very keen to avoid the position where those from outside the village commit crime (or create a public nuisance) in or around the Common.

Conclusion

The Application, if granted, will have no benefit for North Chailey or those who live there. The effect on those who residents who live near the Premises can only be detrimental with a real risk of noise and public nuisance and the potential for crime and disorder in an area which for the most part is free of such unwelcome aspect of modern life. The Council urges Lewes District Council to reject the Application.

Yours faithfully

Stephen Treharne
Clerk to the Council

Chailey Parish Council, The Reading Room, Chailey Green, Chailey, Lewes, East Sussex. BN8 4DA
Tel. No. 01825 722388
E-mail: chaileypc@btconnect.com
Chailey.org

I write with reference to the above, which I understand Motor Fuels Group are applying for an overnight alcohol licence to the Garage at North Chailey - opposite the Kings Head Pub.

I live immediately next door to the garage and have an adapted property to meet the needs of my severely disabled daughter. My daughter attends Chailey Heritage School and one of her many complex needs is that she has an extreme startle reflex - so loud noises frighten her and make her jump - Chailey advise that she has the most extreme startle reflex they have encountered - so they have worked with many young people - so shows just how sensitive to noise she is.

We already have issues with noise - door banging, alarms going off, people shouting at the garage but we are safe in the knowledge that this is only till 11 pm - where on my daughters sleep is often disturbed and further disturbed at 6.00am when the garage reopens - again doors banging - things being dragged across the forecourt etc - so we would be greatly affected by noise should a licence be given for 24/7 sale of alcohol which would not only affect her sleep and her ability to function the following day - but ours too as her parents as we would all have disturbed sleep.

I do not see that there is a local demand for this - and for anyone who really needed to purchase alcohol in the early hours - there are local supermarkets that offer this service.

I am concerned that this would have an adverse effect on your local community and could become a place for older teenagers to hang out and obtain drink - I know I have been approached to purchase drink on a young persons behalf when entering the garage - and although I refused - others may not - this would again bring unwanted noise to the residents and possible anti social behaviour and also may attract more crime to the area.

If someone really needed to purchase alcohol in the early hours - they probably would not be classed as responsible drinkers - and offering an all night licence can only encourage drink driving and given the semi-rural location of Chailey - this would mean many would return to main roads and be of great danger to themselves and others.

I would also be concerned about the affect this would have on the Kings Head - I understand that many people have tried to make the pub a success and as a community we welcome the reopening as i hope it would provide employment for the local community - and become an integral part of the local community - having a garage selling alcohol directly opposite could adversely affect this new business and we would again be left with another empty pub.

We have no objections to the Garage and the Public House staying open till 11.00 pm but I think anything after that should not be granted given the number of residential houses surrounding these establishments. Chailey is a semi-rural environment and there is very little demand for this within the local community - so would seem completely necessary and would ask that you take into account the local residents and the adverse effect it would have on the local people and hope that an overnight licence is rejected.

Yours sincerely

Heather Mealing
Sunrise
East Grinstead Road
North Chailey
Lewes
BN8 4DH

LEWES DISTRICT COUNCIL

STATEMENT OF LICENSING POLICY

1 INTRODUCTION

Lewes District Council makes this Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003, 'the Act.'

Licensing is about regulating licensable activities on licensed premises, qualifying clubs and at permitted temporary activities.

1.1 THE SCOPE OF THIS POLICY COVERS THE FOLLOWING:

- Retail sale of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of regulated entertainment (as defined in Schedule 1 of the Act)
- The provision of late night refreshment.

1.2 THE AIMS OF THIS POLICY ARE TO:

- secure the safety and amenity of residential communities
- help to ensure a sustainable environment and provide regulation of the cultural/entertainment industry
- promote the Licensing Objectives as set out in the Act.

1.3 THE LICENSING OBJECTIVES ARE:

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

1.4 IN MAKING THIS POLICY, LEWES DISTRICT COUNCIL RECOGNISES THE FOLLOWING:

- residents within the District need a safe and healthy environment to live and work in.
- safe and well run entertainment premises are important to the local economy and vibrancy of the District.

1.5 THIS STATEMENT PROVIDES GUIDANCE

to the police, applicants, objectors and residents on the general approach that the Council (acting through its Licensing Committee) will take when making licensing decisions.

The following will be taken into account when licensing decisions are being made:

- the Council as licensing authority must carry out its functions under the Act with a view to promoting the Licensing Objectives.
- each licence application will be given individual consideration on its merits.

- when making its decisions, the Council will have regard to the matters contained in this Statement and to any government guidance that is issued from time to time.
- that the Council will have regard to the provisions of the Human Rights Act 1998 and in particular, Article 6 (right to a fair and public hearing); Article 8 (right to respect for home, private and family life) and Article 1 of the First Protocol (right to peaceful enjoyment of property and possessions)
- that the Council will have due regard to its Equality Duty under the Equality Act 2010 to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age; disability; gender re-assignment; marriage and civil partnership (but only in respect of eliminating unlawful discrimination); pregnancy and maternity; race – this includes ethnic or national origins, colour or nationality; religion or belief – this includes lack of belief; sex (gender) and sexual orientation. In accordance with this Duty the Council publish equalities information annually on the Council's website.
- that when exercising a licensing function the Council will have due regard to its duty under section 17 of the Crime and Disorder Act 1998 and any local public service agreements relating to the reduction of public place violence.

1.6 This Statement takes effect on 1 November 2012 for a period of 5 years and will be kept under review and revised/amended as required, following consultation.

2 LOCAL FEATURES

2.1 Lewes District Council covers an area of 113 square miles and is home to nearly 90,000 people. Bordered by the varied landscape of the Downs to the south and the Weald to the north, it has 9 miles of coastline. From coastal strip to rural countryside, Lewes District comprises a rich mix of town and village communities. The District population is concentrated to the coast with half of all residents living in the towns of Seaford, Newhaven, Peacehaven, Telscombe Cliffs and East Saltdean, while inland Lewes is the County Town of East Sussex. There are also numerous villages and hamlets within the area, which vary in size and form, and the District has one of the fastest growing populations in the South of England.

2.2 The main focus for licensed activities is in the Town Centres where there is a varied mix of premises from clubs, pubs, café/bars, restaurants, and large stores to smaller

retail outlets for off licence sales. In the rural areas there are a great number of village pubs, which are very much part of the community and supporting leisure and local activities.

2.3 Overall, the District has approximately 320 premises licensed under the Act, evenly spread across the towns and rural area, catering for the needs of the community and with few late night venues, club culture at the moment is not highly developed or wide spread.

3 DELEGATION OF FUNCTIONS

Licensing decisions and functions may be taken or carried out by the Council's Licensing Committee or delegated to a Licensing Sub-Committee or in appropriate cases, officers of the Council. The scheme of delegation for dealing with licensing matters is set out below:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If a police objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Determination of minor variation			All cases
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional settlement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision to object when Council is a consultee and not the Licensing Authority		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition		If police objection	All cases
Determination of an objection to a temporary event notice		All cases	
Decision to make a representation on behalf of the Licensing Authority	Page 51 of 79		All cases

4 GENERAL STATEMENT OF GUIDING PRINCIPLES

4.1 The following principles have been adopted by the Council as a licensing authority. These principles will serve as a general guide to the Council when it carries out its licensing functions:

PRINCIPLE 1

Issues of nuisance, noise, public safety and crime and disorder associated with the character, number and proximity of licensed premises in any one area (cumulative impact) will be addressed by the means set out in paragraph 5.1.5 of this Statement. However, if there is evidence to suggest that these means are unsuccessful in combating the issues referred to above then the council will consider reviewing its policy with a view to restricting the grant of licences to new premises in the affected areas.

PRINCIPLE 2

The Council acknowledges that longer opening hours can help to ensure that the number of people leaving licensed premises at the same time is reduced.

PRINCIPLE 3

The Council will limit the access of children to licensed premises where this is appropriate to protect them from harm.

5 THE PRINCIPLES IN DETAIL

5.1 PRINCIPLE 1

Issues of nuisance, noise, public safety and crime and disorder associated with the character, number and proximity of licensed premises in any one area (cumulative impact) will be addressed by the means set out in paragraph 5.1.5 of this Statement. However, if there is evidence to suggest that these means are unsuccessful in combating the issues referred to above then the council will consider reviewing its policy with a view to restricting the grant of licences to new premises in the affected areas.

5.1.1 This is intended to:

- Promote the prevention of crime and disorder
- Promote public safety
- Address the issue of cumulative impact

5.1.2 The matter of need for an additional licensed facility whether pub, club etc is not covered by this policy but will be a matter for planning policies and strategies and for the area/district as a whole.

5.1.3 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment (for large numbers of people) can be a source of crime and disorder and applicants are recommended to seek advice from the Council's Licensing Officer and the Police as well as taking into account local planning and transport policies, tourism, cultural and crime prevention strategies and local social demographic characteristics when preparing applications and operating schedules which will be of benefit to the Licensing Authority when determining the application. Guidance regarding these policies and other specific local matters can be obtained from the Council's Licensing Officer – see Contact Details, paragraph 9.

5.1.4 The Council will support:

- diversity of premises to ensure a mix of a different type of licensed premises, particularly in areas where there is a high density of such premises
- care and control of premises by effective management and supervision both within and outside the premises. This is a key factor in reducing crime and disorder and applicants for premises licences in particular should address these issues within their respective operating schedules
- good quality training for staff employed within the licensing trade and the obtaining of the accredited licensing qualification for bar staff and personal licence holders. The Council believes that proper staff training plays an important role in the promotion of the licensing objectives
- café bar conditions where the sale of alcohol and other beverages are by a waiter/waitress service for consumption by persons seated at tables or equivalent and substantial refreshments are available during operating hours.

5.1.5 Licensing law is not the primary mechanism for the general control of nuisance and anti social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the licence holder, certificate or authorisation concerned. If there are problems in a particular area with nuisance, crime and disorder and those problems are associated with the character, number or proximity of licensed premises in the area, the Council will seek to address those problems by the following means:

- Planning Controls
- The use of relevant and appropriate licence conditions. (However, see paragraph 6.5)

- Positive measures to create a safe and clean environment in partnership with local businesses, transport operations and other Council departments
- Application of the powers of the Council to designate parts of the district as places where alcohol may not be consumed in public and the confiscation of alcohol from adults and children in such designated places.
- Application of the powers of the Council to designate parts of the district as places where alcohol may not be consumed in public and the confiscation of alcohol from adults and children in such designated areas
- Police enforcement of disorder and anti-social behaviour, including the issue of fixed penalty notices
- The seeking of anti-social behaviour orders by the Council in appropriate cases
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk or under age
- The application of closure powers under the Act
- The review, suspension and revocation of licences granted under the Act

This list is not exhaustive of the measures that the Council may consider or take.

5.1.6 Any objection to a licence application or variation on the grounds of negative cumulative impact must be relevant and impact on one or more of the licensing objectives.

5.2 PRINCIPLE 2

The Council acknowledges that longer opening hours can help to ensure that the number of people leaving licensed premises at the same time is reduced.

5.2.1 This is intended to:

- promote the prevention of crime and disorder
- promote public safety
- promote the prevention of public nuisance

5.2.2 It is recognised by the Council that longer licensing hours (with regard to the sale of alcohol) may help to ensure that the number of customers leaving premises simultaneously is avoided. Fixed and artificially early closing times can encourage, in the case of sales of alcohol, rapid binge drinking close to closing times and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises at the same time.

5.2.3 However, there is no general presumption in favour of lengthening licensing hours. The four licensing

objectives will be paramount considerations at all times and each case judged on its individual merits.

5.2.4 Any person has a right to make representations concerning applications for premises licences and club certificates and hours of trading and to have those representations given equal weight regardless of where they live.

5.2.5 In each case that arises following objections/representations the Council will:

- 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 residents to peace and quiet.
- 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.
- consider restricting the hours of trading in cases where there are good grounds for believing that the licensing objectives will be or are being undermined.

5.3 PRINCIPLE 3

5.3.1 The Council will limit the access of children to licensed premises where this is necessary to protect them from harm.

This is intended to:

- promote the protection of children from harm
- address the issue of children in licensed premises, including cinemas and other public entertainment.

5.3.2 No policy can anticipate every issue of concern that could arise in respect of children with regard to individual premises. Consideration of the individual merits of each application are therefore the best mechanism for judging such matters.

5.3.3 The Council will take particular account when:

- there have been convictions for serving alcohol to minors
- there is evidence of underage drinking
- there is evidence of drug taking or dealing
- there is a strong element of gambling
- entertainment of an adult or sexual nature is commonly provided.
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at those premises

5.3.4 Complete bans will be rare, but the options for limiting the access of children, where appropriate, to prevent harm include:

- limitations on the hours when children may be present
- age limitations (below 18 years)
- limitations or exclusions when certain activities are taking place
- requirements for an accompanying adult
- full exclusion of people under 18 years from the premises when any licensable activities are taking place.

5.3.5 The Council will not impose conditions that require licensed premises to admit children. Where it is not appropriate for a licensing restriction the decision to admit children will be a matter for the discretion of the individual licensee or club.

5.3.6 CHILDREN AND CINEMAS

In the case of premises giving film exhibitions, the Council expects licensees to impose conditions that children will be restricted from viewing age-restricted films classified in accordance with the recommendations of the British Board of Film Classifications.

5.3.7 CHILDREN AND PUBLIC ENTERTAINMENTS

Where such entertainments are due to take place, the Council will expect an adequate number of adults to be present for health and safety reasons. The number of adults required should be calculated on the basis of a risk assessment. The Council will also take into account considerations such as the size of the venue, the number and ages of the children present and the type of activity involved.

6 OTHER CONSIDERATIONS

6.1 LIVE MUSIC, DANCING & THEATRE

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.

The Council will only attach licence conditions that are reasonable, proportionate and appropriate for the promotion of the licensing objectives. The Council is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre for example by imposing indirect costs of a disproportionate nature.

The Council is aware of the value to the community of a broad range of cultural entertainments, particularly live music, dancing and theatre. The Council wishes to encourage them for the benefit of all.

6.2 SHOPS, STORES AND SUPERMARKETS

6.2.1 Shops, stores and supermarkets should be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open.

6.2.2 The Council will generally permit the sale of alcohol when the retail outlet is open for shopping.

6.2.3 In certain circumstances, however, it may be appropriate to impose a limitation, for example, following police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

6.2.4 When determining an application for a premises licence the Council has no obligation to consider the rights of workers employed. These are covered by separate legislation.

6.2.5 The impact on workers of extended hours permitted by a premises licence is a contractual matter to be resolved between the employer and employee, and the Council will not seek to intervene in these matters.

6.3 INTEGRATION OF STRATEGIES

6.3.1 The Council is ensuring that this Statement of Policy integrates with crime prevention, anti-social behaviour, planning, transport, tourism and cultural strategies by:

- Liaising and consulting with the Sussex Police, with the Crime and Community Disorder Reduction Partnership and by following the guidance in community safety and crime disorder strategies
- Liaising and consulting with East Sussex Fire and Rescue Service and by following the guidance in fire safety strategies and protocols
- Liaising and consulting with the Local Strategic Partnership and Area Partnerships
- Liaising and consulting with the Planning Authority
- Liaising and consulting with the Highway Authority
- Liaising and consulting with the Local Health Authority
- Liaising and consulting with tourism, stakeholder and business groups such as the local Chamber of Commerce
- Liaising and consulting with East Sussex County Council's Trading Standards Department
- Having regard to any future guidance issued in relation to the Private Security Industry Act 2001 including any liaison or information sharing protocols
- Having regard to the Home Office "Safer Clubbing

6.3.2 Specific conditions may be attached to premises licences to reflect local crime prevention strategies (however see paragraph 6.5).

Such conditions may include:

- the use of closed circuit television cameras
- the provision and use of shatterproof drinking containers
- a drugs and weapons search policy
- the use of registered door supervisors under the Private Security Industry Act 2001
- specialised lighting requirements
- restrictions on hours of opening.

6.3.3 Certificates issued to club premises will reflect local crime prevention strategies and may include any or all of the requirements listed above. Account will also be taken of any designation orders and guidelines that regulate street drinking.

6.3.4 Club owners and promoters will be expected to have regard to safer clubbing guidance for Licensing Authorities, club managers and promoters. The Council will ensure that licensed premises are designed and run in a way that maximises the safety of customers and staff.

6.3.5 The Council will take account of the need to disperse people quickly and safely from town centres to avoid concentrations which may produce disorder and disturbance. The Council will also take into account any protocols agreed between the police and other licensing enforcement agencies.

6.3.6 The Council's planning and licensing regimes are separate, they involve consideration of different (albeit related) matters. The Licensing Committee will not consider representations that relate to planning rather than licensing issues and will not be bound by decisions that are made by the Planning Committee, and vice versa.

6.3.7 The grant of a premises licence shall not be regarded as an indication that planning permission or building regulations approval has been (or will in the future be) granted. A separate application for planning consent, change of use and/or building regulations approval must always be made. Ideally, planning consent should be obtained before a licensing application is submitted.

6.4 OTHER LEGISLATION

6.4.1 This policy shall avoid duplication with other regulatory regimes wherever possible. In this regard, reference shall be made to the following notes:

6.4.2 HEALTH AND SAFETY

The Council's Environmental Health inspection staff will normally have visited licensed premises to assess/enforce health and safety requirements.

Certain premises will fall outside the responsibility of the Environmental Health Department and will be subject to regulation/enforcement by the Health and Safety Executive (HSE).

Health and Safety regulations impose a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated regulations will not be addressed by the imposition of licensing conditions unless they are appropriate for the promotion of the licensing objectives.

6.4.3 SMOKING

The Health Act 2006 introduced the smoke free provisions that protect employees and the public from the harmful effects of second hand smoke. The Council will be responsible for enforcing these provisions law and will offer information advice and support to businesses so they can meet their legal obligations. Managers of licensed premises will have a legal responsibility to prevent smoking and to ensure that 'no smoking signs' are displayed as required by the law.

6.4.4 FIRE SAFETY

Operators of licensed premises have duties under various fire safety regulations and the same considerations as above will apply. With each application, the Council will require confirmation from the Fire Authority that there are no outstanding fire safety issues to be resolved.

6.4.5 FOOD HYGIENE

Premises selling alcohol and/or premises engaged in a food business will be registered with Lewes District Council and subject to risk-based food hygiene inspections at regular intervals.

6.4.6 NOISE

Statutory and Public nuisances are dealt with by the Environmental Health Department under the Environmental Protection Act 1990 and associated legislation. Noise from commercial premises may also be covered by this legislation.

6.4.7 WASTE

Complaints relating to the accumulation and storage of waste will be dealt with by the Council under the provisions of any appropriate legislation.

6.5 STANDARD CONDITIONS

If a responsible authority or any other person do not raise any representations about a licensing application made to the Council, it is the duty of the Council to grant the licence or Club Premises Certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself.

The Council may not therefore impose any conditions unless its discretion has been engaged following the making of relevant representations. It may then only impose such conditions that are appropriate to promote the licensing objectives arising out of consideration of the representations.

The Council will tailor its own conditions to the size, type, location and characteristics and activities taking place at the premises concerned.

6.6 REVIEW AND ENFORCEMENT

6.6.1 The licensing Authority is a responsible authority under the Licensing Act and can make representations and call a review. The Licensing Authority through the Licensing Officer will always pursue partnership working between agencies and other responsible authorities to resolve problems and concerns regarding premises under the licensing objectives

6.6.2 Enforcement of the licensing law, public safety and the inspection of licensed/club premises will be undertaken by the relevant authorities in accordance with local agreements between Sussex Police, East Sussex Fire & Rescue Service, Trading Standards and the Licensing Authorities in Sussex.

6.6.3 Attention is drawn to the targeting of agreed problems and high risk premises requiring greater attention as may be identified from time to time by the relevant enforcement agencies. Inspections of premises will be on a risk assessed basis, to be undertaken when and if necessary.

6.6.4 The provisions set out in the Act for calling a review or making representations represent a key protector for the community where there are concerns about an application or problems associated with premises under crime and disorder, public safety, public nuisance and the protection of children from harm.

6.6.5 Following the grant of a premises licence or club certificate a responsible authority or any other person regardless of where they live, may ask the Council to review the licence/club certificate because of matters arising at the premises in connection with any of the four licensing objectives.

6.6.6 In every case, the application for a review must relate to particular premises for which a premises licence or club certificate is in existence and must be relevant to the promotion of the licensing objectives.

6.6.7 The Council will endeavour to give licence/certificate holders early notification of their concerns about problems identified at particular premises in partnership with the other enforcement agencies. This does not affect the right of any other person to call a review under the provisions of the Act.

6.6.8 Where concerns are raised by residents or any other person about an application or grounds to seek a review the Licensing Authority would expect those affected parties to make a relevant representation or apply for a review in their own right.

6.6.9 The Licensing Authority may choose to exercise its powers as a responsible authority and to call a review or make representations in any situation that it deems appropriate on the merits of any individual case.

7 DETAILS OF RESPONSIBLE AUTHORITIES

As well as applying to the Council in the prescribed manner, copies of each licence application must be served on the following authorities by the applicant:

The Licensing Officer
Bexhill Police Station
Terminus Road
Bexhill-on-Sea
East Sussex TN39 3NR
T 0845 6070 999

The Chief Officer, East Sussex Fire and Rescue Service
Fire Safety Department
Lewes Fire Station
North Street
Lewes
East Sussex BN7 2PE
T 01323 462132/462154

Head of Children's Safeguards and Quality Assurance PO
Box 5 East Sussex County Council
County Hall
Lewes
East Sussex BN7 1SW
T 01273 481000

Head of Environmental Health
Planning and Environmental Services
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex BN7 1AB
T 01273 471600

Head of Trading Standards
St Mary's House
52 St Leonards Road
Eastbourne
East Sussex BN21 3UU
T 01323 418200

The Health & Safety Officer
Environmental Health
Southover House
Southover Road
Lewes
East Sussex BN7 1AB
T 01273 471600

Public Health Authority
Helen Foreman
Public Health Network and Business Manager
E1C County Hall
St Anne's Crescent
Lewes
East Sussex BN7 1UE.
T 0345 60 80 190

8 CONTACT DETAILS

Members of the public can obtain advice and help about this policy, the review procedures or other matters concerning whether or not activities fall to be licensed by contacting the Licensing Officer, Lewes District Council, Environmental Health, Southover House, Southover Road, Lewes, East Sussex BN7 1AB
Telephone 01273 484953 or Fax 01273 484451.

Further information can also be found on the Council's website www.lewes.gov.uk

Advice and guidance may also be sought from the Police and Fire and Rescue Service by contacting them direct.

Home Office Immigration Enforcement acting as a responsible authority

- 9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

- 9.31 Regulations governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.
- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.
- 9.33 Regulations made under the 2003 Act require that representations must be withdrawn

24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.

- 9.34 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - this Guidance;
 - its own statement of licensing policy.
- 9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule.

Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

- 9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.
- 9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

Determining actions that are appropriate for the promotion of the licensing objectives

- 9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

2. The licensing objectives

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the

early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible

authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

- 2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

10. Conditions attached to premises licences and club premises certificates

General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

- 10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

- 10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

- 10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Naming, packing and promotion in retail premises

- 10.11 The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives.
- 10.12 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code,

the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until there has been compliance with the decision.

Hours of trading

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

The performance of plays

- 10.16 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play⁷ which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

Censorship

- 10.17 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

Major festivals and carnivals

- 10.18 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations

⁷ See chapter 15 for when a performance of a play is licensable.

within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.

- 10.19 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.
- 10.20 Local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name.⁸ This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place.⁹ Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need the permission of the local authority to put on the event.

Fixed prices

- 10.21 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions including where they give rise to a significant risk to any one of the four licensing objectives; the mandatory conditions also prohibit the sale of alcohol below the permitted price, as defined in paragraph 10.56.
- 10.22 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

⁸ No licence is required for any entertainment provided by or on behalf of a local authority, see paragraphs 15.16-15.19

⁹ The register of public spaces: <https://www.gov.uk/government/publications/licensed-spaces-register>

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

- 10.23 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.
- 10.24 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:
- a prescribed capacity;
 - an appropriate ratio of tables and chairs to customers based on the capacity; and
 - a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

Mandatory conditions in relation to the supply of alcohol

- 10.25 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

Designated premises supervisor

- 10.26 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.
- 10.27 The main purpose of the ‘designated premises supervisor’ as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).
- 10.28 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

Authorisation by personal licence holders

- 10.29 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.
- 10.30 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.
- 10.31 “Authorisation” does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.
- 10.32 The following factors should be relevant in considering whether or not an authorisation has been given:
- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
 - the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
 - there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
 - there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.
- 10.33 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.
- 10.34 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.
- 10.35 It must be remembered that while the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

Arrangements for the mandatory licence conditions

- 10.36 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification, small measures and the prohibition on sales of alcohol below the permitted price) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in section 19 of the 2003 Act (the requirement for a DPS and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory aspirational licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.
- 10.37 Whereas the initial mandatory conditions in section 19 of the 2003 Act are set out in Annex A of the licence, the additional mandatory conditions made under section 19A of the 2003 Act are treated as if they were included in existing licences and certificates on the date that those conditions came into force.
- 10.38 Following their commencement, the mandatory conditions overrode any pre-existing conditions already included in a licence or certificate insofar as the mandatory conditions were identical to, or inconsistent with or more onerous than, any pre-existing conditions. It is not necessary to record on the face of existing licences and certificates the impact that the introduction of the mandatory conditions has had on pre-existing conditions.

Irresponsible promotions

- 10.39 Under this condition, the “responsible person” (defined in the 2003 Act as the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol) should be able to demonstrate that they have ensured that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which undermines the licensing objectives.

Drinking games

- 10.40 Drinking games which require or encourage individuals to drink a quantity of alcohol within a time limit, or drink as much alcohol as possible within a time limit or otherwise, are prohibited. For example, this may include organised ‘drink downing’ competitions. This would not prevent the responsible person from requiring all drinks to be consumed or abandoned at, or before, the closing time of the premises. Nor does it necessarily prohibit ‘happy hours’ as long as these are not designed to encourage individuals to drink excessively or rapidly.

Large quantities of alcohol for free or a fixed price

- 10.41 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This includes alcohol provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or “all you can drink for £10”. Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption.

Prizes and rewards

- 10.42 The sale, supply or provision of free or discounted alcohol or any other item as a prize to encourage or reward the purchase and consumption of alcohol can be within the definition of an irresponsible promotion, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This may include promotions under which free or discounted alcohol is offered as a part of the sale of alcohol, for example, “Buy one and get two free” and “Buy one cocktail and get a second cocktail for 25p”. This includes promotions which involve the provision of free or discounted alcohol within the same 24 hour period.

Posters and flyers

- 10.43 Irresponsible promotions can also include the sale or supply of alcohol in association with promotional materials on display in or around the premises, which can either be reasonably considered to condone, encourage or glamorise anti social behaviour or refer to the effects of drunkenness in any favourable manner.

Dispensing alcohol directly into the mouth

- 10.44 The responsible person (see paragraph 10.39) must ensure that no alcohol is dispensed directly into the mouth of a customer. For example, this may include drinking games such as the ‘dentist’s chair’ where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers’ mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

Free potable water

- 10.45 The responsible person (see paragraph 10.39) must ensure that free potable water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply. However, it may be reasonable to expect bottled water to be provided in such circumstances.

Age verification

- 10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.39) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.
- 10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies by the premises.
- 10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.
- 10.49 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.
- 10.50 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

Smaller measures

- 10.51 The responsible person (see paragraph 10.39) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:
- Beer or cider: ½ pint
 - Gin, rum, vodka or whisky: 25ml or 35ml
 - Still wine in a glass: 125ml

- 10.52 As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures by displaying them on printed materials available to customers on the premises. This can include making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent and conspicuous place in the relevant premises (for example, at the bar). Moreover, staff must make customers aware of the availability of small measures when customers do not request that they be sold alcohol in a particular measure.
- 10.53 This condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the requirement to make it available in 1/2 pints does not apply.
- 10.54 The premises licence holder or club premises certificate holder must ensure that staff are made aware of the application of this condition.

Ban on sales of alcohol below the permitted price

- 10.55 The relevant person (the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, the personal licence holder who makes or authorises a supply of alcohol under such a licence, or any member or officer of a club present on the premises in a capacity which enables the member or officer to prevent the supply in question) shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 10.56 The permitted price is defined as the aggregate of the duty chargeable in relation to the alcohol on the date of its sale or supply and the amount of that duty multiplied by a percentage which represents the rate of VAT chargeable in relation to the alcohol on the date of its sale or supply. Detailed guidance on how to make this calculation and a calculator to determine permitted prices for each product are available on the Home Office website.
- 10.57 Where there is a change to the rate of duty or VAT applying to alcohol (for instance, following a Budget), the relevant person should ensure that the permitted price reflects the new rates within fourteen days of the introduction of the new rate.
- 10.58 It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.

Exhibition of films

- 10.59 The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification (BBFC)) or by the licensing authority itself.
- 10.60 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the

definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film', it is therefore applicable to the exhibition of adverts.

Door supervision

- 10.61 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 ("the 2001 Act")), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority ("the SIA") under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.
- 10.62 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain employees benefit from an exemption when carrying out conduct in connection with a certified sports ground (section 4(6) to (12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA's Approved Contractor Scheme (section 15).
- 10.63 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.
- 10.64 Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:
- premises in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
 - casinos or bingo halls licensed under the Gambling Act 2005;
 - premises where a club certificate is in force when activities are being carried on under the authority of that certificate.
- See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.
- 10.65 It should be noted, however, that the 2001 Act will require contractors and a small number of employees (those managing/supervising and those supplied under contract) to be licensed as manned guards (rather than door supervisors) when undertaking licensable conduct on premises to which paragraph 8(3) of Schedule 2 to the 2001 Act applies.
- 10.66 It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be explicit, as should the mandatory condition for those individuals to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public), no mandatory condition

should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act.)