

Wednesday, 5 July 2017
at 6.00 pm
Town Hall, Eastbourne



Licensing Act Sub-Committee

Members of the public are welcome to attend and listen to the discussion of items in the "open" part of the meeting. Please see notes at end of agenda concerning public rights to speak and ask questions.



The Licensing Act Sub-Committee meets in Meeting Room 1 which is located on the ground floor. Entrance is via the main door or access ramp at the front of the Town Hall. Parking bays for blue badge holders are available in front of the Town Hall and in the car park at the rear of the Town Hall.

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MEMBERS: Councillor Holt (Chairman); Councillors Murray and Smart

Agenda

- 1 Apologies for absence.**
- 2 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests under the Code of Conduct.**

- 3 New Premises Licence - The Café, Princes Park.** (Pages 1 - 64)

Report of Specialist Advisor.

Inspection of Background Papers – Please see contact details listed in each report.

Councillor Right of Address - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

Public Right of Address – Requests by members of the public to speak on a matter which is listed in this agenda must be **received** in writing by no later than 12 Noon, 2

working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or e-mail. For further details on the rules about speaking at meetings please contact Local Democracy.

Disclosure of interests - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation). If a member has a DPI he/she may not make representations first.

Further Information

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

Local Democracy, 1 Grove Road, Eastbourne, BN21 4TW
Tel: (01323) 415021/5023 Minicom: (01323) 415111, Fax: (01323) 410322
E Mail: localdemocracy@eastbourne.gov.uk
Website at www.eastbourne.gov.uk

For general Council enquiries, please telephone (01323) 410000 or E-mail: enquiries@eastbourne.gov.uk

Body: Licensing Sub Committee
Date: 5th July 2017
Subject: Application For a New Premises Licence For:
"Cafe", Princes Park, Royal Parade, Eastbourne, BN22 7AE
Report Of: Murrae Hume, Specialist Advisor
Ward(s) Devonshire Ward
Purpose To determine an application for a New Premises Licence under the Licensing Act 2003.
Contact: Murrae Hume 01323 415224. Murrae.hume@eastbourne.gov.uk

1.0 Introduction & Background

- 1.1 An application has been received by Eastbourne Borough Council as Licensing Authority, for a new premises licence at The Café, Princes Park, Royal Parade, Eastbourne BN22 7AE.
- 1.2 The premises are a 100 seat Restaurant Café, situated in the centre of a Eastbourne Borough Council owned recreation park.
- 1.3 The premises which has recently undergone a major refurbishment was previously known as the Strollers Lakeside Restaurant and had the benefit of a Premises Licence. That licence is currently suspended having been suspended in 2013 for the non-payment of annual fees.
- 1.4 There are no adverse report in relation to the premises on Licensing Authority data bases.
- 1.5 The suspended Strollers Lakeside Restaurant Premises licence issued under the Licensing Act 2003 on 27th October 2005 authorised the following licensable activities.

Sale of Alcohol by Retail

Monday to Thursday 11:00 to 23:00

Friday & Saturday 11:00 to 23:30

Live Music & Making Music (Indoors Only)

Monday to Thursday 19:00 to 23:00

Friday & Saturday 19:00 to 23:30,

Recorded Music (Indoors Only)

Monday to Thursday 10:00 to 23:00

Friday & Saturday 10:00 to 00:00

Late Night Refreshment.

23:00 to 23:30 Seven days a week.

Open to the Public

Monday to Thursday 10:00 to 23:30

Friday & Saturday 10:00 to 00:00

Sunday 10:00 to 18:00

Non Standard Timings

New Year's Eve deregulated for all activities.

- 1.6 A copy of the Strollers Lakeside Restaurant Premises licence is attached at **Appendix 1.**

2.0 The Application

- 2.1 An application for the grant of a new premises licence under the Licensing Act 2003 has been sought by Jazzco Group Ltd for the following activities:

Sale of Alcohol by Retail

08.00-20.00 hours Monday to Thursday

08.00-22.00 hours Friday to Sunday

Open to the Public

08.00- 18.00 hours Seven days a week. 1st November to 30th April

08.00-22.00 hours Seven days a week. 1st May to 31st October.

08.00-03.00 hours New Year's Eve.

- 2.2 No Application is made for Live or Recorded Music or Late Night Refreshment.

3.0 Licensing Objectives

- 3.1 When submitting an application for a Premises Licence under the Licensing Act 2003, the applicant is required to describe any steps they intend to take to promote the four Licensing Objectives as defined by the Licensing Act 2003. The Operating Schedule detailing these steps can be seen in the application form. This is included at **Appendix 2.**

4.0 Consultation Process

- 4.1 The Licensing Act 2003 requires applicants to advertise both on the premises,

and in a local newspaper in order to inform the public of the application. The application details are also advertised on the council's website. A number of "Responsible Authorities" have also been consulted as part of the process, allowing a consultation period of 28 days for representations to be made.

4.2 In this instance, as a result of the consultation process, one representation has been received.

5.0 The Decision Making Process - The Licensing Objectives

5.1 In their decision making, the Licensing Sub Committee must act to promote the four Licensing Objectives. All carry equal weight as part of the process. The Licensing Objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

6.0 Eastbourne Borough Council's Statement of Licensing Policy & Section 182 Guidance Issued

6.1 Copies of the Council's Statement of Licensing Policy have previously been circulated to Members. A copy is also retained in the Members' Room.

6.2 Whilst each application will be considered on its merits, the Licensing Sub Committee will act to promote the four licensing objectives and have due regard to:

- Eastbourne Borough Council's Statement of Licensing Policy 2014 – 2019 available via:

<http://www.eastbourne.gov.uk/about-the-council/council-policies-plans-and-strategies/licensing-policy/licensing-policy-and-cumulative-impact-policy/>

- Section 182 Guidance issued by the Department of Culture, Media and Sport, available via:

<https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003>

6.3 Eastbourne Borough Council's Statement of Licensing Policy outlines the matters that the Authority will consider when determining matters under the Licensing Act 2003. An overview appears below.

6.4 The Prevention Of Crime and Disorder

The Council's Statement of Licensing Policy states that the Operating Schedule should include steps to ensure the deterrence and prevention of crime and disorder on and in the vicinity of premises. The restriction of types of licensable

activity, hours and imposition of conditions may be considered and applied as appropriate.

6.5 Public Safety

The Statement of Licensing Policy states that the Operating Schedule should include steps to ensure the physical safety of patrons. This might include the imposition of conditions regarding capacity and mechanisms to promote responsible drinking. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

6.6 Prevention of Public Nuisance

The Statement of Licensing Policy states that within the Operating Schedule, applicants will be required to demonstrate how they intend to prevent nuisance arising, disturbance occurring and mechanisms to protect amenities. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

6.7 Protection of children from harm

The Statement of Licensing Policy requires that operating plans must specify the measures and management controls in place to protect children from harm. Conditions can be placed to restrict access to children to the premises during certain times or when certain licensable activities are taking place. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

7.0 Representations

7.1 A copy of the representations is included at **Appendix 3**, however a summary appears below.

<p>Interested Parties</p> <p>There has been a representation from a member of the public.</p> <p>The representation centres on the prevention of public nuisance (noise), and Public Safety Licensing Objectives.</p> <p>The Interested party has been offered the opportunity to meet with the applicant to mediate the matter, but does not feel it is within the applicant's power to resolve the issues.</p>
<p>Representations from Responsible Authorities</p> <p>There have been no representations from responsible authorities:</p>

- 7.2 The Sub Committee will need to have regard to any history or likelihood of noise, nuisance, crime and disorder at the site, or in the vicinity of the site. In addition, matters impacting upon public safety and strategies to protect children from harm will also need to be considered.
- 7.3 The Sub Committee may also consider any other matters that may negatively impact upon the Licensing Objectives and exercise their powers to impose conditions, or take the appropriate action as they see fit, in order to promote the Licensing Objectives.
- 7.4 In determining what, if any, conditions should be attached to a licence, these should only be imposed where it is considered appropriate and proportionate on a case by case basis if the Sub Committees discretion has been exercised following receipt of relevant representations.
- 7.5 The applicant, any person or any Responsible Authorities may also suggest conditions to address concerns as a means to promote the Licensing Objectives.

8.0 Options open to the Sub Committee

- 8.1 The Sub Committee must have regard to the following:
- Eastbourne's Statement of Licensing Policy 2014-2019;
 - Statutory guidance, under Section 182 of the Licensing Act 2003;
 - Representations from any Responsible Authority;
 - Representations from "any person";
 - The application and supporting material.
- 8.2 The Licensing Sub Committee must take the steps it considers appropriate for the promotion of the Licensing Objectives and may:
- Grant the application in full as requested;
 - Grant the application but modify it:
 - By altering hours or activities;
 - By imposing conditions as appropriate, or
 - Omit parts as considered appropriate and proportionate for the promotion of the Licensing Objectives.
 - Reject the whole or part of the application.

9.0 Legal Considerations

- 9.1 The Legal Section has considered the contents of this Report (IKEN-6466-MW).

10.0 Human Rights

- 10.1 The provisions of the Human Rights Act 1998, must be borne in mind by the Committee when taking licensing decisions under the Licensing Act 2003. Particular regard should be had to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property, and Article 8 - which relates to the right to respect for private and

family life, home and correspondence - should also be borne in mind. While the Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is done:

- Has a basis in law;
- Is intended to pursue a legitimate purpose
- Is necessary and proportionate; and
- Is not discriminatory.

11.0 Right of Appeal

Section 181 and Schedule 5 of the Licensing Act.

The applicant may appeal against any decision;

To reject an Application,

To Impose conditions on the licence or exclude any licensable activity or refusal to specify person as premises supervisor.

Likewise where a person who made a relevant representation in relation to the application desires to contend;

That the licence ought not to have been granted, or

That on granting the licence, the license authority ought not to have imposed different or additional conditions.

They may appeal the decision.

Any appeal must be made within 21 days of receipt of the written decision notice.

Background Material

- Section 182 Statutory Guidance to the Licensing Act 2003
- Eastbourne Borough Council Licensing Statement 2014-2019
- Human Rights Act 1998

APPENDICES

1: Strollers Lakeside Restaurant Premises licence

2: Application for a new to a premises licence under the Licensing Act 2003.

3: Representation from an Interested Party: Mr Mike Ward

4: The Licensing Act 2003 (Hearings) Regulations 2005.

**Part A
Premises Licence**

Premises Licence number

003923

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description:

Strollers Lakeside Restaurant
Royal Parade
Eastbourne
East Sussex BN22 7LQ
Telephone number: 01323 410822

Where the licence is time limited, the dates:

Start Date 27th October 2005
End Date Ongoing unless otherwise indicated

Licensable activities authorised by the licence:

Open to the public
Live Music
Recorded music
Provision of facilities for making music
Provision of facilities for Dancing
Provision of Late Night Refreshment
Sale by retail of alcohol

The public opening hours of the premises:

Monday 10:00hrs - 23:30hrs
Tuesday 10:00hrs - 23:30hrs
Wednesday 10:00hrs - 23:30hrs
Thursday 10:00hrs - 23:30hrs
Friday 10:00hrs - 00:00hrs
Saturday 10:00hrs - 00:00hrs
Sunday 10:00hrs - 18:00hrs

Non standard timings

New Years Eve - New Years Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours , 2300 hours, on 31 December to the start of permitted hours at 1000 hours 1st January.

The times the licence authorises the carrying out of licensable activities:

Live Music: Indoors

Monday 19:00hrs - 23:00hrs
Tuesday 19:00hrs - 23:00hrs
Wednesday 19:00hrs - 23:00hrs
Thursday 19:00hrs - 23:00hrs
Friday 19:00hrs - 23:30hrs
Saturday 19:00hrs - 23:30hrs

Non standard timings

New Years Eve - New Years Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours , 2300 hours, on 31 December to the start of permitted hours at 1000 hours 1st January.

Recorded Music: Indoors

Monday 10:00hrs - 23:30hrs
Tuesday 10:00hrs - 23:30hrs
Wednesday 10:00hrs - 23:30hrs
Thursday 10:00hrs - 23:30hrs
Friday 10:00hrs - 00:00hrs
Saturday 10:00hrs - 00:00hrs

Non standard timings

New Years Eve - New Years Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours , 2300 hours, on 31 December to the start of permitted hours at 1000 hours 1st January.

Making Music: Indoors

Monday 19:00hrs - 23:00hrs
Tuesday 19:00hrs - 23:00hrs
Wednesday 19:00hrs - 23:00hrs
Thursday 19:00hrs - 23:00hrs
Friday 19:00hrs - 23:30hrs
Saturday 19:00hrs - 23:30hrs

Non standard timings

New Years Eve - New Years Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours , 2300 hours, on 31 December to the start of permitted hours at 1000 hours 1st January.

Provision of late night refreshment: Indoors

Monday 23:00hrs - 23:30hrs
Tuesday 23:00hrs - 23:30hrs
Wednesday 23:00hrs - 23:30hrs
Thursday 23:00hrs - 23:30hrs
Friday 23:00hrs - 23:30hrs
Saturday 23:00hrs - 23:30hrs

Non Standard Timing

New Years Eve - New Years Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours , 2300 hours, on 31 December to the start of permitted hours at 0500 hours 1st January.

Sale by Retail of Alcohol: On the premises

Monday 11:00hrs - 23:00hrs
Tuesday 11:00hrs - 23:00hrs
Wednesday 11:00hrs - 23:00hrs
Thursday 11:00hrs - 23:00hrs
Friday 11:00hrs - 23:30hrs
Saturday 11:00hrs - 23:30hrs

Non standard timings

New Years Eve - New Years Day in accordance with the Regulatory Reform (Special Occasions) Order 2002. From the end of permitted hours , 2300 hours, on 31 December to the start of permitted hours at 1100 hours 1st January.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol is permitted on the premises at the given times.

Signed: _____
Licensing Manager

Date: _____

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Convex Leisure Limited
Winter Garden
Compton Street
Eastbourne
BN21 4BP

Email: chris@convexleisure.co.uk

Registered number of holder, for example company number, charity number (where applicable):

4654181

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Christopher Brian George Peedell
10 St Mary's Way
Guildford
Surrey
GU2 8JY
Tel:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number	GUPA 0594
Issuing Authority	Guildford City Council

Annex 1 – Mandatory conditions

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

Supply of alcohol (Premises Licence)

	This registration authorises the supply of alcohol subject to the following conditions:
1.	No supply of alcohol may be made at a time when (a) there is no designated premises supervisor in respect of the premises licence, or (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2.	Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door Supervision (where supervisors are engaged this condition applies)

3.	All door supervisors will be Security Industry Authority registered.
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Annex 2 – Conditions consistent with the Operating Schedule

All Licensing Objectives

None

Crime and Disorder

- Ensure cash and stock are secure
- Staff training
- I.D checks for young persons
- SIA Door Supervisors hired if required for functions
- Experienced member of management team on duty
- Alarm to police station
- Shutters on all doors and windows

Public Safety

- Monitor and limit number of persons
- Experienced member of management on duty at all times
- Free phone for taxi's available
- Fire prevention - regular checks on equipment
- Health & Safety risk assessments carried out
- Hirers must comply with our written terms and condition

Public Nuisance

- The bar will close no later than 12 midnight
- SIA registered Door Supervisors will be used for functions requiring security (i.e 18th Birthday parties)
- Monitor noise levels and maintain an acceptable level.

Protection of Children from Harm

- Bar is partitioned from the restaurant
- Soft drinks sold to children from cafeteria
- Children must be supervised by adults at all times

Annex 2A – Embedded Restrictions

On Licences

1. Permitted Hours

Removed

2. Premises with no children's certificate –

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meal and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168,171 and 201 Licensing Act 1964

3. Late Night Refreshment

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above, and on New Years Eve until 5am on New Years Day.

4. Recorded Music

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Source Section 182 Licensing Act 1964

Annex 3 – Conditions attached after a hearing by the licensing authority:

All Licensing Objectives

- No glasses or bottle are to be taken outside the premises
- All forms of music played at the premises shall be played through a noise limiter device, set at a level agreed by the Licensee and the Environmental Health Manager, Eastbourne Borough Council
- That all windows and doors are kept shut after 22:00hrs, save for access and egress whenever live or recorded music is being played
- A Security Industry Authority registered Door Supervisor shall be employed on duty at the premises from 20:00hrs until closing time on Friday and Saturday and whenever functions are held

Crime and Disorder

As above

Public Safety

As above

Public Nuisance

As above

Protection of Children from Harm

As above

Annex 4 – Plans

At the time of submission the attached plans are an accurate reflection of the design and layout of the premises.

Annex 5 – Mandatory Licensing Conditions

The Licensing Act 2003 (Mandatory Licensing Conditions Order 2010)

Conditions 1, 2 and 3 came into force on 6th April 2010

Conditions 4 and 5 come into force on 1st October 2010

1.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - a. games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - i. drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - ii. drink as much alcohol as possible (whether within a time limit or otherwise);
 - b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act)
 - c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less
 - d. provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on

- i. the outcome of a race, competition or other event or process, or
 - ii. the likelihood of anything occurring or not occurring
 - e. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
 5. The responsible person shall ensure that:
 - a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - i. beer or cider: ½ pint;
 - ii. gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - iii. still wine in a glass: 125 ml; and
 - b. customers are made aware of the availability of these measures.

**Part B
Premises Licence Summary**

Premises Licence number:

003923

Premises details

Postal address of premises or, if none, ordnance survey map reference or description:

Strollers Lakeside Restaurant

Royal Parade

Eastbourne

BN22 7LQ

Telephone number: (01323) 410822

Where the licence is time limited, the dates:

Start Date 27th October 2005

End Date Ongoing unless otherwise indicated

Licensable activities authorised by the licence:

Open to the public

Live Music

Recorded Music

Provision of entertainment facilities for making music

Provision of entertainment facilities for Dancing

Provision of Late Night Refreshment

Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities:

LIVE MUSIC: Indoors						
MON	TUE	WED	THU	FRI	SAT	SUN
19:00-23:00	19:00-23:00	19:00-23:00	19:00-23:00	19:00-23:30	19:00-23:30	N/A
RECORDED MUSIC: Indoors						
MON	TUE	WED	THU	FRI	SAT	SUN
10:00-23:30	10:00-23:30	10:00-23:30	10:00-23:30	10:00-00:00	10:00-00:00	N/A
PROVISION OF FACILITIES FOR MAKING MUSIC: Indoors						
MON	TUE	WED	THU	FRI	SAT	SUN
19:00-23:00	19:00-23:00	19:00-23:00	19:00-23:00	19:00-23:30	19:00-23:30	N/A
PROVISION OF FACILITIES FOR DANCING: Indoors						
MON	TUE	WED	THU	FRI	SAT	SUN
19:00-23:00	19:00-23:00	19:00-23:00	19:00-23:00	19:00-23:30	19:00-23:30	N/A
LATE NIGHT REFRESHMENT: Indoors						
MON	TUE	WED	THU	FRI	SAT	SUN
23:00-23:30	23:00-23:30	23:00-23:30	23:00-23:30	23:00-23:30	23:00-23:30	N/A
SUPPLY OF ALCOHOL: on the premises						
MON	TUE	WED	THU	FRI	SAT	SUN
11:00-23:00	11:00-23:00	11:00-23:00	11:00-23:00	11:00-23:30	11:00-23:30	N/A
PUBLIC OPENING HOURS						
MON	TUE	WED	THU	FRI	SAT	SUN
10:00-23:30	10:00-23:30	10:00-23:30	10:00-23:30	10:00-00:00	10:00-00:00	10:00-18:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol is permitted on the premises at the given times.

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Convex Leisure Limited
 Winter Garden
 Compton Street
 Eastbourne
 BN21 4BP

Email: chris@convexleisure.co.uk

**Registered number of holder, for example company number, charity number
(where applicable):**

4654181

**Name of designated premises supervisor where the premises licence authorises the
supply of alcohol:**

Mr Christopher Brian George Peedell

State whether access to the premises by children is restricted or prohibited:

Yes

Signed: _____
Licensing Manager

Date: _____

Customer First
 Eastbourne Borough Council
 1 Grove Road
 Eastbourne
 BN21 4TW
 E-mail: customerfirst@eastbourne.gov.uk
 Forms & guidance can be downloaded from www.eastbourne.gov.uk/licensing



**Application for a premises licence to be granted
 under the Licensing Act 2003
 PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

I/We JAZZCO GROUP LTD
 (Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
CAFE PRINCES PARK ROYAL PARADE EASTBOURNE, EAST SUSSEX			
Post town	EASTBOURNE	Post code	BN22 7AE

Telephone number at premises (if any)	07970 500968
Non-domestic rateable value of premises	£ 0

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as:

Please tick yes

- | | | |
|----------------------------------------|----------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="radio"/> | please complete section (A) |
| b) a person other than an individual * | <input type="radio"/> | please complete section (B) |
| i. as a limited company ✓ | <input checked="" type="radio"/> | |

- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

- Please tick yes
- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
 - I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="radio"/>	Mrs <input type="radio"/>	Miss <input type="radio"/>	Ms <input type="radio"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="radio"/> Please tick yes	
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

Part 3 Operating Schedule

When do you want the premises licence to start?

1ST MAY 2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

Please give a general description of the premises (please read guidance note 1)

~~1ST MAY~~

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="radio"/>	Mrs <input type="radio"/>	Miss <input type="radio"/>	Ms <input type="radio"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="radio"/> Please tick yes	
Current postal address if different from premises address					
Post Town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	JAZZCO GROUP LTD
Address	47a PRINCEFOX ROAD EASTBOURNE EAST SUSSEX BN21 2NB
Registered number (where applicable)	10661411
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	07970 500968
E-mail address (optional)	jazzcohd@gmail.com

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="radio"/>
			Outdoors	<input type="radio"/>
			Both	<input type="radio"/>
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for performing plays (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="radio"/>
			Outdoors	<input type="radio"/>
			Both	<input type="radio"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)	
Thur				
Fri				
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="radio"/>
				Outdoors	<input checked="" type="radio"/>
Day	Start	Finish		Both	<input checked="" type="radio"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="radio"/>
			Outdoors	<input type="radio"/>
			Both	<input type="radio"/>
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="radio"/>
			Outdoors	<input type="radio"/>
			Both	<input type="radio"/>
Mon			Please give further details here (please read guidance note 3)	
Tue				
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="radio"/>
Day	Start	Finish		Outdoors	<input type="radio"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="radio"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input type="radio"/>
Mon				Outdoors	<input type="radio"/>
			Both	<input type="radio"/>	
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>		
			<u>Will the facilities for making music be indoors or outdoors or both - please tick</u> (please read guidance note 2)		Indoors <input type="radio"/>
Day	Start	Finish	<u>Both</u> <input type="radio"/>		
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)		Indoors	<input type="radio"/>
					Outdoors	<input type="radio"/>
					Both	<input type="radio"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)			
			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sun						

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>	
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="radio"/>
Mon				Outdoors <input type="radio"/>
			Both <input type="radio"/>	
Tue			<u>Please give further details here</u> (please read guidance note 3)	
Wed				
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="radio"/>
Day	Start	Finish		Outdoors	<input type="radio"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="radio"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	8.00	8.00	State any seasonal variations for the supply of alcohol (please read guidance note 4) N/A		
Tue	8.00	8.00			
Wed	8.00	8.00			
Thur	8.00	8.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) N/A		
Fri	8.00	10.00			
Sat	8.00	10.00			
Sun	8.00	10.00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name		SALIM RAJWANI	
Address		[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Postcode			
Personal Licence number (if known)		003578	
Issuing licensing authority (if known)		EASTBOURNE BOROUGH COUNCIL	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

0

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	8.00	6.50	<p>Spring / Summer VARIATION</p> <ul style="list-style-type: none"> - OPEN UNTIL 10PM FRIDAY, SATURDAY + SUNDAY - OPEN UNTIL 8PM MONDAY, TUESDAY, WEDNESDAY, THURSDAY <p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>NEW YEARS EVE</p>
Tue	8.00	6.50	
Wed	8.00	6.50	
Thur	8.00	6.50	
Fri	8.00	6.00	
Sat	8.00	6.00	
Sun	8.00		

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

EFFECTIVE MANAGEMENT CONTROLS AND TRAINING OF ALL STAFF SO THEY ARE AWARE OF THE PREMISES LICENCE AND THE REQUIREMENTS TO MEET THE FOUR LICENSING OBJECTIVES INCLUDING 1) NO SELLING OF ALCOHOL TO UNWELL PEOPLE, 2) NO DRUNK BEHAVIOUR ON SITE, 3) VIGILANCE OF DRUGS, 4) NO VIOLENT BEHAVIOUR

b) The prevention of crime and disorder 5) NO HARM TO CHILDREN

- CCTV SYSTEM INSTALLED INTERNALLY AND EXTERNALLY.
- NOT SELLING ALCOHOL TO DRUNK CUSTOMERS
- STAFF TRAINING

c) Public safety

- INTERNAL + EXTERNAL LIGHTING
- STAFF TRAINING
- LOG BOOK OF ANY INSPECTIONS
- ALL PARTS OF THE PREMISES + FITTINGS TO BE MAINTAINED

d) The prevention of public nuisance

- NOISE REDUCTION MEASURES IF NECESSARY
- CLEAR NOTICES DISPLAYED AT EXIT REQUESTING PUBLIC TO BE RESPECTFUL OF NEARBY RESIDENTS
- WASTE TO BE CARRIED OUT WITH A VIEW TO PREVENT NOISANCE TO RESIDENTS

e) The protection of children from harm

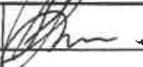
- "CHALLENGE 25" SIGN
- WELL TRAINED STAFF

- Please tick yes**
- I have made or enclosed payment of the fee
 - I have enclosed the plan of the premises
 - I have sent copies of this application and the plan to responsible authorities and others where applicable
 - I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
 - I understand that I must now advertise my application
 - I understand that if I do not comply with the above requirements my application will be rejected

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

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	11 / 5 / 17
Capacity	

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	/
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

Murrae Hume

From: Murrae Hume
Sent: 07 June 2017 09:46
To: Murrae Hume
Subject: Case ref: 2017/06/00243 - For the attention of the Licensing Committee. Objection to Licensing Application

COPY OF WEBSITE ENQUIRY FORM

Date received: 6 June 2017
Report it case ref: 2017/06/00243

What can we help you with:

Other

Subject of your enquiry:

For the attention of the Licensing Committee. Objection to Licensing Application

Tell us more about your question or issue:

Princes Park Café - License application reference: 050114

I strongly object to the granting of an Alcohol License in respect of the café in Princes Park for the following reasons:

- 1) The café is not new premises, it is a refurbishment of a facility that has been on the site for many years.
- 2) Traditionally the café clientele has been mainly mothers and young children during the week and families at weekends. Turning the café into a licensed restaurant or bar will substantially alter the character of this local amenity. Effectively it amounts to a change of use.
- 3) At no point in the consultation or the council's own published development plans was there any mention of the café extending its opening hours to offer service into the evening or to sell alcohol.
- 4) Princes Park is surrounded on three sides by exclusively residential streets (the 4th side being the seafront). Premises selling alcohol from 08.00 to 22.00 will increase the footfall and accompanying disturbances in the area.
- 5) The park is recognised as an area that is a haven for wildlife, particularly on the water alongside the café. As the evenings draw in there is nothing to prevent café customers wandering off onto the unlit paths that surround the lake and gardens and disturbing the wildlife.
- 6) Parking is a serious problem. As Councillor Wallis is very aware, the streets around the area, Channel View Road, Desmond Road etc. are already unable to meet the demand for parking by residents, let alone the drivers and families using the

park. Home owners must often park streets away from their houses as park visitors refuse to use the nearby car parks.

Name: Mike Ward

Email: [REDACTED]

Phone: [REDACTED]

Mobile: [REDACTED]

Address (if provided): [REDACTED]

Eastbourne

[REDACTED]

Housing Benefit Reference (if provided):

park. Home owners must often park streets away from their houses as park visitors refuse to use the nearby car parks.

Name: Mike Ward

Email: [REDACTED]

Phone: [REDACTED]

Mobile: 0 [REDACTED]

Address (if provided): [REDACTED]

Eastbourne

[REDACTED]

Housing Benefit Reference (if provided):

Murrae Hume

From: Mike Ward <[REDACTED]>
Sent: 16 June 2017 12:44
To: Murrae Hume
Subject: Princes Park Cafe

Dear Murrae Hume

Licensing Application 050114

Thank you for your second letter dated 14th June which arrived this morning.

While I would be willing to meet the applicant, I do not believe it is in the applicant's power to resolve at least two of my grounds for objection to the application for the Princes Park Café.

To remind you, I objected amongst other things to:

a) Public Safety – The fact that the café is beside a large lake. As part of the renovations additional ramps and paths have been installed leading to the water's edge. In daylight these are safe but they are unlit. In the fading light there is a danger to both humans and wildlife if customers wander around this area after an evening at the café having taken alcohol.

b) Nuisance - Parking is already a serious problem during the day for residents of the adjacent streets. People using the park refuse to use the nearby car parks. But at least the cars are removed by 6pm. If the café is to be a success it is more than likely that parking by outsiders will continue into the evening, thus preventing council tax paying residents from parking their own vehicles near their homes, or even in the same street.

I might also point out that I am not aware of what the applicant's intention are regarding children. Until now the café has been mainly popular with mother and young children and families. There was even a soft play area in the building prior to the closure of the café for renovation. If this service is to continue, what arrangements are to be made to accommodate these clients which have been the mainstay of the Princes Park Café in its various forms for many years?

I confirm again that I am agreeable to my details to be passed to interested parties.

Incidentally, I am happy for you to communicate with me via email to this address. This would speed things up and save the council money.

Yours sincerely
Mike Ward

STATUTORY INSTRUMENTS

2005 No. 44

LICENCES AND LICENSING

The Licensing Act 2003 (Hearings) Regulations 2005

<i>Made</i> - - - -	<i>12th January 2005</i>
<i>Laid before Parliament</i>	<i>13th January 2005</i>
<i>Coming into force</i> - -	<i>7th February 2005</i>

The Secretary of State, in exercise of the powers conferred upon her by sections 9(2) and 183(1) of the Licensing Act 2003(a) hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Licensing Act 2003 (Hearings) Regulations 2005 and shall come into force on 7th February 2005.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Licensing Act 2003;

“authority” means, in relation to a hearing, the relevant licensing authority which has the duty under the Act to hold the hearing which expression includes the licensing committee or licensing sub-committee discharging the function of holding the hearing;

“determination” is to be interpreted in accordance with Schedule 4;

“hearing” means the hearing referred to in column 1 of the table in Schedule 1 as the case may require;

“legible in all material respects” means that the information contained in the notice is available to the recipient to no lesser extent than it would be if given by means of a document in written form;

“notice of hearing” means the notice given under regulation 6(1);

“party to the hearing” means a person to whom the notice of hearing is to be given in accordance with regulation 6(1) and “party” and “parties” shall be construed accordingly.

(2) In these Regulations, a reference to the application, representations or notice made by a party means the application, representations or notice referred to in relation to that party in column 2 of the table in Schedule 2.

(3) In these Regulations, a reference to a section, or a paragraph of a Schedule is a reference to the section of, or the paragraph of the Schedule to, the Act.

(a)2003 c.17

Scope

3. These Regulations make provision for the procedure to be followed in relation to hearings held under the Act by an authority.

Period of time within which hearing to be held

4. The authority shall arrange for the date on which and time and place at which a hearing is to be held in accordance with regulation 5 and shall give a notice of hearing in accordance with regulations 6 and 7.

5. Hearings to be held under the provisions listed in column 1 of the table in Schedule 1 must be commenced within the period of time specified in column 2 of the table and in a case where the hearing is to be held on more than one day, the hearing must be arranged to take place on consecutive working days.

Notice of hearing

6.—(1) In the case of hearings under the provisions listed in column 1 of the table in Schedule 2, the authority shall give to the persons listed in column 2 of the table a notice stating the date on which and time and place at which the hearing is to be held (the “notice of hearing”) in accordance with the following provisions of this regulation.

(2) In the case of a hearing under—

- (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
- (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the authority shall give the notice of hearing no later than two working days before the day or the first day on which the hearing is to be held.

(3) In the case of a hearing under—

- (a) section 167(5)(a) (review of premises licence following closure order),
- (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
- (c) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
- (d) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices’ licence for grant of personal licence),

the authority shall give the notice of hearing no later than five working days before the day or the first day on which the hearing is to be held.

Information to accompany notice of hearing

7.—(1) The notice of hearing shall be accompanied by information regarding the following—

- (a) the rights of a party provided for in regulations 15 and 16;
- (b) the consequences if a party does not attend or is not represented at the hearing;
- (c) the procedure to be followed at the hearing;
- (d) any particular points on which the authority considers that it will want clarification at the hearing from a party.

(2) In relation to hearings under the provisions listed in column 1 of the table in Schedule 3, the notice of hearing given to the persons listed in column 2 of the table shall also be accompanied by the documents listed in column 3 of the table.

Action following receipt of notice of hearing

8.—(1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating—

- (a) whether he intends to attend or be represented at the hearing;
- (b) whether he considers a hearing to be unnecessary.

(2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

(3) In the case of a hearing under—

- (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
- (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

(4) In the case of a hearing under—

- (a) section 167(5)(a) (review of premises licence following closure order),
- (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
- (c) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
- (d) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

(5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

Right to dispense with hearing if all parties agree

9.—(1) An authority may dispense with holding a hearing if all persons required by the Act to agree that such a hearing is unnecessary, other than the authority itself, have done so by giving notice to the authority that they consider a hearing to be unnecessary.

(2) Where all the persons required by the Act to agree that a hearing is unnecessary have done so in accordance with paragraph (1), the authority, if it agrees that a hearing is unnecessary, must forthwith give notice to the parties that the hearing has been dispensed with.

Withdrawal of representations

10. A party who wishes to withdraw any representations they have made may do so—

- (a) by giving notice to the authority no later than 24 hours before the day or the first day on which the hearing is to be held; or
- (b) orally at the hearing.

Power to extend time etc.

11.—(1) Subject to regulation 13, an authority may extend a time limit provided for in these Regulations for a specified period where it considers this to be necessary in the public interest.

(2) Where the authority has extended a time limit it must forthwith give a notice to the parties stating the period of the extension and the reasons for it.

12.—(1) Subject to regulation 13, an authority may—

- (a) adjourn a hearing to a specified date, or
- (b) arrange for a hearing to be held on specified additional dates,

where it considers this to be necessary for its consideration of any representations or notice made by a party.

(2) Where an authority has adjourned a hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

(3) Where an authority has arranged for a hearing to be held on a specified additional date it must forthwith notify the parties of the additional date on which and time and place at which the hearing is to be held.

13. An authority may not exercise its powers under regulations 11 and 12 in such a way that the effect will be that—

- (a) an application will be treated as granted or rejected under paragraph 4(4), 7(3), 16(4), 19(3) or 26(4) of Schedule 8 (transitional provision etc.); or
- (b) it would fail to reach a determination on the review under section 167 (review of premises licence following closure order) within the period specified in subsection (3) of that section.

Hearing to be public

14.—(1) Subject to paragraph (2), the hearing shall take place in public.

(2) The licensing authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

(3) For the purposes of paragraph (2), a party and any person assisting or representing a party may be treated as a member of the public.

Right of attendance, assistance and representation

15. Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

Representations and supporting information

16. At the hearing a party shall be entitled to—

- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),
- (b) if given permission by the authority, question any other party; and
- (c) address the authority.

17. Members of the authority may ask any question of any party or other person appearing at the hearing.

18. In considering any representations or notice made by a party the authority may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

19. The authority shall disregard any information given by a party or any person to whom permission to appear at the hearing is given by the authority which is not relevant to—

- (a) their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party requesting their appearance, and
- (b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the crime prevention objective.

Failure of parties to attend the hearing

20.—(1) If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

(2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may—

- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- (b) hold the hearing in the party's absence.

(3) Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.

(4) Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Procedure at hearing

21. Subject to the provisions of these Regulations, the authority shall determine the procedure to be followed at the hearing.

22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.

23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.

24. The authority must allow the parties an equal maximum period of time in which to exercise their rights provided for in regulation 16.

25. The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may—

- (a) refuse to permit that person to return, or
- (b) permit him to return only on such conditions as the authority may specify,

but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

Determination of applications

26.—(1) In the case of a hearing under—

- (a) section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37),
- (b) section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85),
- (c) section 105(2)(a) (counter notice following police objection to temporary event notice),

- (d) section 167(5)(a) (review of premises licence following closure order),
- (e) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
- (f) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
- (g) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence),

the authority must make its determination at the conclusion of the hearing.

(2) In any other case the authority must make its determination within the period of five working days beginning with the day or the last day on which the hearing was held.

27. Where a hearing has been dispensed with in accordance with regulation 9, the authority must make its determination within the period of ten working days beginning with the day the authority gives notice to the parties under regulation 9(2).

Notification of determination

28.—(1) In a case where the Act does not make provision for the period within which the authority must notify a party of its determination, the authority must do so forthwith on making its determination.

(2) In a case where—

- (a) the Act provides for a chief officer of police to be notified of the determination of an authority, and
- (b) that chief officer of police has not been a party to the hearing,

the authority shall notify that chief officer of police of its determination, forthwith on making its determination.

29. Where the authority notifies a party of its determination, the notice given (or, in the case of a hearing under section 31(3)(a) (determination of application for provisional statement), the statement issued) to the party must be accompanied by information regarding the right of a party to appeal against the determination of the authority.

Record of proceedings

30. The authority shall provide for a record to be taken of the hearing in a permanent and intelligible form and kept for six years from the date of the determination or, where an appeal is brought against the determination of the authority, the disposal of the appeal.

Irregularities

31. Any irregularity resulting from any failure to comply with any provision of these Regulations before the authority has made a determination shall not of itself render the proceedings void.

32. In any case of such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination.

33. Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.

Notices

34.—(1) Any notices required to be given by these Regulations must be given in writing.

(2) Notwithstanding the requirement in paragraph (1) and subject to paragraph (3), that requirement shall be satisfied in a case where –

- (a) the text of the notice—
 - (i) is transmitted by electronic means;
 - (ii) is capable of being accessed by the recipient;
 - (iii) is legible in all material respects; and
 - (iv) is capable of being reproduced in written form and used for subsequent reference;
- (b) the person to whom the notice is to be given has agreed in advance that such a notice may be given to them by electronic means; and
- (c) forthwith on sending the text of the notice by electronic means, the notice is given to the recipient in writing.

(3) Where the text of the notice is transmitted by electronic means, the giving of the notice shall be effected at the time the requirements of paragraph (2)(a) are satisfied.

Date 12th January 2005

Richard Caborn
Minister of State
Department for Culture, Media and Sport

SCHEDULE 1

regulation 5

	Column 1	Column 2
	Provision under which hearing is held.	Period of time within which hearing must be commenced.
1.	Section 18(3)(a) (determination of application for premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 35(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2).
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c).
9.	Section 85(3) (determination of application to vary club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4).
10.	Section 88(2) (determination of application for review of club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).
12.	Section 120(7)(a) (determination of application for grant of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5).
13.	Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3).
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3).

15.	Section 167(5)(a) (review of premises licence following closure order).	10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8.

SCHEDULE 2

regulation 6

	Column 1	Column 2
	Provision under which hearing is held.	Persons to whom notice of hearing is to be given.
1.	Section 18(3)(a) (determination of application for premises licence).	(1) The person who has made the application under section 17(1); (2) persons who have made relevant representations as defined in section 18(6).
2.	Section 31(3)(a) (determination of application for provisional statement).	(1) The person who has made the application under section 29(2); (2) persons who have made relevant representations as defined in section 31(5).
3.	Section 35(3)(a) (determination of application to vary premises licence).	(1) The holder of the premises licence who has made the application under section 34(1); (2) persons who have made relevant representations as defined in section 35(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	(1) The holder of the premises licence who has made the application under section 37(1); (2) each chief officer of police who has given notice under section 37(5); (3) the proposed individual as referred to in section 37(1).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	(1) The person who has made the application under section 42(1); (2) each chief officer of police who has given notice under section 42(6); (3) the holder of the premises licence in respect of which the application has been made or, if the application is one to which section 43(1) applies, the holder of that licence immediately before the application was made.
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	(1) The person who has given notice under section 47(2); (2) each chief officer of police who has given notice under section 48(2).

7.	Section 52(2) (determination of application for review of premises licence).	(1) The holder of the premises licence in respect of which the application has been made; (2) persons who have made relevant representations as defined in section 52(7); (3) the person who has made the application under section 51(1).
8.	Section 72(3)(a) (determination of application for club premises certificate).	(1) The club which has made the application under section 71(1); (2) persons who have made relevant representations as defined in section 72(7).
9.	Section 85(3)(a) (determination of application to vary club premises certificate).	(1) The club which has made the application under section 84(1); (2) persons who have made relevant representations as defined in section 85(5).
10.	Section 88(2) (determination of application for review of club premises certificate).	(1) The club which holds the club premises certificate in respect of which the application has been made; (2) persons who have made relevant representations as defined in section 88(7); (3) the person who has made the application under section 87(1).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	(1) The premises user; (2) each chief officer of police who has given notice under section 104(2).
12.	Section 120(7)(a) (determination of application for grant of personal licence).	(1) The person who has made the application under section 117(1); (2) the chief officer of police who has given notice under section 120(5).
13.	Section 121(6)(a) (determination of application for renewal of personal licence).	(1) The person who has made the application under section 117(1); (2) the chief officer of police who has given notice under section 121(3).
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	(1) The holder of the licence in respect of which the notice has been given; (2) the chief officer of police who has given notice under section 124(3).
15.	Section 167(5)(a) (review of premises licence following closure order).	(1) The holder of the premises licence in respect of which the review has been made; (2) persons who have made relevant representations as defined in section 167(9).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	(1) The person who has made the application under paragraph 2(2) of Schedule 8; (2) each chief officer of police who has given notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	(1) The club which has made the application under paragraph 14(2) of Schedule 8; (2) each chief officer of police who has given notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	(1) The person who has made the application under section 117 to which paragraph 23(1) of Schedule 8 applies; (2) the chief officer of police who has given notice under paragraph 25(2) of Schedule 8.

SCHEDULE 3

regulation 7

	Column 1	Column 2	Column 3
	Provision under which hearing is held	Person to whom notice of hearing is given	Documents to accompany notice of hearing
1.	Section 18(3)(a) (determination of application for premises licence).	The person who has made the application under section 17(1).	The relevant representations as defined in section 18(6) which have been made.
2.	Section 31(3)(a) (determination of application for provisional statement).	The person who has made the application under section 29(2).	The relevant representations as defined in section 31(5) which have been made.
3.	Section 35(3)(a) (determination of application to vary premises licence).	The holder of the premises licence who has made the application under section 34(1).	The relevant representations as defined in section 35(5) which have been made.
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	(1) The holder of the premises licence who has made the application under section 37(1); (2) the proposed individual as referred to in section 37(1).	The notices which have been given under section 37(6).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	(1) The person who has made the application under section 42(1); (2) the holder of the premises licence in respect of which the application has been made or, if the application is one to which section 43(1) applies, the holder of that licence immediately before the application was made.	The notices which have been given under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	The person who has given notice under section 47(2).	The notices which have been given under section 48(2).
7.	Section 52(2) (determination of application for review of premises licence).	The holder of the premises licence in respect of which the application has been made.	The relevant representations as defined in section 52(7) which have been made.
8.	Section 72(3)(a) (determination of application for club premises certificate).	The club which has made the application under section 71(1).	The relevant representations as defined in section 72(7) which have been made.
9.	Section 85(3)(a) (determination of application to vary club premises certificate).	The club which has made the application under section 84(1).	The relevant representations as defined in section 85(5) which have been made.
10.	Section 88(2) (determination of application for review of club premises certificate).	The club which holds the club premises certificate in respect of which the application has been made.	The relevant representations as defined in section 88(7) which have been made.
11.	Section 120(7)(a) (determination of application for grant of personal licence).	The person who has made the application under section 117(1).	The notice which has been given under section 120(5)

12.	Section 121(6)(a) (determination of application for renewal of personal licence).	The person who has made the application under section 117(1).	The notice which has been given under section 121(3).
13.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	The holder of the licence in respect of which the notice has been given.	The notice which has been given under section 124(3).
14.	Section 167(5)(a) (review of premises licence following closure order).	The holder of the premises licence in respect of which the review has been made.	The relevant representations as defined in section 167(9) which have been made.

SCHEDULE 4

regulation 2

Meaning of “determination”

The determination of the authority is the outcome of its consideration, as applicable, of—

1. the relevant representations as defined in section 18(6), in accordance with section 18,
2. the relevant representations as defined in section 31(5), in accordance with section 31,
3. the relevant representations as defined in section 35(5), in accordance with section 35,
4. a notice given under section 37(5), in accordance with section 39,
5. a notice given under section 42(6), in accordance with section 44,
6. a notice given under section 48(2), in accordance with section 48,
7. an application made in accordance with section 51 and any relevant representations as defined in section 52(7), in accordance with section 52,
8. the relevant representations as defined in section 72(7), in accordance with section 72,
9. the relevant representations as defined in section 85(5), in accordance with section 85,
10. an application made in accordance with section 87 and any relevant representations as defined in section 88(7), in accordance with section 88,
11. a notice given under section 104(2), in accordance with section 105,
12. a notice given under section 120(5), in accordance with section 120,
13. a notice given under section 121(3), in accordance with section 121,
14. a notice given under section 124(3), in accordance with section 124,
15. the matters referred to in section 167(5)(a), in accordance with section 167,
16. the notice given under paragraph 3(2) or (3) of Schedule 8, in accordance with its paragraph 4,
17. the notice given under paragraph 15(2) or (3) of Schedule 8, in accordance with its paragraph 16, or
18. the notice given under paragraph 25(2) of Schedule 8, in accordance with its paragraph 26.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the holding of hearings required to be held by licensing authorities under the Licensing Act 2003(c.17) (“the Act”).

In particular, the Regulations provide for the timing of hearings and the notification requirements to parties to a hearing of the date, time and place of a hearing and information to accompany that notification (regulations 4, to 7 and Schedules 1, 2 and 3). In addition, provision is made for a party to a hearing to provide information to the licensing authority about attendance at a hearing, representations, the seeking of permission for another person to attend to assist the authority and whether the party believes a hearing to be necessary (regulation 8).

The Regulations provide for a range of procedural issues to govern the way in which preparations are made for a hearing, for the procedures to be followed, the rights of parties at a hearing, and various administrative matters, for example, the keeping of a record of the hearing and the manner of giving notices (regulations 9 to 33). The Regulations also make provision for the timing of the licensing authority’s determination following a hearing (Schedule 4).

Insofar as these Regulations do not make provision for procedures for and at hearings, section 9 of the Act provides that the authority can determine its own procedure.

A Regulatory Impact Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament and copies may be obtained from the Alcohol and Entertainment Licensing Branch of the Department for Culture, Media and Sport, 3rd Floor, 2-4 Cockspur Street, London SW1Y 5DH or viewed on the Department’s website, www.culture.gov.uk.

STATUTORY INSTRUMENTS

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