

**Consultees on Draft Licensing Policy**

- The Chief Officer of Police
- The Fire Authority
- The Ambulance Service
- East Sussex Child Protection Committee
- Sussex Downs and Weald Primary Care Trust
- East Sussex Drug and Alcohol Action Team (DAAT)
- Crime and Disorder Reduction Partnership (CDRP)
- Planning and Environmental Services, Lewes
- Representatives of Premise Licence Holders
- Representatives of Personal Licence Holders
- Representatives of Club Premise Certificates
- Representatives of Local Businesses/Chamber of Commerce
- Local Residents Associations
- Representatives of Youth Groups
- Representatives of Ethnic Minorities
- Town and Parish Councils
- Tourism and Community Services on district
- Taxi, Train and Bus Passenger Transport
- Brewery, Pub and Trade Industry
- Equity
- Sussex Society of Licensed Victuallers
- Association of Convenience Stores
- Association of Licensed Multiple Retailers
- British Beer and Pub Association
- Solicitors, Licensed Property Agents and Licensing Consultants
- Public Notice in Press
- M.P. Norman Baker



**Lewes District Council**  
[www.lewes.gov.uk](http://www.lewes.gov.uk)

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direct dial 01273 484593

my ref Garry Clark

your ref

date 16<sup>th</sup> July 2007

Dear Consultee

The Licensing Act 2003 requires that Local Authorities publicise a Statement of Licensing Policy every three years. A review of Lewes District Council Licensing Policy is now due, with the new version to come into effect on 7<sup>th</sup> January 2008.

While we have not received any local challenges to our existing Licensing Policy or any adverse comments from the Licensing Trade, Legal Profession and other stake holders, new draft guidance has been issued. Taking this into consideration along with our experience over the previous two years, we have proposed some changes to the existing Licensing Policy. The significant issues are detailed over the page.

As an interested party, we would like to invite you to view the revised Licensing Policy which can be found on our website [www.lewes.gov.uk](http://www.lewes.gov.uk) . Please submit any comments you may have, in writing, to The Licensing Team at the above address or email [ehealth@lewes.gov.uk](mailto:ehealth@lewes.gov.uk) by **21<sup>st</sup> September 2007**.

Thank you for your time and I look forward to hearing from you.

Yours faithfully,

Mr Ian Kedge  
Head of Environment and Health



INVESTOR IN PEOPLE



EMAS

Director  
Lindsay Frost BA (Hons) Dip TP MRTPI



## Lewes District Council – Draft Licensing Policy – Significant proposed changes

Page No:	Ref:	Current statement	Proposed change
4	5.2 Principle 2	The Council supports the use of longer opening hours as a means of reducing the number of people leaving licensed premises at the same time	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
4	5.2.3 Principle 2	-	An additional paragraph will be: 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.
4	5.2.5 Principle 2	In each case that arises following objections /representations the Council will: <ul style="list-style-type: none"> <li>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</li> </ul>	In each case that arises following objections /representations the Council will: <ul style="list-style-type: none"> <li>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</li> </ul>
5	6.2.2 Shops, Stores and Supermarkets	The Council will generally permit the sale of alcohol during retail opening hours	The Council will generally permit the sale of alcohol when the retail outlet is open for shopping
5	6.2.3 Shops, Stores and Supermarkets	In certain circumstances however it may be necessary to impose a limitation, for example, following police representations, disturbance or anti social behaviour	In certain circumstances however it may be necessary 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	6.4.3 Smoking	-	<b>New paragraph will be:</b> The new smoke free law has been introduced to protect employees and the public from harmful effects of second hand smoke. The Council will be responsible for enforcing the 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	6.6.1 Enforcement	Protocols relating to the enforcement of licensing law, public safety and the inspection of licensed premises have been agreed between Sussex Police, East Sussex Fire and Rescue and the Licensing Authorities in Sussex. Copies of these protocols can be obtained from the Council's Licensing Officer	Enforcement of the licensing law, public safety and the inspection of licensed premises will be undertaken by the relevant authorities in accordance with local agreements between Sussex Police, East Sussex Fire and Rescue, Trading Standards and the Licensing Authorities in Sussex.
7	7 Review Procedures	Transitional arrangements – paragraphs have been removed as period for these has expired	New paragraphs relating to review procedures

There are a number of smaller, and non-consequential amendments (eg. corrections to job titles etc.) that have also been included which are indicated in italics in the document, on the website.



## PUBLIC NOTICE LICENSING ACT 2003

The Licensing Act 2003 requires that Lewes District Council publicise a Statement of Licensing Policy every three years. The first Licensing Policy was approved and came into effect on 7<sup>th</sup> January 2005.

In accordance with the Statutory Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, the Council has to consult upon and prepare a Statement of Licensing Policy for a further 3 year period which will be in force with effect from 7<sup>th</sup> January 2008.

We have not received any local challenges to our existing Policy Statement or any adverse comment from the licensing trade, legal profession, other stake holders and the general public. However, having regard to the Statutory Guidance and our experience over the previous two years the Council have considered the need to change, amend and vary the existing Licensing Policy.

The revised Licensing Policy can be viewed in full on our Council Web Site [www.lewes.gov.uk](http://www.lewes.gov.uk). Comments on the Policy must be submitted in writing either by letter to the Licensing Team, Lewes District Council, Southover House, Southover Road, Lewes, East Sussex BN7 1AB, or by e.mail to [ehealth@lewes.gov.uk](mailto:ehealth@lewes.gov.uk) by 21<sup>st</sup> September 2007.

# APPENDIX 5

## DRAFT STATEMENT OF LICENSING POLICY

### SCHEDULE OF RESPONSES TO FORMAL CONSULTATION EXERCISE

<b>REPRESENTATIONS RECEIVED</b>	<b>COMMENTS</b>	<b>OFFICERS RECOMMENDATIONS</b>
Mr & Mrs Klein Lewes	Comments on conditions concerning litter from takeaway premises	Noted (Response letter from Licensing Officer)
Telscombe Town Council	No objections to policy changes	Noted
Punch Taverns	No objections to policy changes	Noted
British Bars & Pubs Association	No objections to policy changes, but comments on contents after policy is approved	Noted



F. T. & B. Klein  
Castlecourt  
Castle Precincts  
Lewes / East Sussex  
BN7 1YT

21 July 2007

Lewes District Council  
Planning & Environmental Services  
Mr. Garry Clark  
Southover House  
Southover Road  
Lewes  
BN7 1BW

26 JUL 2007

GC. 3  
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**Revised Statement of Licensing Policy**

Dear Mr. Clark

I have seen on the internet that the revised Statement of Licensing Policy is available for public consultation. Unfortunately, the notice on the internet does not state the date by which consultation closes, so I do hope that I still am in time.

Over the recent past, I have been in correspondence with Lewes District Council when the licences of the Charcoal Grill in the upper High Street and the Kebab on School Hill were varied to take into account longer opening hours. In my representations I requested that the issue of littering resulting from take-away businesses be taken into account and that the businesses that are a source of such littering should contribute to its removal. Both licences after some discussions were granted under the condition that certain parts of the public area surrounding their location be cleaned up after closing every day.

I firmly think that the revision of the Council's Statement of Licensing Policy provides an ideal point-in-time to include such a requirement in the wording of the policy. It should be avoided that the general public has to meet the entire cost of clearing up the mess that profitable businesses base their success on. The **cost of removing litter** resulting from establishments that offer take-away services should, at least in part, be **borne by these businesses**. This correct allocation of cost will also encourage the businesses to contribute to reducing the problem of littering.

This could be done by **including explicitly the issue of littering in principle 1** of the revised policy and clearly stating **in Section 5.1 that licensed businesses that offer a take-away facility have to contribute to the removal of litter** resulting from the take-away facility.

Again, I do think that neither the general public should be exposed to visible nuisance of litter resulting from take-away businesses nor the tax-payer should bear the entire cost of removing the litter. The Lewes District Council Statement of Licensing Policy should therefore include points regarding this issue.

Many thanks in advance for considering this point when working out the wording of the new policy.

Yours sincerely



F. T. Klein



B. Klein

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Planning & Environmental  
Services**

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Mr & Mrs Klein  
Castlecourt  
Castle Precincts  
Lewes  
East Sussex  
BN7 1YT

direct dial 01273 484953 Garry Clark

my ref

your ref

date 31<sup>st</sup> July 2007

Dear Mr & Mrs Klein

**Revised Statement of Licensing Policy**

Thank you for your letter concerning the revision of Lewes District Council's Statement of Licensing Policy.

The closing date for public consultation is the 21<sup>st</sup> September so you are well within the time limit.

Your comments will be noted and will be taken into consideration along with any others that we receive at the end of the consultation period.

However, I consider that litter problems from take-aways are covered in our policy at paragraph 5.1.5 'The use of relevant and appropriate licence conditions'.

The cumulative effects of litter in the vicinity of premises carrying on licensable activities can cause public nuisance and it may be appropriate and necessary for a condition of the licence to require premises serving customers from take-away premises from 11pm to provide litter bins in the vicinity or a condition for litter to be cleared from outside the premises.

Two premises licence holders in Lewes, Efes and the Charcoal Grill, already have conditions covering litter attached to their licences.

As with all conditions, the Licensing Authority will have to consider whether such a requirement is necessary having regards to the licensable activities carried on, type, and characteristics of the premises concerned. Each case would have to be considered on its individual merits and it would be difficult to justify targeting all licensed business's that offer a take-away facility with an explicit policy provision.

The Licensing team will collate all the relevant observations and comments from the public and other stake holders and the revised Policy will be published in due course ready for the implementation date of 7<sup>th</sup> January 2008.

Yours sincerely

**Garry Clark**  
Licensing Officer

Director  
Lindsay Frost BA (Hons) Dip TP MRTPI

# TELSCOMBE TOWN COUNCIL



TOWN CLERK:  
Mrs. KATHLEEN M. VERRALL

TELEPHONE: (01273) 589777  
FAX: (01273) 585888

TELSCOMBE CIVIC CENTRE  
360 SOUTH COAST ROAD  
TELSCOMBE CLIFFS,  
EAST SUSSEX,  
BN10 7ES

15<sup>th</sup> August 2007

Your Ref:

Mr. I. Kedge,  
Head of Environmental Health,  
Lewes District Council,  
Southover House,  
Southover Road,  
Lewes, East Sussex,  
BN7 1AB.

LEWES DISTRICT COUNCIL  
ENVIRONMENT & HEALTH  
DEPT

17 AUG 2007

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   JH

Dear Mr. Kedge,

## Statement of Licensing Policy

Further to your letter of 16<sup>th</sup> July 2007 I am writing to confirm that we note the proposed changes to the District Council's licensing policy. There are no further comments.

Yours sincerely,

*Kathleen Verrall*

Town Clerk.



# Punch

TAVERNS

Jubilee House | Second Avenue | Burton upon Trent | Staffordshire | DE14 2WF  
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Direct Dial: 01283 523632

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Ian Kedge – Head of Environmental Health  
Lewes District Council  
Southover House  
Southover Road  
Lewes  
East Sussex  
BN7 1AB

30<sup>th</sup> July 2007

Dear Mr Kedge

**Re: Licensing Act 2003 – Statement of Licensing Policy Review**

Thank you for your recent correspondence advising that your Statement of Licensing Policy is in the process of being reviewed in accordance with the Licensing Act 2003.

As you will appreciate we hold a number of Premises Licences in your area and the review is therefore significant to us and we are grateful for the opportunity to provide our comments. However, on this occasion we have considered the proposed amendments and confirm we have no comments to make.

Yours Sincerely



PP David Daniel  
Head Of Compliance  
Punch Taverns

31 JUL 2007  
1 - IPK 3  
2 - GC 4



Punch Taverns is a trading name of Punch Taverns (PTL) Limited Reg No. 3512363; Punch Taverns (PMU) Limited Reg No. 3321199; Punch Taverns (Avebury) Limited Reg No. 3417873; Punch Taverns (Barton) Limited Reg No. 5432394; Punch Taverns (Branston) Limited Reg No. 5596581; Punch Taverns (PGRP) Limited Reg No. 3988664 and Punch Taverns (Pubs) Limited Reg No. 5699544.

Each of the companies noted above is registered in England and has its Registered Office at Jubilee House, Second Avenue, Burton upon Trent, Staffordshire DE14 2WF





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From: **Dr Martin Rawlings MBE, Director Pub & Leisure**  
Direct Line: 020 7627 9141  
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4<sup>th</sup> September, 2007

The Licensing Team  
Lewes District Council  
Southover House  
Southover Road  
Lewes  
East Sussex  
BN7 1AB

[ehealth@lewes.gov.uk](mailto:ehealth@lewes.gov.uk)

Dear Sirs,

**RE: LICENSING ACT 2003 - REVIEW OF LICENSING POLICY**

The British Beer & Pub Association (BBPA) represents brewing companies and their pub interests, and pub owning companies, accounting for 98% of beer production and around two thirds of the 60,000 pubs in the UK. Some of our members own and run pubs in the Lewes area. The Association promotes the responsible sale of alcohol and management of licensed premises. It has a range of good practice information and guidance for member companies, which includes security in design, drugs, drinks promotions, noise control and health and safety.

The BBPA believes that the implementation of the Licensing Act 2003 has been successful to date and is encouraged by reports of decreased levels of disorder associated with licensed premises. We welcome this opportunity to provide comments as part of this licensing policy review. This response is also supported by BII, the professional body for the licensed retail sector.

The BBPA welcomes the Council's positive approach to the licensing of the sale of alcohol and the provision of public entertainment and in particular its recognition of the cultural and social contribution that the trade has to make, and also its importance as a local employer. The draft policy has also recognised one of the key principles of the Licensing Act 2003, namely that each application must be treated on its own merits.

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The Association has no specific comments on the changes you propose to make to your policy, but we are concerned that the Council may receive representations for change to which we will be unable to respond until *after* the policy is approved by the Council. We would take this opportunity, therefore, to highlight the following, which we would not support being included in the final policy document as they are beyond the provisions of the Licensing Act.

- applications to be completed in a specific manner, other than that prescribed in regulations
- blanket or standard conditions on licences eg. CCTV, hours, use of polycarbonate/plastic glasses, capacity limits, membership and attendance at Pubwatch meetings, minimum pricing requirements etc.
- the Designated Premises Supervisor to be on the premises at all times, or to have a specific level of experience, training or qualification in addition to the personal licence qualification etc.
- written authorisation for the sale of alcohol
- more than one personal licence holder on the premises
- measures that duplicate existing legislation, e.g. health and safety (e.g. smoking, fire etc.) or disability provisions.

We trust that you will find these comments helpful and look forward to any response you may have. We would also appreciate being listed as a consultee in any further licensing related consultations.

Yours sincerely,



Dr Martin Rawlings