Lewes District Council

To all Members of the Licensing Sub Committee

A meeting of the **Licensing Sub Committee** will be held in the **Warren Room, Lewes House, High Street, Lewes Lewes House, High Street, Lewes** on **Tuesday, 09 May 2017** at **10:00** which you are requested to attend.

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

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

26/04/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

1 Election of Chair of the Licensing Sub-Committee for this meeting

2 Apologies for Absence/Declaration of Substitute Members

3 Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

Application for a Premises Licence. Lewes Community Screen - Depot, Pinwell Road, Lewes, BN7 2JS (page 3)

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

Distribution: Councillors B Bovington, J Harrison-Hicks and S Gauntlett (Reserve: Councillor T Rowell)

Agenda Item No: 4 **Report No: 71/17**

Report Title: Application for a Premises Licence. Lewes Community Screen – Depot, Pinwell Road, Lewes BN7 2JS

Report To: Licensing Sub Committee **Date: 9 May 2017**

Ward(s) Affected: Lewes Bridge

Report By: Ian Fitzpatrick, Director of Service Delivery

Contact Officer(s)-

Name(s): Susan Lindsey
Post Title(s): Licensing Officer, Environmental Health
E-mail(s): sue.lindsey@lewes.gov.uk

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1 Purpose of Report

1.1 To consider representations made against the Premises Licence application submitted under the Licensing Act 2003

2 The Application

2.2 **Applicant:** Lewes Community Screen, 11 Keere Street, Lewes BN7 1TY

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

4 **Premises:** Lewes Community Screen (Depot), Pinwell Road, Lewes BN7 2JS

5 Licensable activities:

5.1 Sale of alcohol for consumption on and off the premises Monday through to Sunday from 10am to 12 midnight
Non standard timings: On up to 15 occasions per calendar year until 2am the following morning

5.2 Exhibition of Films indoors and outdoors Monday through to Sunday 9am to 12 midnight

5.3 Live music indoors and outdoors Monday through to Sunday 11pm to 12 midnight
Non standard timings: On up to 15 occasions per calendar year until 2am the following morning

5.4 Recorded music indoors and outdoors Monday through to Sunday 11pm to 12 midnight

Non standard timings: On up to 15 occasions per calendar year until 2am the following morning

5.5 Late night refreshment indoors and outdoors Monday through to Sunday 11pm to 12 midnight
Non standard timings: On up to 15 occasions per calendar year until 2am the following morning

6. Steps to promote the Licensing Objectives

6.1 The applicant has offered the following to promote the four licensing objectives.

6.2 General

6.2.1 The premises will predominantly be used for the exhibition of films to the general public, with additional facilities of a restaurant and bar/cafe.

6.3 The prevention of crime and disorder

6.3.1 Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
CCTV footage will be stored for a minimum of 28 days
The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

6.3.2 A written incident book will be kept at the premises for inspection by the Police or Local Authority. The book will include the date, time, the names of any members of staff, the names and details of witnesses and a brief description of the incident and any action taken.

6.3.2 The premises supervisor or a competent member of staff shall manage the site to ensure no rowdy, noisy or offensive behaviour.

6.4 Public safety

6.4.1 Regular risk assessments are undertaken and records kept at the premises.

6.5 The prevention of public nuisance

6.5.1 Any events involving live or recorded music outside after 11pm will be notified in advance to neighbouring premises.

6.5.2 A sign will be erected at the exit to remind our guests to respect our neighbours and to leave in a quiet manner.

6.6 The protection of children from harm

6.6.1 A Challenge 25 Policy will be adopted and only photographic ID such as passport, driving licence, citizen cards and proof of age standards scheme (PASS) cards will be accepted.

6.6.2 A refusals register will be kept at the premises for inspection by the Police or Local Authority. All entries will include the date, the type of drink refused the time, the name or description of the customer, the reason for refusal and the name of the staff member who refused the sale

6.6.3 Staff members will record full details of any incidents in a log book. Details required will include names of persons involved, a brief description, time, date, the actions taken and the outcome of the situation. The logbook will be available on the premises always and will be available to licensing officers and/or police when required.

6.7 If granted, the above (6.3.1 to 6.6.3) will be included on the premises licence as conditions, along with the mandatory conditions, and any conditions the Sub Comittee may impose following relevant representations.

7. Background Information

7.1 Prior to its purchase by Lewes Community Screen in 2013 the site in Pinwell Road was owned by Harvey's Brewery and is known to have also been a Post Office Sorting Office

7.2 Lewes Community Screen is a charity trust which was established by a group of Lewes residents in late 2012.

7.3 After the purchase of this site in 2013, Lewes Community Screen submitted a planning application in April 2014 to the South Downs National Park Authority for: The conversion, adaptation and extension of the former Harveys Depot building to house a 3 screen digital cinema, film education/training facilities, multi-use room for training/community use, ancillary cafe bar and restaurant, ancillary back and front of house accommodation (including visitor toilets, staff welfare accommodation, office, server room, kitchen and store) with hard and soft landscaping of the former tarmac service yard.

7.4 The Planning application was approved in March 2015 with construction works starting in July that year. Elevation plans submitted can be seen at ***Appendix 2***

7.6 Other nearby licensed premises include:

7.7 The Lansdown Arms: (on and off licence) alcohol sales cease Sunday to Thursday at 11pm, and Friday and Saturday at 12.30am (the following morning). Live and recorded music cease at 11.30pm on Fridays and Saturdays. Late night refreshment cease Monday to Saturday at 11.30pm.

7.8 Symposium Wine Emporium: (on and off licence) alcohol sales cease Monday to Saturday at 11pm and Sunday at 10pm.

7.9 All Saints Centre: (on and off licence) alcohol sales cease Monday to Sunday at 12 midnight, plays cease at 12 midnight, live and recorded music ceases at 12 midnight and recorded music is 24 hours.

7.10 A plan showing the proximity of other licensed premises to the Depot, Pinwell Road is attached at ***Appendix 3***

8. The application has been advertised in line with The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, Part 4.

9. Representation received from Responsible Authorities:

Police:	Response received – no objections
Environmental Health:	No comment
Fire Officer:	Response received – no objections
ESCC – Child Protection:	No comment.
Trading Standards:	No comment.
Health & Safety:	No comment.
Planning:	No comment.
Public Health.	No comment.

9.1 Copies of Police and ESFRS Responses can be seen in ***Appendix 4 & Appendix 5***

10. Representation received from others

10.1 There have been 37 letters and emails of objection received making representation regarding this application from members of the public. These have been submitted on the grounds that this application will undermine the licensing objectives of public nuisance, crime and disorder, public safety, and the protection of children from harm. ***Appendix 6***

10.2 There has been 1 letter in support of this application ***Appendix 7***

11. Mediation

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

12. Licensing Committee Considerations

12.1 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give approrpiate weight to:

- The steps that are appropriate to promote the licensing objectives
- The representations presented by all the parties
- The Home Office Guidance issued under Section 182 of the Licensing Act 2003
- The Lewes District Council Statement of Licensing Policy
- Any other relevant legislation

13. Licensing Policy Considerations:

13.1 Lewes District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing Act 2003. It covers the licensable activities for retail sale of alcohol and regulated entertainment which are the subject of this application ***Appendix 8***

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

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

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

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

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

14 National Guidance:

14.1 Relevant sections relating to the Home Office Guidance issued under section 182 of the Licensing Act are attached.

14.2 These sections cover:

- Hearings ***Appendix 9***
- The Licensing Objectives ***Appendix 10***
- Conditions ***Appendix 11***

15. Other Relevant Legislation

15.1 The Licensing Sub Committee should be mindful of requirements and responsibilities placed on them by other legislation. These include, but are no limited to, having due regard to the Equality Act 2010 and the Human Rights Act 1998.

16. Entertainment De-reguation

Various de-regulation legislation has been introduced over the past 4 years affecting the Licensing Act 2003.

No licence is now required for live or recorded music where it takes place on premises which are authorised by a premises licence and the following requirements are fulfilled:

Premises are open for the purposes of being used the for sale of alcohol for consumption on the premises.
The playing of live or recorded music takes place after 8am and before 11pm
The playing of live and recorded music is to an audience of no more than 500 people.

17. Temporary Event Notices

These are intended as a light touch process for the carrying on of licensable activities and do not have to be authorised by the licensing authority on application.

Only the Police and Environmental Health can object.

The number of times a TEN may be given for any particular premises is 15 in a calendar year.
The duration of an event authorised by a TEN is 168 hours (seven days)
The maximum number of people attending at any one time is 499

18. Options

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

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

19. Rights of Appeal

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

20. Recommendation

20.1 Members are requested to determine the application made by Lewes Community Screen for a new premises licence. Members are requested to give reasons for their determination.

21. Financial Appraisal

There are no financial implications arising from the recommendations in this report.

22. Legal Implications

This Report has been checked by the Council's Legal Section (IKEN: 6195-mw)

16. Appendices

1 Application for a Premises Licence and associated plan
2 Plans showing elevation
3 Plans showing proximity of other licensed premises
4 Police response to consultation
5 ESFRS response to consultation
6 Letters and Emails of objection
7 Letter of support
8 Lewes District Council Statement of Licensing Policy
9 Home Office Guidance on Hearings
10 Home Office Guidance on the Licensing Objectives
11 Home Office Guidance on Conditions

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APPENDIX 1

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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 Lewes Community Screen

(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 **Pinwell Road**			
Post town	Lewes	Postcode	**BN7 2JS**

Telephone number at premises (if any)	
Non-domestic rateable value of premises	**£ Not assessed .. Band 'A'**

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

a)	an individual or individuals *	☐	please complete section (A)
b)	a person other than an individual *		
	i. as a limited company	☐	please complete section (B)
	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 in Wales	☐	please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	☐	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 ☐ Mrs ☐ Miss ☐ Ms ☐		Other Title (for example, Rev)	
Surname		**First names**	
I am 18 years old or over		☐ Please tick yes	
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr ☐	Mrs ☐	Miss ☐	Ms ☐	Other Title (for example, Rev)	
Surname			**First names**		
I am 18 years old or over			☐ 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 Lewes Community Screen
Address 11 Keere Street Lewes BN7 1TY
Registered number (where applicable) 1150757
Description of applicant (for example, partnership, company, unincorporated association etc.) Charity
Telephone number (if any)
E-mail address (optional) admin@lewesdepot.org

Part 3 Operating Schedule

When do you want the premises licence to start? DD MM YYYY

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

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

3 x screen Community Cinema with restaurant, café and bar and educational facilities with outdoor garden area. Offices on the first floor

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

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 any that apply
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 late night refreshment (if ticking yes, fill in box I) ☒

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

In all cases complete boxes K, L and M

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)		
				Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
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	☐
				Outdoors	☐
Day	Start	Finish		Both	☒
Mon	09.00	00.00	**Please give further details here** (please read guidance note 3)		
Tue	09.00	00.00			
Wed	09.00	00.00	**State any seasonal variations for the exhibition of films** (please read guidance note 4)		
Thur	09.00	00.00			
Fri	09.00	00.00	**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)		
Sat	09.00	00.00			
Sun	09.00	00.00			

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	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
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)		
				Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☒
Mon	23.00	00.00	**Please give further details here** (please read guidance note 3)		
Tue	23.00	00.00			
Wed	23.00	00.00	**State any seasonal variations for the performance of live music** (please read guidance note 4)		
Thur	23.00	00.00			
Fri	23.00	00.00	**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) On up to 15 occasions per calendar year until 2am the following morning		
Sat	23.00	00.00			
Sun	23.00	00.00			

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)		
				Indoors	☐
				Outdoors	☐
Day	Start	Finish		Both	☒
Mon	23.00	00.00	**Please give further details here** (please read guidance note 3)		
Tue	23.00	00.00			
Wed	23.00	00.00	**State any seasonal variations for the playing of recorded music** (please read guidance note 4)		
Thur	23.00	00.00			
Fri	23.00	00.00	**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) On up to 15 occasions per calendar year until 2am the following morning		
Sat	23.00	00.00			
Sun	23.00	00.00			

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	☐
				Outdoors	☐
Day	Start	Finish		Both	☐
Mon			**Please give further details here** (please read guidance note 3)		
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	☐
Mon				Outdoors	☐
				Both	☐
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

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	☐
				Outdoors	☐
Day	Start	Finish		Both	☒
Mon	23.00	00.00	**Please give further details here** (please read guidance note 3)		
Tue	23.00	00.00			
Wed	23.00	00.00	**State any seasonal variations for the provision of late night refreshment** (please read guidance note 4)		
Thur	23.00	00.00			
Fri	23.00	00.00	**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	23.00	00.00	On up to 15 occasions per calendar year until 2am the following morning		
Sun	23.00	00.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			**Will the supply of alcohol be for consumption – please tick** (please read guidance note 7)		
				On the premises	☐
				Off the premises	☐
Day	Start	Finish		Both	☒
Mon	10.00	00.00	**State any seasonal variations for the supply of alcohol** (please read guidance note 4)		
Tue	10.00	00.00			
Wed	10.00	00.00			
Thur	10.00	00.00	**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)		
Fri	10.00	00.00	On up to 15 occasions per calendar year until 2am the following morning		
Sat	10.00	00.00			
Sun	10.00	00.00			

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

Name Carmen Slijpen	
Address 171a High Street Lewes	
Postcode	BN7 1YE
Personal licence number (if known) LN/2016/00093	
Issuing licensing authority (if known) Lewes	

K

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). 18 Certified Films

L

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	06.00	00.30	
Tue	06.00	00.30	
Wed	06.00	00.30	
Thur	06.00	00.30	**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) On up to 15 occasions per calendar year until 2.30am the following morning
Fri	06.00	00.30	
Sat	06.00	00.30	
Sun	06.00	00.30	

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

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

The premises will predominantly be used for the exhibition of films to the general public, with the additional facilities of a restaurant and bar/café.

b) The prevention of crime and disorder

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

- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- CCTV footage will be stored for a minimum of 28 days
- The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
- Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

A written incident book will be kept at the premises for inspection by the Police or Local Authority. The book will include the date, time, the names of any members of staff, the names and details of witnesses and a brief description of the incident and any action taken.

c) Public safety

Regular risk assessments are undertaken and records kept at the premises.

d) The prevention of public nuisance

Any events involving live or recorded music outside after 11pm will be notified in advance to neighbouring premises.
A sign will be erected at the exit to remind our guests to respect our neighbours and to leave in a quiet manner.

e) The protection of children from harm

A Challenge 25 Policy will be adopted and only photographic ID such as passport, driving licence, citizen cards and proof of age standards scheme (PASS) cards will be accepted.

A refusals register will be kept at the premises for inspection by the Police or Local Authority. All entries will include the date, the type of drink refused the time, the name or description of the customer, the reason for refusal and the name of the staff member who refused the sale.

Checklist:

Please tick to indicate agreement

- 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 designated 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

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	20 February 2017
Capacity	Creative Director

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

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

and any premises licence to be granted or varied in respect of this application made by

Lewes Community Screen

[name of applicant]

concerning the supply of alcohol at

Depot
Pinwell Road
Lewes District Council
BN7 2JS

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LN/2016/00093

[insert personal licence number, if any]

Personal licence issuing authority

Lewes

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Name (please print) Carmen Slijpen

Date 20 February 2017

Consent of individual to being specified as premises supervisor

I Caren Slijpen

[full name of prospective premises supervisor]

of

171a High Street
Lewes
BN7 1YE

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

New Premises Licence

[type of application]

by

Lewes Community Screen

[name of applicant]

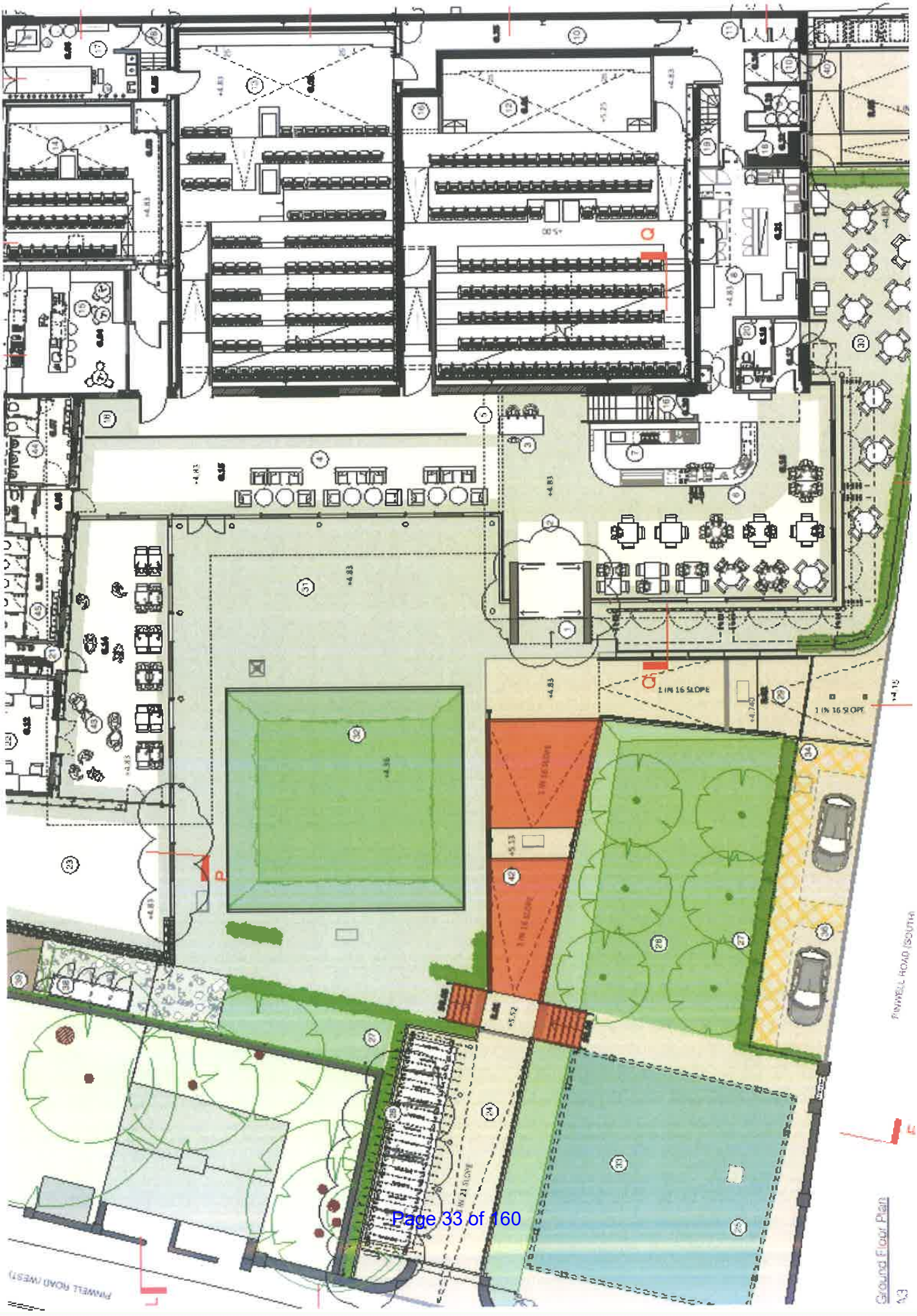
relating to a premises licence

[number of existing licence, if any]

for

Depot
Pinwell Road
Lewes District Council
BN7 2JS

[name and address of premises to which the application relates]


2 IN 16 SLOPE
1 IN 16 SLOPE
PINWELL ROAD (SOUTH)
PINWELL ROAD (WEST)
Ground Floor Plan

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APPENDIX 2

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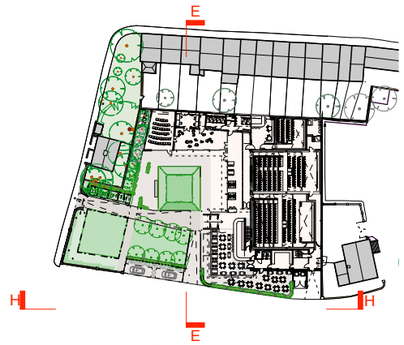
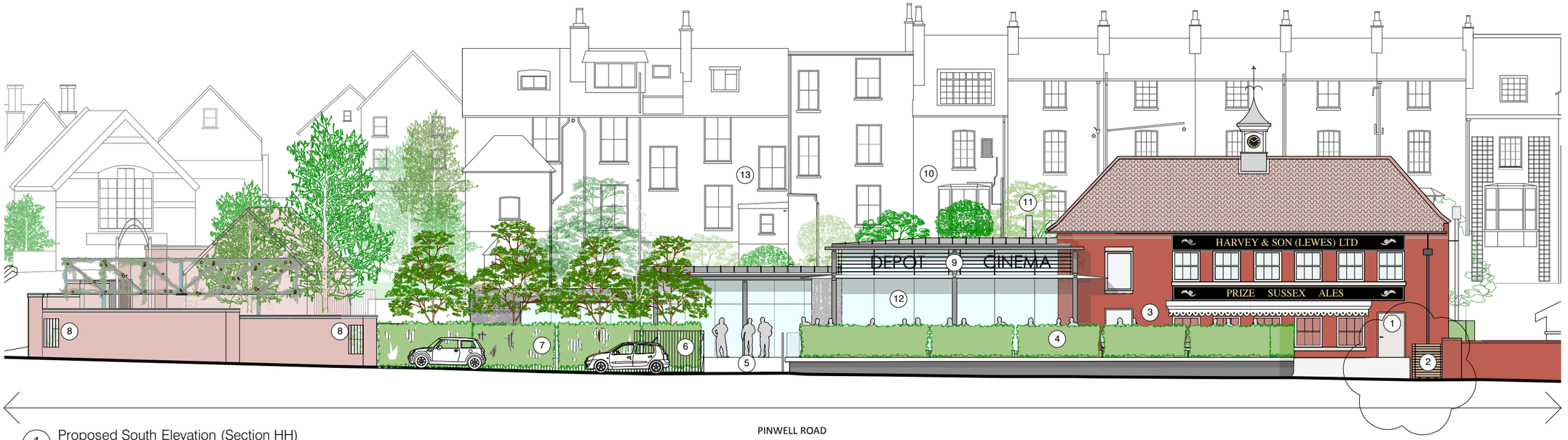
KEY:

SOUTH ELEVATION

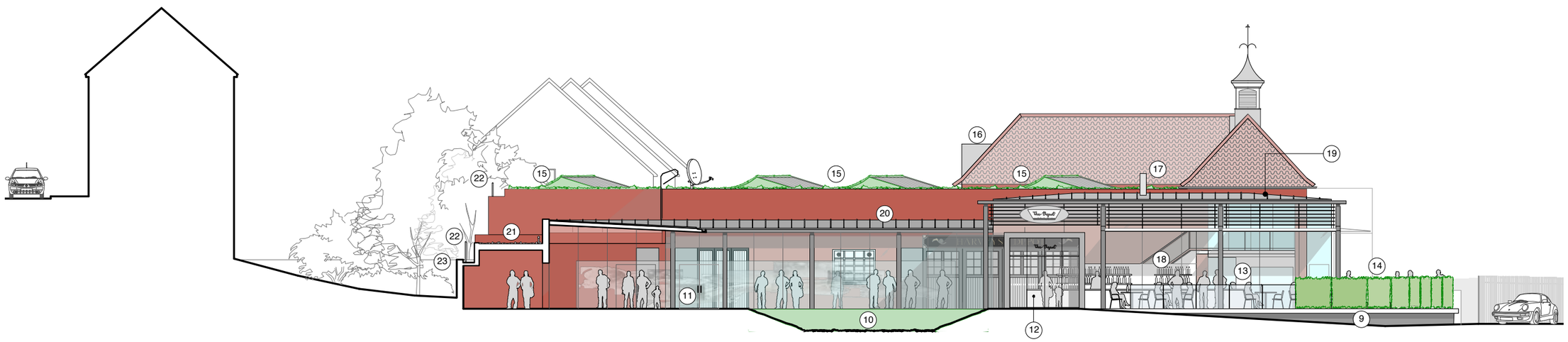
1. Delivery entrance
2. Timber panelled store for refuse and recycling
3. South facing terrace to restaurant
4. Edible hedge
5. Ramped access from Pinwell Road (South)
6. Metal railings and sliding metal gate
7. 2 disabled parking bays
8. New openings in external brick boundary wall with metal railings
9. Brise soleil - colour coated metal
10. Roof to restaurant with concealed gutters finished in zinc with 3˚pitch
11. Extract to bar / restaurant on ground floor
12. Double glazed folding / sliding screens by Glas Ceyssens Group or similar
13. Roof to breakout space with concealed gutters finished in zinc with 3 pitch



KEY SCALE - 1:1500



1 Proposed South Elevation (Section HH)
1:200 @ A3



2 Proposed West Elevation (Section EE)
1:200 @ A3

Scale Bar
2 4 6m

THIS DRAWING IS BASED ON DIMENSIONAL SURVEY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT CANNOT ACCEPT RESPONSIBILITY FOR THE ACCURACY OF THIS SURVEY INFORMATION.

THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT DRAWINGS, SPECIFICATIONS, SCHEDULES AND OTHER CONTRACT INFORMATION ISSUED BY THE ARCHITECT, STRUCTURAL ENGINEER, SERVICES ENGINEER AND ANY OTHER CONSULTANT EMPLOYED OR RETAINED BY THE EMPLOYER IN RESPECT OF THESE WORKS.

IN THE CASE OF NEW WORKS, ALL DIMENSIONS SHOWN ARE TO THE FACE OF MASONRY, METAL OR TIMBER STUD FRAMING, OR THE CENTRE LINE OF STRUCTURAL STEEL MEMBERS, UNLESS NOTED OTHERWISE.

DO NOT SCALE FROM THIS DRAWING.

REPORT ANY DISCREPANCIES, CONFLICTS, ERRORS OR OMISSIONS TO THE CA AND SEEK DIRECTIONS BEFORE PROCEEDING.

CONFIRM ALL DIMENSIONS AND LEVELS ON SITE PRIOR TO COMMENCING WORK. IF IN DOUBT ASK!

THIS DRAWING REMAINS THE COPYRIGHT OF **BURRELL FOLEY FISCHER LLP**

KEY:

WEST ELEVATION

9. Ramped access from Pinwell Road (South)
10. Grass turfed landscape to square with banked edges
11. West facing terrace to cafe/bar
12. Main entrance and foyer
13. Cafe / bar
14. South facing terrace to restaurant
15. South orientated solar panels
16. Zinc clad dormer with louvred access door in vertical plane
17. Extract to bar / restaurant
18. Double glazed folding / sliding screens by Glas Ceyssens Group or similar
19. Roof to restaurant with concealed gutters finished in zinc with 3˚pitch
20. Roof to breakout space with concealed gutters finished in zinc with 3˚pitch
21. Roof to WC's with pebble finish
22. 950mm high metal handrail with 475mm intermediate rail to south face of boundary wall
23. Height of existing brick garden wall to remain as existing

REV NO:	REV DETAILS:	BY:	CHKD:	DATE:
P2	PLANNING ISSUE	IB	SF	02.06.14
P1	PLANNING ISSUE	IB	SF	11.04.14

PLANNING
DO NOT SCALE OFF THIS DRAWING

BURRELL | FOLEY | FISCHER LLP
BURRELL FOLEY FISCHER LLP · ARCHITECTS & URBAN DESIGNERS
ISIS HOUSE · SOUTHWARK STREET · SE1 0HX
TEL 020 7620 6114 · E-MAIL mail@bff-architects.co.uk
WEB www.bff-architects.co.uk

JOB: 1181 LEWES DEPOT CINEMA

FOR: LEWES DISTRCT COUNCIL

AT: PINWELL ROAD, LEWES
EAST SUSSEX, BN7 2JS

DRAWING TITLE: PROPOSED SOUTH AND WEST ELEVATION (HH & EE)

DATE:	SCALE:
09.01.14	1:200@A3
DRAWN BY: IB	CHECKED BY: SF
JOB NO: BFF/1181	DWG NO: AL(0)150 P2

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APPENDIX 3

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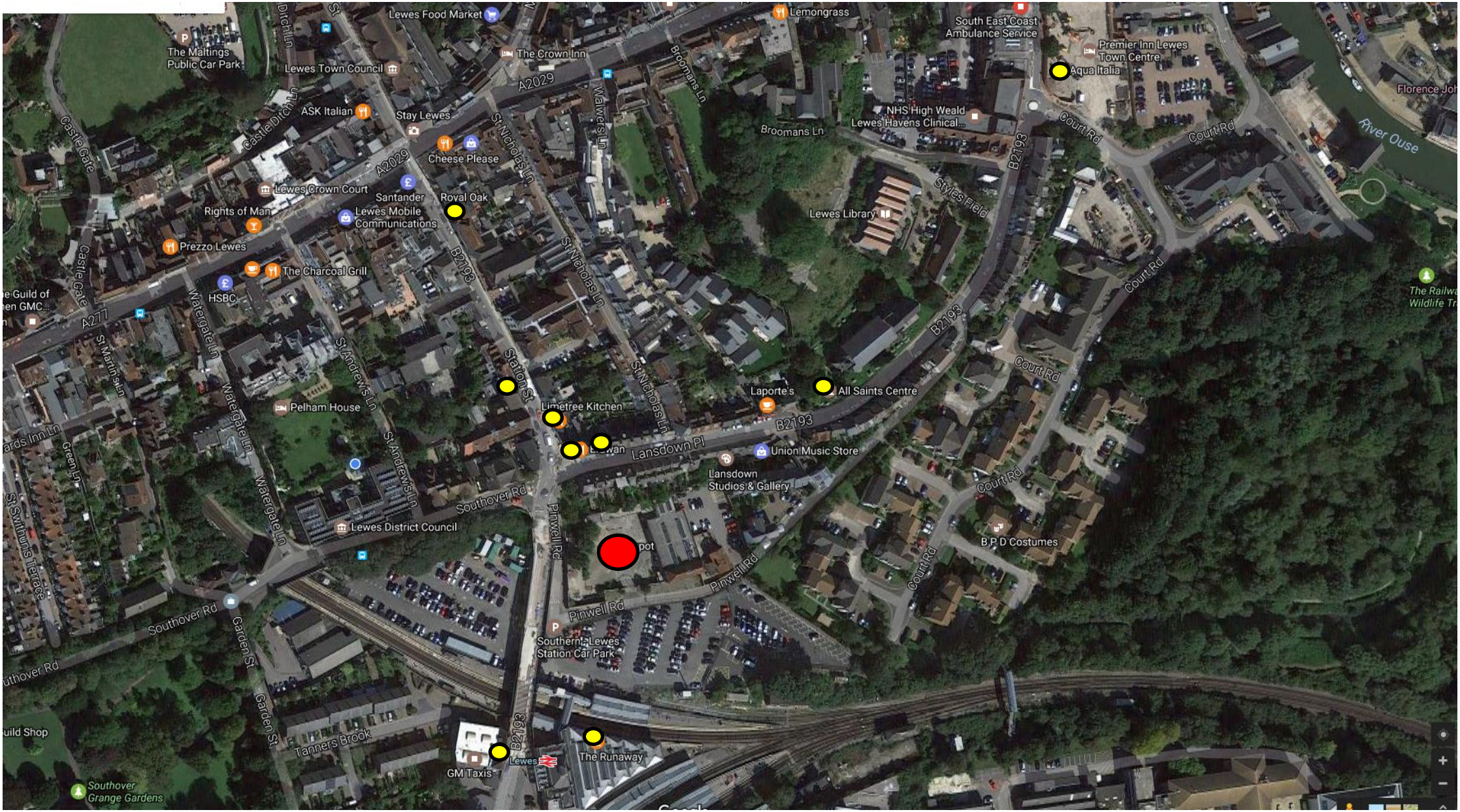

Lewes Community Screen - Depot

Licensed Premises

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APPENDIX 4

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[redacted]

From: Anthony.masters@sussex.pnn.police.uk
Sent: 15 March 2017 11:53
To: Sue Lindsey
Subject: RE: APPLICATION FOR THE GRANT OF A PREMISES LICENCE (Lewes Community Screen Pinwell Road Lewes .)

Dear Ms. Lindsey.

I write on behalf of the Chief Officer of Police for Sussex, in response to the application for the grant of a premises licence concerning Lewes Community Screen Pinwell Road Lewes east Sussex. BN7 2JS.

The application is made under Section 17 of the Licensing Act 2003 for the following licensed activities;-
Films.
Monday to Sunday. 09:00hrs – 00:00hrs (midnight)
On up to 15 occasions per calendar year until 2am the following morning.
This has been omitted from the application but I have confirmed with the applicant its inclusion.

Live Music.
Monday to Sunday. 23:00hrs – 00:00hrs (midnight)
On up to 15 occasions per calendar year until 2am the following morning.

Recorded Music.
Monday to Sunday. 23:00hrs – 00:00hrs (midnight)
On up to 15 occasions per calendar year until 2am the following morning.

Late Night Refreshment.
Monday to Sunday. 23:00hrs – 00:00hrs (midnight)
On up to 15 occasions per calendar year until 2am the following morning.

Supply of Alcohol.
Monday to Sunday. 10:00hrs – 00:00hrs (midnight)
On up to 15 occasions per calendar year until 2am the following morning.

The non-standard extension of hours to accommodate special 'blockbuster' screenings and other special films or films connected with special occasions such as Halloween.
Special screenings will be ticket only events.
Sussex Police in this case have no objections to the grant of a premises licence and ask that all the steps to be taken by the applicant to promote the licensing objectives, as recorded within Sect. M of the application, are transferred to the premises licence, if granted.
I would be grateful for a copy of the premises licence when issued.
Regards.
Tony Masters
Hastings Borough and Rother District Licensing Officer.
Alcohol Harm Reduction Unit.
Tel: 101 Ext. 564951 Mobile: 07500835106

Sussex Police - Serving Sussex

You can report crime and incidents online at www.sussex.police.uk/reportonline

We want to know your views - see what?s new and give us your feedback and suggestions at www.sussex.police.uk
If you have received this message in error, please contact the sender as soon as possible - you may not copy

it, or make use of any information contained in it for any purpose, or disclose its contents to any other person. Messages sent and received by Sussex Police are not private and may be the subject of monitoring.

APPENDIX 5

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Gary Walsh QFSM
Chief Fire Officer

East Sussex Fire & Rescue Service
Central Business Fire Safety Office
Whitley Road, Eastbourne
East Sussex
BN22 8LA

Tel: 01323 462434
Switchboard: 0303 999 1000
E-mail: central.businesssafety@esfrs.org

In the case of emergency please dial 999

Ms Katy Swarbrick
Lewes Community Screen
Harvey's Depot
Pinwell Road
Lewes
BN7 2JS

13 March 2017

please ask for	our ref	your ref
Mr Frank Maura	FM/MM/10000984	

Dear Madam

LEGISLATION: LICENSING ACT 2003
PREMISES: LEWES CINEMA, HARVEYS DEPOT, PINWELL ROAD, LEWES, BN7 2JS

Further to your application regarding a premises license the following comments are made.

Confirmation is required whether the Sliding doors will fail safe to the open position in the event of a power failure and/or activation of the fire alarm system.

The Fire Authority will not be making a representation to the Licensing Authority concerning the application.

However, an inspection may be carried out in accordance with the East Sussex Fire & Rescue Service's (the Service) risk based inspection programme and should this be deemed necessary, an inspector will contact you to make an appointment.

Your premises are subject to the Regulatory Reform (Fire Safety) Order 2005. It places a duty on the responsible person for any premises, to take such general fire precautions as is reasonably practicable. These general fire precautions are for the safety of any person who may be lawfully on the premises and any person in the immediate vicinity of the premises.

To identify the general fire precautions above, the responsible person must carry out a suitable and sufficient risk assessment. Advice, on carrying out fire risk assessments and on the legal duties imposed by the Order, is available in a series of guides produced by the government, one or more of which will be relevant to the above premises. These guides may be viewed on the following website: www.esfrs.org under Business Safety. They are also available for purchase from TSO (The Stationery Office) online at www.tso.co.uk, over the telephone on 0870 600 5522 or from any good bookseller.

Cont'd….

When considering active fire safety measures for all types of premises, including residential and domestic buildings, the Service would recommend the installation of sprinkler systems. Information concerning guidance and standards for domestic and commercial sprinkler systems is available by reference to British Standard, Codes of Practice BS 9251 and BS EN 12845.

Should you require further advice or clarification on any points mentioned in this letter, please do not hesitate to contact a Fire Safety Officer at the above address.

Yours faithfully

FIRE SAFETY INSPECTOR

Enc:
Inspection and Enforcement Procedures (SF44)

Cc:
Local Authority Licensing Office

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APPENDIX 6

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LICENCING APPLICATION FOR DEPOT CINEMA– RESPONSES MUST BE IN BY 5PM TOMORROW

DETAILS OF APPLICATION ON CINEMA HOARDING

Licencing Officer
Southover House
Southover Road
Lewes
BN7 1AB

RECEIVED
21 MAR 2017
CSU
MAILROOM

17 Lansdown Place
Lewes BN7 2JU

20 March 2017

Re: Application for the grant of a Premises Licence – Lewes Community Screen, Depot, Pinwell Road, Lewes, BN7 2JS (Posted 21 February 2017)

Attn: Licencing Officer

I am writing to oppose the application listed above in relation to its following proposed licensable activities:

Sale of alcohol for consumption on and off premises Monday to Sunday from 10am to midnight; Late night refreshment Monday to Sunday from 11pm to 12 midnight

This application raises significant concerns under the licencing objectives and also fails to take account of licencing conditions imposed on nearby establishments.

Firstly, there is a concern over whether the application meets the Licencing Objectives of preventing crime and disorder and public nuisance. The application specifically contemplates alcohol sales and late night refreshment both 'indoors and outdoors' and 'on and off premises'. Ultimately, the site is, as its name suggests, a cinema and not primarily a bar or music venue. The activities contemplated in the application fail to adequately recognise this, particularly given the late hours referred to.

The site is arguably ill equipped for this and the potential for disorderly behaviour both on site and in its immediate surroundings late at night should be given detailed consideration. Attention should be paid to recent experience of the nearby Lansdown Arms Pub and nuisance caused late at night on the streets surrounding it.

The nearby Symposium Wine Emporium (32 Lansdown Place) has a licence for alcohol sales until 11pm every night. The Lansdown Arms (36 Lansdown Place) has such a licence until 11pm Sunday-Thursday and 12:30am Friday-Saturday. It would be reasonable to compare the conditions for this new cinema to those of a wine bar rather than a pub that has stood on the site for many decades. In light of this, it would be unreasonable for the sale of alcohol and late night refreshment to continue beyond 11pm.

Live and Recorded music Monday to Sunday from 11pm to 12 midnight
Permission to play live and recorded music would, particularly on weeknights, risk being highly disruptive to the residents of nearby properties, including those which back on to the site. Some of these properties are currently occupied by families with young children, whose interests should be given due consideration. As with the sale of alcohol for consumption, the application refers to music being played 'indoors and outdoors'. Once again, the potential for disruption throughout the week is immediately apparent and the application is facially unreasonable.

Symposium Wine Emporium has a licence for the playing of recorded (not live) music until 8pm Monday-Saturday and 6pm on Sunday. They are also only permitted to play recorded music indoors. Such conditions would be more reasonable than those proposed in the application.

To conclude, the conditions applied to nearby establishments in Lansdown Place are a reasonable basis on which to consider appropriate licencing for the Lewes Community Screen. It should also be noted that this application does not seem to have been well-publicised, particularly for those in the immediate vicinity and copies of the application were certainly not posted to nearby residents in spite of regular updates concerning the site and on-going building work being provided.

Sincerely,

MA Buddery

MARGARET BUDDERY

19 lansdown place
lewes
BN7 2JJ
20 March 2017.

Licensing officer.
Southover House,
Southover Road
lewes BN7 1AB

Dear Sir/Madam,

Re: Application for the grant of Premises license at the Depot Cinema.

I am deeply concerned by the news that the Depot cinema license application is for the sale of alcohol on, and off premises until midnight, Seven days a week.

I am also deeply concerned by the application to play music ~~until~~ until midnight, again Seven days a week.

the Lansdown Pub can already be noisy. By offering drinkers a follow-on venue at which to continue drinking, will

only exacerbate the problem.
I am writing to you now to express my opposition to a midnight license. It seems only logical that any license granted should prevent the sale of alcohol continuing beyond that already allowed at neighbouring venues such as the Lansdown and Symposium (ie 11 o'clock) there are young families along Lansdown Place and we are all equally worried about the potential disruption such a license could cause.
Furthermore, this license has not been sufficiently well publicised.

Yours Sincerely
Scott Wotherspoon
1A Lansdown Place.

RECEIVED
21 MAR 2017
CSU
MAILROOM

21 Lansdown Place
Lewes
East Sussex
BN7 2JU

20 March 2017

Re: Application for the grant of a Premises Licence – Lewes Community Screen, Depot, Pinwell Road, Lewes, BN7 2JS (Posted 21 February 2017)

Attn: Licencing Officer

I am writing to oppose the application listed above in relation to its following proposed licensable activities:

Sale of alcohol for consumption on and off premises Monday to Sunday from 10am to midnight; Late night refreshment Monday to Sunday from 11pm to 12 midnight
This application raises significant concerns under the licencing objectives and also fails to take account of licencing conditions imposed on nearby establishments.

Firstly, there is a concern over whether the application meets the Licencing Objectives of preventing crime and disorder and public nuisance. The application specifically contemplates alcohol sales and late night refreshment both 'indoors and outdoors' and 'on and off premises'. Ultimately, the site is, as its name suggests, a cinema and not primarily a bar or music venue. The activities contemplated in the application fail to adequately recognise this, particularly given the late hours referred to.

The site is arguably ill-equipped for this and the potential for disorderly behaviour both on site and in its immediate surroundings late at night should be given detailed consideration. Attention should be paid to recent experience of the nearby Lansdown Arms Pub and nuisance caused late at night on the streets surrounding it.

The nearby Symposium Wine Emporium (32 Lansdown Place) has a licence for alcohol sales until 11pm every night. The Lansdown Arms (36 Lansdown Place) has such a licence until 11pm Sunday-Thursday and 12:30am Friday-Saturday. It would be reasonable to compare the conditions for this new cinema to those of a wine bar rather than a pub that has stood on the site for many decades. In light of this, it would be unreasonable for the sale of alcohol and late night refreshment to continue beyond 11pm.

Live and Recorded music Monday to Sunday from 11pm to 12 midnight
Permission to play live and recorded music would, particularly on weeknights, risk being highly disruptive to the residents of nearby properties, including those which back on to the site. Some of these properties are currently occupied by families with young children, whose interests should be given due consideration.

As with the sale of alcohol for consumption, the application refers to music being played 'indoors and outdoors'. Once again, the potential for disruption throughout the week is immediately apparent and the application is facially unreasonable.

Symposium Wine Emporium has a licence for the playing of recorded (not live) music until 8pm Monday-Saturday and 6pm on Sunday. They are also only permitted to play recorded music indoors. Such conditions would be more reasonable than the those proposed in the application.

To conclude, the conditions applied to nearby establishments in Lansdown Place are a reasonable basis on which to consider appropriate licencing for the Lewes Community Screen. It should also be noted that this application does not seem to have been well-publicised, particularly for those in the immediate vicinity and copies of the application were certainly not posted to nearby residents in spite of regular updates concerning the site and on-going building work being provided.

Sincerely,

Mrs Kay Crofton-Green
Mr Daniel Crofton-Green

Email : kaycgreen21@yahoo.co.uk

LICENCING APPLICATION FOR DEPOT CINEMA– RESPONSES MUST BE IN BY 5PM TOMORROW
DETAILS OF APPLICATION ON CINEMA HOARDING

Licencing Officer
Southover House
Southover Road
Lewes
BN7 1AB

20 March 2017

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Attn: Licencing Officer

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Sincerely,

N. Salaman

Z. SERPER & N. SALAMAN
31 LANSDOWN PLAC
LEWES BN7 2JU

from K (No. 31)

13 Lansdown Place
Lewes
East Sussex BN7 2JT

20.3.2017

Licencing Officer
Southover House
Southover Road
Lewes, BN7 1AB

RECEIVED
21 MAR 2017
CSU
MAILROOM

Dear Sir/Madam

Application for the grant of a Premises Licence – Lewes Community Screen, Depot, Funwell Road, Lewes BN7 2JS

I am strongly opposed to the granting of the above premises licence.

Our terrace is already badly affected by noise generated by the Lansdown Arms & its customers, as well as other night time revellers passing along the street. To extend this sort of disturbance to the other side of our homes so that we can no longer even retreat to a quieter room to escape electronic music, rowdy conversations and worse, would make the situation intolerable. It is of additional concern that the proposal seeks to extend the hours during which this sort of noise pollution will be inflicted on the neighbourhood.

Noisy parties and events held at the Depot prior to its conversion made it advisable to vacate my house overnight on occasions, and when the cinema was proposed we were assured that any noise would be contained within the building. I assumed that this

meant 100% noise insulation.

It is particularly objectionable that the immediate neighbours of the cinema were not informed of this proposal other than by two inconspicuous notices deliberately concealed among posters & street art, and set at an invisible angle to the main thoroughfare - Station Street. A third small notice at the busy site entrance was hidden behind a contractor's vehicle. This is in marked contrast to the developers' habit of contacting us directly when they sought our forbearance over tiresome levels of building noise & disruption. It suggests that the developers are well aware that the proposed Premises licence will have a very adverse effect on the neighbourhood.

yours faithfully

Fiona Marsden (F. MARSDEN)

11 Friars Walk, Lewes, BN7 2LE

Licencing Officer
Southover House
Southover Road
Lewes
BN7 1AB

21 March 2017

Dear Sir

Re: Application for the grant of a Premises Licence – Lewes Community Screen, Depot, Pinwell Road, Lewes, BN7 2JS (Posted 21 February 2017)

I am writing to strongly oppose the application listed above in relation to the proposed licensable activities:

Sale of alcohol for consumption on and off premises Monday to Sunday from 10am to midnight; Late night refreshment Monday to Sunday from 11pm to 12 Midnight

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To conclude, the conditions applied to nearby establishments in Lansdown Place are a reasonable basis on which to consider appropriate licencing for the Lewes Community Screen. It should also be noted that this application does not seem to have been well-publicised, particularly for those in the immediate vicinity and copies of the application were certainly not posted to nearby residents in spite of regular updates concerning the site and on-going building work being provided.

Yours faithfully,

Deirdre M. O'Connell

Licencing Officer Southover House Southover Road Lewes

BN7 1AB

Re: Application for the grant of a Premises Licence – Lewes Community Screen, Depot, Pinwell Road, Lewes, BN7 2JS (Posted 21 February 2017)

Attn: Licencing Officer

I am writing to oppose the application listed above in relation to its following proposed licensable activities:

Sale of alcohol for consumption on and off premises Monday to Sunday from 10am to midnight; Late night refreshment Monday to Sunday from 11pm to 12 midnight This application raises significant concerns under the licencing objectives and also fails to take account of licencing conditions imposed on nearby establishments.

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Sincerely,

Above is a copy of a letter that has been composed by a friend and neighbour.

It has be penned so eloquently that I don't wish to change a single word.

Please consider that I wholeheartedly agree with and support all of the points that challenge the aforementioned application.

Best regards.

Danny Minnikin

28 Lansdown Place

Lewes.

22nd March 2017.

Sent from my iPhone

Licencing Officer Southover House Southover Road Lewes

BN7 1AB

Re: Application for the grant of a Premises Licence – Lewes Community Screen, Depot, Pinwell Road, Lewes, BN7 2JS (Posted 21 February 2017)

22 MAR 2017
CSU
MAILROOM

Attn: Licencing Officer

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Dee Minnikin

28 Lansdown Place

Lewes.

D. Minnikin 22/3/2017

Sent from my iPhone

LICENCING APPLICATION FOR DEPOT CINEMA– RESPONSES MUST BE IN BY 5PM TOMORROW

DETAILS OF APPLICATION ON CINEMA HOARDING

Licencing Officer
Southover House
Southover Road
Lewes
BN7 1AB

73 Lansdown Place
Lewes
BN7, 2JU

20 March 2017

Re: Application for the grant of a Premises Licence – Lewes Community Screen, Depot, Pinwell Road, Lewes, BN7 2JS (Posted 21 February 2017)

Attn: Licencing Officer

I am writing to oppose the application listed above in relation to its following proposed licensable activities:

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Sincerely,

Lisa Chapman

Ian Kay (No. 21)

RECEIVED
06 APR 2017
CSU
MAILROOM

Robert Clark
Academy Music
29 Lansdown Place
Lewes
East Sussex BN7 2JU

5 April 2017

Sue Lindsey
Licensing Officer
Council Offices
Southover House
Southover Road
Lewes BN7 1AB

Dear Mrs Lindsey,

Re: Lewes Community Screen. Depot, Pinwell Road, Lewes BN7 2JS

I think it would be inappropriate for full and open licenses to be granted. Any such licences should be applied for and individually, as the occasion arises. That would mean that I and the residents living in Lansdown Place, which overlooks the Depot, would have prior warning of any such events. To have music and other noise being played throughout the day and night would cause a public nuisance.

The Academy Music shop directly overlooks the Depot and my customers need to play instruments. If the noise from the Depot was as loud we experienced on a previous occasion it would be impossible to conduct my business. It was my understanding that the Depot was to be a cinema and not an outside music venue.

Kind regards,

R Clark

Robert Clark

Dear Ms Lindsey

I am strongly opposed to granting a late night licence "for sale of alcohol consumption on and off premises Monday to Sunday from 10am to midnight; Late night refreshment Monday to Sunday from 11am to 12 midnight"

As a local resident I am concerned that issues we continually suffer under will be made significantly worse by granting this application. I am referring to alcohol related crime and disorder that plagues this area most weeks. I am sure you are aware of the numerous police reports of loud, abusive and antisocial behaviour as well as petty vandalism that is a direct result of drinking.

The situation as it stands is difficult enough. I have witnessed fights on a weekly basis including a stabbing, people jumping on top of cars, bottles thrown at my door, my car has been vandalised 3 times and the noise disturbance makes sleep some nights very difficult before 1am.

The last thing our community needs is to extend the drinking hours to even later and make alcohol even more accessible after 11pm.

It was my understanding that the Depot was to be a community cinema and I was looking forward to that. I never would have agreed to late night music and drinking venue and feel that we should have been told this from the start. Far from working with and being part of our community, the Depot seems to be intent on doing the precise opposite. It is little wonder that the residents on whom this application will impact most, have been kept in the dark about its details. Please reconsider.

Regards

Kit Hardy
22 Friars Walk
BN7 2LF

15 Lansdown Place
Lewes
East Sussex
BN7

2JU

Licensing Officer
Southover House
Southover Road
Lewes
BN7 1AB

07 April 2017

Re: Application for the grant of a Premises Licence – Lewes Community Screen, Depot, Pinwell Road, Lewes, BN7 2JS (Posted 21 February 2017)

Attn: Licensing Officer

I am writing to strongly oppose the application listed above in relation to its following proposed licensable activities:

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Firstly, there is a concern over whether the application meets the Licensing Objectives of preventing crime and disorder and public nuisance. The application specifically contemplates alcohol sales and late night refreshment both 'indoors and outdoors' and 'on and off premises'. Ultimately, the site is, as its name suggests, a cinema and not primarily a bar or music venue. The activities contemplated in the application fail to adequately recognise this, particularly given the late hours referred to.

The site is ill equipped for this and the potential for disorderly behaviour both on site and in its immediate surroundings late at night should be given detailed consideration.

Our house backs onto the Depot site, including the bedroom of our 2-year-old. Loud music and noise created by people drinking alcohol is likely to cause very significant disruption late at night, particularly in the summer when windows are kept open.

We object very strongly in particular to the proposal to stay open until 2am up to 15 nights a year. This amounts to almost four months-worth of Saturday nights. Potentially almost the whole of the summer.

The cinema may be based in the middle of the town, but very many people, including many with young families, and elderly people, live very nearby and this does not seem to have been considered at all.

Attention should be paid to recent experience of the nearby Lansdown Arms pub and nuisance caused late at night on the streets surrounding it. Damage to cars and property, fights and noise in the street are regular problems from the customers leaving the Lansdown after midnight, the proposed above would now see a rise in drunk people in the area late at night.

The nearby Symposium Wine Emporium (32 Lansdown Place) has a licence for alcohol sales until 11pm every night. The Lansdown Arms (36 Lansdown Place) has such a licence until 11pm Sunday-Thursday and 12:30am Friday-Saturday. It would be reasonable to compare the conditions for this new cinema to those of a wine bar rather than a pub that has stood on the site for many decades. In light of this, it would be unreasonable for the sale of alcohol and late night refreshment to continue beyond 11pm.

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Sincerely,

Graham and Mary-Louise Clews.

Licensing Officer
Southover House
Southover Road
Lewes
BN7 1AB

Re: Application for the grant of a Premises Licence - Lewes Community Screen, Depot. Pinwell Road, Lewes, BN7 2JS [Posted 21 February 2017]

Attn: Licensing Officer

I am writing to strongly oppose the application listed above in relation to its following proposed licensable activities:

Sale of alcohol for consumption on and off premises Monday to Sunday from 10am to midnight; late night refreshment Monday to Sunday from 11am to midnight.

Having been introduced to this development with the idea of it being a cinema, I am surprised, if not shocked, to read that the owners are seeking permission to use it potentially as an outlet for alcohol and 'refreshments' as well as a cinema.
The sale of alcohol, especially off site and late at night in a residential area is bound to cause major disruption (public nuisance), which all residents, children and the elderly especially, would suffer from.

Live and recorded music Monday to Sunday from 11am to midnight.

Allowing the playing of live and recorded music indoors but especially outdoors at the above times could also lead to extreme disruption to the residents living in the vicinity of the development.

And proposal for extension until 2am up to 15 times a year for all of the above.

To extend all of the requested licences for 15 days of the year until 2 am is such a hideous request, that I hope you don't even give it a moment of consideration!

I would like to appeal to the Licensing Authorities to restrict the permission for sale of alcohol and playing recorded and live music on site, so that there is no danger for the residents of this area to suffer from the existence of a venue, which is after all introducing itself as 'The Lewes Community Screen'.

Yours sincerely, Susanne Wolf

30 Friars' Walk, Lewes, BN7 2LF

17 Friars Walk
Lewes
East Sussex
BN7 2JY

Licensing Officer
Southover House
Southover Road
Lewes
BN7 1AB

07 April 2017

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The site is ill equipped for this and the potential for disorderly behaviour both on site and in its immediate surroundings late at night should be given detailed consideration.

Our house backs onto Pinwell Road where late night drinkers leaving the site would use, we have already had to move the bedroom of our young son to the back of the house due to late night fights and shouting from drinkers leaving the Lansdown Arms.
Loud music and noise created by people drinking alcohol is likely to cause very significant disruption late at night, particularly in the summer when windows are kept open. Pinwell Road itself its an unadopted road which the council do not maintain, as residents we are constantly clearing the road of rubbish there would be a considerable amount more from a late night drinking venue especially with capacity that the depot would hold.

The road is unlit and therefore unsuitable to take drunk groups of people late at night.

We object very strongly in particular to the proposal to stay open until 2am up to 15 nights a year. This amounts to almost four months-worth of Saturday nights. Potentially almost the whole of the summer.

The cinema may be based in the middle of the town, but very many people, including many with young families, and elderly people, live very nearby and this does not seem to have been considered at all.

Attention should be paid to recent experience of the nearby Lansdown Arms pub and nuisance caused late at night on the streets surrounding it. Damage to cars and property, fights and noise in the street are regular problems from the customers leaving the Lansdown after midnight, the proposed above would now see a rise in drunk people in the area late at night.

The nearby Symposium Wine Emporium (32 Lansdown Place) has a licence for alcohol sales until 11pm every night. The Lansdown Arms (36 Lansdown Place) has such a licence until 11pm Sunday-Thursday and 12:30am Friday-Saturday. It would be reasonable to compare the conditions for this new cinema to those of a wine bar rather than a pub that has stood on the site for many decades. In light of this, it would be unreasonable for the sale of alcohol and late night refreshment to continue beyond 11pm.

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Sincerely,

Anna and John Andrews

For the Attention of the Licensing Officer

I'd like to strongly object to the application listed above in relation to its following proposed licensable activities:

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My objection is based on a number of items

- This alcohol license appears to be completely out of character with the objectives of a local cinema
- This would create a regular very late night drinking venue in Lewes which will be a magnet to disturbance in the centre of a residential area.
- Live and Recorded music is again at odds with the stated purpose of the venue – a cinema
- There has been very little publicity of the apparent change of use of this facility
- This license doesn't just impact the residents immediately surrounding the venue (Lansdown Place) but also all those along Friars Walk as late night revellers travel to a from the Depot well into the small hours

In essence it seems that the local community has been duped as to the purpose of this facility and irrespective of that the request for late night opening and live music is way beyond that of other local establishments will create excessive noise and disturbance in a residential area.

Regards

Peter Langworthy
7 Friars Walk

Licencing Officer
Southover House
Southover Road
Lewes
BN7 1AB

Re: Application for the grant of a Premises Licence – Lewes Community Screen, Depot, Pinwell Road, Lewes, BN7 2JS (Posted 21 February 2017)

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Sincerely,

Annie Blackler
19 Friars Walk, Lewes, BN72LF

Licencing Officer
Southover House
Southover Road
Lewes
BN7 1AB

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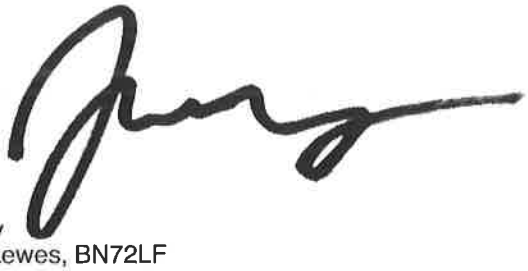

James McCauley
19 Friars Walk, Lewes, BN72LF

Attention of Licensing Officer
Southover House

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This application raises significant concerns under the licensing objectives and also fails to take account of licensing conditions imposed on nearby establishments.

I have been looking forward to the cinema opening and have seen it as an asset to the town. At no point in the publicity concerning it has it been described as a concert venue.

I and many of my neighbours are concerned whether this meets the Licensing Objectives of preventing crime and disorder and public nuisance. The application specifically contemplates alcohol sales and late night refreshment both 'indoors and outdoors' and 'on and off premises'. Ultimately, the site is, as its name suggests, a cinema and not primarily a bar or music venue. The activities contemplated in the application fail to adequately recognise this, particularly given the late hours referred to.

The site is ill equipped for this and the potential for disorderly behaviour both on site and in its immediate surroundings late at night should be given detailed consideration.

Loud music and noise created by people drinking alcohol is likely to cause very significant disruption late at night, particularly in the summer when windows are kept open.

We object very strongly in particular to the proposal to stay open until 2am up to 15 nights a year. This amounts to almost four months-worth of Saturday nights. Potentially almost the whole of the summer. I believe that 2am is completely unnecessary for a venue that is principally supposed to be a cinema not a night club.

The cinema may be based in the middle of the town, but very many people, including many with young families, and elderly people, live very nearby and this does not seem to have been considered at all.

Attention should be paid to recent experience of the nearby Lansdown Arms pub and nuisance caused late at night on the streets surrounding it. Damage to cars and property, fights and noise in the street are regular problems from the customers leaving the Lansdown after midnight, the proposed above would now see a rise in drunk people in the area late at night.

The conditions applied to nearby establishments in Lansdown Place are a reasonable basis on which to consider appropriate licensing for the Lewes Community Screen.

Yours sincerely

Louise Wingate-saul
3 Friars Walk

30 Friars' Walk
Lewes
E Sussex BN7 2LF

9th April 2017

Dear Sir/Madam

I write with reference to the application for the grant of a premises licence by Lewes Community Screen, Depot, Pinwell Road, Lewes BN7 2JS.

I object to this application on the grounds that it will be likely to cause public nuisance if all the permissions applied for are granted, and made use of.

It is surely self-evident that if live music were allowed in the open in a built-up area like this, until late into the evening, it would be a public nuisance.

There is further potential for public nuisance if sales of alcohol which can be taken off the premises are permitted, particularly bearing in mind the regular presence of large numbers of football supporters in the vicinity.

The applicants are assuring everyone that they are unlikely to make use of all these permissions. However, the application must be dealt with on its merits. It makes sense -and the applicants themselves seem to accept this- to grant only the most basic permissions, and then, if extensions to the range of permissions are required, they can be applied for individually.

Yours faithfully,
Peter Cole

Licensing
I strongly oppose the proposed license for the Depot cinema in Pinwell Road, Lewes. Friars Walk is blighted by late night noise in the form of street violence, property damage and allnight antisocial behaviour and excessive noise as a direct result of the drunken behaviour of drinkers mainly from the Landsdown and Volunteer pubs. My quiet enjoyment of my property and my sleep and health are directly and adversely affected by this. To allow for an increase in this ongoing and shocking disturbance in this residential area after 11.00 p.m would be a serious infringement. Please ensue my vehement objections are communicated in time for the decision to be taken.
Thank you
Claire Jakens.
21 Friars Walk
Lewes
BN7 2LF

Attn sue.lindsey@lewes.gov.uk

Licencing Officer

Lewes District Council

Southover Road

Lewes

April 10th 2017

Re Application for The Depot, Pinwell Road, Lewes

Objection on the grounds of public nuisance

I am writing to object to the above application, I consider that it is not appropriate to permit a licence to a cinema premises that will serve alcohol later than nearby licensed premises, and I have particular concerns regarding sales off the premises.

The Depot is a community cinema and registered charity, and should not be offering any opportunity for late night drinking or sales of alcohol, that is already available from the Lansdown public house, Symposium wine bar, and Station wines

Pinwell Road is an un-adopted, unlit road, and is not cleaned or maintained by the local authority, residents already have to clear the road of litter, empty beer glasses, bottles and drinks cans left by late night drinkers returning to the station from town centre pubs, we do not wish this to increase by offering late night drinkers the chance to purchase more alcohol after 11pm. Car owners also have to deal with broken wing mirrors, scratched paintwork and minor damage to parked cars.

Match days at the Brighton football stadium result in large numbers of drinkers outside the Lansdown Arms, either prior to, or after a match, the position of the Depot, immediately opposite the station platform exits would be attractive to home and away fans, especially if the team achieve promotion to the Premier League when numbers would significantly increase.

M.Cox

27 Friars' Walk

Lewes

BN7 2LF

Dear Susan
I am writing in support of residents objecting to the licencing application by The Depot Lewes. In particular I object to outside drinking beyond 10pm and the prospect of 15 2am special event licences in any one year. The noise and antisocial behaviour that such late night drinking would generate would unnecessarily disturb residents particularly those with young children who already have to contend with frequent late night street drinking at the Lansdown pub. Assurances by The Depot management that residents should trust them are not sufficient to guarantee residents' right to a peaceful night's rest.
Kind regards
John Lamb

Lib Dem Councillor
Bridge Ward
4 Queens Road
Lewes
BN7 2JF

27 Lansdown Place, Lewes BN7 2JU
09.04.17.

re: Lewes Community Screen, Depot, Pinwell Rd, Lewes BN7 2JS.
Application for new Premises License.

To The Licensing Officer
I wish to object to the application for a premises license for The Depot, Pinwell Rd for the following reasons:

1. Hours of closing: I would expect a cinema to close in the evening at a reasonable time, and that in a residential area its customers and their vehicles will be able to exit smoothly onto a street rather than into an amorphous area near the Station and a very narrow road, Pinwell, which is more like a lane.

2, The prospect of the cinema being open so late at night, inevitably involves a dubious NOISE LEVEL late at night. Residents, including children, may experience fitful sleep until well after midnight. And they will not know WHEN that may be going to happen.

3, It is also proposed that there will be live music and drinking which will NOT be confined to the interior of the cinema.
It may be HOPED that the clients of the cinema will not be noisy, but the fact is that voice volume increases with alchohol consumption.

4. There may be administrative advantages, in giving such blanket permissions for alchohol and live music as are being asked, but to a member of the public, it must seem very strange and risky.

Yours,
Annabel Cole

RECEIVED
10 APR 2017
CSU
MAILROOM

Licencing Officer
Southover House
Southover Road
Lewes
BN7 1AB

RECEIVED
10 APR 2017
Southover House
Southover Road
Lewes

RECEIVED
10 APR 2017
CSU
MAILROOM

07 April 2017

Re: Application for the grant of a Premises Licence – Lewes Community Screen, Depot, Pinwell Road, Lewes, BN7 2JS (Posted 21 February 2017)

Attn: Licencing Officer

I am writing to strongly oppose the application listed above in relation to its following proposed licensable activities:

<u>Sale of alcohol for consumption on and off premises Monday to Sunday from 10am to midnight; Late night refreshment Monday to Sunday from 11am to 12 midnight</u>

RECEIVED
10 APR 2017
CSU
MAILROOM

This application raises significant concerns under the licencing objectives and also fails to take account of licencing conditions imposed on nearby establishments.

Firstly, there is a concern over whether the application meets the Licencing Objectives of preventing crime and disorder and public nuisance. The application specifically contemplates alcohol sales and late night refreshment both 'indoors and outdoors' and 'on and off premises'. Ultimately, the site is, as its name suggests, a cinema and not primarily a bar or music venue. The activities contemplated in the application fail to adequately recognise this, particularly given the late hours referred to.

The site is arguably ill equipped for this and the potential for disorderly behaviour both on site and in its immediate surroundings late at night should be given detailed consideration. Attention should be paid to recent experience of the nearby Lansdown Arms Pub and nuisance caused late at night on the streets surrounding it. Damage to cars and property, fights and noise in the street are regular problems from the customers leaving the Lansdown after midnight, the proposed above would now see a rise in drunk people heading down Pinwell Road so the residents from 16 Friars walk and upwards would now have the disorderly behaviour from both sides, which would be unbearable, add to that the lack of lighting on Pinwell Road - its a disaster waiting to happen.

The nearby Symposium Wine Emporium (32 Lansdown Place) has a licence for alcohol sales until 11pm every night. The Lansdown Arms (36 Lansdown Place) has such a licence until 11pm Sunday-Thursday and 12:30am Friday-Saturday. It would be reasonable to compare the conditions for this new cinema to those of a wine bar rather than a pub that has stood on the site for many decades. In light of this, it would be unreasonable for the sale of alcohol and late night refreshment to continue beyond 11pm.

<u>Live and Recorded music Monday to Sunday from 11pm to 12 midnight</u>

Permission to play live and recorded music would, particularly on weeknights, risk being highly disruptive to the residents of nearby properties, including those which back on to the site. Some of these properties are currently occupied by families with young children, whose interests should be given due consideration. As with the sale of alcohol for consumption, the application refers to music being played 'indoors and outdoors'. Once again, the potential for disruption throughout the week is immediately apparent and the application is facially unreasonable.

Symposium Wine Emporium has a licence for the playing of recorded (not live) music until 8pm Monday-Saturday and 6pm on Sunday. They are also only permitted to play recorded music indoors. Such conditions would be more reasonable than those proposed in the application.

To conclude, the conditions applied to nearby establishments in Lansdown Place are a reasonable basis on which to consider appropriate licencing for the Lewes Community Screen. It should also be noted that this application does not seem to have been well-publicised, particularly for those in the immediate vicinity and copies of the application were certainly not posted to nearby residents in spite of regular updates concerning the site and on-going building work being provided.

Sincerely,

C. Gascoyne

13, Friars Walk
Lewes
BN7 2LE

4 Friars Mews,
Pinwell Road,
LEWES,
East Sussex,
BN7 2LW.
01273 470535
9 April 2017

Dear Ms Lindsey,

APPLICATION TO GRANT A PREMISES LICENCE, LEWES COMMUNITY SCREEN, DEPOT, PINWELL ROAD, LEWES BN7 2JS – NOTICE POSTED 13 MARCH 2017.

The purpose of this letter is to **OBJECT IN STRONG TERMS** to parts of the application as follows:-

> Playing of live and recorded music Monday to Sunday from11pm to 12 midnight, the sale and consumption of alcohol and other audience activities during these hours **PARTICULARLY WHERE THESE TAKE PLACE IN THE OPEN AIR PART OF THE PREMISES.**

From our meeting, I understand that, although this is not mentioned on the notice, there are also proposals to have events at even later times. I am equally opposed to this.

My reason is that the venue is extremely close to high density housing, and although my house is by no means nearest, my boundary is only about 40 metres from the Lewes Community Screen boundary. I have previously been informed that persons may reasonably expect peace around the home between 11pm and 7am and that this is an internationally recognised period. Bearing in mind the siting of the venue, I believe neighbours should have a right to expect that convention to be adopted here. I am sure most neighbours expected to have an establishment showing films indoors with occasional "community based" outdoor activities during daylight hours. The fact that this application has been made in the first place suggests the owners intend to make use of these extra hours. I appreciate that the licence may be altered or revoked if there is a nuisance, but I imagine this would have to be proven to the satisfaction of some statutory authority, and with the police and local authorities short of staff and finance this may not have a high priority – it would be much easier to demonstrate that the terms of a licence had been breached. If the licence could specifically exclude the external part of the site so that noise could be confined indoors this may solve a lot of the problem, but it needs to be part of the condition.

Would you please take my objection into account.

Yours sincerely,

T. G. Shearing

T G Shearing

To:- Ms S Lindsey,
Licensing Officer,
Southover House,
Southover Road,
LEWES, BN7 1AB

Delivered by hand 9 April 2017

FAO Licensing Officer

Southover House

Southover Road

Lewes

BN7 1AB

Dear Ms Lindsey

Re: Application for the grant of a Premises Licence – Lewes Community Screen,

Depot, Pinwell Road, Lewes, BN7 2JS (Posted 21 February 2017)

I am writing to express how strongly I oppose the application listed above in relation to its following

proposed licensable activities:

Sale of alcohol for consumption on and off premises Monday to Sunday from 10am to midnight; Late night refreshment Monday to Sunday from 11am to 12 midnight; Live and recorded music Monday to Sunday from 11am to 12 midnight.

And proposal for extension until 2am up to 15 times a year for all of the above.

This application raises significant concerns under the licensing objectives and also fails to take account of licensing conditions imposed on nearby establishments.

I would also argue that the application does not meet the Licensing

Objectives of preventing crime and disorder and public nuisance. The site is ill-equipped for this and the potential for disorderly

behaviour both on site and in its immediate surroundings late at night should be

given detailed consideration.

The application specifically contemplates alcohol sales and late night refreshment both 'indoors

and outdoors' and 'on and off premises'. Ultimately, the site is, as its name

suggests, a cinema, and not primarily a bar or music venue. The activities

contemplated in the application fail to recognise this adequately, particularly

given the late hours contemplated.

A number of our neighbours' homes house back onto The Depot site: their privacy and quality of life will be seriously impacted by the proposed licensing hours.

Loud music and noise created by people drinking alcohol is likely to cause very significant disruption late at night, particularly in the summer when people may wish to leave windows open without being subjected to disturbance.

I object very strongly in particular to the proposal to stay open until 2am up to 15 nights a year. Whether this is organised seasonally, or on a month-by-month basis, it threatens the immediate neighbourhood with unreasonable disturbance during a large part of the night. If events finish at 2 am, guests are unlikely to disperse immediately and therefore continue to create noise a disturbance further into the small hours.

The cinema may be based in the middle of the town, but this a largely residential area populated by young families and elderly people. Consideration for their quality of life and the antisocial impact of the proposed licensing hours do not seem to have been given due consideration by The Depot.

Residents of Lansdown Place are already subject to experiences of damage to cars and property, litter, broken glass, fights and noise in the street caused by patrons of The Lansdown public house. The proposal by The Depot would only exacerbate the problems caused by drunken people in a residential area late at night.

Bearing in mind the following: Symposium Wine Emporium (32 Lansdown Place) has a licence for

alcohol sales until 11pm every night.; The Lansdown Arms (36 Lansdown Place)

has such a licence until 11pm Sunday-Thursday and 12:30am Friday-Saturday. It

would be reasonable to compare the conditions for this new development to those of the more recently opened

wine bar. In light of this, it would be unreasonable for the sale of alcohol and late night refreshment

to continue beyond 11pm.

Live and Recorded music Monday to Sunday from 11pm to 12 midnight

Permission to play live and recorded music would, particularly on weeknights,

risk being highly disruptive to the residents of nearby properties, including those

which back onto the site. As with the sale of alcohol for consumption, the application refers to music being played 'indoors and outdoors'. Once again, the potential for disruption throughout the week is immediately apparent and the application is *entirely unreasonable.*

Again, if we compare the licence of Symposium Wine Emporium which is permitted the playing of recorded (not live)

music until 8pm Monday-Saturday and 6pm on Sunday, I would argue such conditions would be more

reasonable than those proposed in the application.

To conclude, the conditions applied to nearby establishments in Lansdown Place

are a reasonable basis on which to consider appropriate licensing for the Lewes

Community Screen.

On a final note, I'd like to add that unlike the enthusiastic updates about the cinema's completion, in contrast, this application was not well-publicised. This has left residents in the immediate vicinity feeling that The Depot, having chosen this area to build its venue, has no consideration for the neighbourhood it is now part of. Contributing to the community requires much more than pleasing prospective customers and turning a profit.

Yours faithfully,

Valerie Ishii

8 Friars Walk

Lewes

East Sussex

BN7 2LE

We write to object to certain aspects of the Premises Licence for the Lewes Community Screen, Depot, Pinwell Road, Lewes, BN7 2JS.

We object to the consumption of alcohol after 11pm because of the potentially resulting noise and impact on the immediate, largely residential neighbourhood. There should be no drinking outside after 10pm.

We object to off-sales on the same basis. This seems totally misplaced for what is supposed to be a cinema, and there seems to be a potential for disorder given the site's proximity to the station. Drunks travelling to and from the station already generate vandalism and loutish behaviour for the area and the idea they could have another outlet for buying alcohol nearby is ill advised.

Because I missed the start of the recent meeting, to which we had not in any case been invited, I'm not clear about how live music and late drinking relate to the licensing application. We'd both be very against the noise and disruption that such facilities would engender and, again, cannot see how they relate to the concept of a cinema.

The reluctance of the site's owners to reveal any meaningful plans or their rationale for applying for the licence in this form point towards the cinema being merely a stalking horse for a much grander project with adverse effects for other businesses in the area as well as its long-suffering residents.

Yours faithfully,

Toby and Anne Wolpe

12 Lansdown Place

Lewes BN7 2JT

Licencing Officer
Southover House
Southover Road
Lewes
BN7 1AB

21 FRIARS WALK,
LEWES,
E Sx
BN7 2LF

07 April 2017

Re: Application for the grant of a Premises Licence – Lewes Community Screen, Depot, Pinwell Road, Lewes, BN7 2JS (Posted 21 February 2017)

Attn: Licencing Officer

I am writing to strongly oppose the application listed above in relation to its following proposed licensable activities:

Sale of alcohol for consumption on and off premises Monday to Sunday from 10am to midnight; Late night refreshment Monday to Sunday from 11am to 12 midnight

This application raises significant concerns under the licencing objectives and also fails to take account of licencing conditions imposed on nearby establishments.

Firstly, there is a concern over whether the application meets the Licencing Objectives of preventing crime and disorder and public nuisance. The application specifically contemplates alcohol sales and late night refreshment both 'indoors and outdoors' and 'on and off premises'. Ultimately, the site is, as its name suggests, a cinema and not primarily a bar or music venue. The activities contemplated in the application fail to adequately recognise this, particularly given the late hours referred to.

The site is arguably ill equipped for this and the potential for disorderly behaviour both on site and in its immediate surroundings late at night should be given detailed consideration. Attention should be paid to recent experience of the nearby Lansdown Arms Pub and nuisance caused late at night on the streets surrounding it. Damage to cars and property, fights and noise in the street are regular problems from the customers leaving the Lansdown after midnight, the proposed above would now see a rise in drunk people heading down Pinwell Road so the residents from 16 Friars walk and upwards would now have the disorderly behaviour from both sides, which would be unbearable, add to that the lack of lighting on Pinwell Road - its a disaster waiting to happen.

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To conclude, the conditions applied to nearby establishments in Lansdown Place are a reasonable basis on which to consider appropriate licencing for the Lewes Community Screen. It should also be noted that this application does not seem to have been well-publicised, particularly for those in the immediate vicinity and copies of the application were certainly not posted to nearby residents in spite of regular updates concerning the site and on-going building work being provided.

Sincerely,

Claire Jakens

Conditions in Friars Walk have seriously deteriorated. The night-time noise affects our health. The violence is terrifying and constant. It affects our property prices / ability to sell our homes. I am STRONGLY and VEHEMENTLY opposed to the proposed license.

2, Friars Walk
BN7 2CE

Licencing Officer
Southover House
Southover Road
Lewes
BN7 1AB

07 April 2017

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Sincerely,

J. Vaughan

J. Vaughan

RECEIVED
10 APR 2017
CSU
MAILROOM

2 Friars Walk
BN7 2LE

Licencing Officer
Southover House
Southover Road
Lewes
BN7 1AB

07 April 2017

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Sincerely, Sharon Lloyd.

SHARON LLOYD

Licencing Officer
Southover House
Southover Road
Lewes
BN7 1AB

07 April 2017

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Sincerely,

Mr Martin Machat: Martin Machat

Mrs Jane Machat: Jane Machat

Date: 8 April 2017.

Address: 8 Friar's Mews, Pinwell Road, Lewes, East Sussex BN7 2LW.

Licensing
Dear Ms. Lindsey,
I've received representations from a Town Councillor and from local residents in the Station Street/Lansdown Place area about applications for an openair late night Alcohol licence by The Depot, the new cinema due to open in the area. Residents are deeply concerned about the risk of excessive noise, and even disorder, if opening until 2 am is permitted on 15 nights each year and until midnight at other times. I submit that such a late night licence should not be granted at this time. I fully support the cinema and any application its management may make for a regular alcohol and entertainment licence. Late night opening, however, would probably impose serious disturbance on local residents.
Yours sincerely
Philip Daniel
Liberal Democrat Candidate for East Sussex County Council, Ringmer and Lewes Bridge Division
Mr Philip Daniel
1 Park Road
BN7 1BN

Dear Sue Linsey,

Whilst very supportive in general regarding the depot project we unfortunately feel we must strongly object to the application for a late license for the sale of alcohol submitted by Lewes Community Scheme.

The regular opening hours until 00.30 every night seem not to be in keeping with other bars and venues in the area. eg Symposiums license ensures closing times much earlier and the All Saints prohibit performances running beyond 11.00pm with audiences and event organisers being required to leave before midnight on most nights.

15 occasions a year with alcohol sales running to 2.00am seems a high number and with opening hours until 2.30am there will be noise in the surrounding streets until at least 3.00am on each occasion.

Off sales late into the evening will encourage footfall late at night again increasing noise and disruption for residents probably on a regular basis. It is actually very quiet in Friars Walk at night in only a few people can create substantial noise.

Parking is already impossible and unacceptable in this area. Even though we hold a parking permit it is very, very rare that we can park at all on Friars Walk in an evening and when football in particular, but other events occur as well it is not possible to park legally at all in this part of the town. Extended opening hours will only make this matter worse as there are no spaces for residents only after 5.00pm and no parking other than the expensive station car park near the venue.

We feel that if granted this will set a precedent that will allow and encourage other businesses to stay open later and more often, causing substantial noise and disruption for nearby residents including ourselves. We very much appreciate and enjoy having bars, restaurants and venues in close proximity to our home, however the four restaurants, pub, wine bar, cafe, hotel bar and arts venue we already have within two or three minutes walk, all operate to very reasonable hours (even then sometimes causing some disruption) and if as the town grows as it is doing, if all or some of these chose to apply for extended hours and off sales as well the precedent will have been set giving little opportunity for objection by the planning authority. We also have the potential new development of the Turkish Baths as yet to be identified which again could make use this as a precedent to negatively impact the community.

We are very disappointed that residents were not properly consulted about these plans by the applicant and would question why this application has been made now and not when the original planning application was made? Also given that the issue relating to the certain and potentially substantial increase in vehicular traffic using Pinwell Road, that was not addressed by either the applicant or the planning authority when the original planning application was made, we unfortunately have grave concerns about the disruption and general impact on what is a very, very quiet road mostly used only by pedestrians and cycles and hardly used at all at night.

Thank you for consideration of our comments.

Regards

Dina Malkova-Deacon
29 Lansdown Place
Lewes
East Sussex
BN7 2JU

09/04/2017

Tel: 07974181693
email: info@dinamalkova.com

Sue Lindsey
Licensing officer
Lewes District Council
Southover House
Southover Road
Lewes
Sussex
BN7 1AB

Dear Ms Lindsey

Re: The Depot, Lewes Independent Cinema, Pinwell Lane, Lewes.
Application for a new Premises Licence.

My home directly overlooks the new cinema premises, my living room and bedroom face directly onto the site, a distance of approximately 20 metres.

I wish to oppose/object to the application of granting of an alcohol and music licence to the cinema for the following reasons:

PUBLIC NUISANCE
As far as I am aware the venture proposed was a cinema, and applied for planning permission on that basis.

It now seems that the directors/management of the cinema wish to change it to a multi purpose 'arts venue', to include live music with alcohol consumption both indoors and outdoors until 2am, - directly under my living room and bedroom windows.

Over the last 14 months or so of the building phase, I have suffered to a lot of disruption, noise and associated personal stress from the building works. I am a self employed Designer working from home.

In June last year my husband suffered a stroke. Since he works from home, we believe that the noise levels from the building work contributed significantly to stress which precipitated the stroke, and therefore now it is crucial he manages his stress levels responsibly. Therefore I do not wish to have noise of boozy music events intruding into my home at all.

We currently have more than enough noise (screaming shouting and fighting and drunkenness), in the late evenings and early mornings, and to have boozy music events as well on the other side of

the house would be too much.

PUBLIC SAFETY & THE PREVENTION OF CRIME AND DISORDER

The prospect of an off sales licence is alarming, particularly as already we regularly have droves of football supporters from Brighton and Hove Albion and their Opposition teams (soon to be big premiership teams like Man Utd, Liverpool, etc) visiting here, we do not need them getting alcohol from 'The Cinema', though I'm certain the cinema would welcome the extra turnover.
The prospect of extra crime that could result from this is a very real and dangerous prospect.

I feel this licence application should be denied, and no alcohol and/or music licence should be granted at all.

But if one is, it should be on the basis that alcohol may only be sold as part of a proper meal, and consumed indoors, with the meal, and none to be taken outside of the cinema building, (including the garden/outdoors area) or off the premises.
That any music noise (live or recorded), be kept inside the cinema building (at a level such that it cannot be heard outside), and that all music, live or recorded ceases no later than 10.30pm.

Yours Sincerely

Dina Malkova-Deacon

Michael Deacon
29 Lansdown Place
Lewes
East Sussex
BN7 2JU

09/04/2017

Tel: 07751137057
email: mickedeacon@gmail.com

Sue Lindsey
Licensing officer
Lewes District Council
Southover House
Southover Road
Lewes
Sussex
BN7 1AB

Dear Ms Lindsey

Re: The Depot, Lewes Independent Cinema, Pinwell Lane, Lewes.
Application for a new Premises Licence.

I have lived at this address since October 1988.
My home directly overlooks the new cinema premises, my living room and bedroom face directly onto the site, a distance of approximately 20 metres.

I wish to oppose/object to the application of granting of an alcohol and music licence to the cinema for the following reasons:

PUBLIC NUISANCE
As far as I am aware the venture proposed was a cinema, and applied for planning permission on that basis. I did not object to this. I have never objected to any planning decision or licensing decision previously. This is a first for me.

It now seems that the directors/management of the cinema wish to 'move the goal posts' and have a multi purpose 'arts venue', to include live music with alcohol consumption both indoors and outdoors until 2am, - directly under my living room and bedroom windows. This Sounds to me that they want to change the agreement to a bar or night club, (ZU two?).

To say that this would be 'a nuisance' is an understatement.

Over the last 14 months or so of the building phase, I have suffered to a lot of disruption, noise and associated personal stress from the building works. I am a self employed Graphic Designer working from home, in my living room on my computer.

In June last year I suffered a stroke, thankfully I have recovered well with no serious lasting effects. The noise levels from the building work contributed significantly to stress

which precipitated the stroke, and therefore now it is crucial I manage my stress levels responsibly. Therefore I do not wish to have and the associated noise of boozy music events intruding into my home at all.

I am surprised that a 'cinema' should contemplate having a licence at all, let alone one with priveleges which other licenced premises (the Pub and the Winebar) in the vicinity do not. We currently have more than enough noise (screaming shouting and fighting and drunkenness), in the late evenings and early mornings as it is, to have boozy music events as well would be too much. Please also bear in mind my next door neighbour Mrs Cole at 27, she is very old, and the new neighbours the other side, Naomi and Zuki, who have young children. I believe they currently are away on holiday and will not be aware of this proposal.

PUBLIC SAFETY & THE PREVENTION OF CRIME AND DISORDER
The prospect of an off sales licence is alarming, particularly as already we regularly have droves of football supporters from Brighton and Hove Albion and their Opposition teams (soon to be big premiership teams like Man Utd, Liverpool, etc) visiting here, we do not need them getting alcohol from 'The Cinema', though I'm certain the cinema would welcome the extra turnover.
The prospect of extra crime that could result from this is a very real and dangerous prospect.

I feel this licence application should be denied, and no alcohol and/or music licence should be granted at all.
But if one is, it should be on the basis that alcohol may only be sold as part of a proper meal, and consumed indoors, with the meal, and none to be taken outside of the cinema building, (including the garden/outdoors area) or off the premises.
That any music noise (live or recorded), be kept inside the cinema building (at a level such that it cannot be heard outside), and that all music, live or recorded ceases no later than 10.30pm.

They told us it was to be a cinema. That's fine, it was agreed. Not a night club, the site for that is north street industrial estate. If a 'cinema' customer wants a pub, wine bar or restaurant, we already have them, plenty, very conveniently nearby.

I would also like to point out that it seems the cinema management has tried to sneak this by us. At no time up until very recently did I receive any notice of the intention to apply for this licence, from the cinema management, no letter of notice through the door, nothing.
I only discovered this intention on the 1st of april from my neighbour, (Rob Clark) I thought he was trying to April fool me. He provided me with a photocopy of a photo he took of a paper notice posted on the perimeter of what is currently the building site.

Sorry if I went off-piste a bit.

Yours Sincerely

Michael Deacon

Licencing Officer
Southover House
Southover Road
Lewes
BN7 1AB

07 April 2017

Re: Application for the grant of a Premises Licence – Lewes Community Screen, Depot, Pinwell Road, Lewes, BN7 2JS (Posted 21 February 2017)

Attn: Licencing Officer

I am writing to strongly oppose the application listed above in relation to its following proposed licensable activities:

Sale of alcohol for consumption on and off premises Monday to Sunday from 10am to midnight; Late night refreshment Monday to Sunday from 11am to 12 midnight

This application raises significant concerns under the licencing objectives and also fails to take account of licencing conditions imposed on nearby establishments.

Firstly, there is a concern over whether the application meets the Licencing Objectives of preventing crime and disorder and public nuisance. The application specifically contemplates alcohol sales and late night refreshment both 'indoors and outdoors' and 'on and off premises'. Ultimately, the site is, as its name suggests, a cinema and not primarily a bar or music venue. The activities contemplated in the application fail to adequately recognise this, particularly given the late hours referred to.

The site is arguably ill equipped for this and the potential for disorderly behaviour both on site and in its immediate surroundings late at night should be given detailed consideration. Attention should be paid to recent experience of the nearby Lansdown Arms Pub and nuisance caused late at night on the streets surrounding it. Damage to cars and property, fights and noise in the street are regular problems from the customers leaving the Lansdown after midnight, the proposed above would now see a rise in drunk people heading down Pinwell Road so the residents from 16 Friars walk and upwards would now have the disorderly behaviour from both sides, which would be unbearable, add to that the lack of lighting on Pinwell Road - its a disaster waiting to happen.

The nearby Symposium Wine Emporium (32 Lansdown Place) has a licence for alcohol sales until 11pm every night. The Lansdown Arms (36 Lansdown Place) has such a licence until 11pm Sunday-Thursday and 12:30am Friday-Saturday. It would be reasonable to compare the conditions for this new cinema to those of a wine bar rather than a pub that has stood on the site for many decades. In light of this, it would be unreasonable for the sale of alcohol and late night refreshment to continue beyond 11pm.

Live and Recorded music Monday to Sunday from 11pm to 12 midnight

Permission to play live and recorded music would, particularly on weeknights, risk being highly disruptive to the residents of nearby properties, including those which back on to the site. Some of these properties are currently occupied by families with young children, whose interests should be given due consideration. As with the sale of alcohol for consumption, the application refers to music being played 'indoors and outdoors'. Once again, the potential for disruption throughout the week is immediately apparent and the application is facially unreasonable.

Symposium Wine Emporium has a licence for the playing of recorded (not live) music until 8pm Monday-Saturday and 6pm on Sunday. They are also only permitted to play recorded music indoors. Such conditions would be more reasonable than those proposed in the application.

To conclude, the conditions applied to nearby establishments in Lansdown Place are a reasonable basis on which to consider appropriate licencing for the Lewes Community Screen. It should also be noted that this application does not seem to have been well-publicised, particularly for those in the immediate vicinity and copies of the application were certainly not posted to nearby residents in spite of regular updates concerning the site and on-going building work being provided.

Sincerely,

D. G. Brown No. 4 Friars Walk Lewes

FAO Licensing Officer
Southover House
Southover Road
Lewes
BN7 1AB

Dear Ms Lindsey

Re: Application for the grant of a Premises Licence – Lewes Community Screen, Depot, Pinwell Road, Lewes, BN7 2JS (Posted 21 February 2017)

I am, like many residents, writing to strongly oppose the application listed above in relation to its following proposed licensable activities:

Sale of alcohol for consumption on and off premises Monday to Sunday from 10am to midnight; Late night refreshment Monday to Sunday from 11am to 12 midnight; Live and recorded music Monday to Sunday from 11am to 12 midnight. And proposal for extension until 2am up to 15 times a year for all the above.

This application raises significant concerns under the licensing objectives and fails to take account of licensing conditions imposed on nearby establishments which are more restrictive.

The application specifically contemplates alcohol sales and late night refreshment both 'indoors and outdoors' and 'on and off premises'. Ultimately, the site is, as its name suggests, a cinema, and not primarily a bar or music venue. The activities contemplated in the application fail to recognise this adequately, particularly given the late hours contemplated.

Several residential homes house back onto The Depot site: their privacy and quality of life will be seriously impacted by the proposed licensing hours. Loud music and noise created by people drinking alcohol will cause significant disruption late at night, particularly in the summer.

I strongly object to the proposal to stay open until 2am up to 15 nights a year. Whether this is organised seasonally, or on a month-by-month basis, it threatens the immediate neighbourhood with unreasonable disturbance during a large part of the night. If events finish at 2 am, guests are unlikely to disperse immediately and therefore continue to create noise a disturbance further into the small hours.

The cinema may be based in the middle of the town, but this a residential area. Consideration for their quality of life and the antisocial impact of the proposed licensing hours do not seem to have been given due consideration by The Depot. Residents of Lansdown Place and Friars Walk are already subject to experiences of damage to cars and property, litter, broken glass, fights and noise in the street caused by patrons of The Lansdown public house. The proposal by The Depot will exacerbate the problems caused by drunken people in a residential area late at night.

Bearing in mind the following: Symposium Wine Emporium (32 Lansdown Place) has a licence for alcohol sales until 11pm every night.; The Lansdown Arms (36 Lansdown Place) has such a licence until 11pm Sunday-Thursday and 12:30am Friday-Saturday. It is reasonable to compare the

conditions for this new development to those of the more recently opened wine bar. The current application is far more lenient and unreasonably so.

Live and Recorded music Monday to Sunday from 11pm to 12 midnight
Permission to play live and recorded music will, particularly on weeknights, be highly disruptive to the residents of nearby properties, particularly those which back onto the site. As with the sale of alcohol for consumption, the application refers to music being played 'indoors and outdoors'. The potential for disruption throughout the week is immediately apparent and the application is *entirely unreasonable*.

Comparing the licence of Symposium Wine Emporium which is permitted the playing of recorded (not live) music until 8pm Monday-Saturday and 6pm on Sunday, I argue such conditions would be more reasonable than those proposed in the application.

To conclude, the conditions applied to nearby establishments in Lansdown Place are a reasonable basis on which to consider appropriate licensing for the Lewes Community Screen.

On a final note, I'd like to add that unlike the enthusiastic updates about the cinema's completion, in contrast, this application was not well-publicised. This has left residents in the immediate vicinity feeling that The Depot, having chosen this area to build its venue, has no consideration for the neighbourhood it is now part of. Contributing to the community requires much more than pleasing prospective customers and turning a profit.

Yours faithfully,

Adam Goodsell
8 Friars Walk
Lewes
East Sussex
BN7 2LE

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APPENDIX 7

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Licensing
I would like to formally support the licensing application
put in by Lewes Community Screen currently pinned up
on the building hoardings. It's a terrific idea and should be granted.
It'll really make the new amenity
become more than just a very good cinema. It'll be good
for footfall and local trade. I'm sure local residents will
object on the basis of noise. That seems to be very
unlikely and smallmindedly
NIMBY of local residents. I
can't see it doing anything other than good for the
amenity and the town.
Dr Samuel KZ Knowles
5 Montacute Road
BN7 1EN

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APPENDIX 8

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LEWES DISTRICT COUNCIL
STATEMENT OF LICENSING POLICY

1 INTRODUCTION

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

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

1.1 THE SCOPE OF THIS POLICY COVERS THE FOLLOWING:

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

1.2 THE AIMS OF THIS POLICY ARE TO:

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

1.3 THE LICENSING OBJECTIVES ARE:

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

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

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

1.5 THIS STATEMENT PROVIDES GUIDANCE

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

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

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

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

2 LOCAL FEATURES

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

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

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

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

3 DELEGATION OF FUNCTIONS

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

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

4 GENERAL STATEMENT OF GUIDING PRINCIPLES

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

PRINCIPLE 1

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

PRINCIPLE 2

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

PRINCIPLE 3

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

5 THE PRINCIPLES IN DETAIL

5.1 PRINCIPLE 1

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

5.1.1 This is intended to:

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

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

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

5.1.4 The Council will support:

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

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

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

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

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

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

5.2 PRINCIPLE 2

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

5.2.1 This is intended to:

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

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

5.2.3 However, there is no general presumption in favour of lengthening licensing hours. The four licensing objectives will be paramount considerations at all times and each case judged on its individual merits.

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

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

- consider the potential for public nuisance, crime and disorder and/or danger to public safety associated with the style, characteristics and activities of the business involved and the rights of residents to peace and quiet.
- examine the potential steps which could be taken to reduce the risk of public nuisance, crime and disorder and/or danger to public safety, particularly in areas of dense residential accommodation.
- consider restricting the hours of trading in cases where there are good grounds for believing that the licensing objectives will be or are being undermined.

5.3 PRINCIPLE 3

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

This is intended to:

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

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

5.3.3 The Council will take particular account when:

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

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

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

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

5.3.6 CHILDREN AND CINEMAS

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

5.3.7 CHILDREN AND PUBLIC ENTERTAINMENTS

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

6 OTHER CONSIDERATIONS

6.1 LIVE MUSIC, DANCING & THEATRE

The Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefits of the community. The Council will seek to obtain a balance between the potential for limited neighbourhood disturbance and the benefits of cultural activities, particularly for children, and will not allow the views of vocal minorities to predominate over the general interests of the community.

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

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

6.2 SHOPS, STORES AND SUPERMARKETS

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

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

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

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

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

6.3 INTEGRATION OF STRATEGIES

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

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

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

Such conditions may include:

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

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

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

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

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

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

6.4 OTHER LEGISLATION

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

6.4.2 HEALTH AND SAFETY

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

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

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

6.4.3 SMOKING

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

6.4.4 FIRE SAFETY

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

6.4.5 FOOD HYGIENE

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

6.4.6 NOISE

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

6.4.7 WASTE

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

6.5 STANDARD CONDITIONS

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

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

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

6.6 REVIEW AND ENFORCEMENT

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

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

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

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

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

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

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

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

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

7 DETAILS OF RESPONSIBLE AUTHORITIES

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

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

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

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

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

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

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

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

8 CONTACT DETAILS

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

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

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

APPENDIX 9

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9.27 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.

9.28 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.

9.29 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

9.30 Regulations governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, the applicant and all of the persons who made relevant representations. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

9.31 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. If the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences.

9.32 Regulations made under the 2003 Act require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.

9.33 Applicants should be encouraged to contact responsible authorities before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.

9.34 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination

process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.

9.35 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.

9.36 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.37 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.38 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.39 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.40 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

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

9.41 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.42 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.43 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

Considering cases where licensing and planning applications are made simultaneously

9.44 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

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APPENDIX 10

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2. The licensing objectives

Crime and disorder

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

Public safety

2.6 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.7 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.8 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.33-8.41), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

2.9 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

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

Safe capacities

2.11 "Safe capacities" should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.12 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act[1], the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the "permitted capacity" of those premises should be.

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

Public nuisance

2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be

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

disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

2.21 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.22 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.23 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.24 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.25 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.26 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;

- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.27 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.28 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.29 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.30 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

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

Table of relevant offences under the 2003 Act

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

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APPENDIX 11

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10. Conditions attached to premises licences and club premises certificates

General

10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

Consistency with steps described in operating schedule

10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. This provision also applies to minor variations.

10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Naming, packing and promotion in retail premises

10.11 The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives.

10.12 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until there has been compliance with the decision.

Hours of trading

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

The performance of plays

10.16 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play[7] which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

Censorship

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

Major festivals and carnivals

10.18 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.

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

10.19 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.

10.20 Local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name.[8] This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place.[9] Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need the permission of the local authority to put on the event.

Fixed prices

10.21 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions including where they give rise to a significant risk to any one of the four licensing objectives; the mandatory conditions also prohibit the sale of alcohol below the permitted price, as defined in paragraph 10.59.

10.22 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

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

10.23 Large capacity "vertical drinking" premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.

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

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

10.24 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

Sale and use of new psychoactive substances (NPS) at alcohol licensed premises such as off-licences

10.25 New psychoactive substances (NPS) mimic the effects of illegal drugs (like cocaine, cannabis and ecstasy) while being designed to evade controls. The sale of new psychoactive substances (NPS) – so called "legal highs" – is not regulated under the 2003 Act. However, licensing authorities may wish to consider whether conditions are appropriate to prevent the sale of such products alongside the sale of alcohol at a licensed premises, including at off-licences, or, for example, for on-trade premises to impose a door policy. Some NPS products may contain controlled drugs, and therefore be illegal, in which case the licensing authority should involve the police and consider applying for a review of the premises licence on crime and disorder grounds. But some NPS are not illegal. There is evidence that such NPS products can cause harms, particularly if taken in combination with alcohol. Further information about NPS is on the Government's "FRANK" website: http://www.talktofrank.com/.

10.26 Licensing authorities will need to consider whether there is evidence that it would be appropriate to impose a condition of this kind specifically in order to promote one or more of the statutory licensing objectives, including public safety and protecting children from harm. Hospital admissions data or public order or nuisance data may assist or evidence that NPS are being purchased at a premises used by those under 18. Conditions must of course be tailored to the individual type, location and characteristics of the premises and events concerned and should be proportionate, justifiable and be capable of being met. As explained, in Chapter 2 (paragraph 2.6), public safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective or nuisance objective. There will be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition.

Mandatory conditions in relation to the supply of alcohol

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

Designated premises supervisor

10.28 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

10.29 The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).

10.30 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

Authorisation by personal licence holders

10.31 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.

10.32 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.

10.33 "Authorisation" does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.

10.34 The following factors should be relevant in considering whether or not an authorisation has been given:

- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
- the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
- there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
- there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

10.35 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.

10.36 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.

10.37 It must be remembered that while the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

Arrangements for the mandatory licence conditions

10.38 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification, small measures and the prohibition on sales of alcohol below the permitted price) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in section 19 of the 2003 Act (the requirement for a DPS and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory aspirational licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.

10.39 Whereas the initial mandatory conditions in section 19 of the 2003 Act are set out in Annex A of the licence, the additional mandatory conditions made under section 19A of the 2003 Act are treated as if they were included in existing licences and certificates on the date that those conditions came into force.

10.40 Following their commencement, the mandatory conditions overrode any pre-existing conditions already included in a licence or certificate insofar as the mandatory conditions were identical to, or inconsistent with or more onerous than, any pre-existing conditions. It is not necessary to record on the face of existing licences and certificates the impact that the introduction of the mandatory conditions has had on pre-existing conditions.

Irresponsible promotions

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

Drinking games

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

Large quantities of alcohol for free or a fixed price

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

Prizes and rewards

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

Posters and flyers

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

Dispensing alcohol directly into the mouth

10.46 The responsible person (see paragraph 10.41) must ensure that no alcohol is dispensed directly into the mouth of a customer. For example, this may include drinking games such as the 'dentist's chair' where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers' mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

Free potable water

10.47 The responsible person (see paragraph 10.41) must ensure that free potable water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply. However, it may be reasonable to expect bottled water to be provided in such circumstances.

Age verification

10.48 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.41) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature.

10.49 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies by the premises.

10.50 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.

10.51 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.

10.52 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

Smaller measures

10.53 The responsible person (see paragraph 10.41) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:

- Beer or cider: ½ pint
- Gin, rum, vodka or whisky: 25ml or 35ml
- Still wine in a glass: 125ml

10.54 As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures by displaying them on printed materials available to customers on the premises. This can include making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent and conspicuous place in the relevant premises (for example, at the bar). Moreover, staff must make customers aware of the availability of small measures when customers do not request that they be sold alcohol in a particular measure.

10.55 This condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the requirement to make it available in 1/2 pints does not apply.

10.56 The premises licence holder or club premises certificate holder must ensure that staff are made aware of the application of this condition.

Ban on sales of alcohol below the permitted price

10.57 The relevant person (the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, the personal licence holder who makes or authorises a supply of alcohol under such a licence, or any member or officer of a club present on the premises in a capacity which enables the member or officer to prevent the supply in question) shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

10.58 The permitted price is defined as the aggregate of the duty chargeable in relation to the alcohol on the date of its sale or supply and the amount of that duty multiplied by a percentage which represents the rate of VAT chargeable in relation to the alcohol on the date of its sale or supply. Detailed guidance on how to make this calculation and a calculator to determine permitted prices for each product are available on the Home Office website.

10.59 Where there is a change to the rate of duty or VAT applying to alcohol (for instance, following a Budget), the relevant person should ensure that the permitted price reflects the new rates within fourteen days of the introduction of the new rate.

10.60 It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.

Exhibition of films

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

10.62 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film', it is therefore applicable to the exhibition of adverts.

Door supervision

10.63 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 ("the 2001 Act")), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority ("the SIA") under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.

10.64 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain employees benefit from an exemption when carrying out conduct in connection with a certified sports ground (section 4(6) to (12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA's Approved Contractor Scheme (section 15).

10.65 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.

10.66 Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:

- premises in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
- casinos or bingo halls licensed under the Gambling Act 2005;
- premises where a club certificate is in force when activities are being carried on under the authority of that certificate.

See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.

10.67 It should be noted, however, that the 2001 Act will require contractors and a small number of employees (those managing/supervising and those supplied under contract) to be licensed as manned guards (rather than door supervisors) when undertaking licensable conduct on premises to which paragraph 8(3) of Schedule 2 to the 2001 Act applies.

10.68 It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be explicit, as should the mandatory condition for those individuals to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public), no mandatory condition should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act.)