

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)-

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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 Committee 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:

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

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 appropriate weight to:

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

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 not limited to, having due regard to the Equality Act 2010 and the Human Rights Act 1998.

16. Entertainment De-regulation

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 for the 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