

Licensing Sub-Committee

28 June 2019



Time and venue:

10.00 am in the Ditchling & Telscombe Rooms - Southover House, Lewes

Membership:

Councillors; Sam Adeniji, Isabelle Linington, Sean MacLeod and Roy Clay (reserve)

Quorum: 3

Published: Thursday, 20 June 2019

Agenda

- 1 Election of chair of the sub-committee for this meeting**
- 2 Apologies for absence/declaration of substitute members**
- 3 Declarations of interest**

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

- 4 Premises Licence hearing - Lewes Golf Club (Pages 3 - 140)**

Information for the public

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Report to: Licensing Sub Committee

Date: 28 June 2019

Title: Application for a Premises Licence. Lewes Golf Club, Chapel Hill, Lewes

Report of: Director of Service Delivery

Ward(s): Lewes Bridge

Purpose of report: To consider representations made against the Premises Licence application submitted under the Licensing Act 2003 and make a decision on the application

Officer recommendation(s): To consider representations made against the Premises Licence application submitted under the Licensing Act 2003 and make a decision on the application

Reasons for recommendations: Relevant representations made within consultation period

Contact Officer(s): Name: Susan Lindsey
Post title: Specialist Advisor (Licensing)
E-mail: sue.lindsey@lewes-eastbourne.gov.uk
Telephone number: 01273 085210

1. Introduction

1.1 Lewes District Council received a Premises Licence application submitted under the Licensing Act 2003 for the premises : Lewes Golf Club Appendix 1

1.2 The applicant is 'Lewes Golf Club Limited'

1.3 The licensable activities applied for are:

1.4 Sale of alcohol for consumption on and off the premises from 9am to 11pm Monday to Sunday.

1.5 Lewes Golf Club have submitted the following steps to promote the four licensing objectives.

1.5.1 General

1.5.2 All staff will be trained in licensing law and the responsible sale of alcohol prior to commencement of selling alcohol; a staff training manual will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request.

- 1.5.3 Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 6 months, with the date and time of the verbal reinforcement/refresher training documented.
- 1.5.4 All such training undertaken by staff members shall be fully documented and recorded and signed by both the employee and the DPS.
- 1.5.5 A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.
- 1.5.6 The prevention of crime and disorder
- 1.5.7 An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least intervals of no more than four (4) weeks.
- 1.5.8 The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police.
- 1.5.9 Feedback shall be given to staff to ensure these are used on each occasion that an incident occurs at the premises.
- 1.5.10 CCTV: Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for digital CCTV system, (PSDB publication 09/05) operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times. CCTV footage will be stored for a minimum of 28 days. The management will give full and immediate cooperation and technical assistance to the Police and Local Authority 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 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 (or similar) for the Police and Local Authority without difficulty or delay and without charge. Any breakdown or system failure will be notified to the Police and Local Authority immediately and remedied as soon as practicable.
- 1.5.11 Public Safety
- 1.5.12 Regular risk assessments are undertaken and records retained.

- 1.5.13 The prevention of public nuisance
- 1.5.14 Due to the remote position of this premises, no public nuisance issues are anticipated. However, should any arise, these will be dealt with in co-operation with the Local Authority.
- 1.5.15 The Protection of Children from Harm
- 1.5.16 The premises will operate an age verification policy set at a minimum of 25 years (e.g. "Challenge 25") whereby any person attempting to buy alcohol who appears to be under the specified age e.g. 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.
- 1.5.17 Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations in the premises.
- 1.5.18 A refusals register will be kept and maintained at the premises and made available for inspection by Police, Police Licensing Officers and Local Authority Officers on request.
- 1.6 If granted, the above (1.5.1 to 1.5.18) 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.
- 1.7 The application has been advertised in line with the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

2. Background information

- 2.1 Lewes Golf Club was founded in 1896 with the timbered clubhouse being rebuilt in 1996 (the Club's Centenary year). The main greens and tees are professionally maintained to guarantee play all year round. The course is 6,253 yards, with members and visitors having access to a five bay driving range and practice greens.
- 2.2 Lewes Golf Club is accessed via Chapel Hill (a narrow single track road).
- 2.3 Lewes Golf Club currently have a 'Club Premises Certificate' issued under the Licensing Act 2003 (Appendix 2).
- 2.4 The Club Certificate issued by Lewes Magistrates Court under the Licensing Act 1964 was 'converted' to a Club Premises Certificate issued under the new 'Licensing Act 2003' in 2005

- 2.5 The current Club Premises Certificate allows:
- 2.6 the supply of alcohol by or on behalf of the club to, or to the order of, a member of the club for consumption on or off the premises, and
- 2.7 the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place.
- 2.8 The times authorised for the carrying out of the above qualifying club activities are:
- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10am to 11pm
 - b. On Sundays, other than Christmas Day or New Years Eve, 12 noon to 10.30pm On Good Friday 12 noon to 10.30pm
 - c. On New Years Eve, except on a Sunday 10am to 11pm
 - d. On Christmas day the hours shall:
 - e. not exceed six and a half hours
 - f. not begin earlier than noon
 - g. not end later than 10.30pm
 - h. provide for a break of at least 2 hours, including 3pm to 5pm
 - i. not extend for more than three and a half hours after 5pm - j. On New Years Eve from the end of permitted hours to the start of permitted hours on the following day.
- 2.10 Lewes District Council historic records show the renewal of the Lewes Magistrates Court Club Registration Certificate in February 2003 : it is not known how long prior to this date the Club Certificate was issued.
- 2.11 Lewes District Council records show no complaints having been made against the Lewes Golf Club.
- 2.12 An aerial view of Lewes Golf Club showing its proximity to residential premises is at Appendix 9
- 2.13 Should the Licensing Sub Committee's decision be to grant the Premises Licence, Lewes Golf Club propose to surrender the current Club Premises Certificate, but if the decision is made to refuse the issue, then it is proposed to continue to use the Club Premises Certificate.

3. Temporary Event Notices

- 3.1 Lewes Golf Club applied for 2 Temporary Event Notices in 2018, for events in May and November. These Temporary Event Notices were authorised for up to 11pm and 12 midnight

3.2 Temporary Event Notices 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.

3.3 Anyone over the age of 18 can apply for a Temporary Event Notice. A 'premises' can accommodate up to 15 events per 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. The Police and Environmental Health are the only bodies authorised under the Licensing Act 2003 to make representation against a Temporary Event Notice application.

4. Representation received from Responsible Authorities:

- a. Police: Response received – provided steps offered by the applicant are attached to the licence if granted, they have no objection.
- b. Environmental Health: No comment
- c. Fire Officer: No comment
- d. ESCC – Child Protection: No comment
- e. Trading Standards: No comment
- f. Health & Safety: No comment
- g. Planning: No comment
- h. Public Health: No comment
- i. Home Office Immigration: No comment

4.1 A copy of the Police response is in Appendix 3

5. Representation received from others

5.1 There have been 13 letters and emails of objection regarding this application from members of the public. These have been submitted on the grounds that the application will undermine the licensing objectives of public nuisance, crime and disorder, public safety and the protection of children from harm Appendix 4

6. Mediation

6.1 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.

7. Licensing Sub Committee Considerations

7.1 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

8. Licensing Policy Considerations:

8.1 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 which is the subject of this application Appendix 5

8.2 The aims of the Policy are to secure the safety and amenity of residential communities, to help ensure a sustainable environment and 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

8.3 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.

8.4 In each case that arises following representation, the Policy states that 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.

9. National Guidance

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

9.2 Particular reference should be made to Appendix 7 paragraphs 2.10 and 2.21

9.3 These sections cover:

- Hearing Regulations Appendix 6
- The Licensing Objectives Appendix 7

- Conditions Appendix 8

10. Other Relevant Legislation

10.1 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.

11. Options

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

- Grant the Licence in the same terms as it was applied for
- Grant the Licence, but modify the conditions
- Grant the Licence, but modify the hours of licensable activity
- Refuse to issue the Licence

12. Rights of Appeal

12.1 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. The appeal application must be made within 21 days of the written notification of the Sub Committees decision.

13. Recommendation

Members are requested to determine the application made by Lewes Golf Club Limited for a new Premises Licence. Members are requested to give reasons for their determination.

14. Financial appraisal

No financial implications arising directly from this report.

15. Legal implications

This Report was considered by the Legal Section (IKEN-8322-MW) ON 11 June 2019

16. Appendices:

Appendix 1 - Application for a Premises Licence

Appendix 2 - Lewes Golf Club 'Club Premises Certificate'

Appendix 3 - Police response to consultation

Appendix 4 - 13 x Letter and email representations

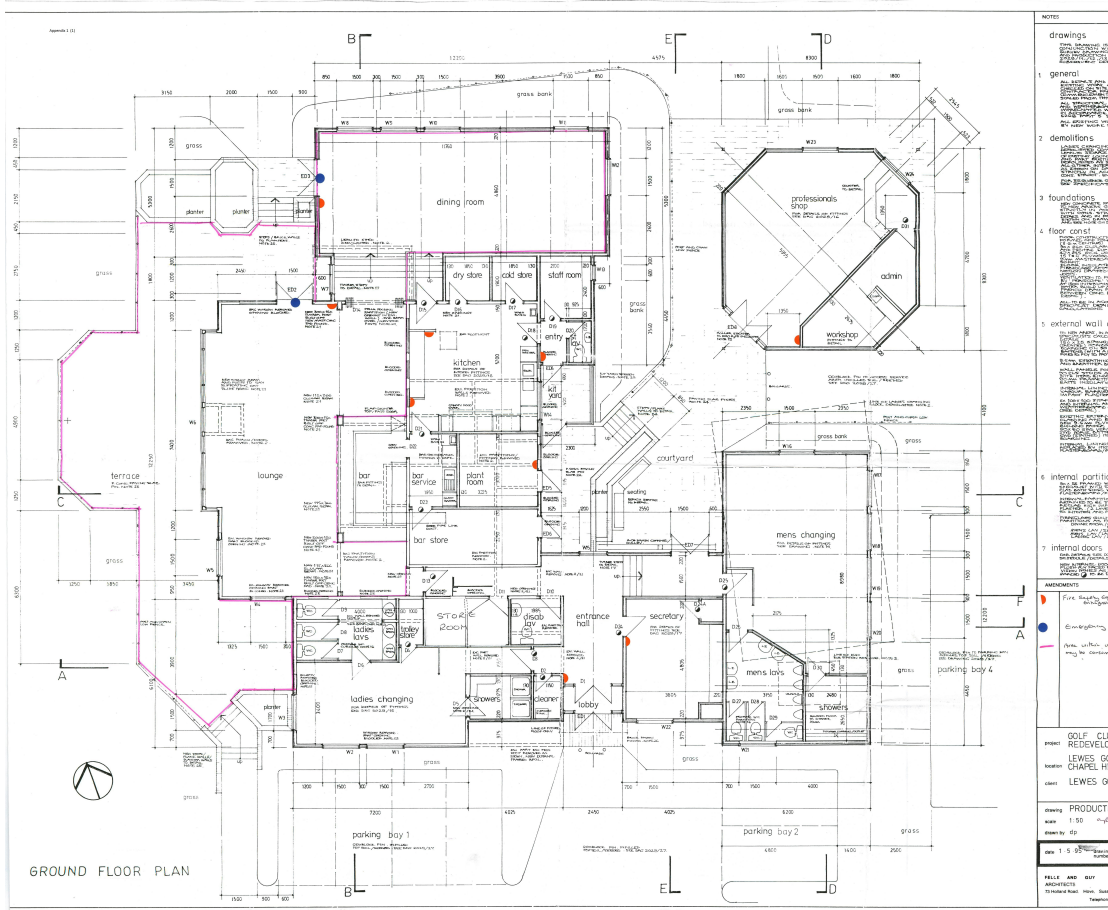
Appendix 5 - Lewes District Council Statement of Licensing Policy

Appendix 6 - Hearing Regulations

Appendix 7 - National Guidance – The Licensing Objectives

Appendix 8 - National Guidance – Conditions

Appendix 9 - Aerial view of premises showing proximity to residential premises



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Appendix 1 (2)

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 Golf Club Limited
(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 Lewes Golf Club Chapel Hill			
Post town	Lewes	Postcode	BN7 2BB

Telephone number at premises (if any)	01273 483474
Non-domestic rateable value of premises	£ Band C

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/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) 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 (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes			
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential 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 Golf Club Limited
Address Chapel Hill Lewes East Sussex BN7 2BB
Registered number (where applicable) 014219111
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company

Telephone number (if any)

01273 483474

E-mail address (optional)

secretary@lewesgolfclub.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

ASAP

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)

Private members golf club

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all 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 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			<u>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</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>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</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	09:00	23:00			
Tue	09:00	23:00			
Wed	09:00	23:00			
Thur	09:00	23:00			
Fri	09:00	23:00			
Sat	09:00	23:00			
Sun	09:00	23:00			
			<u>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</u> (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Paula Collins	
Date of birth 19 th March 1966	
Address Begheim Hailsham Road Herstmonceux	
Postcode	BN27 4JL
Personal licence number (if known) WEA/LN/000009622	
Issuing licensing authority (if known) Wealden	

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 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	09:00	23:00	
Tue	09:00	23:00	
Wed	09:00	23:00	
Thur	09:00	23:00	
Fri	09:00	23:00	
Sat	09:00	23:00	
Sun	09:00	23:00	
			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 6)

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 10)

- a) All staff will be trained in licensing law and the responsible sale of alcohol prior to commencement of selling alcohol; a staff training manual will be kept and maintained at the premises and made available for inspection by police licensing officers and local authority officers on request.
- b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 6 months, with the date and time of the verbal reinforcement/refresher training documented.
- c) All such training undertaken by staff members shall be fully documented and recorded and signed by both the employee and the DPS.
- d) A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.

b) The prevention of crime and disorder

- a) An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least intervals of no more than four (4) weeks.
- b) The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police.
- c) Feedback shall be given to staff to ensure these are used on each occasion that an incident occurs at the premises.
- d) CCTV: Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for digital CCTV system, (PSDB publication 09/05) operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
- e) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- f) CCTV footage will be stored for a minimum of 28 days.
- g) The management will give full and immediate cooperation and technical assistance to the Police and Local Authority in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- h) The CCTV images will record and display dates and times, and these will be checked regularly to ensure their accuracy.
- i) 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 (or similar) for the Police and Local Authority without difficulty or delay and without charge.
- j) Any breakdown or system failure will be notified to the Police and Local Authority immediately and remedied as soon as practicable.

c) Public safety

- a) Regular risk assessments are undertaken and records retained.

d) The prevention of public nuisance

Due to the remote position of this premises, no public nuisance issues are anticipated. However, should any arise, these will be dealt with in co-operation with the Local Authority.

e) The protection of children from harm

- a) The premises will operate an **age verification** policy set at a minimum of 25 years (e.g. "Challenge 25") whereby any person attempting to buy alcohol who appears to be under the specified age e.g. 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.
- b) Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations in the premises.
- c) A refusals register will be kept and maintained at the premises and made available for inspection by Police, Police Licensing Officers and Local Authority Officers on request.

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.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE

KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<i>Amanda Quick</i>
Date	25 th April 2019
Capacity	General Manager

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **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 14) Mandy Quick Lewes Golf Club Chapel Hill			
Post town	Lewes	Postcode	BN7 2BB
Telephone number (if any)	01273 483474		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

secretary@lewesgolfclub.co.uk

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. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. 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.

8. 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'.
9. 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.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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Appendix 2

LEWES DISTRICT COUNCIL CLUB PREMISES CERTIFICATE

Club Premises Certificate No: LN/2005/00307

Name and postal address of Club (in whose name this certificate is granted):

Lewes Golf Club Ltd, Chapel Hill, Lewes, East Sussex BN7 2BB

Telephone number: 01273 483474

Qualifying club activities authorised by the certificate:

- (i) the supply of alcohol by or on behalf of the club to, or to the order of, a member of the club for consumption on or off the premises**
- (ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place.**

Times authorised for the carrying out of qualifying club activities:

Supply of alcohol

- 1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- 2) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- 3) On Good Friday, 12 noon to 10.30 p.m.
- 4) On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.
- 5) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- 6) On Christmas day the hours shall:
 - a. not exceed six and a half hours;
 - b. not begin earlier than noon;
 - c. not end later than 10.30 p.m.;
 - d. provide for a break of at least 2 hours, including 3 p.m. to 5 p.m.;
 - e. not extend for more than three and a half hours after 5 p.m.;
- 7) On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.

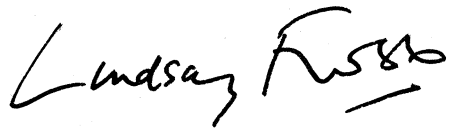
Restrictions

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the consumption of alcohol on the premises;
- b) during the first twenty minutes after the above hours, the taking of alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- c) during the first thirty minutes after the above hours, the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied as ancillary to the meals;

d) the supply to, or consumption by, any person of alcohol in any premises where they are residing.

Where the certificate authorises supplies of alcohol whether these are on and/or off supplies: **On and Off the Premises**



Signed
Director of Planning & Environmental Services
Southover House
Southover Road
Lewes
East Sussex BN7 1AB

Issue Date: 27th July 2005

MANDATORY CONDITIONS

Off sales of alcohol

- (1) The supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- (2) Any alcohol supplied for consumption off the premises must be in a sealed container.
- (3) Any supply of alcohol for consumption off the premises must be made to a member of the club in person

Mandatory conditions for the supply of alcohol

- (4) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

- games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (a) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (b) drink as much alcohol as possible (whether within a time limit or otherwise).
- provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act).
- provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less.
- provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (a) the outcome of a race, competition or other event or process, or
 - (b) the likelihood of anything occurring or not occurring.
- Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to

condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

- (5) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- (6) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonable available.
- (7) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- (8) The responsible person shall ensure that:
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml, and
 - (iii) still wine in a glass: 125 ml, and
 - (b) customers are made aware of the availability of these measures.

PLANS: As approved and attached.

CLUB PREMISES CERTIFICATE SUMMARY LEWES DISTRICT COUNCIL

Club premises certificate number: LN/2005/00307

Name and postal address of Club (in whose name this certificate is granted):

Lewes Golf Club Ltd, Chapel Hill, Lewes, East Sussex BN7 2BB

Telephone number: 01273 483474

Qualifying club activities authorised by the certificate:

- (i) the supply of alcohol by or on behalf of the club to, or to the order of, a member of the club for consumption on or off the premises**
- (ii) the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place.**

Times authorised for the carrying out of qualifying club activities:

Supply of alcohol

- 1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- 2) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- 3) On Good Friday, 12 noon to 10.30 p.m.
- 4) On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.
- 5) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- 6) On Christmas day the hours shall:
 - a. not exceed six and a half hours;
 - b. not begin earlier than noon;
 - c. not end later than 10.30 p.m.;
 - d. provide for a break of at least 2 hours, including 3 p.m. to 5 p.m.;
 - e. not extend for more than three and a half hours after 5 p.m.;
- 7) On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.

Restrictions

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the consumption of alcohol on the premises;
- b) during the first twenty minutes after the above hours, the taking of alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- c) during the first thirty minutes after the above hours, the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied as ancillary to the meals;

d) the supply to, or consumption by, any person of alcohol in any premises where they are residing.

Where the certificate authorises supplies of alcohol whether these are on and/or off supplies: **On and Off the Premises**

State whether access to the club premises by children is restricted or prohibited: n/a

Appendix 3

Sent: 26 April 2019 11:01

To: Sue Lindsey; licensing

Subject: Lewes Golf Club, Chapel Hill, Lewes BN7 2BB

Good morning,

Sussex Police have no objections to the application for a new premises licence at the above address provided that the steps offered by the applicant to promote the four licensing objectives are attached to the premises licence when/if granted.

Kind regards,

Cathie Daniel ABII

Hastings, Rother & Lewes District Licensing Officer

Local Policing Support Team, Hastings Police Station

Bohemia Road, Hastings TN34 1JJ

Mobile: 07445894761

www.sussex.police.uk

Sussex Police – Serving Sussex

The information contained in this communication is intended solely for the person and organisation to whom it is addressed. If you have received this message in error, please contact the sender as soon as possible. If you are not the named recipient 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.

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Hard copy of email sent 21/5/19

Appendix 4 (1)

21st May 2019

Hello Sue Lindsey,

I am writing to formally object to the licensing application by Lewes golf club for the sale of alcohol on and off the premises from 9am to 11pm Monday to Sunday to the general public in addition to the club members.

Chapel Hill, Lewes is a very narrow, steep, single track road which passes through a quiet residential area and is the only access route to the golf club before reaching the South Downs.

There is a 7ft width restriction and a 7T weight restriction with a 20mph speed limit.

It has a public footpath in the middle, (no13b), running up to the Downs and is therefore used not only by the residents of Chapel Hill and Cuilfail, some with young families, but dog walkers and rambblers alike.

In places the ancient pavement is narrow and unable to take a pram or pushchair and in others non-existent, necessitating walking on the road.

When planning consent was granted for the refurbishment and enlargement of the club one of the conditions was "the facilities hereby approved including the bars and dining area shall not be used for functions other than those associated with the golf club unless otherwise agreed in writing with the Local Planning Authority." Reason - "in the interest of the amenities of the residents of Chapel Hill.

LW/95/0527F."

My apologies if you are fully aware of these facts.

My objections are based on:

Public Safety/ Protection of children from harm

On the advice of Rupert Clubb, Director of Communication Environment and Transport, residents have been reporting anti-social driving, inconsiderate and careless driving on the footpath.

Over sixty vehicles, that were witnessed, have been reported within the first few months of this year alone, many of these times whilst pedestrians were present.

As explained many road users are families with pushchairs and young children plus school children.

We believe many drivers are speeding and because of the poor quality, aggressive and erratic driving could possibly be influenced by alcohol.

By granting this licence extension there will be an increase in traffic not only in those wishing to use the club's facilities but also of commercial vehicles, many oversized. (Please see attached pictures)

We have no means of monitoring either the speed or alcohol consumption. Despite a meeting with representatives of the golf club in January 2018 any steps to eliminate this by the club have proved ineffectual.

How will the speed of vehicles and drink driving with illegal mounting of the pavement be monitored please?

There is also a sheer drop from the cliff edge on the hill with poor fencing. How will the public safety be ensured here?

Public nuisance/Prevention of crime and disorder

If the club is extending the hours they serve alcohol and make it available to "passers by", this will encourage associated unsavoury, raucous and anti-social behaviour.

If bottles, cans or plastic cups are removed from the premises this will lead to littering.

It is an AONB and broken glass, plastic and other litter will despoil this and will be detrimental and harmful to the wild life.

The residents already experience thousands on the hill on Bonfire Night with drink and even drug related behaviour. This behaviour on a very regular basis would be unacceptable.

How will the behaviour associated with what is virtually a "Public House" in the South Downs National Park be monitored please?

Driving on the pavement is a criminal offence as is the use of over large and heavy vehicles.

One property on the hill has been damaged on several occasions this year as has the lamppost and one resident has been threatened by a commercial vehicle driver with being run over, when she pointed out that he was on the pavement.

With reduced police presence how will the authority ensure the protection of residents, their property and their environment?

Finally I believe that by allowing this extension, condition 9 of the planning consent will be breached twice, as not only is the use of the golf club facilities being extended to the general public, it will also lead to more anti-social behaviour, more vehicles and increased nuisance to the amenities of the residents. Furthermore this appears to be a way of circumventing the refusal by SDNPA to allow the golf club to host weddings, wakes and parties which they were advertising earlier this year and would have contravened the planning consent.

I hope that your decision will reflect the aims of the Licensing Act of 2003 and ensure that the safety, environment of residents and other road users will be protected from disorder, public nuisance and crime.

With thanks

B.D. Shepherd.

Barbara Shepherd 23a, Chapel Hill, Lewes.







Appendix 4 (2)

From:
Sent: 22 May 2019 13:54
To: Sue Lindsey
Subject: Lewes Golf Club alcohol licence extension

Dear Sue Lindsey,
I understand that you are fielding public comments on this Application for which I do not have reference details. This, then, is an OBJECTION to the Application by Lewes Golf Club to extend their alcohol licensing hours to virtually full time, certainly well beyond what might be considered "golfing" hours. I am aware that this club is having difficulty recruiting new golfing members, and the reason often given is the very poor access to the club, up and down Chapel Hill. They may well be hoping to improve their finances by broadening their appeal beyond active golfers. Access issues will remain unimproved.
My interest in this matter is that my home directly accesses Chapel Hill, and I am fully aware of the problems that Golf Club members cause to residents on a daily basis, driving at too great a speed, driving on the disintegrating pavement in cars that are unsuitably large, forcing pedestrians to take shelter when they pass etc. etc. Clearly the road is not fit for their purpose. The idea that the volume of traffic that the Club generates might increase, and the hours extend further into those of darkness, can only increase the anxiety, inconvenience and likely personal danger caused to those who live on Chapel Hill (and, indeed to their pets). The notion that this particular application is also likely to increase the possibility of alcohol-fuelled driving on what is in any event an unsuitable and dangerous single track roadway, precipitous on it's western flank, fills me with reasoned horror.
This Application should be refused for the reasons given. This is a GOLF club, not a DRINKING club.

Yours faithfully,
Christopher Dorling
The Old Coach House
Lewes BN7 2BE

22 Chapel Hill
LEWES
BN7 2BB

22 May 2019

Miss Susan Lindsey
Specialist Adviser (Licensing)
Licensing Register
Lewes District Council
Southover House
Southover Road
LEWES BN7 1AB

Dear Miss Lindsey

LEWES GOLF CLUB - PREMISES LICENCE APPLICATION

We fully understand that matters relating to the granting of a Premises Licence and Town Planning are covered by separate legislation.

However, what has already been approved regarding Lewes Golf Clubhouse under Planning Law is highly relevant and we cannot see the justification for this not taking preference with regard to considering a Premises Licence.

Reference needs to be made to Lewes Golf Club's planning approval decision notice (reference LW/95/0527F) dated 19 December 1996, in particular, Condition 9 which states:-

"the facilities hereby approved including the bars and dining area shall not be hired out or used for functions other than those associated with the Golf Club unless otherwise agreed in writing with the local Planning Authority."

REASON "In the interests of the amenities of the residents of Chapel Hill."

Recently in February this year it transpired that the Golf Club was advertising on its website that members of the public could hire the Club's bar and restaurant for wedding receptions, funeral wake gatherings and other parties. This clearly contravenes Condition 9 of the Club's planning permission and they were held to account by the South Downs National Park Authority's Enforcement Officer.

Jennifer Baxter - Specialist (Planning Enforcement) for SDNP visited the Golf Club and then reported to residents of Chapel Hill as follows:-

"The matter has been investigated and contact has been made with the Golf Club. They have confirmed that the events will cease and the website will be updated to ensure they do not advertise such events."

The current application for granting a Premises Licence from 9am through to 11pm, 7 days a week and open to the general public falls into exactly the same category in terms of a proposed change of use which would also clearly breach Condition 9 of the Club's planning permission. We cannot see any justification for extending the current Licence which allows for the sale of alcohol between 10am and 8pm.

The intention of Condition 9, amongst other things, has been to achieve what is stated in Lewes District Council - Statement of Licensing Policy - Licensing Act 2003, page 2, item 1 : 2. The aims of this Policy are to Secure the Safety and Amenity of Residential Communities.

We fully endorse and support all the views presented to you by our fellow residents of Chapel Hill regarding the dangerous situations that are currently generated on the road by Golf Club traffic, a significant number acting illegally.

The Club presumably interviews new members and requires them to adhere to Club rules and etiquette. That would not be the case when the doors are open to the wider public and this would not bode well when, as we understand it, the Club sells alcohol at below market prices.

Clearly all 4 of your licensing objectives will be undermined if this application is allowed to go ahead.

Yours sincerely

David Bradford.

Ann Bradford

David and Ann Bradford

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Appendix 4 (4)

From: Geoffrey Bush
Sent: 22 May 2019 10:33
To: Sue Lindsey
Subject: Lewes Gof Club - Premises Licence Application

Dear Miss Lindsey

As a daily pedestrian user of Chapel Hill I object to the application submitted for a Premises Licence by the Lewes Golf Club on the following grounds:

Public safety: there has been a noticeable increase recently in traffic up and down this narrow single track road, with cars, vans and even lorries driving on part of the footpath endangering pedestrians such as myself. The proposed application can only aggravate the problem.

Public nuisance: the increased volume of traffic on this steep road threatens the wellbeing and health of residents due to gaseous emissions as well as the noise of vehicles in first, second or reverse gears. A formerly quiet residential side street is being turned into a very busy thoroughfare for which it is entirely unsuitable. The proposed application can only aggravate the problem.

Protection of children from harm: Chapel Hill is much used by families at the weekends as access to the Downs. Children, as well as their parents, are at risk from the dangers noted above, especially from pollution from traffic emissions. The proposed application can only aggravate the problem.

I note that Chapel Hill is the one and only access route to the Golf Club.

Yours sincerely

Geoffrey Bush, Cliffhanger, Cuilfail, Lewes.

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Appendix 4 (5)

3 MALLING STREET
LEWES
BN7 2RA

LICENSING OFFICER
COUNCIL OFFICES
SOUTHOVER HOUSE
SOUTHOVER ROAD
LEWES
BN7 1AB

22nd May 2019

Dear Sir/Madam,

RE: LEWES GOLF CLUB

I would like object to the above application for an extension to the licence at Lewes Golf Club. 9am-11pm.

Reasons for this:

1. The extra volume of traffic traveling up and down a very narrow single track lane with very limited pavement by the houses, and the rest of the hill without any pavement. I have witness cars travelling fast up the hill without consideration for pedestrians. I believe there would be a serious health and safety issue.
2. With extra hours there would be a need for extra deliveries with vans and lorries travelling up and down the very narrow lane.
3. The houses on Chapel Hill are mainly direct onto the pavement. With the club house open until 11pm. there will be late night noise to the residents, which could cause late night disturbance.

Yours faithfully,



Graham Funnell

RECEIVED

23 MAY 2019

Southover House
Southover Road
Lewes BN7 1AB

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Appendix 4 (6)



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Appendix 4 (7)



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Appendix 4 (8)

Subject: FW: Letter of Objection to extending licensing hours at Lewes Golf Club

Attachments: IMG_1987.jpg; IMG_1988.jpg; RE: Letter of Objection to extending licensing hours at Lewes Golf Club

From: Info
Sent: 21 May 2019 11:48
To: licensing; Sue Lindsey

Subject: Letter of Objection to extending licensing hours at Lewes Golf Club

Lion House 8/9 Chapel Hill Lewes Lewes. BN7 2BB

Licensing Authority

We wish to object to the current application by Lewes Golf Club to extend their licensing hours.

Traffic along Chapel Hill is currently a matter of intense dissatisfaction to all the residents and to pedestrians who use it. A significant proportion of the existing traffic, going to and from the Golf Course at the top of Chapel Hill, ignore the law either by mounting the pavement or exceeding the speed limit. Our property has been struck on 5 occasions in the last 12 months by vehicles which fail to stop or provide insurance details. Historic stone kerbstones and brick pavements have also been extensively damaged by vehicular traffic that they were never intended to bear. Furthermore the mandatory width limit of 7' which applies to the full length of Chapel Hill is also flouted, and consequent damage caused by over-sized vehicles to lamp posts and property is already a very real problem. The Golf Club have shown themselves unable to deal with the existing problems caused by their current clientele (members, guests and visitors). We have no doubt that the Club management take their responsibilities seriously, and have tried their best to deal with these problems. Unfortunately their efforts have not been entirely successful. Recent temporary scaffolding placed on the pavement along

Chapel Hill at the pinch point has kept all traffic off the pavement, proving that compliance is possible and suggesting that non-compliance is wilful.

Existing traffic volume, and the behaviour of some of that traffic, is already a very significant b***dy nuisance. Pedestrians of all ages are currently put at risk by the criminal behaviour of a minority (it is a crime to drive on the pavement or to ignore the mandatory width limit or speed limit). We feel that the application to extend licensing hours and widen the clientele will simply turn Lewes Golf Club into a pub, thereby adding further misery to the residents of Chapel Hill and danger to pedestrians. We imagine that the Club will be even less successful in controlling the behaviour of random visitors and their vehicles. To license the club to sell alcohol to all comers at the top of a very steep hill, accessed by a long and narrow single track road, without lighting beyond the residential section, which existing traffic is unable to navigate properly without endangering pedestrians and residents, would seem to be a recipe for disaster for all concerned and would be manifestly unsafe and unreasonable. The fact that the club is situated so close to the edge of a huge near vertical chalk cliff face (visible to all traffic driving into Lewes just before the tunnel mouth) should also sound loud alarm bells to anyone interested in public safety. We hope that the application will be rejected.

Jonathan Barrett
Gillian Barrett

Attached 2 pictures of some recent damage.

Appendix 4 (9)

K SUTTON

Sycamore
Chapel Hill
Lewes
East Sussex
BN7 2BB

01 May 2019

Lewes District Council
Southover House
Southover Road
Lewes BN7 1AB

Dear Sue Lindsey (Specialist Advisor - Licensing)

I am writing in response to the recently posted Premises Licence Application notice, viewed with difficulty, positioned high on a post on the private part of Chapel Hill Lewes, for the "Sale of alcohol for consumption on and off the premises from 9am to 11pm Monday to Sunday".

Chapel Hill Lewes is a narrow, single tracked road through a quiet residential area and due to the fragile nature of the chalk base, has a 7ft width and a 7T weight restriction. At the top of the hill is the Lewes Golf Club. If approved this will make it the Lewes "Pub On The Downs".

I wish to object to this new Premises Licence as I believe granting of this licence will undermine all four objectives - Public safety, Public nuisance, Protection of children from harm and Prevention of crime and disorder.

At East Sussex County Councils suggestion, we have been reporting witnessed Anti-social driving, to Sussex Police, on 'Operation Crackdown', and over sixty vehicles were reported for 'Careless and Inconsiderate driving on the footpath' often when pedestrians are nearby, in the first three months alone. The majority of reported vehicles were leaving the golf club. Extending the licensing hours and selling to the general public could put further at risk public safety on the hill and create alcohol-influenced nuisance. The golf club will have no control.

Many families walk on the Downs and being exposed to drivers who drink will risk the safety of the children. The ESCC public rights of way map shows the public footpath in the centre of the private road and even a slight increase in drink driving will put these children further at risk.


Several residents have been threatened by drivers, some people have been pushed against walls when walking on the footpath in the public area and sworn at and threatened whilst walking to the Downs in the Private area, which is actually still a listed Public Footpath.

We are concerned that extending the hours and opening up of sales to the general public will further put at risk other road users, drivers, pedestrians and cyclist. Sadly this application also appears to contravene Condition 9 of the Planning Approval for the golf club extension.

If the poor driving and aggressive behaviour of a small number of drivers to and from the golf club continues we may need to seek a review of the existing licence as 97.5% of the vehicles have one occupant, the driver, who may be using the bar facilities and could therefore explain why their driving is so poor and their attitude so aggressive.

We hope your decision will secure the safety and amenity of our residential community.

Yours sincerely Ken Sutton



Page 67



D

Lewes District Council

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING
(GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

NOTICE OF PLANNING PERMISSION

Decision Class	Parish	Application No.
	LEWES	LW/95/0527F
Site Location Lewes Golf Club, Chapel Hill		
Proposal Extensions and refurbishment of existing golf clubhouse and parking facilities		

9. The facilities hereby approved including the bars and dining area, shall not be hired out or used for functions as other than those associated with the golf club unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interests of the amenities of the residents of Chapel Hill.







Appendix 4 (10)

From: martha bush
Sent: 22 May 2019 14:17
To: Sue Lindsey
Subject: Lewes Golf Club --Premises Licence Application

This is to object to the granting of a new and different license to the Lewes Golf Club on the following grounds:

Public Safety

Chapel Hill is the only route to the golf club and an important road of access to the Downs, frequently used by families on foot including young children and dogs. These groups are sometimes quite large. Adding to this congestion, cars driven by person seeking alcohol and not knowing the hazards of the route are a threat to public safety particularly as backing down or up the hill is often required to allow vehicles to pass. There is often no way for pedestrians to get out of the way of these manoeuvres. Drivers must simply wait as small children make their way to a passing place.

There are precipices on the western side of the road. Persons who are influenced by alcohol could experience bravado in approaching and accessing these cliffs which might end in tragedy.

PUBLIC NUISANCE

I have witnessed drivers and walkers who feel the nuisance of the situation as it is today, with the current traffic, display unreasonable behaviour (refusing to move or give way). This is bound to increase. Pedestrians under the influence of alcohol may or may not become more strident and unreasonable or foolhardy in such situations.

PROTECTION OF CHILDREN FROM HARM

The above will encourage volatile behaviour on this overused inadequate access to the Downs. All day alcohol consumption will encourage this at times of day when children should be able to enjoy access to the Downs. Alcohol which can be purchased and then drunk in relative privacy will be bought by young adults and shared with younger

children in such an environment..

i

PREVENTION OF CRIME AND DISORDER

The police can confirm that there has been an increase in crime and disorder in this part of Lewes. This may be because those inclined to misuse "substances" know that there is a quick escape to the Downs and the golf course and seek this option. This license would encourage this area to become one of Lewes' safer venues for undesirable and threatening behaviour which is on the increase.

Children should not find themselves in the position of the undesirable adult behaviour which this potential volatile situation is going to encouraged from 9am in the morning.

Yours sincerely,

MEL Bush

Appendix 4 (11)



Richard Mathias & Deborah Prince

17 Chapel Hill

Lewes BN7 2BB

Licensing Officer

Southover House

Southover Road

Lewes BN7 1AB

Dear Licensing Officer

Re Lewes Golf Club Limited application for the grant of a Premises License (notice posted 25th April 2019).

I am writing to register our objection to the above Lewes Golf Club application on the following grounds -

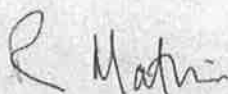
1. The historic highway of Chapel Hill is already suffering from overuse by vehicles. The single track and ancient paths are not conducive to the traffic volumes it is currently subjected to. The increased drinking hours would mean more traffic (from drinkers and deliveries) not only on Chapel Hill but also the connecting residential roads such as Malling Street. This would be a public nuisance due to increased road traffic volumes.
2. Most users of the golf club drive to it. The increased hours of alcohol sale, for consumption on and off the premises, should not be encouraged. After dark Chapel Hill is infrequently used. It is dark with poor visibility. The application would mean drinkers noisily ascending and descending the hill. This change would undermine public safety, be a public nuisance and undermine the prevention of crime and disorder.
3. Passing vehicles mount the historic pavements in the residential length of the hill. In the dark, on a slope, with headlights on, residents will endure revving engines making a hill start and beams of light filling their front rooms. A further public nuisance.
4. Even in the hours of daylight the behaviour and conduct of some drivers is reckless. Speeds are too fast and many mounts the ancient pavement causing damage to it. A house and street furniture have all been damaged by traffic (some vehicles being over the vehicle limits for the road). Increased alcohol sales will not improve this situation and undermine public safety and public nuisance. It only takes bad behaviour by a minority to undermine the situation.

Note Chapel Hill residents are in communication with the highways commission to get the road use of Chapel Hill improved.

In response to residents consulting with the golf club management about their bad experience of drivers on the hill the club always blames 'other' users and not its members. If this license is extended, I am sure they will blame 'others' for any nuisance and disorder. It is a club that does not take responsibility for its impact on the good-natured community on its doorstep.

I do not object to alcohol being sold during the core golfing hours. The clubs 'use' is for golf functions only. It has attempted to expand its 'use' to include other public functions and this application can only be a means to expand the club 'use' behind the back door.

Situated in the heart of the South Downs National Park and used by so many families let's not let this application degrade the nature experience that is available to all on Chapel Hill.



Richard Mathias

Deborah Prince

10th May 2019

24 Chapel Hill

LEWES BNT 2BB

23rd May 2019

To The Licensing Authorities
Alcohol.

LEWES

Appendix 4 (12)

I wish to object to the current application by
the LEWES GOLF CLUB to EXTEND their LICENSE HOURS.

Having lived here for well over 20 years much of the
getting Traffic has been a problem in many ways.
Particularly Delivery vehicles taking supplies to the
club often exceeding the 7 feet width LIMIT TRAFFIC
ORDER clearly shown on the street signs on entry to
Chapel Hill.

Pedestrian safety is my concern particularly at
the Pinch Point where the TARMAC ROAD is down
to 7 feet wide plus the ancient Brick and Stone
pavement used by pedestrians with care.!

Only 2'6" wide

I only know of 2 GOLF PLAYERS who walk up
to the CLUB carrying their equipment the rest drive
Many in their four by four's off road vehicles!

So who is going to drink all the extra ALCOHOL?

Or do they plan to turn the Club into a sort of PUB
taking in the many walkers/hikers that pass their
Club House on their way up to or back down from
our Glorious South Downs

REMEMBER THE DRINK DRIVE LAWS!!

You all I hope will have read the many other
Emails/Letters from other residents of Chapel Hill
with other reasons for objections

REMEMBER over 1000 people regularly go up
to the vicinity of the Golf Club on Boxing
Night (5th Nov) Are they Potential Customers??

Thank you for reading this.

Peter Weston No 24 C Hill

Page 76



← No 8 Chapel Hill
MR. MRS BARRATI

NOTE THE NARROW
PAVEMENT
THIS HOUSE DAMAGED
MANY TIMES OVER 20
YEARS BY GOLFING TRAFFIC.

FORCOURT NO 24 C HILL
WALL DAMAGED BY GOLFING TRAFFIC!!

RE-BUILDING
OF WALL

DRAINAGE GRID RELOCATED IN LAY BY EXISTING CATCHPIT. ROAD HUMPS AT ZONE SIGNS.

FOOTPATH TO GARDEN
FOOTPATH TO GARDEN

DRAINAGE GRID RELOCATED TO SIDE OF ROAD

STREET LIGHT

BUILD OUT AS PROPOSED

NOT ADOPTED

NORTH

KERB TO BE REALIGNED AND FOOTPATH WIDENED TO ALLOW CLEAR WIDTH TO CARRIAGEWAY AND BETWEEN REMOVEABLE CARRIAGEWAY AND CARPORT NO. 10.

FOOTPATH REINFORCED TO TAKE EMERGENCY VEHICLES.

CARRIAGEWAY CLEAR WIDTH 7'-0"

15 feet drop to garden below

DAMAGED MANY TIMES BY LARGE VEHICLES

DANGER !!

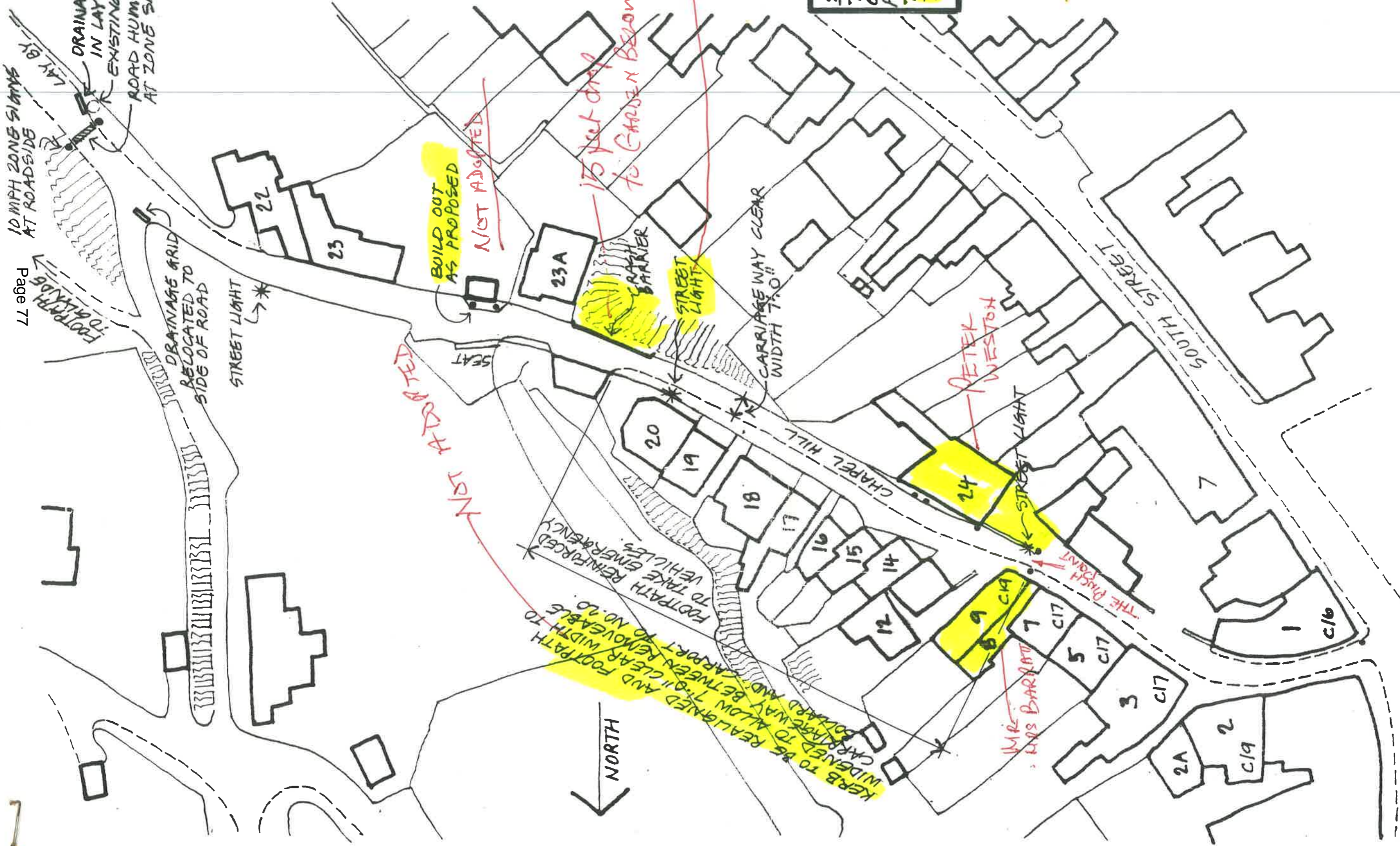
SPEED LIMIT ON THE SPEED LIMIT OF PUBLIC HIGHWAY TO BE REDUCED TO 10 MPH.

20 MPH AS NOW

PETER WESTON

MRS BARLOW

THE POINT



CHAPEL HILL - LEWES PROPOSED TRAFFIC CALMING MEASURES

4 AUGUST 1996

(NOT DRAWN TO SCALE)

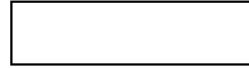
MALLING STREET

CLIFFE

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Mr Richard Tribe
Badan Lodge
Cuilfail
Lewes
East Sussex
BN7 2BE

21st May 2019



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

Dear Sir / Madam

Re: Objection to Extension of Licensing Hours at Lewes Golf Club
Application No: LN/2005/00307

I am a resident of the Cuilfail estate in Lewes and would like to OBJECT to the application for an extension of licensing hours at Lewes Golf Club.

The current hours are perfectly adequate for a facility where the main activity of playing golf is conducted solely in daylight hours and any extension of the hours would cause unnecessary disruption and significant damage to the quality of life for residents on Chapel Hill and Cuilfail.

Specifically, I believe that increased consumption of alcohol on the premises and later opening hours will result in:

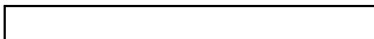
- Increased crime and disorder in the immediate vicinity
- Increased public nuisance from visitors leaving the golf club at unsociable hours
- Increased public safety risk caused by drivers using Chapel Hill late at night
- Increased noise from additional traffic, disturbing residents on Chapel Hill
- Increased risk of harm to children living in the vicinity (from all of the above)

I trust that you will take these objections into account when determining the application and urge you to refuse the extension.

Your faithfully



R.J. TRIBE



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Appendix 4 (14)

From: Ruth Rach
Sent: 16 May 2019 13:16
To: Sue Lindsey
Subject: PS Lewes Golf Club application to extend license

Hi Sue

have just sent off a reworded version of Chapel Hill Residents. Thank you for your advice on this.

One important question for you concerns pricing.

At the moment, drink prices at the Golf Club are very attractive to their customers, i e considerably lower compared to Lewes pubs.

If the Club were granted a license to both extend their opening hours and include members of the public, this might not please their members but would obviously be an enormous incentive to pull in new customers with nothing more than cheap booze on their mind. And if you are in any doubt about what people (especially youngsters) high on cheap booze are capable of you need look no further than the public nuisance created near the Golf Course and all along Chapel Hill on a regular basis during Guy Fawkes Night, despite the extra police men deployed to control them.

Yours sincerely

Ruth Rach

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Appendix 4 (15)

From: Ruth Rach
Sent: 20 May 2019 21:10
To: Sue Lindsey
Subject: Extension of Golf club licensing

Dear Sue

I'm attaching a photo from Chapel Hill, Lewes, to complement my Letter of objection and illustrate how vehicles try to squeeze past pedestrians on our single track road. At the same time, they are determined to squeeze past each other (rather than to reverse, another precarious manoeuvre) and can only achieve this by illegally mounting the pavement. This happens numerous times, every day.
Ruth Rach

Sent from my iPad

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Appendix 4 (17)

From: Ruth Rach
Sent: 16 May 2019 13:00
To: Sue Lindsey
Cc:
Subject: Lewes Golf Club Extension of License Application

As residents of Chapel Hill Lewes we are very concerned about the recent application of

the Lewes Golf Club to

1. extend the "Sale of alcohol for consumption on and off the premises from 9 am to 11

pm Monday to Sunday" and

2. offer alcohol" to members of the public who walk past the premises as part of their leisure activity".

We wish to object for the following reasons.

Public Safety / Protection of children from harm

Chapel Hill is a steep single track lane leading up to the South Downs. It is located in a

quiet residential area of Lewes and frequently used by hikers, dog walkers, families and

children. It is also the only access route to the Lewes Golf Club. In recent years, we

have had increasing problems with ever increasing numbers of aggressive drivers, Golf

Club members as well as oversize supply vehicles, speeding up and down the hill,

mounting pavements and putting the lives of pedestrians at risk. Extending the licence

would further increase the number of vehicles and incidents caused by ever more

pressurised drivers. It would therefore be detrimental to the safety and amenity of local

residents and walkers.

Public Nuisance / Crime and Disorder

Chapel Hill is precariously close to steep cliff edges only inadequately protected by

fences and shrubbery. If the Golf Club License were extended to members of the public

until the small hours, who would stop them from wandering off the premises in an

inebriated state, endangering their own lives and the lives of others? Who would stop

them from breaking glasses, creating noise, littering and indulging in other anti social

behaviour, especially after dark? Given the pressure the local police are under it is hard

to envisage that extra manpower would be made available to control the area until 11

pm.

We hope that your decision will reflect the aims as set out in the Licensing Act 2003 and help secure the safety and amenity of our residential community by protecting us and the wider public from crime, noise, harm, disorder and public nuisance.

Ruth Rach
Jonathan Barrett
Gilly Barrett
Peter Weston
Deborah Mitchell
Adam Levene

Appendix 4 (18)

From: Sue Hammond
Sent: 15 May 2019 00:27
To: Sue Lindsey
Subject: Lewes Golf Club - Premises Licence Application

Dear Sue Lindsey

It is with great concern that I have heard about the application of Lewes Golf Club to extend the sale of alcohol from 9am to 11pm, seven days of the week and to offer alcohol to walkers and ramblers going past the club house.

Chapel Hill is an extremely narrow, steep, single track road where vehicles have extreme difficulty passing one another, frequently necessitating difficult reversing down the hill. The footway is very narrow, such that pedestrians are frequently forced to walk on the road - those pushing prams always do.

Apart from the golfers, Chapel Hill is used at all times of the day by those who appear to be "joyriders", driving up the hill at some speed, hoping to avoid meeting anyone coming down. Residents have, on occasions, even been touched/nudged out of the way by vehicles trying to get past, either intentionally or unintentionally. Animals have been injured and killed on the road and there have often been harsh words exchanged between various parties, due to the frustration and difficulties experienced on the hill.

So, from the point of view of public safety and nuisance, I am alarmed at the prospect of any increase in traffic (brought about by extending the licencing hours) putting those walking and cycling at more risk than they are at present.

Chapel Hill is one of the main access roads onto the Downs and is frequently highlighted in the national press. It is well-known to ramblers, runners, cyclists, dog walkers and, as such, is frequently very well used. It is in a conservation area and leads onto an site of SSSI. Any increase in vehicle numbers will further spoil the amenity of the area and cause further distress and nuisance to residents, particularly in the evening and later at night.

Further up the Hill the banks offer ready access to steep and horrific drops over the cliff. It

would not be difficult to wander over in the wrong direction in the dark, with fatal results, particularly if alcohol was involved. As it is, young people frequently congregate up the hill - I cannot say why - and then return down again later at night, disturbing residents who are trying to rest.

So for reasons of public safety, disturbance and nuisance to residents, please regard this a a formal objection to the Golf Club's proposal to extend the licensing hours and facilities.

yours sincerely

Susan Hammond



Lewes District Council

STATEMENT OF LICENSING POLICY

Licensing Act 2003

**Lewes District Council
Licensing Section
Southover House
Southover Road
Lewes
East Sussex BN7 1AB**

licensing@lewes.gov.uk

Telephone number: 01273 471600

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
- 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

IN MAKING THIS POLICY, LEWES DISTRICT COUNCIL RECOGNISES THE NEED TO:

- Protect the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises,
- Give Police and Licensing Authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems,
- Provide a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area
- Encourage greater community involvement in licensing decisions and give local residents the opportunity to have their say regarding licensing decisions that may affect them.

1.4 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 publishes 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, the provisions of the Police Reform and Social Responsibility Act 2011, any local public service agreements relating to the reduction of public place violence, and the Immigration Act 2016.

1.5 This Statement takes effect on 7th December 2017 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 (292 sq km) and is home to approximately 100,000 people. Bordered by the varied landscape of the Downs to the south and the Weald to the north, it has 9 miles (14.5 km) 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 area 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 340 premises licensed under the Act, 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, under the Licensing Act 2003, is set out below:

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for a personal licence		If police objection made	If no objection made
Application for personal licence with unspent convictions and police objection		All cases	
Determination of minor variation			All cases
Application for premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application for provisional settlement		If relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If police objection made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If police objection made	All other cases
Application for Interim Authorities		If police objection made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether 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 made	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
Application for authorisation of films already classified by British Board of Film Classification (BBFC)		All cases	
Application for authorisation of films not already classified by British Board of Film Classification (BBFC), or the Council			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 area.

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 question 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 application

and operation 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 8)

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 licencing 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, -the club or responsible person concerned. Nonetheless, it is a key aspect of such control and licensing plays a part in the management of the night-time economy. 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
- Liaise with Police over the 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

- Work in partnership with Police to utilise powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance.

The 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 due regard.
- 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 licenced 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 or the Local Authority.

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 the few 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 licencing 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:
- Having regard to the Lead Agency Protocol drawn up between Sussex Police, Local Authorities, the Fire and Rescue Service and Trading Standards.
 - Liaising and consulting with 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 the Immigration 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 Private Security Industry Act 2001
 - specialised lighting requirements
 - restrictions on hours 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 public spaces protection 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 Licencing Authorities, club managers and promoters. The Council will ensure that licenced 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 licencing enforcement agencies.
- 6.3.6 The Council's planning and licencing regimes are separate, they involve consideration of different (albeit related) matters. The Licencing Committee will not consider representations that relate to planning rather than licencing issues and will not be bound by decisions that are made by the Planning Committee, and vice versa.
- 6.3.7 The grant of a premises licence shall not be regarded as an indication that planning permission or building regulations approval has been (or will in the future be) granted. A separate application for planning consent, change of use and/or building regulations approval must always be made. Ideally, planning consent should be obtained before a licencing 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 :

6.4.2 **HEALTH AND SAFETY**

The Council's Environmental Health inspection staff will normally have visited licenced 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 licencing conditions unless they are appropriate for the promotion of the licencing 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 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.

6.4.4 **FIRE SAFETY**

Operators of licensed premises have duties under various fire safety regulations and the same considerations as above will apply.

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 the 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 does not raise any representations about a licencing 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 Licencing Authority through the Licencing Officer will always pursue partnership working between agencies and other responsible authorities to resolve problems and concerns regarding premises under the licencing 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 Licencing Authorities in Sussex.
- 6.6.3 Attention is drawn to the targeting of agreed problems and high risk premises requiring greater attention as may be identified from time to time by the relevant enforcement agencies. Inspections of premises will be on a risk assessed basis, to be undertaken when and if necessary.
- 6.6.4 The provisions set out in the Act for calling a review or making representations represent a key protector for the community where there are concerns about an application or problems associated with premises under crime and disorder, public safety, public nuisance and the protection of children from harm.
- 6.6.5 Following the grant of a premises licence or club certificate a responsible authority or any other person regardless of where they live, may ask the Council to review the licence/club certificate because of matters arising at the premises in connection with any of the four licensing objectives.
- 6.6.6 In every case, the application for a review must relate to particular premises for which a premises licence or club certificate is in existence and must be relevant to the promotion of the licencing 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 Licencing Authority would expect those affected parties to make a relevant representation or apply for a review in their own right.
- 6.6.9 The Licencing Authority may choose to exercise its powers as a responsible authority and to call a review or make representations in any situation that it deems appropriate on the merits of any individual case.

7. **LATE NIGHT LEVY**

Following the introduction of the Police Reform and Social Responsibility Act 2011 the licensing authority may introduce a late night levy. The levy would relate to a late night supply period which begins at or after midnight and ends at or before 6am. Any premises which are not subject to an exemption who supply alcohol during the supply period on any night of the year would be required to pay the late night levy, the level of which is based on rateable value. The late night levy will not be introduced without the required consultation as detailed in the legislation and accompanying guidance.

At present the Council does not propose to introduce a Late Night Levy

8. **EARLY MORNING RESTRICTION ORDER (EMRO)**

Following the introduction of the Police Reform and Social Responsibility Act 2011, if the licensing authority considers it appropriate for the promotion of the licensing objectives it can make an early morning alcohol restriction order.

An order would mean that any premises licence, club premises certificate or temporary event notice that authorises the sale of alcohol during the period specified in the order would not have effect. The period specified must begin no earlier than midnight and end no later than 6am.

At present the Council does not propose to introduce an Early Morning Restriction Order

9. **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 Licencing Officer
Bexhill Police Station
Terminus Road
Bexhill-on-Sea
East Sussex
TN39 3NR
T 0845 6070 999

The Chief Officer
East Sussex Fire & 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

Planning Officer
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

Alcohol Licensing Team
Home Office (Immigration)
Lunar House
40 Wellesley Road

Croydon
CR9 2BY
E Alcohol@homeoffice.gsi.gov.uk

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 licenced by contacting the Licencing Officer, Lewes District Council, Southover House, Southover Road, Lewes, East Sussex, BN7 1AB

Telephone 01273 471600

Email licensing@lewes.gov.uk

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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

STATUTORY INSTRUMENTS

2005 No. 44

LICENCES AND LICENSING

The Licensing Act 2003 (Hearings) Regulations 2005

Made - - - - *12th January 2005*
Laid before Parliament *13th January 2005*
Coming into force - - *7th February 2005*

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

Citation and commencement

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

Interpretation

2.—(1) In these Regulations—

“the Act” means the Licensing Act 2003;

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

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

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

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

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

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

(1) 2003 c. 17

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

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

Scope

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

Period of time within which hearing to be held

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

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

Notice of hearing

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

(2) In the case of a hearing under—

(a) section 48(3)(a) (cancellation of interim authority notice following police objection), or

(b) section 105(2)(a) (counter notice following police objection to temporary event notice),

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

(3) In the case of a hearing under—

(a) section 167(5)(a) (review of premises licence following closure order),

(b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),

(c) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or

(d) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

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

Information to accompany notice of hearing

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

(a) the rights of a party provided for in regulations 15 and 16;

(b) the consequences if a party does not attend or is not represented at the hearing;

- (c) the procedure to be followed at the hearing;
- (d) any particular points on which the authority considers that it will want clarification at the hearing from a party.

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

Action following receipt of notice of hearing

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

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

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

(3) In the case of a hearing under—

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

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

(4) In the case of a hearing under—

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

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

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

Right to dispense with hearing if all parties agree

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

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

Withdrawal of representations

10. A party who wishes to withdraw any representations they have made may do so—
- (a) by giving notice to the authority no later than 24 hours before the day or the first day on which the hearing is to be held; or
 - (b) orally at the hearing.

Power to extend time etc.

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

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

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

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

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

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

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

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

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

Hearing to be public

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

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

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

Right of attendance, assistance and representation

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

Representations and supporting information

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

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

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

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

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

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

Failure of parties to attend the hearing

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

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

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

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

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

Procedure at hearing

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

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

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

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

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

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

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

Determination of applications

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

- (a) section 35 or 39 which is in respect of an application made at the same time as an application for conversion of an existing licence under paragraph 2 of Schedule 8 (determination of application under section 34 or 37),
- (b) section 85 which is in respect of an application made at the same time as an application for conversion of an existing club certificate under paragraph 14 of Schedule 8 (determination of application under section 85),
- (c) section 105(2)(a) (counter notice following police objection to temporary event notice),
- (d) section 167(5)(a) (review of premises licence following closure order),
- (e) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
- (f) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
- (g) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence),

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

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

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

Notification of determination

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

(2) In a case where—

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

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

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

Record of proceedings

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

Irregularities

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

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

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

Notices

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

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

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

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

Date 12th January 2005

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

SCHEDULE 1

regulation 5

	Column 1	Column 2
	Provision under which hearing is held.	Period of time within which hearing must be commenced.
1.	Section 18(3)(a) (determination of application for premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 35(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2).
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).

	Column 1	Column 2
8.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c).
9.	Section 85(3) (determination of application to vary club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4).
10.	Section 88(2) (determination of application for review of club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).
12.	Section 120(7)(a) (determination of application for grant of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5).
13.	Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3).
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3).
15.	Section 167(5)(a) (review of premises licence following closure order).	10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of	10 working days beginning with the day after the end of the period within which a chief

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	Column 1	Column 2
	application for conversion of existing licence).	officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8.

SCHEDULE 2

regulation 6

	Column 1	Column 2
	Provision under which hearing is held.	Persons to whom notice of hearing is to be given.
1.	Section 18(3)(a) (determination of application for premises licence).	(1) The person who has made the application under section 17(1); (2) persons who have made relevant representations as defined in section 18(6).
2.	Section 31(3)(a) (determination of application for provisional statement).	(1) The person who has made the application under section 29(2); (2) persons who have made relevant representations as defined in section 31(5).
3.	Section 35(3)(a) (determination of application to vary premises licence).	(1) The holder of the premises licence who has made the application under section 34(1); (2) persons who have made relevant representations as defined in section 35(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	(1) The holder of the premises licence who has made the application under section 37(1);

	Column 1	Column 2
		(2) each chief officer of police who has given notice under section 37(5); (3) the proposed individual as referred to in section 37(1).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	(1) The person who has made the application under section 42(1); (2) each chief officer of police who has given notice under section 42(6); (3) the holder of the premises licence in respect of which the application has been made or, if the application is one to which section 43(1) applies, the holder of that licence immediately before the application was made.
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	(1) The person who has given notice under section 47(2); (2) each chief officer of police who has given notice under section 48(2).
7.	Section 52(2) (determination of application for review of premises licence).	(1) The holder of the premises licence in respect of which the application has been made; (2) persons who have made relevant representations as defined in section 52(7); (3) the person who has made the application under section 51(1).
8.	Section 72(3)(a) (determination of application for club premises certificate).	(1) The club which has made the application under section 71(1); (2) persons who have made relevant representations as defined in section 72(7).
9.	Section 85(3)(a) (determination of application to vary club premises certificate).	(1) The club which has made the application under section 84(1);

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

	Column 1	Column 2
		(2) each chief officer of police who has given notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	(1) The club which has made the application under paragraph 14(2) of Schedule 8; (2) each chief officer of police who has given notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	(1) The person who has made the application under section 117 to which paragraph 23(1) of Schedule 8 applies; (2) the chief officer of police who has given notice under paragraph 25(2) of Schedule 8.

SCHEDULE 3

regulation 7

	Column 1	Column 2	Column 3
	Provision under which hearing is held	Person to whom notice of hearing is given	Documents to accompany notice of hearing
1.	Section 18(3)(a) (determination of application for premises licence).	The person who has made the application under section 17(1).	The relevant representations as defined in section 18(6) which have been made.
2.	Section 31(3)(a) (determination of application for provisional statement).	The person who has made the application under section 29(2).	The relevant representations as defined in section 31(5) which have been made.
3.	Section 35(3)(a) (determination of application to vary premises licence).	The holder of the premises licence who has made the application under section 34(1).	The relevant representations as defined in section 35(5) which have been made.
4.	Section 39(3)(a) (determination of application to vary premises licence to	(1) The holder of the premises licence who has made the application under section 37(1);	The notices which have been given under section 37(6).

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

	Column 1	Column 2	Column 3
12.	Section 121(6)(a) (determination of application for renewal of personal licence).	The person who has made the application under section 117(1).	The notice which has been given under section 121(3).
13.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	The holder of the licence in respect of which the notice has been given.	The notice which has been given under section 124(3).
14.	Section 167(5)(a) (review of premises licence following closure order).	The holder of the premises licence in respect of which the review has been made.	The relevant representations as defined in section 167(9) which have been made.

SCHEDULE 4

regulation 2

Meaning of “determination”

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

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

18. the notice given under paragraph 25(2) of Schedule 8, in accordance with its paragraph 26.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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

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

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

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

2. The licensing objectives

Crime and disorder

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

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

Public safety

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

Ensuring safe departure of those using the premises

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

Maintenance and repair

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

Safe capacities

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

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

those premises should be.

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

Public nuisance

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

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

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

Protection of children from harm

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

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

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

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

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

Offences relating to the sale and supply of alcohol to children

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

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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. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

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

Naming, packing and promotion in retail premises

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

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

Hours of trading

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

The performance of plays

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

Censorship

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

Major festivals and carnivals

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

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

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Appendix 9 (1)



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