

**Licensing Sub-  
Committee  
27 August 2021**



**Time and venue:**

**10:30am in the Ditchling & Telscombe Rooms, Southover House, Southover Road, Lewes, BN7 1AB**

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**Membership:**

**Councillors: Sam Adeniji, Roy Clay, Stephen Gauntlett (Reserve) and Jim Lord**

**Quorum: 3**

*Published: Thursday, 19 August 2021*

## **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 Application for a new Premises Licence at Martello Fields, College Road, Seaford, BN25 1JD (Pages 3 - 104)**

# Information for the public

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# Information for Councillors

## Disclosure of interests:

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

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

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<b>Report to:</b>	<b>Licensing Sub-Committee</b>
<b>Date:</b>	<b>27<sup>th</sup> August 2021</b>
<b>Title:</b>	<b>Application for a new Premises Licence at Martello Fields, College Road, Seaford, BN25 1JD</b>
<b>Report of:</b>	<b>Director of Service Delivery</b>
<b>Ward(s):</b>	<b>Seaford Central and Seaford South</b>
<b>Purpose of report:</b>	<b>To provide information in order that the Sub-Committee can determine an application for a Premises Licence.</b>
<b>Officer recommendation(s):</b>	<b>The Sub-Committee is asked to determine the application in accordance with the Licensing Act 2003 (as amended), LDC Licensing Policy and the Home Office Guidance issued per Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.</b>
<b>Reasons for recommendations:</b>	<b>An application has been received for a Premises Licence, pursuant to Section 17 Licensing Act 2003. Representations have been made by local residents.</b>
<b>Contact Officer(s):</b>	<b>Name: Paul Thornton Post title: Specialist Advisor (Licensing) E-mail: <a href="mailto:paul.thornton@lewes-eastbourne.gov.uk">paul.thornton@lewes-eastbourne.gov.uk</a> Telephone number: 01323 415140</b>

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## 1 Introduction

- 1.1 Lewes District Council has received an application for a new Premises Licence under the Licensing Act 2003 for Martello Fields, College Road, Seaford, BN25 1JD from James Cabot, on behalf of Breakwater Event Support Ltd. The application is included along with the plan of the premises at **Appendices 1 and 2.**
- 1.2 The Sub-Committee should be aware that the Licensing Hearing is taking place on the first working day after the consultation finishes. This is solely due to the fact the application was only submitted on 29<sup>th</sup> July 2021 thereby leaving one working day between the consultation period ending and the actual event itself.
- 1.3 A number of valid representations have been received, hence the need to hold a hearing promptly. This report is therefore being published before the consultation process concludes. Discussions between the Responsible Authorities and the applicant have yet to establish agreed conditions.

- 1.4 If agreement is reached regarding conditions these will be presented to the Committee as a supplementary report. It remains a possibility that further representations are received. These will also be submitted as a supplementary report.

## **2 The Application**

- 2.1 The application seeks the following licensable activities:  
**Live Music, Recorded Music** Everyday 0900-2100hrs.  
**Sale of Alcohol for consumption on the premises** Everyday 1000-2100hrs.

- 2.2 The event company – Breakwater Event Support Ltd – is applying for this licence on behalf of ‘All things Festival’ for a one-day specific event at the site. The ticketed event is a family friendly LGBT+ Festival called Seaford Pride. Entertainment will be provided from a main stage and roaming entertainers. There will be a number of food concessions and bars selling soft drinks and alcohol. It is anticipated there will be up to 4000 attendees.

- 2.3 The application is not specific about what day or date and gives the impression that the licence is open ended. It has now been clarified they only want the licence to be valid for one day a year, at **Appendix 3**. If the Committee is minded to grant the application Members are asked to consider that this time limited condition is placed on the licence.

“This Licence is valid for one day per annum. The date of the event to be notified to Sussex Police and the Licensing Authority with at least four months’ notice. The event for 2021 will take place on 29<sup>th</sup> August 2021.”

- 2.4 The applicant is required to describe any steps they intend to take to promote the four Licensing Objectives as defined by the Licensing Act 2003. The Operating Schedule and the relevant parts of the Event Management Plan detailing these steps can be seen in the application form in **Appendix 1** and is confirmed at **Appendix 4**

- 2.5 The Licensing Act 2003 requires applicants to advertise both on the premises and in a local newspaper in order to inform the public of the application. The application details are also advertised on the council’s website. Several “Responsible Authorities” have also been consulted as part of the process. The consultation period of 28 days started on 30<sup>th</sup> July 2021 and is due to end on 26<sup>th</sup> August 2021. The applicant has complied with all the requirements as laid out within The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

## **3 Representation received from Responsible Authorities:**

- 3.1 The following Statutory Bodies (described as Responsible Authorities by the Licensing Act 2003) were consulted about this application.
- 3.2 Sussex Police  
Environmental Health  
East Sussex Fire and Rescue

East Sussex Child Protection  
Team  
Trading Standards  
LDC Health and Safety  
LDC Planning  
Public Health  
Home Office Immigration

3.3 This report is published before the consultation process concludes. Discussions between the Responsible Authorities and the applicant have yet to establish agreed conditions.

#### **4 Representation received from others**

4.1 At the time of writing this report there are five valid representations submitted by local residents. These are included at **Appendices 5 and 6**.

4.2 The Committee should be aware that they can only consider sections of the representations that address the licensing objectives. The five representations are relevant as they raise concerns about public nuisance and public disorder.

4.3 Members are entitled to ignore issues raised in all representations such as the nature of the event not being suitable for the area, trade being denied to local licensed premises, transport and parking issues and comparisons to other events. The organisers of this event have not been involved in licensed activities in this area, comparisons are therefore not valid.

#### **5 Mediation**

5.1 Please see paragraph 1.3 above.

#### **6 Licensing Sub-Committee Considerations**

6.1 In determining the application with a view to promoting the licensing objectives the Sub-Committee 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 Licensing Act 2003
- The Lewes District Council Statement of Licensing Policy
- Any other relevant legislation

6.2 The Licensing Act 2003 requires representations to address the four Licensing Objectives:

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

A representation is a 'relevant representation' if it is about the likely effect of the grant of the licence on the promotion of the licensing objectives. The objector must establish that such a consequence is a *likely* effect of a grant (i.e. more probable than not).

6.3 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. A copy of the Licensing Policy is attached at **Appendix 7**.

6.3.1 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.

6.3.2 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.

6.3.3 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.

6.4 The relevant sections of the Home Office Guidance are attached at **Appendix 8**.

6.5 The Licensing Sub-Committee should be mindful of requirements and responsibilities placed on them by other legislation, in addition to those contained within the Licensing Act 2003. These include, but are not limited to, having due regard to the Equality Act 2010 and the Human Rights Act 1998.

6.6 The Sub-Committee is asked to note the procedures relating to this hearing which are contained within The Licensing Act 2003 (Hearing Regulations) 2005 (as amended) and attached at **Appendix 9**.

## **7 Options**

7.1 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 (in light of the mediated conditions)

- Grant the Licence, but modify the conditions as appropriate for the promotion of the licencing objectives
- Grant the Licence, but modify the hours of licensable activity as appropriate for the promotion of the licensing objectives
- Reject the application.

## **8 Right of Appeal**

8.1 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-Committee's decision.

## **9 Financial appraisal**

9.1 A decision made by the Sub-Committee may be appealed by any party to the proceedings to a Magistrates' Court. Costs associated with this matter and incurred by any party, may in certain circumstances be awarded against the Council.

## **10 Legal implications**

10.1 Under section 18 of the Licensing Act 2003 (as amended), following receipt of an application for a premises licence, under section 17 of the 2003 Act, if relevant representations are received, and unless all parties agree that a hearing is unnecessary, then the Licensing Authority must hold a hearing. At the hearing the Sub-Committee shall having regard to the representations take such steps as it considers appropriate for the promotion of the licensing objectives. The relevant options are outlined in para. 7.1 of this Report.

10.2 The Licensing Sub-Committee should be mindful of responsibilities placed on them by other legislation, in addition to those contained within the 2003 Act. These include, but are not limited to, having regard to the Equality Act 2010 and the Human Rights Act 1998.

10.3 The Legal Section considered this Report on 19 August 2021 (IKEN-10366-LDC-MW).

## **11 Risk management implications**

11.1 There are no risks associated with the content of this Report.

## **12 Equality analysis**

12.1 An Equality Analysis is not constructive in this instance.

## **13 Environmental sustainability implications**

13.1 There are no sustainability and/or carbon reduction implications associated with this report.

## **14 Appendices**

- 14.1 Appendix 1 Application
- Appendix 2 Licensing plan of site
- Appendix 3 Condition Agreement
- Appendix 4 Event Management Plan
- Appendix 5 Representations
- Appendix 6 Representation
- Appendix 7 Lewes District Council Licensing Policy
- Appendix 8 Relevant sections Home Office Guidance
- Appendix 9 Hearing Regulations 2005 (as amended)



**Lewes**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@lewes.gov.uk](mailto:licensing@lewes.gov.uk)  
Telephone: 01273 471600

\* required information

### Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

### Applicant Business

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

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

**Section 4 of 21**

**NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality  Documents that demonstrate entitlement to work in the UK

**Section 5 of 21**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of 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.

Breakwater Event Support is applying for a licence on behalf of a client wishing to hold a family friendly LGBT+ festival. The event will include a main stage, roving performers, street food traders, a small fair ground and a number of small bars.  
The event footprint will occupy all of the larger of Martello Fields, a small amount of the roadway to the east of the fields, and also use the smaller of the fields as a car park.

Continued from previous page...

The event's main stage will host a large number of tribute acts and a number of local artists. Breakwater's risk assessment has dictated that the event site is safe and suitable for a capacity of 4000plus staff. Breakwater has applied for the timings listed to give flexibility to future events, however the event will only take place over one day.

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

### Section 6 of 21

#### PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes  No

### Section 7 of 21

#### PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes  No

### Section 8 of 21

#### PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes  No

### Section 9 of 21

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes  No

### Section 10 of 21

#### PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes  No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

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.

Continued from previous page...

TUESDAY

Start 09:00

End 21:00

Start

End

WEDNESDAY

Start 09:00

End 21:00

Start

End

THURSDAY

Start 09:00

End 21:00

Start

End

FRIDAY

Start 09:00

End 21:00

Start

End

SATURDAY

Start 09:00

End 21:00

Start

End

SUNDAY

Start 09:00

End 21:00

Start

End

Will the performance of live music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

An 10x 8 metre stage will host various performances from tributes and local acts.

A full noise management plan will be developed and implemented. This will be made available for inspection by all licencing authorities and the SAG.

Amplified music will be controlled by a sound desk in a controlled area, and programmed to strictly adhere to the curfew time.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors  Outdoors  Both

Where taking place in a building or other  
structure tick as appropriate. Indoors may  
include a tent.

**Continued from previous page...**

State 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.

As with live music, pre-recorded music will be played from the main stage, subject to noise management plan.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

- Yes  No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on  
the premises select on, if the sale of alcohol  
is for consumption away from the premises  
select off. If the sale of alcohol is for  
consumption on the premises and away  
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

**Name**

First name

Family name

Date of birth  /  /

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

none

### Section 17 of 21

### HOURS PREMISES ARE OPEN TO THE PUBLIC

#### Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

*Continued from previous page...*

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

## Section 18 of 21

### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Knowledge or understanding of the Licensing Act 2003-

- Well trained staff will contribute to a well-run premises and responsible approach to the sale of alcohol, provision of entertainment and late-night refreshment. As many staff as is reasonably practicable will have formal qualifications, such as a personal licence. A personal licence holder will be on duty at all times at all bars.
- All staff will be advised of licensing law in writing before they are allowed to serve alcohol.
- Training should also be provided on premises specific policies relevant to the operation of the business.
- A record will be kept of the date and name of person trained or advised and be made available for inspection by the police or licensing authority.

Daily Staff Briefings and Debriefings

Staff will be briefed at the beginning of each shift and during changeover. Any problems that arise should be resolved.

Debriefs will be undertaken.

These briefings will take place at the start of each shift, and the local licencing and police licencing officer will be notified of when this briefing will take place.

Staff will not be permitted to start work within the bars area without attending the briefing.

b) The prevention of crime and disorder

The main causes of crime and disorder in licensed premises arise from inadequate security provisions, poor design and layout, the type of event, overcrowding and customers being too intoxicated. This can result in theft, conflict, violence and anti-social behaviour. Breakwater Event Support Ltd is committed to reducing the risk of crime and disorder through a premises risk assessment.

Alcohol can be a significant contributory factor to levels of crime and disorder in an area. Good management and good practice along with adequate physical controls can make an important difference to the level of alcohol related crime at premises.

Breakwater's licensed areas occur within temporary events. Preventatives measures should be factored in during the planning and design stage. Consideration should be given to the design and layout of the premises to minimise the potential for crime and disorder.

Security in and around the premises:

- 24 hour SIA staff to protect property and persons
- Emergency exits maned or alarmed when the premises is open so that staff are aware of unauthorised opening or

*Continued from previous page...*

tampering.

- Staff and cellar areas kept locked and secured at all times.
- Alcohol and money will be secured in a lockable store and registered safe. Money will be removed from site regularly and none will be stored in any areas apart from the safe.
- SIA staff will be employed to supervise the sale of alcohol, admissions and behavior.
- All security staff will be licensed by the Security Industry Authority and their badges will be displayed while on duty.
- All staff will be easily identifiable by using high vis vests or staff uniform.
- Event risk assessments will be undertaken that will evaluate the risks involved and will be used to determine the level of security required at the event and its licensed premises.
- Premises will be checked for suspect packages and staff trained to be vigilant at all times.
- Cash to be handled in line with the Breakwater Event Support Management Policy. Cash Runs to take place under SIA escort.

Crime including conflict, violence or aggression:

- Event will be programmed as to not attract violent or aggressive followers, rival gangs or other crime and disorder.
- Any issues arising during the event will be documented and used to evaluate operational methods.
- SIA operatives will be a mix of male and female.
- The entry policy will be prominently displayed. This will include age restrictions, dress code and bag searches.
- Rejection of any known trouble makers before they enter will be routine, and their rejection recorded.
- Drinks deals/promos or happy hours will not be employed. The only deals that will be used will be exclusively meal deal combo deals.
- Clickers will be used to monitor numbers on site to ensure the event does not go over capacity.
- Only plastic cups will be used on site.
- Staff will be trained in conflict management to give them the knowledge and confidence to deal with the difficult situations and reduce crime and disorder at the premises.
- Training will also cover dealing with, logging and reporting incidents if they occur.
- A record will be kept of the date and the name of the person trained. Records will be made available for inspection by the police or licensing authority.
- Measures will always be undertaken in so far as possible to preserve any crime scene that may occur.

Drugs & Weapons being brought onto the premises

- A zero tolerance policy to the use of drugs and carrying of weapons in the premises will be adopted.
- Posters will be displayed in relevant places to remind customers of the zero-tolerance policy.
- A search policy will be in operation that will apply to the event to minimize the opportunity for drugs or weapons to be brought onto the premises. These policies will be advertised through ticketing and at entrances. The policy covers the procedure for notifying the police and holding items seized. The Event Search & Eviction Policy will be presented to the SAG as part of the EMP.

Theft from premises or lost property

- Clear signage will be displayed throughout the premises about crime prevention and to warn customers of the potential for pickpockets and bag/laptop snatchers.
- Stock will be kept out of reach of the public.
- Procedures regarding the logging and disposal of lost/found property and in particular valuable property. Passports and any other ID will be handed into a police station.
- premises layout and lighting will be considered to avoid dark or dimly lit areas.

Drunkenness and management of drunk customers:

- Drinks promotions will not be employed.
- Staff will be trained in recognizing the signs of someone who is excessively intoxicated and know how to refuse a sale. IN some cases an offer of a free soft drink or water may diffuse the situation and prevent a worse situation developing later.
- FOH staff will always be aware of customers and their general behavior. Anyone who may be a risk will be pointed out to security staff.
- Drink aware posters will be displayed
- As a rule, draught products will not exceed an ABV of 5%

c) Public safety

**Continued from previous page...**

**General safety of staff and customers:**

- A full risk assessment will be carried out for the event. This will support the licensing objectives.
- There will be a fully qualified medical team on duty at all times including build and break.
- All production and site work will be carried out by professional and competent contractors.
- No public will be allowed on site during build / break periods
- Emergency exits will be kept clear at all times.

**Overcrowding:**

- Tickets will be numbered to prevent overcrowding.
- The layout of the FOH area will be designed to encourage free flow of the public and safe movement.
- The capacity of the event is determined by the available space and the number of emergency exits.
- Crowd management staff will oversee specific areas to watch for signs of overcrowding and/or crushing. They will take appropriate measures to stop this before it becomes an issue.

**Glass, Waste and Spillages:**

- All drink sold for consumption on the premises by the bar will be decanted into plastic glasses. Staff will be employed to ensure that empties do not build and become a trip hazard.
- Search procedures at entry will be employed to ensure that customers are not bringing glass onto site when they are not permitted to do so.
- Spillages will be cleared up quickly to avoid slips.
- Litter crews will be employed to clear up glass and waste at the event.

**Accident or other emergency incident on the premises:**

- Evacuation responsibilities and roles will be clearly communicated to staff, routes and exits will be well defined and evacuation plans planned.
- Firefighting equipment appropriate for the risk clearly available and serviced to good working order.
- Staff are to be trained in all policies and fire safety.
- All incidents will be recorded in the Event Log Book and relevant incidents will be reported via RIDDOR.

**Drug use or drink spiking:**

- Anti-drink spiking products will be offered at the information point where a risk assessment deems it necessary.
- Breakwater Event Support has a zero tolerance policy to the use of drugs on the premises.
- The police will be notified of any suspected incident of drink spiking.
- Entry will be refused to anyone who appears to be showing signs of drug use.

**Smoking:**

- Staff will be made aware of legislation and be vigilant to any breaches.

**Safety of customers when leaving the premises:**

- Signage reminding people not to drink and drive will be displayed. Taxi numbers will be readily available.
- Gradual end to entertainment to encourage a slow dispersal of customers will be used.

**Waste and sanitary facilities:**

- The Purple Guide will be used to determine an adequate number of toilets that are to be provided for an event.
- Anyone caught not using the facilities provided will be asked to leave.
- Toilets will be checked and cleaned regularly.
- Staff will ensure that waste is collected regularly from public areas and adequate bins are provided.

**d) The prevention of public nuisance**

**Music, singing and speech noise breakout from the premises:**

- Breakwater Noise management policy details maximum noise limits at specific points in and around the premises. All engineers, promoters and staff will be aware of this policy and how to ensure it is implemented.
- A DB monitor will be used to measure sound levels at points in and around the venue. Data will be recorded for review after the event but also will be used to adjust sound levels at the time they were measured if required.

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- Residents will be supplied with a contact phone number to report any issues.

Noise from staff, contractors, traders and entertainers leaving late at night / after closing time:

- Staff and performers who leave late at night will be told they must conduct themselves in such a way as to not cause a disturbance to any member of the public and residents. This will include the loading of equipment.
- Commercial deliveries will, as far as is reasonably practicable, only happen between the hours of 8am and 8pm. This includes traders stocking and re-stocking, building or taking down of stalls, waste removal, toilet cleansing and all activities related to the event.

Litter and Waste:

- Flyers will not be distributed outside of the premises. Litter around the entrance to the premises will be collected by staff.
- Staff will ensure that waste is collected regularly from public areas and that sufficient bins are provided. Waste will be removed by an appropriate contractor.

Disturbance from lighting:

- Lighting located so as to efficiently light risk areas for security without causing a disturbance to residents.

Noise and odours from plant and other machinery:

- Generators and similar fixed equipment will be positioned away from residents.
- Any plant equipment will be used for short periods of time when close to residences. Plant will only be used between the hours of 8am and 8pm.

e) The protection of children from harm

This policy has been drawn up on the basis of law and guidance that seeks to protect children and vulnerable adults, namely:

- Children's Act 1989
- United Convention of the Rights of the Child 1991
- Data Protection Act 1998
- Sexual Offences Act 2003
- Children Act 2004
- Protection of Freedoms Act 2012
- Relevant government guidance on safeguarding children
- Safeguarding Vulnerable Groups Act 2006

As well as being one of the licensing objectives to ensure the safety of children, Breakwater prides itself on being an inclusive event and therefore assumes both legal and moral responsibility for the welfare of all children (this includes anyone under 18 and vulnerable adults at the event.)

In considering situations where a child or vulnerable adult's welfare is most at stake, the following policy has been created to offer all team members guidance on best practice and management. It is important that everyone has read and understood the guidelines in this document. In the event of a query the team manager should speak to his or her line manager.

Safeguards for protecting children, youths and vulnerable adults will include –

- Adhering to, training in and development of this safeguarding policy
- Valuing them, listening to and respecting them
- Adopting safe working practices for staff and volunteers
- Recruiting staff and volunteer's safety, ensuring all necessary checks are made
- Providing staff and volunteers with guidance on procedures they should adopt in the event that they suspect someone may be experiencing, or be at risk of, harm.
- Sharing information appropriately about those who are at risk, with their consent
- If consent is refused and there are considered to be serious concerns of abuse for the individual concerned or others, then consent may be overridden in line with guidance, and only shared appropriately with those who need to know.
- Providing effective management for staff and volunteers through supervision, support and training.
- Not allowing one to one activity with a child, teen or vulnerable adult.
- Controlling the use of cameras in specific areas e.g. the children's area and not using photographs for publicity without the permission of the carer or parent.

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#### Event Management and Event Personnel

Facilities on site including medical tent, lost children, and information will provide constant support for all aspects of the event from a dedicated team of personnel. In respect of the Minor and Vulnerable Safeguarding Policy, they will perform such duties as:

- Mind Children who are "found" (see definition below) until the parent or guardian can be located
- Help instigate the searching procedure for "missing" children (see definition below)
- Offer support to the event security who may have to deal with an underage person or vulnerable adult when there is no parent / guardian / carer immediately available.
- Offer information if requested on issues like protection of children's hearing, keeping your child safe at events, NSPCC or ChildLine numbers and so on.

Staff and volunteers, including managers, will be made aware of the safeguarding policy through the initial induction training and vulnerable adult safeguarding training. Staff and volunteers will be encouraged to feedback on any areas of the safeguarding policy that need to be reviewed. Managers and leaders have a particular oversight and assurance role in relation to adherence to the policy by all involved with the organisation.

#### Children

The event recognises that the welfare of the child is paramount, in line with the Children's Act 1989 and that all children, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have the right to equal protection from all types of harm or abuse. Working in partnership with children, young people, their parents, carers and other agencies is essential in promoting young people's welfare.

Anyone onsite who is in a position to work with or keep a child safe for any length of time will be DBS checked and present credentials and references. This is especially relevant for those working within areas dedicated to children's areas or delivering activities solely for children.

#### Medical Treatment

Any child under 16 needing medical treatment must be accompanied by their parent / guardian. If a life threatening occurrence has taken place requiring immediate medical attention and no parent / guardian is around, then life-saving becomes the priority and every effort will be made to contact the responsible adult. No child or teen under 16 being treated will be released back to the event without the presence of their parent / guardian.

#### Missing & Found Children or Vulnerable Adults

Define: Found Child – This is often what is meant when someone says they are with a "lost child". This is a situation where a child or vulnerable adult is found without their guardian and needs to be safety looked after until the guardian is located.

Define: Missing Child – This is where a parent / guardian cannot find their child or vulnerable adult and have asked for help. This is a very serious situation as the child may be in a position of danger and their safety compromised.

#### Found Child Procedure

Most members of the public, upon finding a child who is "lost," will take them to the nearest official looking person. This will often be an event steward, Security officer or any obvious member of event staff or crew.

Upon being presented with a child or vulnerable adult, the best recourse for the steward, security or staff member is to stand still with the child/vulnerable adult for approximately 5 minutes. Chances are the parents are nearby searching and will spot the nearest person in a hi viz or uniform. While waiting with the child/vulnerable adult, they should call control, stating "I am standing with Mr Moses, I will get back to you soon." This will then be recorded in the event log with details of the staff member standing with the child. If the staff member is alone, then a steward or other available member of staff will be dispatched to the location to prevent the member of staff being alone with the person.

If no guardian comes forward after five minutes, then the child/vulnerable adult becomes the responsibility of the event control team. The member of staff with the person will call control on the radio, stating "I am bringing Mr Moses to the tent." This should also be noted in the event log to show the staff member has waited the appropriate 5 minutes.

Once the child / vulnerable adult reaches the control tent, one of the event staff in the control tent will take custody. On taking the child a "FOUND CHILD" form will be taken. This form is attached.

The responsible minder will check the child / vulnerable adults wristband for a contact telephone number, and contact the number if found.

The Child / Vulnerable adult will be kept safe and calm until the parent/guardian is located. There will be facilities in the tent to keep the child comfortable and entertained while waiting.

The child / vulnerable will be kept out of view of the public. That way the parent or guardian claiming the child must

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Identify the child before the child is brought into view and released. The claiming parent/guardian must sign the "FOUND CHILD" form and the event log should be updated.

If the child shows any fear or hesitation in going to the parent / guardian then they will not be released. The lost child worker will radio for the Event Manager to attend and assess the situation. Security may be called to support. The ID of the parent/guardian will be asked for. Should a found child / vulnerable adult disclose information about having received abuse, procedures outlined later in this document should be followed.

#### Unclaimed Child

If the control tent has held the child / vulnerable adult for over 30 minutes with no parent / guardian coming forward, then The Event Production Manager will be contacted. At this point, event management must decide how to re-unite the child / Vulnerable adult with their parent. Some Decisions may include:

- Making stage announcements: "This is a message for Mr or Mrs xx. Please contact the nearest security officer or the information point."
- Try to obtain a parent or guardians description and relay to security
- In an extreme case scenario, if the child has been held for a lengthy time, The Event Production Manager may have no recourse other than calling the police or local social services regarding intervention.

#### Missing Child / Vulnerable Adult Procedure

Most parents / Guardians, having realised that their child / vulnerable adult is missing, will approach the nearest steward in a hi-viz, security operative or obvious member of staff to find out what to do. The Event staff member shall escort the person to Event Control.

The Parent/guardian will be asked the following questions, of which will be recorded on a "MISSING CHILD FORM".

The items listed on the form are:

- Name
- Age
- Gender
- Ethnicity
- Clothing
- Hair Colour
- Where last seen

The information tent staff will note the information, and refer to the currently outstand FOUND CHILD FORMS. If they are minding a child of that description, they will reunite the pair. With the parents/guardians signing the FOUND CHILD FORM, and both forms being stapled together.

If staff are not minding a child of that description, then there is a genuine missing child and immediate action is required as per the following points:

1. Information sharing – control will call all channels stating "We have been asked to look for Mr Moses, then pass a description (WITHOUT NAME OR AGE)
2. Gate Lockdown – No persons will be permitted to exit the site, all gates will be temporarily closed.
3. Search – All available members of staff will begin the search.
  - a. Security and stewards: starting at last seen location, fanning outwards to edges of site
  - b. Stage production: Backstage areas where the individual might have roamed
  - c. The Event Manager or Event Directors: notify children's activities, traders and amusements operators
4. Possible location – If the child / vulnerable adult is spotted by a member of staff, then they will call control stating "I am standing with Mr Moses, heading to control now".
5. Confirm – Once the confirmation has taken place, control will call all channels stating "All callsigns, Mr Moses has been claimed. Stand Down. (If confirmation is not obtained, then the child brought in should be treated as a separate "Found Child", and the process continued.
6. Cancel Lockdown – Gates can be re-opened. Staff will return to normal positions.
7. Writeup – All actions including timings should be recorded in the event log.

If the child or vulnerable adult has not been found after a 30 minute search, then event management will call and emergency meeting with security and discuss the next step, which may include calling the police for advice or help in searching for a missing person. Parents will be consulted during this decision process.

#### Teens

In accordance with the bar management policy and age verification policy, the "Challenge 25" initiative will operate across the event. No matter what colour wristband a person is wearing, ID will always be sought if they appear to be under 25.

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Drugs are not tolerated and security measures are in place to stop drugs from coming onto site.

Should security personnel notice alcohol in the hands of someone who appears to be under 25, they will be stopped and ID'ed. If they are under 18, or without ID the drink shall be confiscated and poured away. Should they notice drugs in the hands of a teen, the young person will be held. (see procedure below).

**Over indulgence / social disorder**

Despite all efforts to monitor alcohol and drugs on site, there may be instances when a teen may have had access to drink or a drug and has indulged to the point of illness or socially disruptive behaviour.

Should security, stewards or event staff be presented with a teen who is ill or incapacitated due to intoxication or possible drug use, they shall be taken to the medical tent as soon as possible either on foot (if able to walk) or using an available medical unit (detailed in the event medical plan).

The medics on site will be trained and experienced in working with the conditions presented and their medical treatment, particularly of life-threatening conditions will take priority. They will be in a position to ascertain the name of the young person.

Once they have a name, the medics shall radio through the Event Manager with the name, who will then make every effort to contact the young persons parents or guardians on site. This may include accessing the young persons phone to attain an emergency contact detail. Once contacted, the guardian must prove their parental responsibility; and from that point the guardian assumes responsibility for the young person.

For as long as the young person is being medically treated, they are under the care of the on call medical personnel.

If medical treatment requires the young person to be taken to the hospital and no guardian / responsible adult has been located, then the police or local social services shall be consulted with regards to assuming responsibility for the young person. Efforts will continue to contact their guardian.

If the young person has fully recovered and the medics feel they can be released and no name has been given or no guardian / responsible adult has been located on site, then local social services will be called to assume responsibility.

No teen having received medical attention shall be released back into the event unless released to their guardian / responsible adult.

Should security be alerted to a social disorder situation that involves a teen, then that teen shall be held, their name taken and as with a medical situation, The Event Manager will attempt to locate a guardian.

If a false name has been given, or the guardian / responsible adult is not located by security, The Event Manager will notify the police, who will then assume responsibility for the young person.

NOTE: IN the case of criminal activity, the police will always be notified.

**Abuse Disclosure**

Should any vulnerable adult, child or teen disclose information to a member of event of having received abuse then the event will act responsibly. The child or teen will be minded by someone from the medical team if they feel they need protection or support. In certain circumstances, particularly if the abuser is on site, the Event Manager or available security may also be called to ensure the security of the area.

A call will be placed to the relevant social services for advice how to proceed.

The following guide will be made available to all event staff. Staff in direct contact with children should read this as part of their site induction.

I. Immediate Action to Ensure Safety- Immediate action may be necessary at any stage in involvement with vulnerable adults, children and families. IN ALL CASES IT IS VITAL TO TAKE WHATEVER ACTION IS NEEDED TO SAFEGUARD THE CHILDREN ETC. If emergency medical attention is required this can be secured by calling an ambulance or taking the person to the nearest A&E department. If a child or vulnerable adult is in immediate danger then the police should be contacted via 999. As they alone have the power to remove a child immediately if protection is necessary, via Police Protection Order.

II. Recognition of Abuse or Neglect- Abuse or neglect of a child / vulnerable adult is caused by inflicting harm, or by failing to act to prevent harm. They may be abused in a family or in an institutional or community setting; by those known to them, or more rarely a stranger.

It is good practice to be open and honest as possible with parents/carers about any concerns. However you must not discuss your concerns with parents / carers in the following circumstances:

- Where sexual abuse is suspected
- Where organised or multiple abuse is suspected
- Where contacting parents/carers would place a child, a event staff member or others at risk.

III. What to do if children / vulnerable adults talk to you about abuse or neglect – It is recognised than an individual or group may seek you out to share information about abuse or neglect, or talk spontaneously individually or in groups when you are

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present. In these situations you must:

1. Listen carefully. DO NOT directly question.
2. Give them time and attention
3. Allow them to give a spontaneous account; do not stop someone who is freely recalling significant events.
4. Make an accurate record of the information you have been given taking care to record the timing, setting and people present, their presentation as well as what was said. Do not throw this away, as it may be later needed as evidence.
5. Use their own words where possible
6. Explain that you cannot promise not to speak to others about the information they have shared.
7. Reassure them:
  - i. You are glad they have told you
  - ii. They have not done anything wrong
  - iii. What you are going to do next
  - iv. Explain you will need their help to keep others safe
  - v. Do not ask the child or vulnerable adult to repeat his or her account of events to anyone.

IV. Consulting about your concern- The purpose of consultation is to discuss your concerns in relation to a child or vulnerable adult and decide what action is necessary. You may become concerned about a child who has not spoken to you, because of your observations or, or information about that child.

It is good practice to ask a child why they are upset or how a cut or bruise was caused, or respond to a child wanting to talk to you. This practice can help clarify vague concerns and result in appropriate action. If you are concerned about a child you must share your concerns with the appropriate person in the event management hierarchy. You should consult externally with your local social services department in the following circumstances:

- i. When you remain unsure after internal consultation as to whether child protection concerns exist
- ii. When there is disagreement as to whether child protection concerns exist
- iii. When you are unable to consult promptly or at all with your designated internal contact for child protection.
- iv. When concerns relate to any member of the event team
- v. Consultation is not the same as making a referral but should enable a decision to be made as to whether a referral to social services or the police should progress.

V. Making a referral- A referral involves giving Social Services or the police information about concerns relating to an individual or family in order that enquiries can be undertaken by the appropriate agency followed by any necessary. Parents / carers should be informed if a referral is being made except in circumstances in which the parents / carers have been identified as the perpetrator. However, inability to inform parents for any reason should not prevent a referral being made. It would then become a joint decision with social services about how and when the parents should be approached and by whom.

If your concern is about abuse or risk of abuse from someone not known to the child or the child's family, you should make a telephone referral directly to the police and consult with the parents. If your concern is about abuse or risk of abuse from a family member or someone known to the children then referral should be to local social services.

VI. Information Required – Be prepared to give as much of the following information as possible (in emergency situations this information may not be available). Unavailability of some information should not stop you making a referral.

1. Your name, telephone number, position, and request the same of the person to whom you are speaking
2. Full name and address, telephone number of family, date of birth of child and siblings
3. Gender, ethnicity, first language and any special needs
4. Names, dates of birth and relationships of household members and any significant others
5. The names of professionals known to be involved with the child / family e.g GP, Health visitor, school
6. The nature of the concern; and foundation for them
7. An opinion on whether the child may need urgent action to make them safe
8. Your view of what appears to be the needs of the child and family
9. Whether the consent of a parent with parental responsibility has been given to the referral being made.

VII. Action to be taken following the referral

1. Ensure that you keep an accurate record of your concerns made at the time
2. Put your concerns in writing to social services following the referral (within 48 hours)
3. Accurately record the action agreed or that no further action is to be taken and the reasons of this decision.

VIII. Confidentiality Policy

The legal principle is that the "welfare of the child is paramount".

Privacy and confidentiality should be respected where possible but if doing this leaves a child at risk of harm then the child's safety has to come first.

legally, it is fine to share information if someone is worried about the safety of a child.

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no everyone needs to know when a concern or worry is raised. This respects the child's, family's and / or staff's rights to privacy. So only people who need to know should be told about it. Otherwise this may cause gossip.  
It is fine to say that a concern has been raised and it is being dealt with following the events procedures.  
The organisation will ensure that any records made in relation to a referral should be kept confidentially and in a secure place.  
The Event is committed to reviewing this policy regularly and ensuring good practice.

## Section 19 of 21

### NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

#### **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.

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- 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.

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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.

#### **Section 20 of 21**

#### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o 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.
  - o 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.
  - o 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.
  - o 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:
  - o 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.
  - o 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.
  - o 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.

**Continued from previous page...**

- 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:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o 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;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o 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.

**Section 21 of 21**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

100.00

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

Continued from previous page...

**Address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**DECLARATION**

[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, if appropriate (please see Note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/lewes/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

**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**

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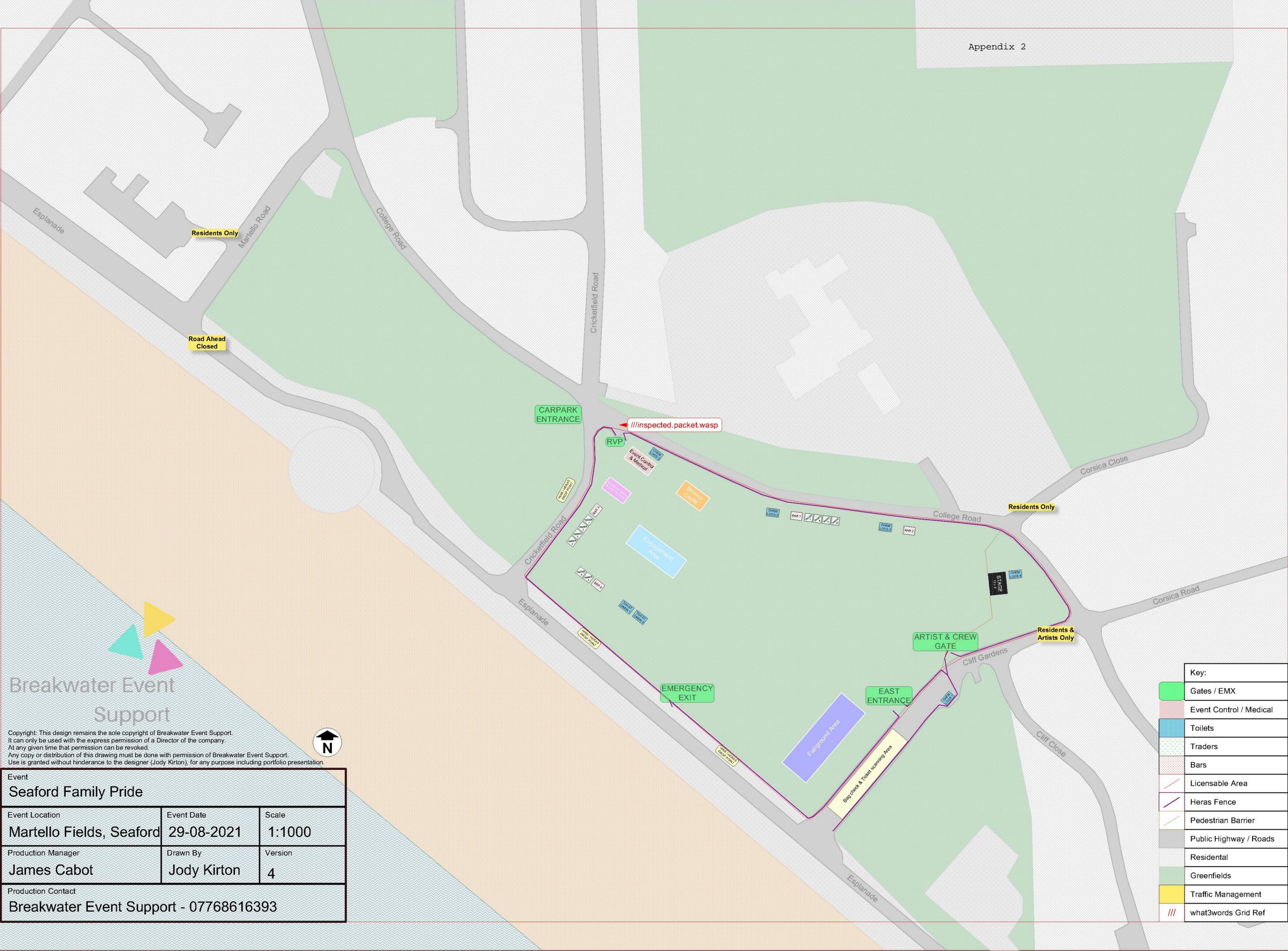
# Breakwater Event Support

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Event		
<b>Seaford Family Pride</b>		
Event Location	Event Date	Scale
Martello Fields, Seaford	29-08-2021	1:1000
Production Manager	Drawn By	Version
James Cabot	Jody Kirton	4
Production Contact		
Breakwater Event Support - 07768616393		

Key:	
	Gates / EMX
	Event Control / Medical
	Toilets
	Traders
	Bars
	Licensable Area
	Heras Fence
	Pedestrian Barrier
	Public Highway / Roads
	Residential
	Greenfields
	Traffic Management
	what3words Grid Ref



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**From:** All Things Festival <[info@ALLTHINGSFESTIVAL.COM](mailto:info@ALLTHINGSFESTIVAL.COM)>

**Sent:** 16 August 2021 14:21

**To:** Burch, Clare <[Clare.Burch@lewes-eastbourne.gov.uk](mailto:Clare.Burch@lewes-eastbourne.gov.uk)>

**Cc:** [seahavenpride@gmail.com](mailto:seahavenpride@gmail.com)

**Subject:** Notice Update

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Clare

I have been asked to send over some information to be passed on to the licensing officer.

I can confirm that the licence we require is for a one day event only, and the intention is that if it is successful this year that it become an annual one day event. This is supported by Seaford Town Council and the event is supported by LDC and East Sussex County Council too and a number of councillors at town, district and county levels.

I will send over the Noise Management plan under separate cover.

I also confirm that my number can be passed on to the three objectors of the event. I look forward to receiving copies of the objections as promised.

I understand that James has e mailed you the copy of the advertisement. He has been in hospital which is why he has been unable to respond.

Kind regards

Amanda

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**Seahaven Pride and Family Festival**

29<sup>th</sup> August 2021

**Event Management Plan**

**Created by:** James Cabot

**Creation date:** 20/06/21



# Introduction

## Event Introduction & Overview

Seahaven Pride and Family Festival (Seahaven Pride) is a new, inclusive and sustainable family festival, held on the Martello Fields, College Road, Seaford. It prides itself on being a family driven and orientated event. The event will include a main stage with a mix of tribute, drag and community acts and also a wide range of roving acts and performances.

The plans of the event are subject to review depending on government restrictions relating to the COVID-19 pandemic. At the time of writing this plan, it is understood that the event will continue without any restrictions. However, an appendix is attached with the events COVID-Safe plan and risk assessment included.

The event is being planned T21 Productions Limited - a company limited by guarantee ("T21") in partnership with All Things Festival Limited. They have engaged the services of Breakwater Event Support LTD, to provide technical and production management, as well as equipment, security, health and safety and event planning. Breakwater has a clearly defined track record of delivering safe and accessible events. This includes a great number of events ranging from small community fates to 10000+ festivals.

## Event Dates & Timings

The event will be held on the 29<sup>th</sup> of August 2021, with construction phase taking place on the 28<sup>th</sup> and the break taking place on the 30<sup>th</sup> and the 31<sup>st</sup>.

The event will be open to the public between the hours of 09:00 & 21:00.

The event is strongly promoting the use of public transport. Those who drive will be directed to other parking around the town until the use of the other Martello field becomes available for additional parking at 13.00hrs.

## Event Management Plan

This Event Management Plan (EMP) has been developed to outline the management procedures and practices that, with reference to The Purple Guide and the Licensing Act 2003, will be employed to promote the four licensing objectives and to adhere to the event organisers commitment to the health, safety and well-being of everyone effected by the activities outlined in the programme of events. It will include detailed planning of all aspects of the event and with reference to Breakwater Event Support Ltd standard operating policies, detail emergency planning and resilience activities that will be employed across this event.

This plan should read in conjunction with Breakwater Standard policies, along with the additional documentation provided from contractor's operation plans and risk assessments. All of which are attached to this document.

Breakwater Event Support Ltd Health & Safety Policy will be employed across the event to include all employees and volunteers. It is the policy of Breakwater to comply with the terms of the Health and Safety at Work Act 1974 and subsequent legislation guidance and ACOPs that pertain to the practice and procedures of producing and outdoor event of this size and type.

As the event planning develops this document will be subject to review and will be updated dependant on relevant guidance, legislation and event requirements. A fully revised and final version of the EMP will be presented to members of the Safety Advisory Group (SAG) prior to the start of the event. Prior to this submission, this event management plan should be considered a working document.

## Sale of Alcohol

There will be four bars on site, all operated by one bar concession. These bars are clearly marked on the site plan. The sale of alcohol will be restricted to those over 18 years of age and challenge 25 will be enforced and clearly signed across all Event bars. The only forms of ID that will be accepted at the event bar is a Valid Passport, a valid driving licence, an ID with a PASS hologram or a military ID.

Breakwater & Seahaven Pride will always comply with relevant legislation with reference to the sale of alcohol.

The Designated Premises Supervisor, who is responsible for the sale of alcohol across all bars, will brief staff; with the support of the event safety officer, in advance of the illegalities of selling alcohol to those underage and also to those whom appear drunk. They will also warn staff of people trying to purchase younger persons drinks. Staff will look to monitor the end destination of drinks to avoid this occurring.

Anyone caught trying to sell alcohol without permission and the necessary accreditation or being underage with alcohol in their possession will have the alcohol confiscated and may be evicted from the event and reported the police depending on the circumstances.

All sale of alcohol will be governed by the four licencing objectives.

The consumption of alcohol purchased elsewhere will be prohibited as far as possible. Reasonable steps will be taken to restrict people from bringing alcohol onto site. Details of this can be found within the Breakwater Search and eviction policy.

### Details of Alcohol Traders

There will be four bars on site. All operated by one trusted trader. Orange Beach Bars have a proven track record of delivering safe and legally compliant bars to events of all sizes. All Orange Beach Bar staff hold Personal licenses. The details are as follows:

Bar Name	Operating Business	Personal licence holder	Licence Number	Contact details
Bar 1	Orange Beach Bars	TBC		
Bar 2	Orange Beach Bars	TBC		
Bar 3	Orange Beach Bars	TBC		
Bar 4	Orange Beach Bars	TBC		

## **Location of Premises Licence**

The Premises Licence will be kept in the Site Office which is located within Event Control. This is marked on the site map. This can be inspected at any time by contacting The Event Production Manager or DPS.

The summary document will be displayed at all bars.

## **Bar Management**

Please refer to Breakwater Event Support LTD Bar Management Policy and Age Verification Policy.

## **Under 18's & Challenge 25**

Please refer to Breakwater Event Support LTD Bar Management Policy and Age Verification Policy.

## **Traders Selling Alcohol**

Traders will be provided with a Breakwater Licensing Compliance form. (Attached)

# **Key Management Personnel**

The event will draw on the experience of a range of people to deliver a safe and well varied event. All key management personnel have a specific briefing document that will be read and understood prior to commencement of duties.

## **Festival Directors:**

The Directors are responsible for the overall programming and operation of the event. They are directly for the booking of acts, traders and suppliers. They will draw on the expertise of the Event Production Manager to ensure they deliver a safe event.

Paul Wylie & Amanda (Molly) Hoy

Phone:

Email: [seahavenpride@gmail.com](mailto:seahavenpride@gmail.com)/[info@allthingsfestival.com](mailto:info@allthingsfestival.com)

## **Production Manager**

The Production Manager is responsible for the overall operation of the event. Including overseeing the coordination of all site operations, security, licencing, build & break operations, first aid and all other aspects of the event.

For the purposes of this event, the Production Manager will also act as Event Safety Officer.

The Event Safety Officer, is responsible for the development and delivery of the Event Management Plan and to ensure all activities meet the aims of the four licensing objectives. The event safety manager is also responsible for ensuring compliance of all policies and this event management plan from all contracts and traders on site.

Further, The Production Manager will also act as the DPS for this event. Responsible for the delivery of the event bar and monitoring of any traders selling alcohol. They will ensure all activities on site support the four licencing objectives. They will also ensure all staff comply with Breakwater Bars and age verification policies. They will ensure good practice and responsible alcohol selling, this includes the keeping of appropriate training records and refusal logs.

James Cabot – Breakwater Event Support

Phone:

Email: james@breakwatereventsupport.co.uk

### **Security Manager:**

The security manager will be responsible for the deployment of SIA Security personnel and stewards. They also ensure all staff are appropriately trained in all Breakwater Policies such as the security policy, use of force policy and search & eviction policy.

Mike Blane – Breakwater Event Support

Email: getintouch@breakwatereventsupport.co.uk

### **Medical Manager:**

The onsite medical manager will be responsible for the delivery of the comprehensive medical plan listed later in the plan. Working with the Event Manager, they will provide medical and welfare services for all staff, volunteers and guests. This will also include during construction and break down phases. They are also responsible for the due diligence of the event with regards to assuring the correct accreditation of medical staff.

Michelle Lewis – Breakwater Event Support

Email: getintouch@breakwatereventsupport.co.uk

### **Technical Production Manager**

The Technical Production Manager will design and monitor the build, operation and break of all technical aspects on site. Including providing Temporary Demountable Structure sign off for the main stage. They will work closely with the Production Manager to ensure the safe operation of all electrical systems on site.

Will Green – Breakwater Event Support

Email: getintouch@breakwatereventsupport

## **Venue & Site Design**

### **Address:**

Martello Fields  
21 College Road  
Seaford  
BN25 1JD

**Landlords Details:**

Seaford Town Council

Email: sharan.brydon@seafordtowncouncil.gov.uk

The Site as a number of features that make this an ideal site for the event:

- Three clearly defined fields
- Close distance to railway station and other amenities
- Parking available nearby
- Level elevation

The site has been designed with the following considerations:

- Free flow of people within the site
- Access for emergency vehicles
- Ensuring the topography of the site does not create safety issues
- The proximity of residents to the site.

A comprehensive site plan and associated schedules are attached to this plan.

## Audience Profile

The target audience of this event is families. Whilst this presents its own problems, we are not anticipating a high level of crime and disorder. There are no known gang affiliations retaliating to the area.

As a family event, we anticipate issues arising with lost/found children, and family “domestic” arguments. As such Breakwater Event Support, and the organisers will develop a robust lost child procedure inline with the Breakwater Protecting Children & Vulnerable Adults Policy, and train security in dealing with sensitive family matters.

## Visiting Persons from Relevant Authorities

It is anticipated that not only during the event, but also during build and break, relevant authorities may wish to visit the event to ensure that the practices and policies as listed in this document are being adhered to. Breakwater Ltd will always welcome these visitors and below sets out there procedure for these visits.

**Arriving onto site**

Visitors should enter via the Main Entrance and notify a security officer that they are visiting the site in an official capacity.

Security should then call the Event Production Manager, who will obtain wristbands from control and head to the gate. Visitors will then be issued AAA wristbands once ID has been seen.

The Event Production manager can then either walk the site with the visitors or allow them to walk around freely.

### **Capacity allowance for visitors**

In order to comply with the capacity as laid out in the premises licence, there will be an allowance of 10 persons reserved for visitors from local authorities.

# Site Operations and Construction

## Build/Break Days

The majority of this OP content will also cover build and break days. However certain further procedures as listed below will also be in effect throughout both periods.

### **CDM Regulations**

For the purposes of CDM regulations, the construction & break of this event site does not constitute a “notifiable event”. However, Breakwater Event Support will work to all CDM regulations where necessary or appropriate.

### **Build/Break Accreditation**

In accordance with the Contractors policy (listed below), all contractors names will be submitted before the event, and their wristbands prepared in advance. This will also include separate wristbands for Build/Break. Any persons stopped on site without the appropriate accreditation, security will remove the persons in accordance with the Breakwater Search & Eviction Policy. Only contractors or staff that are operationally required during these times will be admitted to site.

### **PPE**

In accordance with the Breakwater Event Support Ltd Health & Safety Policy, a minimum standard of PPE will be employed across the site during build/break. This minimum is stout footwear (no open toe/flipflops), and a High Visibility Vest.

### **Welfare & First Aid**

During the build / break, The Event Manager will always be available to provide emergency first aid. The Event Managers medical credentials will be kept on file and kept in Event Control. Contractors will be reminded within the Contractor Compliance Form that all accidents and near misses need to be reported to Event Control.

### **Traffic Management**

Please See the Event Traffic Management Plan for full details.

## Contractors

Breakwater will use various professional contractors to assist in the delivery of a safe event. The Event Manager & Site Manager will always ensure contractors read, understand and follow this policy, especially at build & break phases as detailed later in the document.

This policy should be read with the Breakwater Health & Safety Policy, Traffic Management Plan and Security Plan.

When an agreement of the provision of services has been reached between Breakwater and the contractor, contractors will be sent the Contractor Compliance Information Form. This not only gives the

contractor essential information regarding the event, but also forms an agreement between the event and contractor confirming the expectations of behaviour and professional standards. It also details where contractors and staff can obtain first aid and welfare services during build and break days. This form is attached.

This form will be returned to the Event Manager who will then keep a copy along with the compliance paperwork, including:

- Proof of PLI & ELI
- Risk Assessments & Method Statements for the associated activity
- Company health and safety policy
- Copies of relevant licences (E.G forklift etc)

Contractors will be expected to issue a certificate of completion once work has completed in order to “sign-off” their work and hand over the area of work to the event organisers.

Contractors will not be issued accreditation passes prior to all relevant documentation being submitted.

## Traders

There will be a number of traders on site.

Breakwater looks to adopt a dynamic, robust policy to ensure the safe operation of all traders whilst ensuring all activities support the licensing objectives.

All traders will be required to demonstrate, through the provision of relevant paperwork, their compliance with the relevant laws, best practice and this policy. This includes for all traders:

- Public Liability Insurance
- A risk assessment (including fire risk assessment) for their pitch
- Image of stall & Products
- Price list / Menu
- Relevant PAT and gas safety certificates
- Traders using their own generators must also supply additional method statements on refilling their generators. Generators will also have to be listed in the individual stall holders risk assessment.

In the case of food traders, further documentation will be required to show:

- Food registration Certificate
- Hygiene rating proof (The Event organisers will require any food trader to have a 4\* rating or higher)
- Copies of professional qualifications, no lower than food hygiene level 2

Stalls wishing to sell alcohol, must also agree to work within the Breakwater Bar Management Policy by signing the licenced trader compliance form. A copy of this should be on display at the stall, and a copy held by the event manager.

## **Other General Conditions**

A copy of these conditions will be supplied to all traders prior to the event. This document is attached.

# **Fairgrounds and Amusements**

The Event will have various fairground and inflatable entertainment installations across the site. These will be operated external contractors, who are fully trained in the preparation and operation of these attractions. These contractors will not only be expected to adhere to the contractor policy, but also additional procedures listed below.

## **Fairground Rides**

All rides (Including Juvenile rides) should operate in accordance with HSG 175 Fairgrounds and Amusements parks guidance on safe practice.

Owners/operators will be required to provide the following before the event:

- Full Risk Assessment, including set up, operation and breakdown
- Relevant ADIPS Document of Operational Compliance (DOC)
- PLI Insurance
- Proof of compliance of HSG 175 Guidance

## **Inflatable Devices**

All inflatable amusements at the event will conform to BS EN 14960 Standards for Inflatable Manufacture and Use. All devices will have a label attached confirming this and detailing the maximum number and sizes of users. This will be checked by the Event Manager along with a full risk assessment.

Owners/operators will be required to provide the following before the event:

- Full Risk Assessment, including set up, operation and breakdown
- PIPA test certificate
- PLI Insurance

## **Planning Attraction Locations**

Careful planning has contributed to the siting of the fairground equipment. This has included looking for level ground, ensuring the locations do not create pinch points, and ensuring amplified music is managed.

Consideration as also been given to ensuring attractions are in an ideal location as to not be adversely affected by local weather. Particularly ensuring locations do not suffer with higher than usual winds.

The event manager will also consult the Landowner to ensure location of amusements will not disrupt underground services such as water and electrics.

### **Persons Responsible**

The event organisers have a duty to ensure, so far as is reasonably practicable, the health, safety and welfare of everyone working at or attending the event. This includes any amusements or attractions that are part of the event.

The Event Manager will assume overall responsibility for amusement attractors. As such, duties will include:

- Plan locations for all fairground style attractions.
- Identify any control measures needed to avoid risks to the public and employees.
- Have a policy in place for organising, planning, monitoring, controlling and reviewing activities that affect the safety of the people in the attraction areas.
- Check all controllers have current insurance for all devices on site, as well as operational risk assessments.
- Where relevant, ensure amusements have the relevant documentation that it is fit for use, such as ADIPS or PIPA certification.

### **Ride Controller**

The nominated ride controller will usually own or otherwise have control of amusements. They will work with the event manager to ensure all compliance paperwork is submitted accordingly. Although not necessarily on site, the Ride controller will have overall operational control of the attraction; including the responsibility to liaise with the Event Manager with regards to arising safety concerns.

### **Operators & Attendants**

Each attraction will have a designated ride operator who will be in direct control of the ride. They will be responsible for daily checks of the attraction and also to operate is safety. Documented evidence of their training and suitability will be held by the Event Manager.

Attendants will help to operate the attraction and have a duty of care to all riders, general public and staff.

The attractions risk assessment should contain how many staff it requires to remain operational; and this level of staffing should be present whenever the ride is operational.

## **Stage, Performance Areas & Production**

There will be one stage on the event. Known as Main Stage.

The Stage area has been marked on the site plan.

### **Performance Space– Structures & Equipment**

Seaford Pride and Family Festival– Event Management Plan

Breakwater Event Support will be providing a 10 metre by 8 metre stage canopy, and metro deck stage floor. They are also providing a sound system and lighting rig.

Control will be the side of stage and operated by experienced and competent staff.

The lighting package will contain primarily LED thus reducing power loads and heat risks.

The sound package will be made up of professionally rigged line array, ground stacked infills and a monitor package including wedges and in-ear monitoring.

A time coded audio shutdown will be programmed into the desk to ensure enforcement of the stage curfew. This will be password protected.

A full RAMS document for the stage build is attached.

### **Main Stage – Content & Staffing**

Content will include local and nationally known drag queens & kings, alongside professional tribute acts.

Stage will be operated by a stage manager provided by Breakwater Event Support.

### **Policy on pyro and lasers**

No Lasers will be used on the event.

A small amount of pyrotechnics will be used during the final act (Killer Queen). The system used is a dry spark system, operated by competent and trained professionals. The arming key will be held by the stage manager to prevent unauthorised use.

## **Temporary Demountable Structures**

Breakwater shall ensure that all TDS's including stages, marquees, barriers, towers and any other structure listed in the industry guide conform to the The Institution of Structural Engineers "Temporary Demountable Structures – Guidance On Design, Procurement and Use."

Professional contractors will be employed to install all temporary structures. All safety paperwork and appropriate insurances will be sought in advance of any build work commencing, in accordance with the contractor compliance policy.

Daily safety checks will be undertaken by The Site Manager prior to opening to the public with records kept and identified issues resolved prior to opening.

Marquees that the public have entry into shall have an appropriate layout, capacity shall be set and fire exits shall be provided, and this shall be agreed with the Fire Authority, should they require it. Details shall be inspected by the Event Safety Officer

Small popup style gazebos will be in use across the site. The manufactures instructions will be followed in the erection and use of these, and additional weighting will be placed on the legs.

A schedule of all TDS's and the contractor responsible for them is attached.

# Communications

## Two Way Radios

The primary method of communication between staff and contractors on site will be achieved using two-way radios supplied by Breakwater Event Support LTD. These will be digital handheld systems, thus making them less susceptible to interception.

## Channel Guide

1: Production & Organisers

2: Security

3: Stages & Technical

4: Bars

# Barriers & Fencing

A variety of barriers will be deployed across the site. They will be built in accordance with the TDS; Guidance On Design, Procurement and Use. All barriers and fencing will be included on the site plan.

Heras fencing will be installed to separate the event arena and carparks & roads. Pedestrian barrier will be used to cordon off an area backstage and create search and ticket lanes at the entrances.

# Waste Management & Sanitation

## Temporary Toilets

An external company will be employed to deliver temporary toilets to the event. This contractor will be subject to the contractor compliance policy. The organisers have looked at the structure of the event, and with reference to the purple guide determined that 39 toilets spread across the site will be adequate coverage. All toilets are shown on the site map.

The Equality Act 2010 will apply with regard to toilet accommodation for people with special access needs. The event will deploy accessible toilets, including baby changing across the site.

Cleaning will be carried out by a professional cleaning company. At each block of toilets on site there will be a service record displayed, detailing when the toilets were last serviced, and with an immediate contact number for event control to report issues.

The Event and security contractor will actively discourage visitors from not using the provided facilities. In addition, any vulnerable areas identified will be monitored and secured throughout the event. Any repeat offenders who ignore the facilities provided will face eviction.

## Hand Washing Facilities

Seaford Pride and Family Festival– Event Management Plan

In the absence of available hot running water, the event will work with the toilet contractor to provide alternative solutions including alcohol hand gel.

Food traders will be required to show that they have their own hot water hand washing facilities.

## **Waste**

A dedicated waste management team will be deployed for the event. The events aim is to send nothing to landfill in line with All Things Festival Sustainability Charter.

Traders will be given guidance regarding flattening cardboard, and bagging waste. Food traders will be responsible for the disposal of their own oil waste.

This contractor is required to comply with the contractor compliance policy.

## **Electrical & Lighting**

A qualified electrical contractor will be provided by Breakwater Event Support Ltd to install all temporary electrical installations and will manage the event operated generator sets on behalf of the Event. All electrical installations will be undertaken with reference to current legislation and British Standards Guidance, Particularly:

- British Standards (BS) 7671: Requirements for electrical installations
- BS 7909: Code of practice for temporary electrical systems for entertainment and related purposes
- BS 7430: Code of practice for earthing
- BS (EN) 62305: Protection against lightning
- BS 5266 part 1: Emergency lighting. Code of practice for the emergency lighting of premises

## **Generators**

All generators whether they be traders, or event operated will be fenced fully. Only diesel or green fuel generators will be permitted, no petrol generators will be permitted onto site for any reason.

Every generator must have relevant firefighting equipment situated next to the appliance.

All generators on site will be marked on the site plan.

## **Generator refuel plan**

All fuel will be held in appropriate containers in locked open-air storage, with firefighting provisions nearby.

The Event Electrician will fill all event generators daily at 08:00, if required. The following steps will be followed:

1. Power down the generator, and allow to cool.
2. The nominated person will check the generator, for signs of damage or fuel / oil leaks. This check should be noted in the Generator Check log.

3. If no damage or leaks are noticed then the nominated person will use the relevant PPE (eye protection and gloves) and transport the fuel from the store to the generator
4. The nominated person will then fill the generator
5. Once the set is filled, the nominated person will return any unused fuel to the store
6. The nominated person will then return to the set and check for any fuel spills.
  - a. If a spill is detected any time, then the area is to be treated with sand and cleared.

### **Access to Electrical Equipment**

Access will be restricted where possible, to all electrical equipment, to members of staff or contractors that require it to continue with their assigned responsibilities.

### **Site Lighting**

Festoon lighting will be used across site to aid with egress at the end of the event. During overnight periods night security will use handheld torches and infrared scopes to prevent disturbance to local residents.

## **Provision of Food, Drink & Water**

Please see the trader policy for the operation of food outlets on site. .

Free drinking water will be available at all bars, as well as tap water points across the site. These points are metered and connected to the public water supply via a private network.

The connecting of this supply will be carried out by technicians that are competent and hold the relevant qualifications in accordance with BS8551:2011.

All equipment and pipework will be chlorinated using procedures outlined in BS 8558:2011 and BS 8551:2011. Breakwater will ensure the water supply contractors hold the certification and chlorination logs.

## **Event Traffic Management Plan**

Please see the Event Traffic Management Plan attached.

## **Event Noise Management Plan**

Please see the Event Noise Management Plan attached.



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**From:** Alan Rogers  
**Sent:** 14 August 2021 16:32  
**To:** licensing <[licensing@lewes-eastbourne.gov.uk](mailto:licensing@lewes-eastbourne.gov.uk)>  
**Subject:** Martello Fields - Seaford

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sirs

We are writing to express our concern about the Licensing Application posted at the Martello Fields on behalf of Breakwater Event Support Ltd for supply of alcohol, recorded and live music at that location.

We understand that they plan to hold an event on Sunday 29th August. We are very unhappy about this event going ahead instead of the usual Donkey Derby. Seaford is a completely unsuitable place to hold such a large Festival.

The flood of visitors will overwhelm Seaford's resources. There is very little holiday accommodation in the town and our cafes, food outlets and parking areas are very limited. Many people with children visit the area and make use of the beach, often finding it very difficult to find any parking this also applies to local people who like to come to our beautiful seafront and just to be able to take a quiet walk on the flat.

The noise that will inevitably be generated will disturb the peace of the nearby residents and the alcohol licence will encourage drunkenness and bad behaviour. It will also cause the pubs in the town to lose income which they are only just beginning to recover after Covid-19 restrictions. Why even consider this sort of event which will require a major policing presence? Yet people here in Seaford from day to day rarely if ever see any police on duty.

The granting of this licence will introduce a very different type of atmosphere from what we are used to in Seaford. The nature of the Festival on 29<sup>th</sup> August does not strike us as being 'family friendly'. The Line Up page on the website clearly shows adult oriented themes with nothing suitable for children at all. Giving permission for other similar events in the future will be detrimental to the well-being of the town.

In our opinion the town does not need or want this type of event. The residents of the town are quiet and peace-loving and many of them elderly. Most people who attend this type of event will not be local. We are a quiet, peaceful town that welcomes visitors to the beach and cliffs but we do not want events with alcohol and loud music. It will be an unwelcome intrusion. Please keep this sort of event in Brighton and Eastbourne which are much better served by police to handle such large events.

We would ask you to seriously consider all these factors and make the right decision for Seaford by refusing to grant this Licence.

Kind regards  
Alan and Valerie Rogers  
Residents of Seaford

**From:** Margaret Kerry  
**Sent:** 13 August 2021 13:31  
**To:** licensing <[licensing@lewes-eastbourne.gov.uk](mailto:licensing@lewes-eastbourne.gov.uk)>; [admin@seafordtowncouncil.gov.uk](mailto:admin@seafordtowncouncil.gov.uk); CAULFIELD, Maria <[maria.caulfield.mp@parliament.uk](mailto:maria.caulfield.mp@parliament.uk)>  
**Subject:** Seahaven Pride and family festival 29th August 2021

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Licensing Committee

I am writing in objection to Breakwater Event Support Ltd. applying for this license for the above event on the 29th August 2021.

They are requesting a license to support the supply of alcohol, recorded and live music for this event and it appears to be for an open ended license which is VERY concerning for our town as this could bring about many more such events than are usually held here, which will impact VERY adversely on the close surrounding residential neighbourhoods due to the nature of the particular acoustics of that location.

Furthermore, the quality of Seaford's calm and peaceful seafront and environs, which is sought out by those who do find our seaside town to have a unique character, will be in danger of being lost to the detriment of everything that gives Seaford its appeal. There used to be a Donkey Derby hitherto which was an extremely popular event supporting charity.

When our local pubs have suffered so much loss of business due to the Covid situation it seems that to further blight their custom by granting this license would be like "shooting in the foot" chances of recovery to our own local businesses.

Large crowds combined with alcohol in the Martello field could inevitably lead to disturbance and damage to local surrounding properties along with litter, the cost of which will no doubt fall on the local town council and Seaford residents to the detriment of many more needful and preferable resources which our town needs.

I urge you therefore not to grant this license and to consider that granting it may result in many unforeseen adverse consequences for our town

I therefore request you refuse to grant this application.

Yours sincerely  
Margaret Kerry

**From:** Sheila White  
**Sent:** 14 August 2021 11:40  
**To:** licensing <licensing@lewes-eastbourne.gov.uk>  
**Cc:** Phillip White  
**Subject:** Martello Fields - Seaford

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sirs

We are writing to express our concern about the Licensing Application posted at the Martello Fields on behalf of Breakwater Event Support Ltd for supply of alcohol, recorded and live music at that location.

We understand that they plan to hold an event on Sunday 29th August. We are very unhappy about this event going ahead instead of the usual Donkey Derby. Seaford is a completely unsuitable place to hold such a large Festival.

The flood of visitors will overwhelm Seaford's resources. There is very little holiday accommodation in the town and our cafes, food outlets and parking areas are limited.

The noise that will inevitably be generated will disturb the peace of the nearby residents and the alcohol licence will encourage drunkenness and bad behaviour. It will also cause the pubs in the town to lose income which they are only just beginning to recover after Covid-19 restrictions.

The granting of this licence will introduce a very different type of atmosphere from what we are used to in Seaford. The nature of the Festival on 29<sup>th</sup> August does not strike us as being 'family friendly'. The Line Up page on the website clearly shows adult oriented themes with nothing suitable for children at all. Giving permission for other similar events in the future will be detrimental to the well-being of the town.

In our opinion the town does not need or want this type of event. The residents of the town are quiet and peace-loving and many of them elderly. Most people who attend this type of event will not be local. We are a quiet, peaceful town that welcomes visitors to the beach and cliffs but we do not want events with alcohol and loud music. It will be an unwelcome intrusion.

We would ask you to seriously consider all these factors and make the right decision for Seaford by refusing to grant this Licence.

Kind regards  
Phillip and Sheila White  
Residents of Seaford

To whom it may concern,

I am writing to object to Breakwater Event Support Ltd.'s application for a premises license for Martello fields, College Road, Seaford, BN25 1JD I do not know how many events this company might use the licence for in the future, but the one planned for the 29th of August 2021 would involve 10hrs of live and recorded amplified music and the sale of alcohol As a resident within a few metres of the fields I object to the licence being granted on the following grounds: -

- 1) The noise intrusion for those nearby The fields are surrounded on 3 sides by residential properties. Where amplified music is concerned the acoustics of the area bounces sound around and is still at a level that cannot be tuned out even with the doors and windows closed. The impact of an event running for 10 hours finishing at 9pm is very tiring when you need to concentrate on other things and cannot go out to escape it. We have already endured a ten day stretch of fair noise for the second time this year and for the 6-week period spanning this event 5 out of 6 of those weekends will have events involving amplified music. It is not just the event itself; these large events often have generators running sometimes through the night, lots of set up noise the day before etc.
- 2) The sale of alcohol and finishing after dark has in the past caused fights, vandalism, and pranks to the surrounding residential areas. My neighbour had their car broken into after one event and elderly neighbours have had vandalism to their properties and urination etc. These things tend to happen after the event has finished and people want to carry on revelling.
- 3) Transport issues For the event on 29th August, I have not seen any notice of road closures, I have enclosed some photos of how gridlocked the area is even without such a large event. Increased traffic will add to the problem. For large events public health officials have urged people to stagger their journeys but there are a limited number of trains and buses after the event finishes for the hundreds of people they are expecting. The event on 29th August seems hastily arranged with short notice for obtaining the correct licence I would have thought that would have been done first, but this is not the residents' fault.

Yours sincerely, H.M.Webb

[REDACTED]

12<sup>th</sup> August 2021

Dear Sirs,

**Proposed Pride Festival - Sunday 29th August - Martello Fields, SEAFORD**

We are writing to express our grave concern at the Licensing Application posted at the Martello Fields on behalf of Breakwater Event Support Ltd regarding the supply of alcohol and provision of recorded and live music.

We understand that the company plan to hold an event on Sunday 29th August. We are very unhappy about this event going ahead instead of the usual Donkey Derby.

Seaford is a completely unsuitable place to hold a Pride Festival. The granting of this licence will introduce a very different type of event and atmosphere to what we are used to in Seaford.

In our opinion the town does not need or want this type of event. The residents of the town are quiet and peace-loving and many of them elderly. Most people who attend this type of event will not be local. We are a quiet, peaceful town that welcomes visitors to the beach and cliffs, but we do not want events with alcohol and loud music. It will be an unwelcome intrusion.

The acoustics of the area echo greatly amplify the sound. Even with the doors and windows closed there is no escape, particularly for the local residents.

Also, an alcohol license, in addition to causing local pubs to lose income, always gives the possibility of, as has happened in the past, rowdy and destructive behaviour after the event.

We would therefore strongly request, please, that this Licence should not be granted.

Thank you.

Yours sincerely,

[REDACTED]

Rev Peter and Mrs Noreen King



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**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](mailto: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 7<sup>th</sup> 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:

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
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](mailto:licensing@lewes.gov.uk)

Further information can also be found on the Council's website [www.lewes.gov.uk](http://www.lewes.gov.uk)

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

## 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 Act<sup>1</sup>, 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

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<sup>1</sup> 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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**Statutory Instruments**


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 STATUTORY INSTRUMENTS
 

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**2005 No. 44****LICENCES AND LICENSING****The Licensing Act 2003 (Hearings) Regulations 2005**

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

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

**Citation and commencement**

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

**Interpretation**

2. - (1) In these Regulations -

"the Act" means the Licensing Act 2003;

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

"determination" is to be interpreted in accordance with Schedule 4;

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

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

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

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

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

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

**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.

*Richard Caborn*

Minister of State Department for Culture, Media and Sport

Date 12th January 2005

#### SCHEDULE 1

regulation 5

	Column 1	Column 2
	<b>Provision under which hearing is held.</b>	<b>Period of time within which hearing must be commenced.</b>
1.	Section 18(3)(a) (determination of application for premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 35(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2).
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which

		representations may be made as prescribed under section 71(6)(c).
9.	Section 85(3) (determination of application to vary club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4).
10.	Section 88(2) (determination of application for review of club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).
12.	Section 120(7)(a) (determination of application for grant of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5).
13.	Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3).
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3).
15.	Section 167(5)(a) (review of premises licence following closure order).	10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8.

## SCHEDULE 2

regulation 6

	Column 1	Column 2
	<b>Provision under which hearing is held.</b>	<b>Persons to whom notice of hearing is to be given.</b>
1.	Section 18(3)(a) (determination of application for premises licence).	(1) The person who has made the application under section 17(1);  (2) persons who have made relevant

		representations as defined in section 18(6).
2.	Section 31(3)(a) (determination of application for provisional statement).	(1) The person who has made the application under section 29(2);  (2) persons who have made relevant representations as defined in section 31(5).
3.	Section 35(3)(a) (determination of application to vary premises licence).	(1) The holder of the premises licence who has made the application under section 34(1);  (2) persons who have made relevant representations as defined in section 35(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	(1) The holder of the premises licence who has made the application under section 37(1);  (2) each chief officer of police who has given notice under section 37(5);  (3) the proposed individual as referred to in section 37(1).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	(1) The person who has made the application under section 42(1);  (2) each chief officer of police who has given notice under section 42(6);  (3) the holder of the premises licence in respect of which the application has been made or, if the application is one to which section 43(1) applies, the holder of that licence immediately before the application was made.
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	(1) The person who has given notice under section 47(2);  (2) each chief officer of police who has given notice under section 48(2).
7.	Section 52(2) (determination of application for review of premises licence).	(1) The holder of the premises licence in respect of which the application has been made;  (2) persons who have made relevant representations as defined in section 52(7);  (3) the person who has made the application under section 51(1).
8.	Section 72(3)(a) (determination of application for club premises certificate).	(1) The club which has made the application under section 71(1);  (2) persons who have made relevant representations as defined in section 72(7).
9.	Section 85(3)(a) (determination of application to vary club premises certificate).	(1) The club which has made the application under section 84(1);  (2) persons who have made relevant

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

		given notice under paragraph 25(2) of Schedule 8.
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SCHEDULE 3

regulation 7

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

	Section 72(3)(a) (determination of application for club premises certificate).	The club which has made the application under section 71(1).	The relevant representations as defined in section 72 (7) which have been made.
9.	Section 85(3)(a) (determination of application to vary club premises certificate).	The club which has made the application under section 84(1).	The relevant representations as defined in section 85 (5) which have been made.
10.	Section 88(2) (determination of application for review of club premises certificate).	The club which holds the club premises certificate in respect of which the application has been made.	The relevant representations as defined in section 88 (7) which have been made.
11.	Section 120(7)(a) (determination of application for grant of personal licence).	The person who has made the application under section 117(1).	The notice which has been given under section 120(5)
12.	Section 121(6)(a) (determination of application for renewal of personal licence).	The person who has made the application under section 117(1).	The notice which has been given under section 121 (3).
13.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	The holder of the licence in respect of which the notice has been given.	The notice which has been given under section 124 (3).
14.	Section 167(5)(a) (review of premises licence following closure order).	The holder of the premises licence in respect of which the review has been made.	The relevant representations as defined in section 167(9) which have been made.

## SCHEDULE 4

regulation 2

## Meaning of "determination"

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

1. the relevant representations as defined in section 18(6), in accordance with section 18,
2. the relevant representations as defined in section 31(5), in accordance with section 31,
3. the relevant representations as defined in section 35(5), in accordance with section 35,
4. a notice given under section 37(5), in accordance with section 39,
5. a notice given under section 42(6), in accordance with section 44,
6. a notice given under section 48(2), in accordance with section 48,
7. an application made in accordance with section 51 and any relevant representations as defined in section 52(7), in accordance with section 52,
8. the relevant representations as defined in section 72(7), in accordance with section 72,
9. the relevant representations as defined in section 85(5), in accordance with section 85,

10. an application made in accordance with section 87 and any relevant representations as defined in section 88(7), in accordance with section 88,
11. a notice given under section 104(2), in accordance with section 105,
12. a notice given under section 120(5), in accordance with section 120,
13. a notice given under section 121(3), in accordance with section 121,
14. a notice given under section 124(3), in accordance with section 124,
15. the matters referred to in section 167(5)(a), in accordance with section 167,
16. the notice given under paragraph 3(2) or (3) of Schedule 8, in accordance with its paragraph 4,
17. the notice given under paragraph 15(2) or (3) of Schedule 8, in accordance with its paragraph 16, or
18. the notice given under paragraph 25(2) of Schedule 8, in accordance with its paragraph 26.

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#### 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](http://www.culture.gov.uk).

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#### Notes:

[1] 2003 c.17<sup>back</sup>

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ISBN 0 11 051611 7

## Statutory Instruments

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**STATUTORY INSTRUMENTS**

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**2005 No. 78****LICENCES AND LICENSING****The Licensing Act 2003 (Hearings) (Amendment) Regulations  
2005**

<i>Made</i>	<i>20th January 2005</i>
<i>Laid before Parliament</i>	<i>20th January 2005</i>
<i>Coming into force</i>	<i>7th February 2005</i>

The Secretary of State, in exercise of the power conferred upon her by sections 183(1) of the Licensing Act 2003<sup>[1]</sup>, hereby makes the following Regulations:

**Citation and commencement**

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

**Amendment of Licensing Act 2003 (Hearings) Regulations 2005**

2. In regulation 6 (notice of hearing) of the Licensing Act 2003 (Hearings) Regulations 2005<sup>[2]</sup> there shall be added after paragraph (3) the following paragraph -

" (4) In any other case, the authority shall give the notice of hearing no later than ten working days before the day of the first day on which the hearing is to be held."

*Andrew McIntosh*  
Minister of State Department for Culture, Media and Sport

20th January 2005

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**EXPLANATORY NOTE**

*(This note does not form part of the Regulations)*

These Regulations amend the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44)



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