

Licensing Sub-Committee

25 October 2021



Time and venue:

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

Membership:

Councillor ; Councillors Liz Boorman, Roy Clay and Isabelle Linington

Quorum: 3

Published: Tuesday, 19 October 2021

Agenda

Note: This meeting is a public meeting. The number of public seats, however, are limited and need to be carefully managed to ensure that the meeting is Covid-secure. For this reason, we would like to ask that anyone intending to attend as a member of the public, contact Democratic Services in advance by email: committees@lewes-eastbourne.gov.uk or phone: 01273 471600. Anyone attending the meeting will be requested to check in at the venue and to wear a face covering.

- 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 **Temporary Event Notice - Objection Received (Pages 3 - 12)**

Information for the public

Accessibility:

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Information for Councillors

Disclosure of interests:

Members should declare their interest in a matter at the beginning of the meeting.

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).

Democratic Services

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Agenda Item 4

Report to:	Licensing Sub Committee
Date:	25th October 2021
Title:	Temporary Event Notice – Objection Received
Report of:	Director of Service Delivery
Ward:	
Purpose of report:	To provide information in order that the Sub Committee can determine a Temporary Event Notice.
Officer recommendation(s):	The Sub Committee is asked to determine a Temporary Event Notice in accordance with the Licensing Act 2003 (as amended), Lewes District Council 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.
Reasons for recommendations:	A Temporary Event Notice has been received, pursuant to Section 100 Licensing Act 2003. An objection notice has been lodged by Sussex Police.
Contact Officer(s):	Name: Paul Thornton Post title: Specialist Advisor (Licensing) E-mail: paul.thornton@lewes-eastbourne.gov.uk Telephone number: 01323 415140

1 Introduction

1.1 To consider a Temporary Event Notice in view of an objection notice submitted by a relevant person (Sussex Police) under section 104(2) of the Licensing Act 2003. A Temporary Event Notice relates to the temporary carrying on of licensable activities which are not authorised by a premises licence. Sussex Police has submitted an objection notice.

1.2 Lewes District Council has received a Temporary Event Notice under Section 100 Licensing Act 2003 from Roger Thorpe, who will be the premises user.

2 The Application

2.1 Temporary Event Notice details :

Friday 5 November 2021 16:00 to 00:00 at ‘Front of 3 Garages, Corner of Stansfield Road and Landport Road, Lewes’, for the licensable activity of Sale of

Alcohol for consumption off the premises only. Lewes Bonfire Celebrations are being held on this night. **Appendix 1.**

3 Objection received from Responsible Authorities:

3.1 The following Statutory Bodies (described as Responsible Authorities by the Licensing Act 2003) were consulted about this application:

- Sussex Police
- Lewes District Council Environmental Health

3.2 Sussex Police objected to the Temporary Event Notice on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and Public Safety. **Appendix 2.**

3.3 Lewes Bonfire Celebrations are being held on this night and Sussex Police cite an increase in Crime and Disorder, anti-social behaviour and large crowds at the location as a basis for their objection.

3.4 Section 104(2) Licensing Act 2003 states that "where a relevant person who is given a temporary event notice is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective, the relevant person must give a notice stating the reasons for being so satisfied (an 'objection notice').

4 Objection received from others

4.1 No other objections have been received.

5 Licensing Sub Committee Information

5.1 The Sub Committee should be aware that a Temporary Event Notice is not an application. It is a notification to the Licensing Authority that an individual intends to use premises for one or more licensable activities.

5.2 If the Sub Committee, having regard to the objection notice, determine the event should not go ahead it must give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so

6 Options

6.1 The following options are therefore available to the Sub Committee (Section 105 Licensing Act 2003)

- a. Where it decides not to give a counter notice – gives the premises user and each relevant person notice of the decision.
- b. In any other case, give the premises user and each relevant person a counter notice and a notice stating the reasons for its decision.

7 Financial appraisal

7.1 There are no financial implications associated with the content of this Report.

8 Legal Implications

8.1 Members are asked to note that under Schedule 5 (16) 2003 Act the premises user may appeal the decision to give a Counter Notice and Sussex Police may appeal the decision not to give a Counter Notice within 21 days of the decision being notified to the appellant. No appeal may be brought later than 5 working days before the event (5 November 2021).

8.2 The Legal Section considered this Report on 15 October 2021 (IKEN-10498-MW).

9 Risk management implications

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

10 Equality analysis

10.1 An Equality Analysis is not constructive in this instance.

11 Environmental sustainability implications

11.1 There are no sustainability and/or carbon reduction implications associated with this Report.

12 Appendices

Appendix 1	Temporary Event Notice
Appendix 2	Objection Notice from Sussex Police

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Temporary event notice application

Lewes District Council

Temporary events notice application

You can also view the relevant public register by visiting: www.lewes-eastbourne.gov.uk/licensingregister

Applicant details

Are you an agent acting on behalf of the applicant?	Yes
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Correspondence details for application:

Which details should we use for correspondence?	Agent
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Agent details

First name:	Susan
Surname:	Lindsey
Email address:	REDACTED
Telephone number:	REDACTED
Mobile number:	REDACTED

Agent's address:	REDACTED
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Customer's details:

Title:	Mr
First name:	Roger
Surname:	Thorpe
Email address:	REDACTED
Telephone number:	REDACTED
Mobile number:	REDACTED

Agent is:	a private individual acting as an agent
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Application details

Have you had any previous names?	No
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National Insurance number:	REDACTED
Date of birth:	REDACTED
Place of birth:	REDACTED

Do you currently hold a valid personal licence?	No
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The premises

Does the premises have an address?	No
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Give an Ordnance Survey (OS) map reference of the proposed site:	TQ 41080 10620
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Provide any additional information about the location of the event, including a detailed description of the location if there is no postal address:	Corner of Stansfield Road and Landport Road, Lewes
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If you only intend to use part of the premises or restrict the area to which this notice applies, please give a description and details:	Concrete standing in front of 3 garages
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Describe the type of premises:	Lewes Bonfire Night
Describe the type of event:	Concrete Standing in front of 3 garages

Licensable activities

Are you applying for a last minute temporary event notice? This applies if you are submitting this 5-9 working days before the event.	No
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Licensable activities	Intention to carry out on the premises:
The provision of a late night refreshment:	No
The provision of regulated entertainment:	No
The sale by retail of alcohol:	Yes
The supply of alcohol by or on behalf of a club to,	No

or to the other order of, a member of the club:	
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Please state the dates you intend to use these premises for licensable activities:

Event start date:	Friday 5 November 2021
Event end date:	Friday 5 November 2021
Give the times during the event period that you propose to carry on licensable activities:	4pm to 12 midnight
What is the maximum number of people at one time that you intend to carry on licensable activities, including any staff, organisers or performers?	20
If the licensable activities will include the supply of alcohol, select where alcohol will be consumed:	Off the premises only

Previous temporary event notices

Have you had a temporary event notice in the past 12 months for any premises?	No
Have you been given a temporary event notice for the same premises for an event that starts or ends within 24 hours of the event you are now applying for?	No

Has anyone involved in holding this event had a temporary event notice in the past 12 months for any premises?	No
Has anyone involved in holding this event been given a temporary event notice for the same premises for an event that starts or ends within 24 hours of the event you are now applying for?	No

Has anyone else assisting with licensable activities at your event had a temporary event notice in the past 12 months for any premises?	No
Has anyone else assisting with licensable activities at your event been given a temporary event notice for the same premises, for an event that starts or ends within 24 hours of the event you are now applying for?	No

Declaration

I understand that it is an offence: (i) to knowingly or recklessly make a false statement in connection with this

temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding 6 months, or to both.

I agree to the information being used and held in accordance with the Data Protection Act 1998. I understand that the authority may use and share information with certain bodies to prevent and detect crime and to review and safeguard the administering of public funds.

I agree to comply with the relevant legislation, regulations, requirements and conditions attached to application process and grant of a licence or the permit.

I declare that to the best of my knowledge the answers given in this application are true. I understand that the authority will check the information and that providing false information is a criminal offence.

I agree



Sussex Police
Serving Sussex

www.sussex.police.uk

East Sussex Licensing Team

12 October 2021

Mr Paul Thornton, Licensing Officer
Environmental Health – Licensing Team
Lewes-Eastbourne Councils

Dear Mr. Thornton

**RE: TEMPORARY EVENT NOTICE (TEN) CORNER OF STANFIELD ROAD AND LANPORT ROAD LEWES: CONCRETE
STANDING IN FRONT OF 3 GARAGES**
NOTICE OF OBJECTION under Section 104 (2) of the Licensing Act 2003

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder, the prevention of public nuisance and public safety.

The TEN was received on Monday 11 October 2021. The TEN seeks to licence the supply of alcohol to passing public participating in the Lewes bonfire procession on 05 November 2021 between 16:00hrs to 00:00hrs.

The TEN applied for described as: the sale by retail of alcohol, off the premises, on **Concrete standing in front of three garages, Corner of Stansfield Road and Landport Road, Lewes**, to which this objection relates to. I have informed the agent Susan Lindsey the agent for the applicant via telephone and explained the reason for the objection on alcohol for this event.

The night in question is Lewes bonfire night which attracts large crowds of all ages. Historically this event has seen an increase in crime & disorder and anti-social behaviour which has a negative impact on the community as well as Police resources.

Due to the nature of the event which has caused anti-social behaviour in the past, the large crowds attending, the location the Chief Officer of Police contends that permitting TEN to be used in accordance with the notice is likely to undermine the licensing objectives of the prevention of crime and disorder, public nuisance and public safety.

For these reasons, we ask that the licensing authority consider refusing the TEN applications.

I confirm that a copy of this objection letter has been sent by email to the applicant.

Yours sincerely,

Insp Tombling
Licensing Inspector
East Sussex Licensing Team
Sussex Police

Please address all future correspondence to Licensing Officer Nicola Fenner, email; REDACTED

Licensing Police Staff are currently working from home, email is the preferred method of communication.