

Licensing Sub-Committee

6 June 2023



Time: 9.30 am

PLEASE NOTE: This will be a 'virtual meeting', held remotely.

Members of the press and public can view the meeting by clicking on the link provided on the agenda page on the Council's website or calling the number provided.

Instructions for members of the committee, officers and other participants to join the meeting have been circulated separately.

Membership:

Councillors Sean MacLeod, Roy Clay, Paul Davies and Joa Saunders (Reserve)

Quorum: 3

Published: Friday, 26 May 2023

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 Temporary Event Notice – Objection Received (Pages 3 - 14)**

Information for the public

Accessibility:

This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

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 interests 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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Report to:	Licensing Sub Committee
Date:	6 June 2023
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.
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: Dean Love Post title: Specialist Advisor (Licensing) E-mail: dean.love@lewes-eastbourne.gov.uk Telephone number: 07917 541 488

1 Introduction

1.1 To consider a Temporary Event Notice (“a TEN”) in view of an objection notice submitted by a relevant person (Sussex Police) under section 104(2) of the Licensing Act 2003. A TEN 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 received a TEN on 23 May 2023 under Section 100 Licensing Act 2003 from Simon Scott, who will be the premises user.

2 The Temporary Event Notice

2.1 TEN details :

Saturday 17 June 2023 to Sunday 18 June 2023, 20:00 – 03:00 at 14 – 15 Phoenix Place Lewes BN7 2QJ for the licensable activities of Sale by Retail of

Alcohol, Late Night Refreshment and Regulated Entertainment. The licensable activities will take place on the premises only. **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 A Sussex Police objection was received on 25 May 2023 (letter is dated 25 February 2023 but this was an error by Sussex Police) to the TEN on the grounds of Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children from Harm and Public Safety.
Appendix 2.

- 3.3 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 TEN 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
- 5.3 The Sub Committee can only impose conditions on a TEN if the premises already has a premises licence in place. In this case, the premises does not hold a current premises licence.

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 five working days before the event (17 June 2023 is the date of the event).

- 8.2 The Legal Section considered this Report on 31 May 2023 (IKEN 12111-MW-LDC).

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?	No
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Your first name(s):	[REDACTED]
Your surname:	

Email address:	[REDACTED]
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Telephone number:	[REDACTED]
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Correspondence details for application:

Which details should we use for correspondence?	Applicant
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Applicant address:

Your address as held in our records:	[REDACTED]
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Application details

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

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

Does the premises have an	Yes
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address?	
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Selected Address:	14-15 PHOENIX PLACE LEWES BN7 2QJ
Property reference:	100062274483
UPRN:	225128
Authority:	LDC

Provide any additional information about the location of the event, including a detailed description of the location if there is no postal address:	
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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:	No
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Describe the type of premises:	Events Warehouse
Describe the type of event:	Charitable dance event with alcohol for sale

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:	Yes
The provision of regulated entertainment:	Yes
The sale by retail of alcohol:	Yes
The supply of alcohol by or on behalf of a club to, or to the other order of, a member of the club:	No

Please state the dates you intend to use these premises for licensable activities:

Event start date:	Saturday 17 June 2023
Event end date:	Sunday 18 June 2023
Give the times during the event period that you propose to carry on licensable activities:	8pm Sat 17th - 3am Sun 18th

What is the maximum number of people at one time that you intend to carry on licensable activities, including any staff, organisers or performers?	200
If the licensable activities will include the supply of alcohol, select where alcohol will be consumed:	On 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

<p>I understand that it is an offence:</p> <p>(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</p> <p>(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.</p> <p>I agree to the information being used and held in accordance with the Data</p>

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

25/02/2023

Licensing Team
Eastbourne Borough & Lewes District Council

Dear Eastbourne and Lewes Licensing Team,

RE: TEMPORARY EVENT NOTICE (TEN) for 14-15 Phoenix Place, Lewes, East Sussex, BN7 2QJ

NOTICE OF OBJECTION under Section 104 (2) of the Licensing Act 2003

Notice of objection is hereby given on behalf of the Chief Officer of Police for Sussex for the above Temporary Event Notice (TEN) on the grounds of the licensing objectives of The prevention of crime and disorder, Public Safety, The prevention of public nuisance and The protection of children from harm.

This TEN seeks to licence the provision of late-night refreshment, the provision of regulated entertainment and the sale by retail of alcohol between the hours of 2000 hours on Saturday 17th June 2023 to 0300 hours on Sunday 18th June 2023.

Sussex Police received the TEN application on 25th May 2023. The applicant states that the event is a Charitable dance event with alcohol for sale.

Due to the minimal information provided Sussex Police is not satisfied that the licensing objectives will be upheld.

On reading the application we do not feel adequate provisions have been put in place to ensure the event runs safely.

The venue address has been attended by a Police Constable.

Sussex Police have a multitude of concerns relating to the venue itself, the location, the nature of the event and the safety and welfare of those attending.

The venue itself consists of two industrial units located on a now otherwise abandoned industrial estate. The building itself is marked for redevelopment and there are concerns over the structure and ongoing maintenance of the building, including the structural safety of the roof.

The building is situated directly next to the River Ouse which in itself poses various dangers to members of the public who may be under the influence of alcohol.

Lighting in the area is poor and there are no cctv camera's within the venue or in the roads surrounding the property.

There are a number of vehicles in the direct vicinity that are being used as housing.

Fire safety is a concern and although a person associated with the venue has stated verbally that the building has been inspected by the Fire service, they were unable to produce any documentation relating to any such inspection. There is no information offered as to what will happen in the event of an emergency. Are there Fire Exits? Is there an Assembly point? Are there Fire extinguishers?

Within the building itself there is Electricity, Gas and Water. No documentation to show that these services are in good working order has been produced nor have any safety certificates or other documentation.

It is unknown if there are working toilets within the building.

During the visit to site a covered vehicle was seen to be parked up in the corner of one of the units. This in itself may pose a fire risk.

In relation to the event itself it is unknown who the event is targeting and there is no indication if the event is going to be ticket only or paid entry on the door.

There are no 'conditions of entry' offered by the applicant, nor are there any known search policies in place. It is not known if under 18's are permitted to attend.

The applicant has not indicated that security would be in attendance.

The applicant has not provided details of what alcoholic drinks would be available nor where they would be stored nor how they would be distributed.

There is no information on staffing levels nor was there any information offered as to how the applicant would prevent underage sales of alcohol.

There are no 'Age 25' or 'under 18' posters within the venue on public display.

The applicant has failed to provide any information as to how he intends to ensure the safety of all those in attendance regarding drug prevention policies.

There is no detail as to how any persons ejected from the venue will be managed.

There is no information offered regarding First aiders.

There are no provisions offered relating to 'Ask Angela' nor how the venue plans to ensure the safety and welfare of vulnerable persons who may be under the influence of alcohol or drugs.

The applicant has requested a 3 am finish to events. Within the town of Lewes there are no provisions for late night travel. There are no buses or trains at 3 am in the morning which could lead to a large number of people being left stranded in Lewes on a Sunday morning.

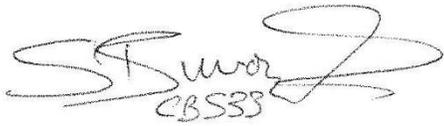
Due to the minimal information provided Sussex Police is not satisfied that the licensing objectives will be upheld.

As a TEN is a light touch approach to licensing, responsible authorities are unable to apply conditions to it. We are aware that if a panel was to grant the TEN following a hearing, conditions could be imposed if they so wish. Items such as structural stability confirmation, valid and current Fire regulations being in place, SIA requirements and Challenge 25 would be some of the areas we ask the panel to consider.

As it currently stands, the Chief Officer of Police contends that permitting this location to be used in accordance with the notice is likely to lead to crime and disorder and an unacceptable risk to public safety. We therefore ask that this notice is heard before a licensing panel and unless an agreement on conditions can be agreed, a Counter Notice to be issued by the Licensing Authority Committee.

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

Yours sincerely,



Insp Simon Burroughs
Licensing Inspector
East Sussex Licensing Team
Sussex Police

Please address all future correspondence to EastSussex.Licensing@sussex.pnn.police.uk

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