

Report to: Licensing Sub Committee

Date: 28 June 2019

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

Report of: Director of Service Delivery

Ward(s): Lewes Bridge

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

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

Reasons for recommendations: Relevant representations made within consultation period

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1. Introduction

- 1.1 Lewes District Council received a Premises Licence application submitted under the Licensing Act 2003 for the premises : Lewes Golf Club Appendix 1
- 1.2 The applicant is 'Lewes Golf Club Limited'
- 1.3 The licensable activities applied for are:
- 1.4 Sale of alcohol for consumption on and off the premises from 9am to 11pm Monday to Sunday.
- 1.5 Lewes Golf Club have submitted the following steps to promote the four licensing objectives.

1.5.1 General

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

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

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

2. Background information

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

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

3. Temporary Event Notices

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

- 3.2 Temporary Event Notices are intended as a light touch process for the carrying on of licensable activities and do not have to be authorised by the licensing authority on application.
- 3.3 Anyone over the age of 18 can apply for a Temporary Event Notice. A 'premises' can accommodate up to 15 events per calendar year. The duration of an event authorised by a TEN is 168 hours (seven days). The maximum number of people attending at any one time is 499. The Police and Environmental Health are the only bodies authorised under the Licensing Act 2003 to make representation against a Temporary Event Notice application.

4. Representation received from Responsible Authorities:

- a. Police: Response received – provided steps offered by the applicant are attached to the licence if granted, they have no objection.
 - b. Environmental Health: No comment
 - c. Fire Officer: No comment
 - d. ESCC – Child Protection: No comment
 - e. Trading Standards: No comment
 - f. Health & Safety: No comment
 - g. Planning: No comment
 - h. Public Health: No comment
 - i. Home Office Immigration: No comment
- 4.1 A copy of the Police response is in Appendix 3

5. Representation received from others

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

6. Mediation

- 6.1 On the basis of the representations received and the opinions expressed, it is considered unlikely that this application will be successfully mediated before the Sub Committee Hearing.

7. Licensing Sub Committee Considerations

- 7.1 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Licensing Authority must give appropriate weight to:

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

8. Licensing Policy Considerations:

- 8.1 Lewes District Council has produced a Statement of Licensing Policy in order to comply with its duties and powers under the Licensing act 2003. It covers the licensable activities for retail sale of alcohol which is the subject of this application Appendix 5
- 8.2 The aims of the Policy are to secure the safety and amenity of residential communities, to help ensure a sustainable environment and provide regulation of the cultural/entertainment industry, and to promote the four Licensing Objectives of the Act; namely:
- Prevention of crime and disorder
 - Public safety
 - Prevention of public nuisance
 - Protection of children from harm
- 8.3 The three guiding principles (set out in Paragraph 4 of the Licensing Policy) adopted by the Council as the Licensing Authority serve as a general guide to the Council when it carries out its licensing functions.
- 8.4 In each case that arises following representation, the Policy states that the Council will:
- Consider the potential for public nuisance, crime and disorder and/or danger to public safety associated with the style, characteristics and activities of the business involved and the rights of residents to peace and quiet.
 - Examine the potential steps which could be taken to reduce the risk of public nuisance, crime and disorder and/or danger to public safety, particularly in areas of dense residential accommodation.
 - Consider restricting the hours of trading in cases where there are good grounds for believing that the licensing objectives will be or are being undermined.

9. National Guidance

- 9.1 Relevant sections relating to the Home Office Guidance issued under section 182 of the Licensing Act are attached.
- 9.2 Particular reference should be made to Appendix 7 paragraphs 2.10 and 2.21
- 9.3 These sections cover:
- Hearing Regulations Appendix 6
 - The Licensing Objectives Appendix 7

- Conditions Appendix 8

10. Other Relevant Legislation

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

11. Options

- 11.1 When considering this application for a Premises Licence, the following options are available to the Sub Committee:
- Grant the Licence in the same terms as it was applied for
 - Grant the Licence, but modify the conditions
 - Grant the Licence, but modify the hours of licensable activity
 - Refuse to issue the Licence

12. Rights of Appeal

- 12.1 Under Section 181 and Schedule 5 of the Act, there is a right of appeal to the Magistrates' Court in respect of applications for new licences. This right of appeal is open to both the applicant and to any person who has made relevant representation. The appeal application must be made within 21 days of the written notification of the Sub Committees decision.

13. Recommendation

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

14. Financial appraisal

No financial implications arising directly from this report.

15. Legal implications

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

16. Appendices:

Appendix 1 - Application for a Premises Licence

Appendix 2 - Lewes Golf Club 'Club Premises Certificate'

Appendix 3 - Police response to consultation

Appendix 4 - 13 x Letter and email representations

Appendix 5 - Lewes District Council Statement of Licensing Policy

Appendix 6 - Hearing Regulations

Appendix 7 - National Guidance – The Licensing Objectives

Appendix 8 - National Guidance – Conditions

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