

Report to: Licensing Sub-Committee

Date: 14 August 2020

Title: Application for a Premises Licence. The Secret Campsite, Town Littleworth, Barcombe , East Sussex, BN8 4TD

Report of: Director of Service Delivery

Ward(s): Barcombe and Hamsey

Purpose of report: To provide information in order that the Sub-Committee can determine an application for a Premises Licence

Officer recommendation(s): 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.

Reasons for recommendations: An application has been received for a Premises Licence, pursuant to Section 17 Licensing Act 2003. A Representation against the application has been made by a local resident.

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1 Introduction

1.1 An application has been made to Lewes District Council for a Premises Licence at The Secret Campsite, Brickyard Farm, Cooksbridge, East Sussex, BN8 4TD. The applicant is Mr Tim Bullen, a director of Secret Campsite Ltd. A copy of the application and plan is included at **Appendix 1**. Following the initial application the applicant submitted a new plan, included at **Appendix 1**. A site overview is attached at **Appendix 2**.

1.2 The licensable activities applied for are:

Sale of Alcohol – For Consumption on and Off Premises.	Everyday 0900 – 1100 hrs 1500 – 1930 hrs
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1.3 When submitting an application for a new premises licence 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, as set out below.

1.3.1 General

Alcohol will only be sold by staff wearing Secret Campsite Uniform at the Reception shop between the hours outlined above.

1.3.2 The prevention of crime and disorder

Stock will be kept in a locked and secure room.

1.3.3 Public safety

Challenge 21 Policy will be used.

Alcohol will only be sold by staff over the age of 18 years wearing Secret Campsite T Shirts.

1.3.4 The protection of children from harm

Challenge 21/25 policy will be used.

Acceptable identification will be Drivers Licence, Passport, PASS Card.

Signs will be placed to inform customers about this policy.

2 **Background Information**

2.1 The Secret Campsite is advertised as a tents only family orientated camp site free from cars, dogs, and music. Its website states there are a total of 18 pitches with a maximum capacity on each one of 7 people, no more than 4 of which can be adults. The application seeks to sell alcohol to customers at the campsite from the main reception which also houses a small shop for food.

2.2 The applicant was required to advertise both on the premises and in a local newspaper in order to inform the public of the application. Application details were also advertised on the Council's website.

2.3 A consultation period took place between 22nd June and 19th July 2020. Responsible Authorities (listed below at 3.2) were consulted as part of the process.

2.4 The applicant conformed with all requirements in accordance with 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	See comments at 3.3
	Environmental Health	No comment made
	East Sussex Fire and Rescue	No comment made

East Sussex Child Protection Team	No comment made
Trading Standards	No comment made
LDC Health and Safety	No comment made
LDC Planning	No comment made
Public Health	No comment made
Home Office Immigration	No comment made

- 3.3 During the consultation process Sussex Police agreed with the applicant specific conditions to be placed onto the licence if/when it is granted. These include a Challenge 25 age verification policy, documented staff training and the provision of a refusals register. A copy of the email correspondence between those parties is attached at **Appendix 3**.

4 Representation received from others

- 4.1 One representation (Mr and Mrs Janes) objecting to this application has been received from a neighbouring property. The grounds for objection relate to noise and anti-social behaviour which are relevant to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. A copy of the representation is at **Appendix 4**.

5 Mediation

- 5.1 Following the initial application the applicant has agreed with the Specialist Advisor a new condition that "Alcohol will only be sold to those who, at the time of sale, are booked into the site for the purposes of camping". An email from the applicant submitting a plan of the shop and accepting the proposed condition is included at **Appendix 5**.
- 5.2 On the basis of the representation received it is considered unlikely that this application will be successfully mediated before the Sub-Committee hearing.
- 5.3 A composite list of agreed conditions between the applicants and Sussex Police, plus a condition offered by the applicant about sale of alcohol to camp site patrons only can be found at **Appendix 6**.

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 Legal Section considered this Report on 3 August 2020 (Iken 9393-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

Appendix 1	Application and Plan of site
Appendix 2	Site Overview
Appendix 3	Representation Sussex Police
Appendix 4	Representation Mr and Mrs Janes
Appendix 5	E Mail from Applicant regarding new condition
Appendix 6	Composite Conditions
Appendix 7	Lewes District Council Licensing Policy
Appendix 8	Relevant sections Home Office Guidance
Appendix 9	Hearing Regulations 2005 (as amended)