

Report to: Licensing Sub Committee

Date: 1 December 2020

Title: Application for a Premises Licence. Superfuzz Limited 3
The Malthouse, Daveys Lane, Lewes. BN7 2BF

Report of: Director of Service Delivery

Ward(s): Lewes Bridge

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. Three representations against the application have been made by local residents.

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1 Introduction

1.1 An application has been made to Lewes District Council for a Premises Licence at Superfuzz Limited Unit 3 The Malthouse, Daveys Lane. Lewes BN7 2BF. The applicant is Mr Andrew Mellor a Director of Superfuzz Limited. A copy of the application and plans are included at **Appendix 1, 2 and 3.**

1.2 The licensable activities applied for are:

Sale of Alcohol – For Consumption on and Off Premises Except New Years Eve until 1am New Years Day	Everyday 1200 – 2300 hrs
Provision of Live music. Monday to Friday.	1600 – 2200 hrs
Saturday and Sunday.	1200 – 2200 hrs
Provision of recorded music Monday	1600 – 2300 hrs

to Thursday.
Friday, Saturday and Sunday.
Playing of recorded / streamed music
on in-house music system.

1200 – 2300 hrs

- 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. The applicant has submitted the following:

1.3.1 General

The appointed DPS is an experienced licensee and understands how to operate a bar business and make it a safe welcoming hub for the local community. Staff will be trained in retailing alcohol in a responsible manner and understanding licensing legislation. Key members of staff will be personal license holders themselves and will oversee or authorize sale of alcohol. A range of drinks and snacks will be served including soft drinks.

1.3.2 The prevention of crime and disorder

They will be a congenial space for customers to enjoy themselves. There will be a zero tolerance approach to antisocial and drunken behaviour, staff will be trained in this subject. CCTV will be installed covering outside and inside spaces, and recordings will kept for 28+ days. Drinks served will be of premium quality and priced accordingly with a high £ per unit.

1.3.3 Public safety

All areas inside and out will be well lit, fire exits clearly marked and staff trained in evacuation of the premises. Health and Safety policy and Fire policy will be in place, and staffed trained on all aspects. The trading areas will be kept separate to production areas by barriers.

1.3.4 The prevention of public nuisance

Noise levels will be monitored at all times and customers seated outside will be encouraged to behave in appropriate a manner. Signage in place to ask customers to leave quietly at the end of service.

1.3.5 The protection of children from harm

Under 18's will be admitted with a responsible adult, before 8pm, a challenge 25 years policy in place requiring official photo ID. Staff trained in responsible retailing of alcohol and managing families and groups with children.

2 Background Information

- 2.1 Superfuzz Limited is the retail arm of ABYSS brewing which was first started at the Pelham Arms in Lewes. The applicant is the owner/operator of both.

- 2.2 It is the intention to move the production brewery location for ABYSS Brewing to Lewes in the premises at Unit 3 The Malthouse, Daveys Lane.
- 2.3 Unit 3, The Malthouse, Daveys Lane is an industrial unit which is located in the industrial & retail park between the A26, Malling and the River Ouse, Lewes. The application has been submitted for the premises to operate as a new brewery site together with a subsidiary tap room/bar serving ABYSS brewing beers to retail customers for consumption on site or for off sales, including internet sales.
- 2.4 The attached plan at **Appendix 2** shows the proposed layout, a fixed bar area, and beer garden to the top of the property, a temporary production / seating area inside along the brew-house, and an additional temporary outdoor area.
- 2.5 The applicant was required to advertise both on the premises and in a local newspaper in order to inform the public of the application.
- 2.6 A consultation period took place between 8th October and 4th November 2020. Responsible Authorities (listed below at 3.2) were consulted as part of the process. The applicant conformed with all requirements in accordance with The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

3 Representations 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	No objection to the application.
	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

4 Representations received from others

- 4.1 Representations objecting to this application have been received from Jim Ball, Suzanne Rose and in a petition signed by eight local residents. The relevant grounds of objections in the representations 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. Copies of the representations are at **Appendix 4, 5 and 6**.

5 Mediation

- 5.1 Following the application there appears to be no common grounds for mediation.
- 5.2 On the basis of the representations received it is considered unlikely that this application will be successfully mediated before the Sub Committee hearing.

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. 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.
- Grant the Licence, but modify the conditions as appropriate for the promotion of the licensing 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 relevant 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 18 November 2020 (Iken 9663-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
Appendix 2	Plan of site
Appendix 3	Malthouse lease plan
Appendix 4	Representation Jim Ball
Appendix 5	Representation Suzanne Rose
Appendix 6	Petition representation from residents
Appendix 7	Lewes District Council Licensing Policy
Appendix 8	Relevant sections Home Office Guidance
Appendix 9	Hearing Regulations 2005 (as amended)