

Report to: Licensing Sub-Committee

Date: 27th August 2021

Title: Application for a new Premises Licence at Martello Fields, College Road, Seaford, BN25 1JD

Report of: Director of Service Delivery

Ward(s): Seaford Central and Seaford South

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. Representations have been made by local residents.

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 Lewes District Council has received an application for a new Premises Licence under the Licensing Act 2003 for Martello Fields, College Road, Seaford, BN25 1JD from James Cabot, on behalf of Breakwater Event Support Ltd. The application is included along with the plan of the premises at **Appendices 1 and 2**.
- 1.2 The Sub-Committee should be aware that the Licensing Hearing is taking place on the first working day after the consultation finishes. This is solely due to the fact the application was only submitted on 29th July 2021 thereby leaving one working day between the consultation period ending and the actual event itself.
- 1.3 A number of valid representations have been received, hence the need to hold a hearing promptly. This report is therefore being published before the consultation process concludes. Discussions between the Responsible Authorities and the applicant have yet to establish agreed conditions.

- 1.4 If agreement is reached regarding conditions these will be presented to the Committee as a supplementary report. It remains a possibility that further representations are received. These will also be submitted as a supplementary report.

2 The Application

- 2.1 The application seeks the following licensable activities:
Live Music, Recorded Music Everyday 0900-2100hrs.
Sale of Alcohol for consumption on the premises Everyday 1000-2100hrs.

- 2.2 The event company – Breakwater Event Support Ltd – is applying for this licence on behalf of ‘All things Festival’ for a one-day specific event at the site. The ticketed event is a family friendly LGBT+ Festival called Seaford Pride. Entertainment will be provided from a main stage and roaming entertainers. There will be a number of food concessions and bars selling soft drinks and alcohol. It is anticipated there will be up to 4000 attendees.

- 2.3 The application is not specific about what day or date and gives the impression that the licence is open ended. It has now been clarified they only want the licence to be valid for one day a year, at **Appendix 3**. If the Committee is minded to grant the application Members are asked to consider that this time limited condition is placed on the licence.

“This Licence is valid for one day per annum. The date of the event to be notified to Sussex Police and the Licensing Authority with at least four months’ notice. The event for 2021 will take place on 29th August 2021.”

- 2.4 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 Operating Schedule and the relevant parts of the Event Management Plan detailing these steps can be seen in the application form in **Appendix 1** and is confirmed at **Appendix 4**

- 2.5 The Licensing Act 2003 requires applicants to advertise both on the premises and in a local newspaper in order to inform the public of the application. The application details are also advertised on the council’s website. Several “Responsible Authorities” have also been consulted as part of the process. The consultation period of 28 days started on 30th July 2021 and is due to end on 26th August 2021. The applicant has complied with all the requirements as laid out within 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
Environmental Health
East Sussex Fire and Rescue

East Sussex Child Protection
Team
Trading Standards
LDC Health and Safety
LDC Planning
Public Health
Home Office Immigration

- 3.3 This report is published before the consultation process concludes. Discussions between the Responsible Authorities and the applicant have yet to establish agreed conditions.

4 Representation received from others

- 4.1 At the time of writing this report there are five valid representations submitted by local residents. These are included at **Appendices 5 and 6**.
- 4.2 The Committee should be aware that they can only consider sections of the representations that address the licensing objectives. The five representations are relevant as they raise concerns about public nuisance and public disorder.
- 4.3 Members are entitled to ignore issues raised in all representations such as the nature of the event not being suitable for the area, trade being denied to local licensed premises, transport and parking issues and comparisons to other events. The organisers of this event have not been involved in licensed activities in this area, comparisons are therefore not valid.

5 Mediation

- 5.1 Please see paragraph 1.3 above.

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 Licensing Sub-Committee should be mindful of responsibilities placed on them by other legislation, in addition to those contained within the 2003 Act. These include, but are not limited to, having regard to the Equality Act 2010 and the Human Rights Act 1998.

10.3 The Legal Section considered this Report on 19 August 2021 (IKEN-10366-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

- 14.1 Appendix 1 Application
- Appendix 2 Licensing plan of site
- Appendix 3 Condition Agreement
- Appendix 4 Event Management Plan
- Appendix 5 Representations
- Appendix 6 Representation
- Appendix 7 Lewes District Council Licensing Policy
- Appendix 8 Relevant sections Home Office Guidance
- Appendix 9 Hearing Regulations 2005 (as amended)