

Report to: Licensing Sub-Committee

Date: 7 March 2022

Title: Application for a new Premises Licence. The Old Racecourse Ltd, The Paddock, The Old Motor Road, The Old Racecourse, Lewes, BN7 1UR

Report of: Director of Service Delivery

Ward(s): Kingston ward

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

Officer recommendation(s): To consider representations made against the new Premises Licence application 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 an application for a new Premises Licence under the Licensing Act 2003 for The Paddock, The Old Motor Road, The Old Racecourse, Lewes, BN7 1UR from Paul Thornton in the capacity of an Authorised Licensing Consultant on behalf of The Old Racecourse Ltd. **(Appendix 1)**
- 1.2 Mr. Thornton submitted a Plan of the premises with the Licensable area outlined in red. **(Appendix 2)**
- 1.3 The Paddock is a privately owned field on the site of the Old Racecourse in Lewes. The Paddock is situated west of Lewes Town and has Bridleways running alongside two sides of area that The Old Racecourse Ltd has applied for. TENS applications had previously been submitted and granted for the Paddock.

2 The Application

- 2.1 An application for the grant of a new premises licence under the Licensing Act 2003 for the following licensable activities:

Sale by Retail of Alcohol (on the premises)

Friday and Saturday 12:00- 21:30

Sunday 12:00-20:00

Between April 1st and 30th September

Non-Standard times:

Sunday before Bank Holiday Monday 12:00-21:30

Bank Holiday Monday 12:00-20:00

Opening Hours

Friday and Saturday 12:00 – 22:00

Sunday 12:00-20:30

Non-Standard Opening times:

Sunday before Bank Holiday Monday 12:00-22:00

Bank Holiday Monday 12:00-20:30

- 2.2 The Applicant originally applied for Supply of Alcohol between the first weekend in April and the last weekend in September, but this wording was changed to the 1st April to the 30th September to ensure that the dates were enforceable.

3 Licensing Objectives

- 3.1 When applying for a new premises licence under the Licensing Act 2003, 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 detailing these steps can be seen in the application form. This is included at (**Appendix 1**).

4 Consultation Process

- 4.1 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. There was a consultation period of 28 days, from 11 January 2022 to the 8 February 2022, for representations to be made. The applicant conformed with all the requirements as laid out within The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

- 4.2 During the consultation process five valid representation were submitted by members of the public and an MP (**Appendix 3**). A further five representations were received and four were rejected because they did not relate to a Licensing Objective and one was rejected due to it being received after the deadline

5 The Decision-Making Process - The Licensing Objectives

- 5.1 In their decision making, the Licensing Sub-Committee must act to promote the four Licensing Objectives. All carry equal weight as part of the process. The Licensing Objectives are:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of children from Harm

- 5.2 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 Lewes District Council's Statement of Licensing Policy and Section 182 Guidance

- 6.1 Copies of the Council's Statement of Licensing Policy have previously been circulated to Members. A copy is also retained in the Members' Room.

- 6.2 Whilst each application will be considered on its merits, the Licensing Sub-Committee will act to promote the four licensing objectives and have due regard to:

- Lewes District Council's Statement of Licensing Policy 2017-2022
- Section 182 Guidance issued by the Home Office.

- 6.3 Lewes District Council's Statement of Licensing Policy outlines the matters that the Authority will consider when determining matters under the Licensing Act 2003. An overview of the Licensing objectives referred in the relevant representations appears below.

6.4 The Prevention of Crime and Disorder

The Council's Statement of Licensing Policy states that the Operating Schedule should include steps to ensure the deterrence and prevention of crime and disorder on and in the vicinity of premises. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

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crime and disorder on and in the vicinity of premises. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

6.5 Public Safety

The Statement of Licensing Policy states that the Operating Schedule should include steps to ensure the physical safety of patrons. This might include the imposition of conditions regarding capacity and mechanisms to promote responsible drinking. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

6.6 Prevention of Public Nuisance

The Statement of Licensing Policy states that within the Operating Schedule, applicants will be required to demonstrate how they intend to prevent nuisance arising, disturbance occurring and mechanisms to protect amenities. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

7 **Representations**

7.1 A copy of the representations are included at **Appendix 3**, however a summary appears below:

'Interested Parties'

Five representations have been received, these representations have made comments under Prevention of Crime & Disorder, Public Safety and Prevention of Public Nuisance.

Representations from Responsible Authorities:

The following summarises whether representations have been received from responsible authorities:

- **Sussex Police** – No representation.
- **Lewes District Council (Specialist Advisor) Environmental Health** – No representation
- **Lewes District Council (Specialist Advisor) Health and Safety** – No representation.
- **Lewes District Council (Specialist Advisor) Planning** – No representation.
- **Lewes District Council (Specialist Advisor) Licensing** – No representation
- **East Sussex Fire and Rescue Service** – No representation
- **Area Child Protection Team**– No representations
- **Trading Standards (East Sussex County Council)** – No representation.
- **Primary Care Trust**- No representation

8. Options open to the Sub-Committee

8.1 The Licensing Sub-Committee shall take the steps it considers appropriate for the promotion of the Licensing Objectives and may:

- 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.

8.2 The Sub-Committee is asked to note the procedures relating to this hearing which are contained in The Licensing Act 2003 (Hearing) Regulations 2005, as amended.

8.3 In determining what, if any, conditions should be attached to a licence, these should only be imposed where it is considered appropriate and proportionate on a case-by-case basis. The applicant, any person or any Responsible Authorities may also suggest conditions to address concerns as a means to promote the Licensing Objectives. The Sub-Committee may not impose any condition unless its discretion has been exercised following receipt of a relevant representation and is satisfied that it is appropriate to promote one or more of the licensing objectives.

9 Financial appraisal

9.1 The cost of delivering the licensing function is fully covered by the Licensing fees.

9.2 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. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

10 Legal implications

10.1 Under section 18 Licensing Act 2003 (as amended), following receipt of an application for a premises licence if relevant representations are received, unless all parties agree that a hearing is unnecessary, 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. 8.1 of this Report.

10.2 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 2020, the Human Rights Act 1998 and the Crime and Disorder Act 1998.

- 10.3 Under section 181 and Schedule 5 Licensing Act 2003 there is a right of appeal to the Magistrates' Court in respect of applications for new licences. This right of appeal is open both to the applicant and to any person who has made relevant representations. The appeal application must be made within 21 days of the written notification of the Sub Committees decision to the appellant.

The Legal section considered this Report on 23 February 2022 (Iken-10838-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 for a new premises licence under the Licensing Act 2003
 - Appendix 2- Application Plan submitted for Premises Licence Application.
 - Appendix 3 – Valid Representations made against the Application

15 Background papers

- 15.1 The background papers used in compiling this report were as follows:
- Section 182 Statutory Guidance to the Licensing Act 2003
 - Lewes District Council Licensing Statement 2017-2022
 - Human Rights Act 1998
 - Equality Act 2010
 - Crime and Disorder Act 1998