

Rother District Council

Report to: General Licensing Panel

Date: 30 March 2021

Title: Application for a Premises Licence at Lakedown Trout Fishery, Swife Lane, Broad Oak, Heathfield, East Sussex, TN21 8UX

Report of: Head of Service-Environmental Services, Licensing and Community Safety

Ward(s): Burwash and The Weald

Purpose of Report: To determine the Premises Licence application WK202013005 made under Section 18 of the Licensing Act 2003 for Lakedown Trout Fishery, Swife Lane, Broad Oak, Heathfield, East Sussex, TN21 8UX

Officer

Recommendation(s): It be **RESOLVED:** That the application for a Premises Licence be determined.

1. Introduction

25 representations have been made regarding the application for a premises licence; therefore, it has been referred to this Panel for determination.

1.1 Applicant Details:

Mr Jamie Daltrey (application as an individual).

Lakedown Trout Fishery,
Swife Lane, Broad Oak, Heathfield, East Sussex, TN21 8UX.

1.2 The Premises:

Lakedown Trout Fishery, Swife Lane, Broad Oak, Heathfield, East Sussex, TN21 8UX.

The proposed licensed premises at the Fishery is in the Rother district. The entrance in Swife Lane is in the Wealden District.

Please see the location plan, proposed licensed area plan and photographs (Appendices B, C & D).

Location:

The premises is situated at an established fishery in a rural location accessed via a private track from Swife Lane. The location or nearby residential premises can be seen on the location map.

Description:

The proposed licensed premises is the existing lodge building as shown on the proposed licensed area plan. The red dotted line on the plan shows where alcohol consumption can take place outside.

2. The application

The applicant applied on the 25/01/2021 for the following licensable activity:

Sale/supply of alcohol (on and off sales)

Sunday to Thursday 11:00 to 22:00hrs

Friday & Saturday 11:00 to 23:00hrs

Reduced hours during October, November, December, January, February and March to 20:00hrs.

Opening hours (not a licensable activity)

Sunday to Thursday 08:00 to 22:00hrs

Friday & Saturday 08:00 to 23:00hrs

Reduced hours during October, November, December, January, February and March to 20:00hrs.

Changes to hours:

On the 18/2/2021 the applicant reduced the proposed hours on the application to:

Sale/supply of alcohol (on and off sales)

Monday to Sunday 12:00 to 21:00hrs

Reduced hours during October, November, December, January, February and March to 18:00hrs.

Opening hours (not a licensable activity)

Monday to Sunday 08:00 to 21:00hrs

Reduced hours during October, November, December, January, February and March to 18:00hrs.

Description

Original description

“Lakedown Trout fishery is an established business. This application is to authorise the on and off sales of alcohol from the lodge building adjacent to lake one of the four lake fishery. Consumption of alcohol may take place inside the lodge and outside seating areas. We wish to operate the lodge as a tap room to support a local craft brewery offering customers locally produced beers to sample on site and purchase to take home. Moving forward we also may want to offer internet ordering.”

Expanded description (18/2/2021)

“We are creating a small venue akin to a vineyard style tasting room. We have not applied for a stand up drinking licence e.g. a pub. This is a low volume, high quality offering that will include table service. We wish to build on our already existing fishery business by offering our fishermen and members of the local community a chance to taste and discuss our local craft beers all brewed in our brewery in Uckfield. Our lakeside lodge and garden terrace is a lovely place to visit for the local community. We will only be selling Lakedown Brewing Company beer, brewed at Lakedown Brewing Co, Little Goldsmiths Farm, TN22 5JG. No spirits will be sold.

The nature of the sport of fishing is that it is a quiet and therefore we will be keeping all noise to an absolute minimum. The lodge location is far away from any residential properties down a private track onto Lakedown farm. We will manage the dispersal of customers so as to not impact local residents.

We hope this will help to create local job opportunities. There will cctv at the lodge. We will manage all customers professionally and in accordance with our operating and not serve any person who appears intoxicated. There will be a maximum of one delivery of alcohol per day, Monday to Friday, 9am to 5pm.”

Operating schedule

The applicant has described, in their Operating Schedule, the steps they intend to take to promote the four licensing objectives. These are reproduced in Appendix A1, A2 and A3 and in the event that the application is granted, these will be translated into conditions included in the licence (unless the conditions have been modified by the licensing authority following consideration of relevant representations).

On the 18/2/2021 the applicant volunteered two additional conditions

- “There will be a maximum of one delivery of alcohol per day, Monday to Friday, 9am to 5pm.”
- “We will only be selling Lakedown Brewing Company beer. No spirits will be sold.”

Regulated entertainment

The Government has deregulated many aspects of regulated entertainment.

The applicant has not applied for any authorisation for regulated entertainment.

However, no licence is required for unamplified live music at any place between 08:00hrs and 23:00hrs if the audience is less than 500.

No licence is required to put on amplified live music at a workplace (including outdoor spaces) between 08:00hrs and 23:00hrs if the audience is less than 500.

The provisions of the Live Music Act 2012 / Legislative Reform (Entertainment Licensing) Order 2014 enable premises granted an 'on sales' alcohol premises licence to put on performances (in the alcohol licensed area) of amplified live and recorded music between 08:00hrs and 23:00hrs if the audience is less than 500, without a licence to do so. These entitlements can only be conditioned, restricted or removed by the General Licensing Panel during a premises licence 'review' application.

3. **Licensing History**

There is no previous premises licence history.

There are no noise complaints at the premises logged on the environmental health database.

4. **Relevant representations of interested parties**

The application has been subject to the usual public advertisement.

Interested parties	Relevant licensing 'objective'
10	In support of the application
15	Public safety, public nuisance,

The representations are all reproduced in full in Appendix E. Representations objecting to the application are concerned with public safety and public nuisance.

A number of representations mention the potential for live music until 11pm; please see the regulated entertainment paragraph above. The applicant is already entitled to put on a performance of live music until 11pm regardless of this application.

A number of points of objection are not relevant to the licensing objectives e.g. where the applicant resides, references to music before 11pm.

5. Representations of the responsible authorities

The Licensing Act 2003 requires that a copy of the application is sent to the responsible authorities.

Rother DC Planning	No representation
Rother DC Env Health Pollution Team	No representation
Rother DC Env Health Food & Safety Team	No representation
East Sussex Fire and Rescue Service	No representation
Sussex Police	No representation*
ESCC Child Protection	No representation
ESCC Public Health	No representation
ESCC Trading Standards	No representation
Home Office Immigration Enforcement	No representation

Planning

Details of the application were also provided to Wealden District Council's planning department.

Sussex Police

*A representation was withdrawn following the applicant's agreement to include additional conditions (these are reproduced in full in Appendix A3).

6. Summary

There are representations from persons supporting the application and those objecting to it.

The applicant has reduced the hours originally applied for, offered additional conditions and agreed conditions with Sussex Police.

7. **Legislation**

The Licensing Act 2003 requires that the Council, as the local Licensing Authority, carry out its functions with a view to promoting the four Licensing Objectives:

- a) The Prevention of Crime and Disorder
- b) Public Safety
- c) The Prevention of Public Nuisance
- d) The Protection of Children from Harm

In exercising those functions, the Licensing Authority must also have regard to Guidance issued by the Secretary of State and its own Statement of Licensing Policy.

Under Section 181 and Schedule 5 (Part 3) of the Licensing Act 2003, rights of appeal exist to the Magistrates' Court against the decision of the Licensing Authority. Such appeal may be made on behalf of:

- a) the applicant;
- b) the holder of the Premises Licence; or
- c) any other person who made relevant representations in relation to the application.

8. **Consideration**

Under s18 Licensing Act 2003, the following options are available to the General Licensing Panel:

- a) to grant the licence subject to the conditions consistent with the operating schedule modified to such extent as considered necessary for the promotion of the licensing objectives;
- b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) to refuse to specify a person in the licence as the designated premises supervisor; or
- d) to reject the application.

Conditions are modified if any of them is altered or omitted, or any new condition is added.

The General Licensing Panel will be required to give reasons for their decision.

Implications

9. **Legal Implications**

The applicant and others party to the hearing have a right of appeal to the Magistrates' Court.

10. Human Rights

The Panel’s decision making is guided by the principles of proportionality which require, amongst other things, the Panel to strike the appropriate balance between the competing interests of the applicant, the premises licence holder, the interested parties and the wider community. This balance is achieved by having regard to the provisions of the Licensing Act 2003; the Regulations and Guidance made thereunder, the Council’s Statement of Licensing Policy and the Councils obligation to act in a way that is consistent with the provisions of the Human Rights Act 1998.

11. Crime and Disorder

The Prevention of Crime and Disorder is a specific licensing objective and the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its district.

12. Conclusion

Having considered the application, representations, written and oral submissions made at the hearing, the Panel shall determine the application.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	Yes	Equalities and Diversity	No
Crime and Disorder	Yes	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Mark Randolph, Senior Licensing Officer
e-mail address:	licensing@rother.gov.uk
Appendices:	<ul style="list-style-type: none"> Appendix A: Operating schedule Appendix B: Location plan Appendix C: Proposed licensed area Appendix D: Photographs Appendix E: Representations received from interested parties
Relevant Previous Minutes:	N/A
Background Papers:	NONE
Reference Documents:	Revised guidance issued under Section 182 of Licensing Act 2003 (Chapter 11 – Reviews) https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003 RDC Licensing Policy 2021 https://www.rother.gov.uk/wp-content/uploads/2021/02/Rother-Licensing-Policy.pdf

Appendix A1: Operating Schedule.

How the applicant intends to promote the four licensing objectives. These will be translated into conditions included in the licence (unless the conditions are modified by the licensing authority following consideration of relevant representations).

List here steps you will take to promote all four licensing objectives together.

Limited opening hours.

We will all be trained in licensing and responsible sale of alcohol. Cooperation with the local police.

b) The prevention of crime and disorder

We will co operate with the local police force. Training by the DPS will be refreshed every 6 months. An incident book will be kept and maintained on the premises and will be made available to the police as well as refusals register.

c) Public safety

Signs will be in place warning of nearby lakes. Life preservers will be positioned around lakes at appropriate locations.

d) The prevention of public nuisance

Limited opening hours. Signs will be in place to keep noise levels to a minimum. Numbers will be limited to 50 people owing to car parking space. Rural position with no neighbours.

e) The protection of children from harm

We will implement a challenge 25 policy and staff will be trained to implement this. Only passport, photographic driving license and proof of age card bearing the 'PASS' hologram will be allowed. Signage advertising the age verification policy will be displayed in prominent locations around the premises.

A2: Additional conditions offered by the applicant 18/2/2021.

- “There will be a maximum of one delivery of alcohol per day, Monday to Friday, 9am to 5pm.”
- “We will only be selling Lakedown Brewing Company beer. No spirits will be sold.”

A3: Additional conditions agreed with Sussex Police.

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 Number 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 31 days.

The management will give full and immediate cooperation and technical assistance to the Police 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 times will be checked regularly to ensure their accuracy.

Subject to GDPR 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 other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

Any breakdown or system failure will be notified to the police immediately & remedied as soon as is practicable.

In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

Training/Authorisation:

The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products: *The lawful selling of age restricted products *Refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded and signed by both the employee and the DPS. All training records shall be kept on the premises and made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

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.

Challenge 25:

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. Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations in the premises.

Incident/refusal Log:

An incident/refusal 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 once every 4 weeks.

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. An incident will be defined as being one which involves an allegation of a criminal offence.

Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.

Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept at the premises for a minimum of twenty four (24) months.

Deliveries:

Deliveries of goods necessary for the operation of the business shall be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. The same applies to waste collections.

All alcohol orders (whether online, completed by the customer on paper, via the phone or verbally face to face) will contain age verification, whereby the customer will be asked to confirm that they are over 18 and a tick box must be marked to confirm this.

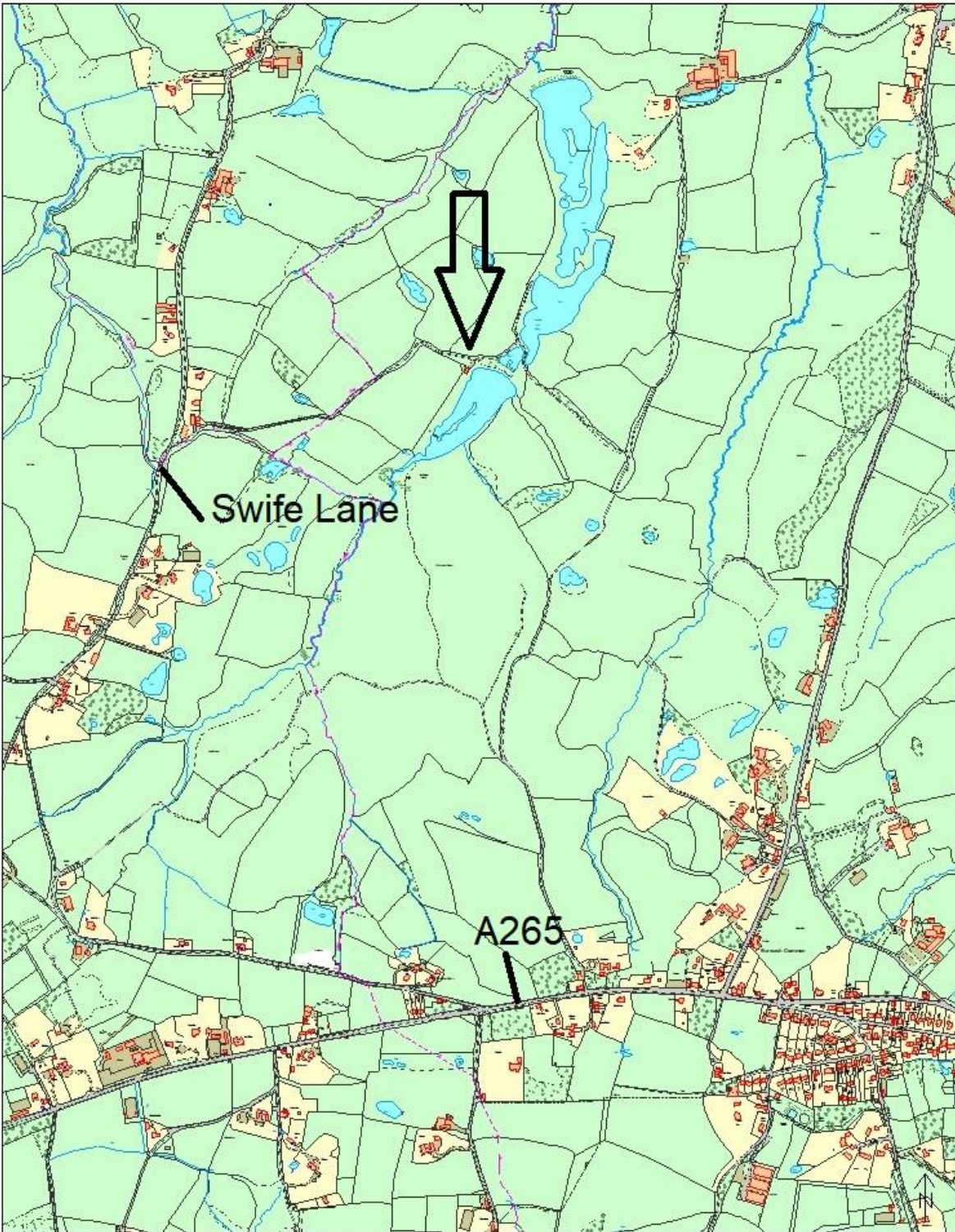
All deliveries of alcohol must be made by a person over the age of 18 years and alcohol shall not be delivered to anywhere other than a recognisable permanent business or residential address.

In the event that there is no one to accept delivery alcohol shall not be left on the doorstep or any other place. It can however be left securely with a neighbour as long as they are over 18.

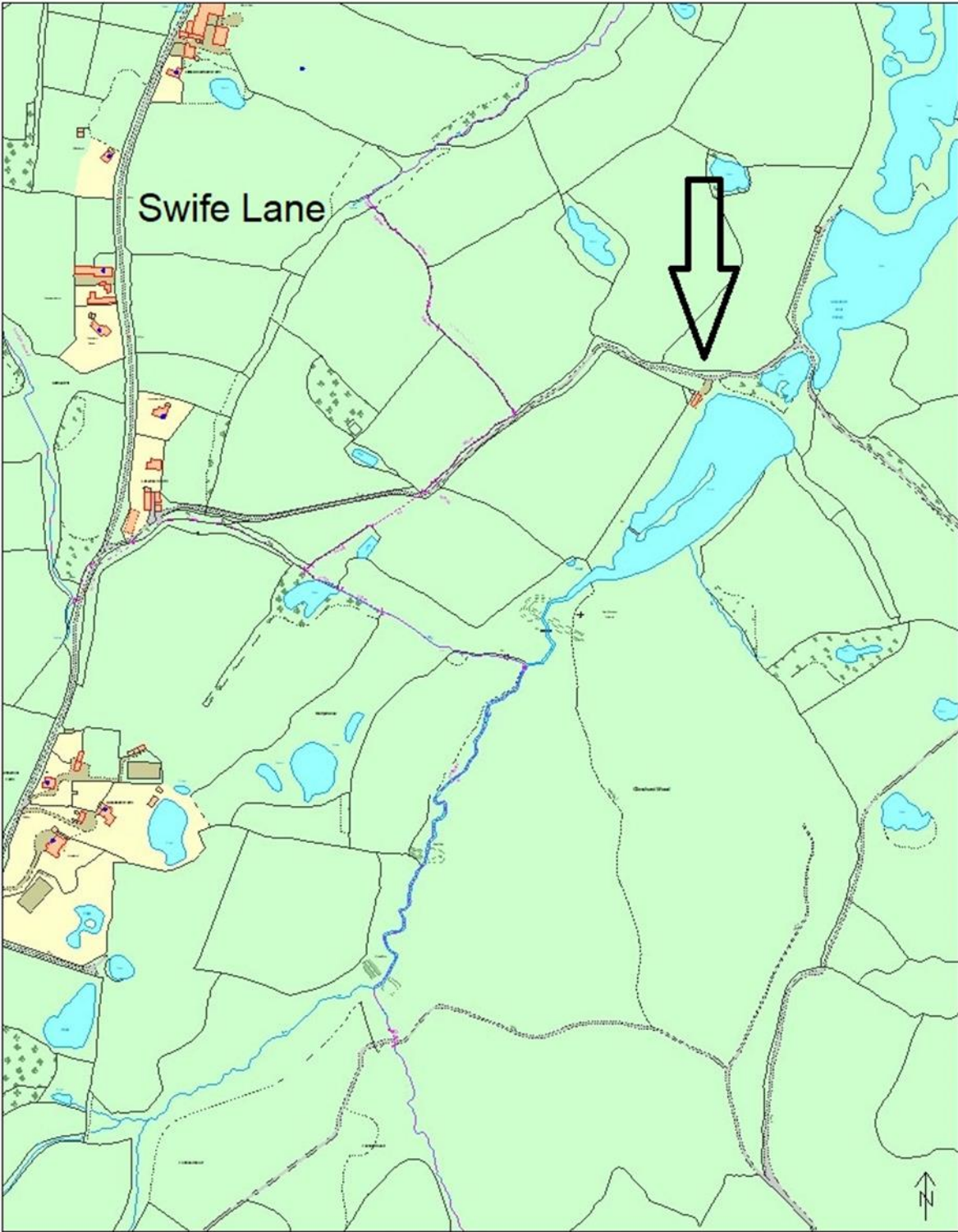
Each and every delivery must be signed for and the person delivering the alcohol must request appropriate photographic ID from the recipient if that person is believed to be under 25 years of age. If no such ID is produced the alcohol will not be delivered.

Delivery staff must be trained in delivery of alcohol and challenge 25 prior to commencing deliveries.

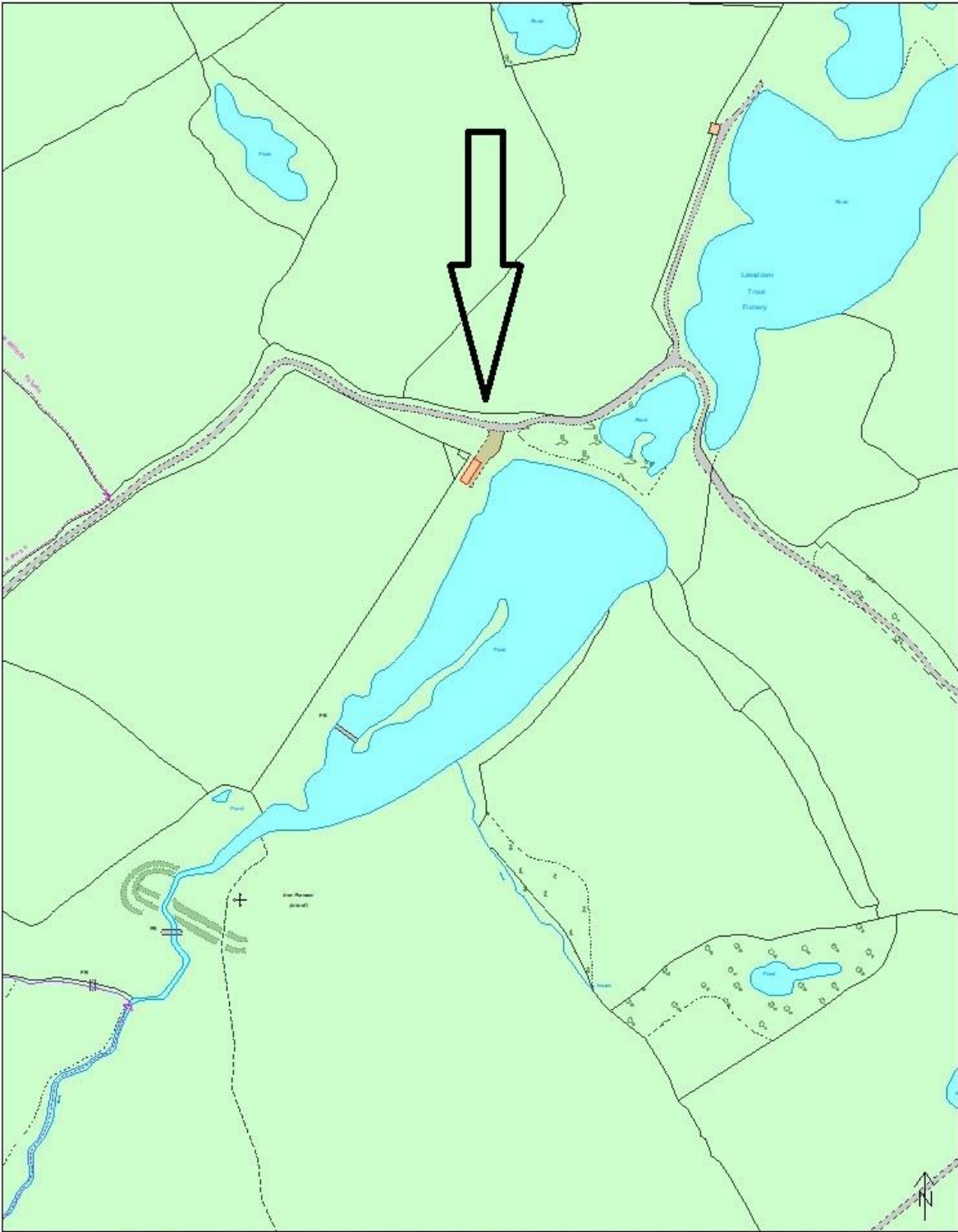
Location plan (arrow points towards the lodge).



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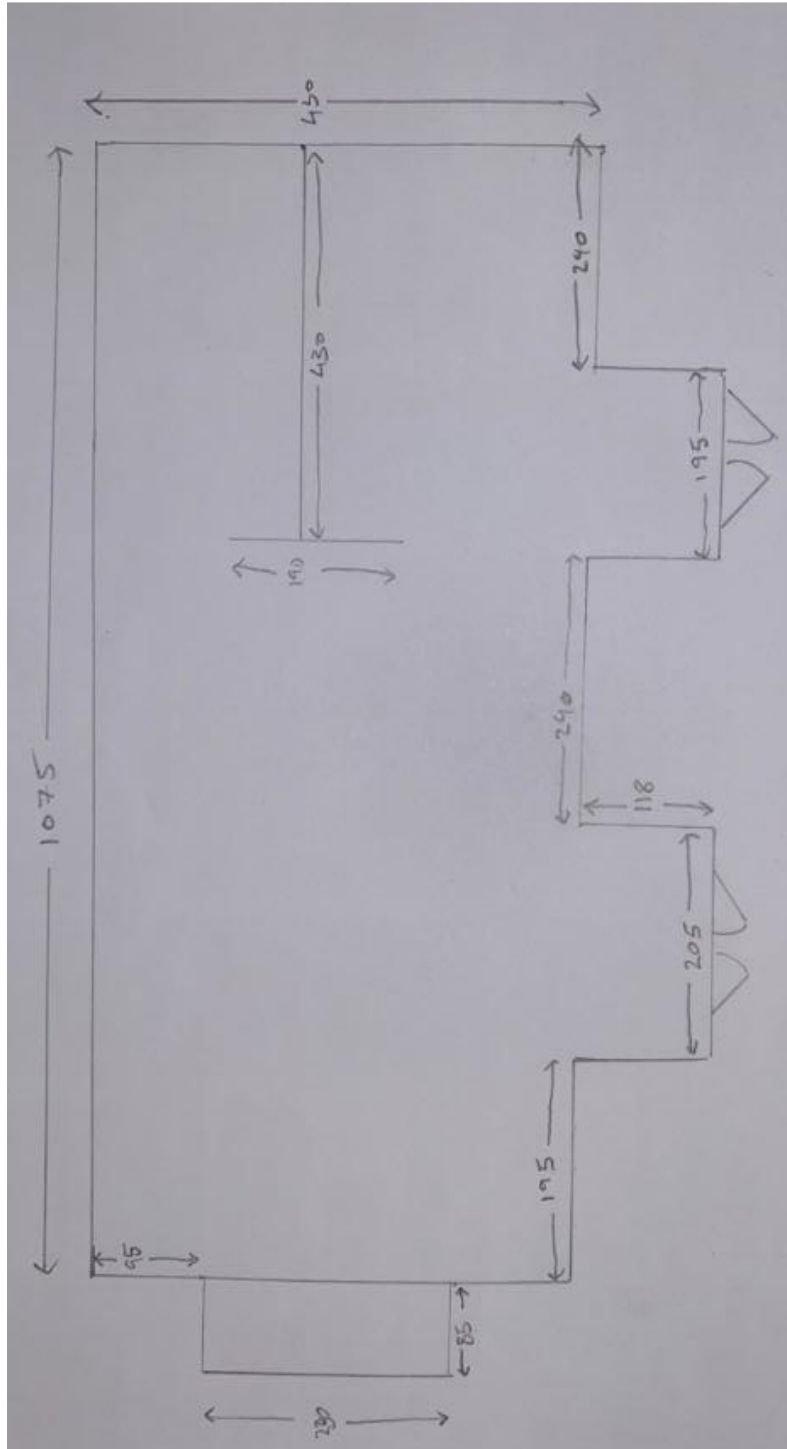
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Proposed licensed area.

The lodge:



Site plan, the circled red cross is the lodge; the dotted line indicates the area for outdoor consumption of alcohol.

