

WEALDEN DISTRICT COUNCIL
'STATEMENT OF LICENSING POLICY 2016

1. Introduction

1.1 Wealden District Council is the licensing authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the District in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. References throughout the document to the "Council" may also be taken to refer to the "Licensing Authority" as appropriate.

1.2 The District is predominantly rural in nature with a number of larger towns and villages. The sale of alcohol and the provision of entertainment are largely based around the main centres of population, with some shops, pubs and clubs scattered throughout the rural areas. The District does not have the concentration of licensed premises normally associated with larger town or city centres. In general terms, these licensed premises contribute to the local economy and assist with both tourism and cultural development. There are relatively few premises that cause noise or other nuisance or contribute to crime and disorder. This is perhaps a reflection of the success of past control measures used by the various enforcement agencies.

2. The Policy

2.1 The Licensing Act 2003 requires that the Council carries out its various licensing functions so as to promote the following four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

2.2 The 2003 Act further requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

2.3 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued under Section 182 of the Act. Whilst the Council will have full regard for both the Guidance and its own Statement of Licensing Policy, in determining individual licence applications, it may depart from either if there is good reason to do so.

3. Consultation

3.1 There are a number of groups who have a stake in the entertainment and leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function.

3.2 Before publishing its first Statement of Licensing Policy, in January 2005, the Council consulted with Sussex Police, the East Sussex Fire and Rescue Authority and bodies representing local holders of premises licences, club premises certificates, personal licences, businesses and residents in the District. In addition the draft Policy was published upon the Council's website to enable the public to view and comment on the document.

3.3 The Licensing Act 2003 requires Wealden District Council, as the licensing authority, to carry out a formal review, consultation and republication of its Statement of Licensing Policy every three years. The republished policy will set out the principles that will generally apply to promote the licensing objectives when making decisions on applications for the next three years. The Policy will remain in force for a period of not more than 3 years and will be subject to review and further consultation prior to January 2014.

3.4 Any comments upon the Council's draft revised Statement of Licensing Policy should be directed in writing to the Head of Public Health and Community Services, Wealden District Council, Council Offices, Vicarage Lane, Hailsham, East Sussex BN27 2AX or by e-mail at environmentalprotection@wealden.gov.uk All other enquiries relating to licensing matters should be directed to the Licensing Officers at the same address, by telephoning 01323 443322 or by fax on 01323 443330. Further licensing information can be found on the Council's website at www.wealden.gov.uk

4. Main Principles

4.1 It is important that applicants for both personal licences and premises licenses have read and understood the Licensing Policy when submitting applications to this Council. This will improve the quality of applications received and ensure that applicants have a clear understanding of the expectations of this Council.

4.2 Nothing in the 'Statement of Policy' will:

undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits; and/or over-ride the right of any person or body to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.

[Note: certain 'responsible authorities' are required to be sent copies of applications for premises licences as shown at Appendix A of this Policy]

4.3 Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the 2003 Act, and conditions will be attached to licences, certificates and permissions, as appropriate, that will cover matters which are within the control of individual licensees.

4.3 The aim of the policy is to strike a balance between securing the safety and amenity of residential communities and members of the public working or engaged in normal activity in and around the district and encouraging a sustainable entertainment and culture industry.

4.5 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The control of such anti-social behaviour away from licensed premises, qualifying clubs and temporary events is primarily a matter for the Police.

4.6 In this respect, the Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:

- planning controls;
- ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, the Local Strategic Partnership and other Council Services;
- regular liaison with Sussex Police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices and prosecution of those selling alcohol to people who are drunk;
- instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises;
- designation of part of the District as places where public consumption of alcohol is restricted;
- the power of the police, any other responsible authority or a local resident or business to seek a review of the licence or certificate.

4.76 The Council is currently addressing many of these issues through the Safer Wealden Partnership, in line with the strategic objectives for crime and disorder reduction within the District.

5. Crime And Disorder

5.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

5.2 The Council will expect Operating Schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business, including, where appropriate, any implications for staff safety and security.

5.3 Applicants are recommended to seek independent advice, as well as taking into account, as appropriate, local planning and transport policies and tourism, cultural and crime prevention strategies, when preparing their plans and Operating Schedules.

5.4 In addition to the requirements for the Council to promote the licensing objectives, it 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 the District.

5.5 In appropriate circumstances, the Council will attach Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder, contained in Annex D of the

Guidance issued under section 182 of the Licensing Act 2003. Any such conditions imposed may be tailored to the individual premises and the type of activities expected to take place there. The current version of the Guidance is published upon the website of the Department for Culture, Media and Sport [www.culture.gov.uk].

CUMULATIVE IMPACT

5.6 The Council will not take into account 'need' (i.e. the commercial demand for premises offering a particular type of licensable activity) when considering an application, as this is a matter for planning control and market forces. However, it recognises that the 'cumulative impact' of the number, type and density of licensed premises in a given area, may lead to serious problems of disturbance and disorder outside and some distance from the premises. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for consideration by the Council.

5.7 Representations may be received from a responsible authority / interested party that an area has become saturated with premises making it a focal point for large groups of people to gather and circulate away from the licensed premises themselves, creating exceptional problems of disorder and disturbance over and above the impact from the individual premises.

5.8 In these circumstances, the Council may consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new premises licences or club premises certificates, for example public houses, off-licences, restaurants and take-away establishments, because the area is saturated with licensed premises and the granting of any more would undermine one or more of the licensing objectives.

5.9 The Council will take the following steps when considering whether to adopt a special saturation policy:

- identification of concern from a responsible authority or representatives of residents about crime and disorder or public nuisance;
- where it can be demonstrated that disorder and disturbance is arising as a result of customers from licensed premises, identifying the area from which problems are arising and the boundaries of that area;

- consulting with relevant bodies and assessing the causes of any particular problems;
- adopting and publishing a policy about future licence applications from that area.

5.10 The Council will consider representations based both on the promotion of the licensing objectives and on the impact of the grant of the particular application. Objectors will be required to provide evidence to back up any assertion that the application in question would produce the cumulative impact claimed, taking into account that the impact will be different for premises with different styles and characteristics.

5.11 Quotas, (i.e. a defined numerical limit upon the number of premises in a defined area), will not be imposed in any circumstances, but the overall impact will be assessed and this may have an impact on the number of licensed premises in any given area.

5.12 The Council will review any special saturation policies at least every three years to see whether they have had the effect intended, and whether they are still needed.

5.13 The Council will not use such policies solely:
as the grounds for removing a licence when representations are received about problems with existing licensed premises, or,
to refuse modifications to a licence, except where the modifications are directly relevant to the policy, for example where the application is for a significant increase in the capacity limits or operating hours.

5.14 The Council recognises that the diversity of premises selling alcohol, serving food and providing entertainment covers a wide range of contrasting styles and characteristics and will have full regard to those differences and the differing impact these will have on the local community.

5.15 It therefore also recognises that, within this policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

5.16 During the first 6 years of this Policy, no particular circumstances have arisen and, at the present time, it is not considered that any of the Council's area warrants consideration of a special saturation policy.

6. Public Safety

6.1 The 2003 Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants, shops and fast food outlets/takeaways.

6.2 Each of these types of premises present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.

6.3 The Council will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek appropriate advice before preparing their plans and Schedules.

6.4 In appropriate circumstances, the Council will attach Conditions to licences and permissions to promote safety and these may include Conditions drawn from the Model Pool of Conditions relating to Public Safety contained in Annex D of the Guidance issued under section 182 of the Licensing Act 2003. Any such conditions imposed may be tailored to the individual premises and the type of activities expected to take place there. The current version of the Guidance is published upon the website of the Department for Culture, Media and Sport [www.culture.gov.uk].

7. Public Nuisance

7.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

7.2 The concerns mainly relate to noise nuisance, light pollution and noxious smells. Due regard will be taken by the Council on the impact these may have and the Council will expect Operating Schedules to satisfactorily address these issues. Applicants may wish to seek independent advice before submitting their plans and Schedules.

7.3 In appropriate circumstances, the Council will attach Conditions to licences and permissions to prevent public nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to Public Nuisance contained in Annex D of the Guidance issued under section 182 of the Licensing Act 2003. Any such conditions imposed may be tailored to the individual premises and the type of activities expected to take place there. The current version of the Guidance is published upon the website of the Department for Culture, Media and Sport [www.culture.gov.uk].

8. Protection of Children from Harm

ACCESS TO LICENSED PREMISES

8.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.

8.2 While the 2003 Act does not prohibit children from having free access to any licensed premises, the Council recognises that limitations may have to be

considered where it appears necessary to protect children from harm. No statement of policy can properly anticipate every issue of concern that could arise in respect of children with regard to individual premises and as such, general rules will be avoided. Consideration of the individual merits of each application will be used in judging such matters.

8.3 The Council will consult with the East Sussex Local Safeguarding Children Board on any application that indicates there may be concerns over access for children and will have regard to its own Child and Vulnerable Adult Safeguarding Policy.

8.4 The Council will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:

- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- those with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not the simple presence of a small number of cash prize gaming machines);
- where entertainment or services of an adult or sexual nature are commonly provided;
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

8.5 The Council will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm:

- limitations on the hours when children may be present;
- limitations on ages below 18 years;
- limitations or exclusion of children when certain activities are taking place;
- limitations on the parts of premises to which children are given access;
- requirements for accompanying adults;
- full exclusion of people under 18 years from the premises when any licensable activities are taking place.

8.6 The Council will not impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary this will be left to the discretion of the individual licensee.

8.7 The 2003 Act details a number of offences designed to protect children in licensed premises and the Council will work closely with Sussex Police and local Trading Standards officers to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.

8.8 It should be noted that certain venues, providing entertainment of an adult content, e.g. strip clubs, lap dancing and table dancing clubs, unless exempt, may require separate licensing under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Such establishments may still require

licensing under the 2003 Act, for example for the sale of alcohol, but not specifically for the provision of entertainment. The Council will expect such establishments to ensure that restricting access for children is appropriately controlled under the relevant licensing regime.

8.9 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. The Council commends the current edition of the Code to licensees and licence applicants.

ACCESS TO CINEMAS

8.10 Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.

8.11 In order to prevent children from seeing such films, the Council will impose conditions requiring licensees to restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification (BBFC). The Council will expect licensees or clubs to include in their Operating Schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.

CHILDREN AND PUBLIC ENTERTAINMENT

8.12 Many children go to see and/or take part in an entertainment arranged especially for them, for example children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.

8.13 Where a regulated entertainment is specially presented for children, the Council will consider the need to place a requirement for a specified number of adults to be present at the places of public entertainment to control the access and egress of children and to ensure their safety. The number of adults required will need to be calculated on the basis of a risk assessment by the applicant and will need to take into consideration the size of the venue, the number and ages of the

children present, the type of activity involved and any requirements included in the Children's Acts. [As a minimum, the Council would normally expect at least one adult for every 50 children present.] The Council will expect the submitted Operating Schedules to satisfactorily address this issue.

8.14 In appropriate circumstances, the Council will attach Conditions to licences and permissions to prevent harm to children and these may include Conditions drawn from the Model Pool of Conditions relating to the Protection of Children from Harm contained in Annex D of the Guidance issued under section 182 of the Licensing Act 2003. Any such conditions imposed may be tailored to the individual premises and the type of activities expected to take place there. The current version of the Guidance is published upon the website of the Department for Culture, Media and Sport [www.culture.gov.uk].

9. Licensing Hours

9.1 Fixed and artificially early closing times may promote, in the case of sales of alcohol, rapid binge drinking close to closing times and are considered by some to be a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. The Council recognises that more flexible licensing hours for the sale of alcohol should avoid large numbers of people leaving premises at the same time, which in turn could reduce the friction at late night fast food outlets and taxi ranks and other sources of transport that can lead to disorder and disturbance.

9.2 Fixed trading hours within designated areas, (known as 'zoning'), will not be set as this could lead to significant movements of people across boundaries, at particular times, seeking premises opening later, with the attendant concentration of disturbance and noise. This would treat residents in one area less favourably than those in another, as well as causing the peaks of disorder and disturbance the Act is trying to avoid.

9.3 The Council will deal with the issue of licensing hours having due regard to the individual merits of each application. However, in appropriate circumstances, consideration will be given to imposing stricter conditions to assist with noise control, especially where premises are situated in mainly residential areas. Accordingly, all residents living in the vicinity of licensed premises have the equal right to make representations concerning applications for premises licences and hours of trading and to have those representations given equal weight regardless of the area of the District in which they live.

SHOPS, STORES AND SUPERMARKETS

9.4 The Council will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are lawfully open for trading.

9.5 However, in appropriate circumstances, it may consider there are good reasons for restricting those hours, for example, where police representation is made in respect of isolated premises known to be the focus of disorder and disturbance, because youths gather there and engage in anti-social behaviour, including pressurising shop staff to make unlawful sales of alcohol.

9.6 In determining an application for a premises licence and the hours at which the premises might provide licensable activities to the public, it is not for the Council to consider such matters as the rights of the workers employed on the premises who may be asked to work longer hours. Existing protections under the Working Time Regulations, and under the normal laws of contract, make it unlawful for one party to a contract of employment to vary its terms and conditions without the other's consent, which can therefore be expected to provide adequate protection against abuse.

10. Integrating Strategies and Avoiding Duplication

10.1 The main principles of this policy are as follows:-

- to reduce crime and disorder;
- to encourage tourism;
- to reduce alcohol misuse;
- to encourage self-sufficient rural communities;
- to protect children from harm;
- public safety; and
- the prevention of public nuisance.

10.2 There are many stakeholders in the leisure industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the

licensing objectives, particularly those relating to the prevention of crime and disorder and public nuisance.

10.3 Although not directly related, many strategies deal in part with the licensing function, and the Council will ensure proper liaison with other groups for the integration of local crime prevention, planning, transport, tourism, race equality and cultural strategies.

10.4 The Council acknowledges and will take account of the principles of the Government's "Alcohol Harm Reduction Strategy for England" and the revised Alcohol Strategy published in June 2007 entitled "Safe, Sensible, Social : the Next Steps in the Alcohol Strategy", in setting its policy for licensing matters and in consideration of individual licence applications. Due regard will also be given to the East Sussex Alcohol Harm Reduction Strategy 2009 – 2012. The Council also acknowledges its responsibilities in respect of Equal Opportunities and Human Rights legislation.

10.5 The Council recognises that there should be a clear separation of the planning and licensing regimes and that a licence application should not be a re-run of a

planning application, to avoid duplication and inefficiency. It may be appropriate for the planning process to be informed, from time to time, on the situation regarding licensed premises in the District.

10.6 Because of the special rural nature of much of the Wealden District, the Council will take careful account of the circumstances of each application and will particularly consider the community benefits that might arise, where these are not outweighed by any adverse impact. Particular assistance will be given to village halls and similar community premises in relation to the disapplication of certain mandatory conditions to such premises.

10.7 The Council recognises the need to avoid so far as possible duplication with other regulatory regimes. However, some regulations do not cover the unique circumstances of certain entertainments and, in appropriate circumstances, the Council will attach Conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation. Any such conditions imposed may be tailored to the individual premises and the type of activities expected to take place there.

11. Standard Conditions

11.1 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned.

11.2 However, where considered appropriate, and necessary for the promotion of the Licensing Objectives, the Council will consider attaching Conditions drawn from the relevant Model Pools of Conditions.

11.3 Specific conditions may be attached to premises licences or Certificates issued to club premises to reflect local crime prevention strategies. Such conditions, taken from the Model Pool of Conditions, may include

- the use of closed circuit television cameras;
- the provision and use of 'stamped' shatterproof drinking receptacles;
- drugs and weapons search policy;
- the use of registered door supervisors;
- specialised lighting requirements;
- hours of opening;
- a requirement for premises supervisors to be present.

11.4 The Council strongly recommends that personal licence holders give specific written authorisation to individuals that they are authorising them to retail alcohol. The authorisation should be specific and clearly name the individuals involved.

11.5 Designated premises supervisors and the premises licence holder remain responsible for the premises at all times. The main purpose of the 'designated

premises supervisor' is to ensure that there is always one specified individual among these personal license holders who can be readily identified for the premises where a premises license is in force. That person will normally have been given day to day responsibility for running the premises by the premises license holder. It is important that arrangements are put in place to demonstrate that this responsibility is clear and effective and that a competent authorised person is in charge at all times.

11.6 The licensing authority cannot attach blanket or standard conditions under the Licensing Act, except where there are valid objections to a licence on the grounds of one of the licensing objectives, i.e. crime and disorder, public safety, public nuisance and the protection of children. The licensing authority can only attach a condition where an objection is upheld following a hearing. 11.7 Through section 19A of the 2003 Act, the government has issued Mandatory Conditions to be included in all premises licences or club premises certificates, where alcohol is sold or supplied for consumption on the premises, with the exception of activities authorised by a temporary event notice. These may be subject to amendment or may be added to over time. These do not have to be physically included in the licence or certificate and licence applicants must familiarise themselves with these.

12. Enforcement

12.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act and the Council will make arrangements to monitor premises and take appropriate enforcement action to ensure this. Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary.

12.2 The Council is working closely with Sussex Police to establish protocols to deal with enforcement matters and, if necessary, on the need for the swift and safe dispersal of people from town centres, to avoid concentrations which can produce disorder and disturbance. These will need to secure an efficient deployment of Police and Council Officers engaged in enforcing licensing law and inspecting licensed premises, in order to ensure that resources are targeted at problem and high risk premises. Liaison is also being maintained with those other inspecting agencies outlined in section 14 below.

12.3 The licensing authority accepts the principles contained within the Hampton Report, in relation to enforcement inspections, which include the following:
No inspection should take place without a reason;
Regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection.

13. Live Music, Dancing and Theatre

13.1 In implementing its cultural strategy, the Council recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community generally and particularly for children. This includes more traditional entertainments like circus and street arts.

13.2 When considering applications for such events and the imposition of conditions on licences or certificates, the Council will carefully balance the cultural needs with the necessity of promoting the licensing objectives.

13.3 Consideration will be given to the particular characteristics of any event, including the type, scale and duration of the proposed entertainment, especially where only limited disturbance may be caused.

14. Other Regulatory Regimes

14.1 This policy will attempt to avoid duplication with other regulatory regimes wherever possible. The following notes are made with regard to specific regimes:

(1) Health and Safety: licensed premises will normally have been visited by the Council's Food and Health and Safety inspection staff with regard to health and safety enforcement at the premises. Certain premises will not fall under this regime and will be the subject of health and safety enforcement by the Health and Safety Executive (HSE). This regime places a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Health and Safety at Work etc Act 1974 and associated Regulations should not be the subject of conditions unless they are necessary for the promotion of the licensing objectives. It should be noted that such regulations will not always cover the unique circumstances that arise in connection with entertainment and may include exemptions on the assumption that licensing controls will provide the necessary coverage.

(2) Fire Safety: premises and their operators will also be under general duties under current fire safety regimes, including the Regulatory Reform (Fire Safety) Order 2005, and the same comments as above apply.

(3) Food Hygiene: premises selling alcohol and/or premises engaged in a food business will be registered with the Council and subject to risk-based food hygiene inspections at regular intervals.

(4) Noise: statutory and public nuisances are dealt with by the Council's Pollution Control Officers under the Environmental Protection Act 1990 and associated legislation. Noise arising from commercial premises may often fall under this regime.

(5) Trading Standards: dealing with a range of issues, including under-age sales and test purchasing, substitution and adulteration of spirits, date-marking of food, pricing of drink, food and accommodation, together with relevant weights and

measures matters. Also involved with promoting a recognised Proof of Age scheme.

15. Administration, Exercise and Delegation Of Functions

15.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. The Licensing Committee will not be involved in taking planning decisions and the grant of planning consent will not automatically lead to a grant of a licence application.

15.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Licensing Committee will delegate certain decisions and functions and will establish Sub-Committees to deal with them.

15.3 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licences and certificates where no representations have been made, has been delegated to the Head of Environmental Health and Licensing Services (HEHLS).

15.4 The following Table sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and HEHLS.

15.5 This form of delegations is without prejudice to HEHLS referring an application to a Sub-Committee, or a Sub-Committee to Full Committee, if considered appropriate in the circumstances of any particular case.

15.6 Any member of the Licensing Committee or Sub-Committee must declare an interest in any application made for their ward (or an adjoining ward, where appropriate) and take no part in the decision.

15.7 Elected Councillors of the licensing authority are interested parties regardless of whether they reside or carry on a business in the vicinity of the premises and may therefore make representations in respect of the grant, variation or review of a premises licence. Representatives of the Town or Parish may make representations and may be invited to speak at a meeting of the Sub-Committee at the discretion of the Chairman.

15.8 The Council acknowledges that certain time limits are laid down within the legislation in respect of notification and for the determination of licence applications. However, in the case of Temporary Event Notifications, where a statutory period of only 10 working days is required to be given, the Council would prefer that at least 28 days notice be given by applicants, to enable the full impact of such events to be assessed and for any Police objection to be considered by the Sub-Committee.

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

Matter to be dealt with	Full Committee	Sub-Committee	HEHLS
Application for personal licence		If a police objection made	If no objection made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for minor variation of premises licence/club premises certificate		Not applicable – there is no hearings procedure	All cases
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises		All cases	

licence/club premises certificate			
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

Annex A

Details of Responsible Authorities

The following are those 'responsible authorities' that must be notified of applications, by means of a copy of the application provided to them by the applicant, and are entitled to make representations to the Council in relation to an application for the grant, variation or review of a premises licence:

The Chief Officer of Sussex Police, c/o Licensing Officer, Bexhill Police Station, Terminus Road, Bexhill-on-Sea, East Sussex TN39 3NR.

East Sussex Fire and Rescue Service, Fire Safety Unit, Uckfield Fire Station, Bell Farm Road, Uckfield, East Sussex TN22 1BA.

East Sussex Local Safeguarding Children Board, c/o Social Services, P.O. Box 5, County Hall, St Anne's Crescent, Lewes, East Sussex BN7 1SW.

The local enforcing authority for the purposes of the Health and Safety at Work etc Act 1974 – either the Health and Safety Executive, Phoenix House, 23-25 Cantelupe Road, East Grinstead, West Sussex RH19 3BE or the Food and Health & Safety Service, Wealden District Council, Council Offices, Vicarage Lane, Hailsham, East Sussex BN27 2AX

East Sussex Trading Standards, St Mary's House, 52 St Leonard's Road, Eastbourne, East Sussex BN21 3UU

The local planning authority – Wealden District Council, Council Offices, Pine Grove, Crowborough, East Sussex TN6 1DH

The local environmental health agency – Wealden District Council, Council Offices, Vicarage Lane, Hailsham, East Sussex BN27 2AX
Adjoining licensing authorities (where part of the premises are situated in an adjoining area).

The Council will also notify relevant Town and Parish Councils of applications within their wards. In addition, Ward Members will be notified, as soon as practicable, about events being planned in their community.