

## Application to vary a Premises Licence – Licensing Act 2003

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Wards Affected: Pease Pottage and Handcross  
Key Decision No  
Report To: Liquor Licensing Panel - 15 September 2023

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### Purpose of Report

- 1 To provide information in order that the Licensing Panel can determine an application to vary a Premises Licence.

### Summary

- 2 An application, pursuant to Section 34 of the Licensing Act 2003, has been made by Mr Trevor Steyning on behalf Handcross Social Club to vary a Premises Licence at Handcross Social Club, High Street, Handcross, West Sussex RH17 6BJ. Representations against the application have been made by a Responsible Authority, the Environmental Protection Team at Mid Sussex District Council (MSDC), and five Interested Parties on the grounds of Prevention of Crime and Disorder, Prevention of Public Nuisance, Promotion of Public Safety and the Protection of Children from harm.
  - 3 The substance of the variation application is to amend the name of the site, remove two current licence conditions and extend the times for the Performance of Live Music, the times for the Performance of Recorded Music, the times for the sale by retail of alcohol and the opening hours.
  - 4 The Panel is asked to determine the application in accordance with the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 of the Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.
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### Background

- 5 Handcross Social Club operate from premises off the High Street, Handcross and are the holders of a Premises Licence issued under Licence number PWA0361. The Licence has been issued since 5<sup>th</sup> August 2009. Prior to this time the Club was licensed under a Club Premises Certificate which was previously revoked.
- 6 Handcross Social Club is currently licensed for the following licensable activities:

Licensable Activity	Timings
A performance of dance - Indoors	Sunday 12:00 - 22:30
	Monday to Saturday 11:00 - 23:00
A performance of live music - Indoors	Sunday 12:00 - 22:30
	Monday to Thursday 11:00 - 23:00
	Friday to Saturday 19:00 - 23:00

Any playing of recorded music - Indoors	Sunday Monday to Saturday	12:00 - 22:30 11:00 - 23:00
Sale by retail of alcohol - Indoors & Outdoors	Sunday Monday to Saturday	12:00 - 22:30 11:00 - 23:00

There are further non-standard timings for all the activities which are:

Non-Standard Timings

Christmas Eve and New Year's Eve - start of normal licensing hours for the day and end at 01:00 hrs.

7 The current opening hours of the premises are:

Monday – Saturday 11:00 - 23:00  
Sunday 12:00 - 22:30

8 There are a number of conditions currently attached to this licence in addition to the Mandatory Conditions. These are:

- The use of "Challenge 25" i.e. if you don't look 25 prove you are over 18 years of age.
- A refusal/incident register to be kept and maintained and to be made available for inspection by Sussex Police as and when required.
- No 18<sup>th</sup> birthday parties.
- Children under the age of 18 years not to remain on the premises after 21:00 hours.
- If deemed necessary and with good cause then Sussex Police Licensing Unit will require CCTV to be fitted at the premises.
- Existing Club Rules to remain in force.
- All external windows and doors shall be kept closed whenever regulated entertainment takes place, except when used in the event of an emergency or to allow access and egress to the building.
- Signage shall be clearly displayed requesting customers to respect the neighbours and to leave the premises in a quiet and orderly manner. Should any customer fail to comply with this request then all reasonable steps shall be taken to ensure that a public nuisance is not created.
- The premises shall be closed and cleared of customers by 23:30 hours, Monday - Saturday and 23:00 hours on Sundays.
- Customers who go outside to smoke shall not be permitted to take drinks outside.

9 The application before the Panel is to change the name of the site from Handcross Social Club to Handcross Club, to remove two existing conditions and to amend the times for the existing licensable activities and the current opening hours.

10 The applied for variations to the current licence are detailed below:

- a) Amend name of site as follows:  
Delete 'Handcross Social Club '  
Replace with 'Handcross Club'
- b) Amend timings for Live Music  
Tuesday – Thursday 11:00 – 00:30  
Friday – Saturday 19:00 – 00:30
- c) Amend timings for Recorded Music  
Everyday 11:00 – 00:30
- d) Amend timings for Performance of Dance  
Everyday 11:00 – 00:30
- e) Amend timings Sale by retail of alcohol  
Monday to Saturday 11:00 – 00:30  
Sunday 12:00 – 00:00
- f) Amend Opening Hours  
Monday to Saturday 11:00 – 01:00  
Sunday 12:00 – 00:00

The application wishes to remove the following conditions:

Existing Club Rules to remain in force.

The premises shall be closed and cleared of customers by 23:30 hours,  
Monday - Saturday and 23:00 hours on Sundays.

It should be noted by the Panel that the application also requested the removal of the condition stating *Customers who go outside to smoke shall not be permitted to take drinks outside*. This amendment has been withdrawn by the applicant during the consultation period.

The application is appended to this report at Appendix 1 with the current premises licence at Appendix 2. The site plan, pictures of the premises, and the Premises Licence plan are at Appendix 3.

- 11 Representations have been received from a Responsible Authority, the Environmental Protection Team at MSDC, and five members of public, referred to as an Interested Parties within the Act. These representations have been made regarding all of the Licensing Objectives: the Prevention of Crime and Disorder, the Prevention of a Public Nuisance, the Promotion of Public Safety and the Protection of Children from Harm.
- 12 Representations made by the Police to some of the amendments to the current licence conditions have been resolved during the consultation period. If the Panel decides to grant the licence variation, either in full or part, I request that in addition to any other conditions felt necessary and proportionate by the Panel the amended and additional conditions agreed between the Police and applicant be attached to the varied licence.

Full details of these conditions are attached in Appendix 4.

13 The application was advertised at the site between 18<sup>th</sup> July 2023 to 28<sup>th</sup> August 2023 and published in the local newspaper on 3<sup>rd</sup> August 2023.

## 14 Representations

### Responsible Authority Representations.

#### Environmental Protection Team

The Environmental Protection Team make representations in respect of the Licensing Objective of the Prevention of a Public Nuisance.

They state that they have no objection to the principle of varying the hours but have serious concerns regarding the actual hours applied for and make the following comments:

*Representations from residents have been received, raising issues including loud talking, laughing and socialising as concerns, particularly if late at night, as well as possible ASB. We know, from having dealt with numerous complaints of this type of noise, that it can be very intrusive, causing annoyance and anxiety and is likely to disturb sleep if at night. It is established that alcohol consumption reduces inhibition, and often leads to louder voices and more boisterous social interaction. Nonetheless, we want to support local businesses where possible and it should be noted that I can find no record of previous noise complaints on the EP database. I understand that there has been one complaint to our Licensing team regarding noise, in April 2023. The club denied that it was their customers that were responsible.*

*Balancing the rights of neighbours to a reasonable level of peace and quiet, as well as the right to a good night's sleep, against the social and economic benefits of licensed premises is often a complex task, one where both sides are rarely satisfied and often neither are. With regard to the specific changes applied for:*

- Removal of the condition not allowing smokers to take drinks outside – we would object to the condition being removed, but understand that the applicant has confirmed that there is no longer any intention to remove this condition.*
- Change to allow live music until 00.30 hrs – we object to this change. Live music typically tends to be louder than recorded and by definition the volume is harder to control. Given the proximity of the residential properties, extension of live music hours is not appropriate on any day in our view as it would be likely to cause a public nuisance.*
- Sale of alcohol till 00.30 hrs Mon – Sat and 00.00 hrs Sun – we object to these hours. Customers will be using the outside area and also leaving the premises in a state of “refreshment”. From experience we know that signage, whilst it can help, is no guarantee of compliance. Customer noise would be likely to cause a public nuisance.*
- Opening hours – 01.00 hrs Mon – Sat and 00.00 hrs Sun - we object to these hours. Customers will be using the outside area and also leaving the premises in a state of “refreshment”. From experience we know that signage,*

*whilst it can help, is no guarantee of compliance. Customer noise would be likely to cause a public nuisance.*

- *Change to allow recorded music till 00.30 hrs – we have no objection to this change in principle, but it will need to match the opening hours.*

*Those who live near to licensed premises must accept that there will sometimes be an element of noise and disturbance. Nonetheless, these types of premises should not be given free reign to do as they wish - the licensing objectives make it clear that there are limits and there is clearly a responsibility to have due regard to residential neighbours.*

The Environmental Protection Team did propose that if the Handcross Club amended the application so that the times for licensable activities between Sunday and Thursday remained as on the existing licence, and the times for licensable activities on Friday, Saturday and any Sunday followed by a bank holiday Monday were amended to recorded music until 00.30 hrs, sale of alcohol until 00.00 hrs and opening until 00.30 hrs, they would be able to resolve and withdraw their representation. This proposal was not accepted.

Their representation in full is attached to the report at Appendix 5.

## 15 Interested Party Representations

### Gail Boustead

Gail Boustead has made representations on the grounds of the Prevention of a Public Nuisance. The representation states:

*My property backs on to Handcross Club and I have concerns about the noise that may be generated by the extended hours being requested Monday to Friday and on Sunday. I feel they should keep to "normal" licencing hours of 11am to 11pm certainly on Mondays through to Thursdays and on Sundays. I would be accepting of extended hours on a Friday and Saturday but not during the week. My bedroom is to the rear of the property and I am aware of any noise coming from the Club late at night. I do not feel there is a call for such hours in the village at the moment. I do not understand how they feel the need to make such an application when the hours they are currently open for are limited to normally on a Friday evening, a couple of hours mid-day on Saturday and Sundays and Saturday night; they might be open on other nights during the week but I don't think it is every night.*

*Basically, my objection is on the grounds of possible excessive noise on leaving late at night.*

Gail Boustead's representations are attached at Appendix 6.

### Elizabeth Scott

Elizabeth Scott has made representations on the grounds of the Prevention of a Public Nuisance.

The representation states that her rental property is next door to the club. She has lived at the property since April and during that time has twice had cause to complain to the club regarding noise of people outside the club making a

noise smoking, talking and drinking until 1 or 2am. She states that she has also been sworn at when she has asked for the people outside to be quiet.

She states that with the extended hours she feels that she would not be able to get a decent night sleep due to the noise of people smoking and drinking outside late at night.

Elizabeth Scott's representations are attached at Appendix 7.

### Marianne Butler

Marianne Butler has made representations under all four of the licensing objectives.

The representations state in general:

*This licensed premises has residential houses very close to its perimeter walls on three sides. It has been a noisy site in the past, customers making a noise inside and outside and I have complained to the Council about this several times in the last few years.*

*More recently since 21<sup>st</sup> April there have been two incidents of excessive noise at 1am and one at 2am which also involved foul language directed at a resident when they were asked to keep the noise down.*

*It is concerning that they are seeking to vary their licence to sell alcohol and have live and recorded music until half past midnight every night apart from midnight on a Sunday. This will create noise in a quiet neighbourhood.*

The representation then addresses the application in relation to the application of the four licensing objectives. It states in detail that the measures outlined to promote the objectives within the application are confusing and do not address how they will be promoted.

It draws the Panel's attention to the Mid Sussex District Council Licensing Policy in respect of granting permission for the use of outside areas beyond 2300 hours and makes comment that there are no exceptional circumstances outlined within the application.

In respect of the Prevention of a Public Nuisance the representation states:

*An increase in the times for Live and Recorded Music until half past midnight when the ambient noise levels in the neighbourhood are very low has the very real potential to cause a public nuisance. This is especially highlighted here as the applicants have not addressed how they intend to prevent a Public Nuisance from taking place let alone preventing noise escape from the site.*

The representation concludes with the following:

*This application seeks to allow the premises, subject of a number of complaints about it and it's customers behaviour, an extra 90 minutes (60 on Sundays) for the sale of Alcohol and provision of entertainment by Live and Recorded Music.*

*The application is poorly drafted, confusing and does not offer any detail to indicate how the owners will promote the Licensing Objectives should the variation be granted. This indicates a complete lack of understanding of the Licensing Act and its basic tenet – The Licensing Objectives.*

*One wonders with this apparent lack of knowledge and understanding whether they are fit to run the premises as it currently exists.*

*Mid Sussex District Council's Licensing Policy at Section 9.5 states:*

*Future applicants for licensable activities beyond 23:00 hours will be expected to specifically demonstrate how they intend to address the licensing objectives of Crime and Disorder and Public Nuisance.*

*This application does not address these points in any way shape or form. It is for this reason, if the variation is granted as applied for, the likely effect will be the Licensing Objectives being compromised as outlined above.*

*I ask that you do not allow them to extend their opening hours and you ensure they comply with their current licensing conditions as they have clearly not been doing so to date.*

Marianne Butler's representations are attached at Appendix 8.

Michael and Sara Atkinson

They have made representations on the grounds of Prevention of a Public Nuisance and the Prevention of Crime and Disorder.

They state that the club is at the bottom of their garden and that over the past few years the club has been well run and hasn't caused them any nuisance or cause to complain.

They are concerned about the extension of the licence to allow activities into the early morning. In particular they state:

*As mentioned above, the club has been run well over the last few years and is a good village community amenity, whereas a few years ago when, presumably, it had a late licence, there were numerous problems with noise at late hours and, often, the police had to attend because of public disorder when people were exiting the premises.*

*It would be a great shame to see the club transformed from a valuable village/local asset to a late night drinking venue/late night music venue probably attracting customers from a greater catchment area.*

*We consider that we are close enough to the club to be severely disturbed if the licence is changed and therefore wish to lodge an objection, but we do wish to be able to continue to support the club in its current format, which we consider to be appropriate for its present setting in the middle of a number of private houses.*

Michael and Sara Atkinson's representations are attached at Appendix 9.

## Mandy Cuss

Mandy Cuss has made representations under all four of the licensing objectives. The representation states:

*With regard to the application for variation of licensing of the Handcross social club, please know that I object on all fronts.*

*I have a family of five with three teenagers; we have lived right next door to the premises for nine years. There have been many occasions over the years in which we've been disturbed throughout the evenings and well into the wee hours of the morning with loud people, fighting, drunken behaviour and cars revving.*

*Handcross is a small village. My husband was born here. We moved here with our Children to provide a safe and wholesome environment in which to grow up. Our neighbourhood houses 16 children under the age of 18. Listening to drunk people fight and carry on whilst smoking and partying outside their bedroom windows late at night all week goes against this and is incredibly disruptive to the resting and sleeping patterns of children and adults alike.*

*Why does a small village need a social club seven days a week into late hours for drinking, essentially a bar-type environment? It's essentially an application for a nightclub in a small, quiet village. We value the contributions a club can add to a community, but this variation goes against the well-being of the community with the addition of increased alcohol consumption and loud music, general disorder and increased likelihood of disruption to residents.*

Mandy Cuss' representations are attached at Appendix 10.

## **Policy Context**

### 16 Determination of Application for the Variation of a Premises Licence

The Panel must determine the application in accordance with the Licensing Act 2003 (LA03), MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions, relevant representations, and the Hearing Procedure under which the panel operates.

### 17 Section 34 of the LA03 deals with applications for the variation of a premises licence.

Section 34 Application to vary premises licence.

(1) The holder of a premises licence may apply to the relevant licensing authority for variation of the licence.

(2) Subsection (1) is subject to regulations under—

(a) section 54 (form etc. of applications etc.);

(b) section 55 (fees to accompany applications etc.).



(3) An application under this section must also be accompanied by the premises licence (or the appropriate part of that licence) or, if that is not practicable, by a statement of the reasons for the failure to provide the licence (or part).

(4) This section does not apply to an application within section 37(1) (application to vary licence to specify individual as premises supervisor).

18 Section 35 LA03 deals with the determination of the application:

(1) This section applies where the relevant licensing authority—

(a) receives an application, made in accordance with section 34, to vary a premises licence, and

(b) is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section.

(2) Subject to subsection (3) and section 36(6) the authority must grant the application.

(3) Where relevant representations are made, the authority must—

(a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers appropriate for the promotion of the licensing objectives.

(4) The steps are—

(a) to modify the conditions of the licence;  
(b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

(5) In this section, “relevant representations” means representations which—

(a) are about the likely effect of the grant of the application on the promotion of the licensing objectives and

(b) meet the requirements of subsection (6),

(6) The requirements of are—

(a) that the representations were made by a responsible authority or other person within the period prescribed under section 17(5)(c) by virtue of Section 34(5)

(b) that they have not been withdrawn, and

(c) in the case of representations made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

19 Supplementary Provisions about determinations under Section 35

Supplementary provision about determinations under section 35

(1) Where an application (or any part of an application) is granted under section 35, the relevant licensing authority must forthwith give a notice to that effect to—

(a) the applicant,

(b) any person who made relevant representations in respect of the application, and

(c) the chief officer of police for the police area (or each police area) in which the premises are situated.

(2) Where relevant representations were made in respect of the application, the notice under subsection (1) must state the authority's reasons for its decision as to the steps (if any) to take under section 35(3)(b).

(3) The notice under subsection (1) must specify the time when the variation in question takes effect.

That time is the time specified in the application or, if that time is before the applicant is given that notice, such later time as the relevant licensing authority specifies in the notice.

(4) Where an application (or any part of an application) is rejected under section 35, the relevant licensing authority must forthwith give a notice to that effect stating its reasons for rejecting the application to—

(a) the applicant,

(b) any person who made relevant representations in respect of the application, and

(c) the chief officer of police for the police area (or each police area) in which the premises are situated.

(5) Where the relevant licensing authority determines for the purposes of section 35(6)(c) that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.

(6) A licence may not be varied under section 35 so as—

(a) to extend the period for which the licence has effect, or

(b) to vary substantially the premises to which it relates.

(7) In discharging its duty under subsection (2) or (3)(b) of that section, a licensing authority may vary a premises licence so that it has effect subject to different conditions in respect of—

(a) different parts of the premises concerned;

(b) different licensable activities.

(8) In this section “relevant representations” has the meaning given in section 35(5).

## 20 Relevant Representations

The Licensing Act 2003 requires representations to address the four Licensing Objectives which are:

1. Prevention of Crime and Disorder
2. Promotion of Public Safety
3. Prevention of Public Nuisance
4. Prevention of Harm to children and young persons

21 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).

22 Guidance Issued Under Section 182 of the Licensing Act 2003:

### 9.3

Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant, the licensing authority’s discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious. Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

### 9.4

A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives.

For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

#### 9.5

It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

#### 9.9

It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

#### 9.12

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>5</sup>. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

#### 9.37

As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

#### 9.38

In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;

- Guidance issued under Section 182 Licensing Act 2003;
- its own statement of licensing policy.

#### 9.41

In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

#### 9.42

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

#### 9.43

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

#### 9.44

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. .... The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

### 23 Mid Sussex District Council – Statement of Licensing Policy

#### 9.1

All applications will be considered on their individual merits. It is recognised that flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. The Authority needs to create a balance between the aspirations of the businesses and the concerns of the local community.

#### 9.3

We recognise that businesses may wish to open later and diversify the range of entertainment they offer. The Authority and other Responsible bodies will consider applications for late night regulated entertainment on their merits but

will seek safeguards through licence conditions to ensure the licensing objectives are upheld.

9.5

Future applicants for licensable activities beyond 23:00 hours will be expected to specifically demonstrate how they intend to address the licensing objectives of Crime and Disorder and Public Nuisance.

9.6

The Licensing Authority is not prepared to grant permission for outside patio/garden areas to be used by the public beyond 2300 hours throughout the district other than in exceptional circumstances. We do not consider a record of good management or financial considerations to constitute exceptional circumstances.

### **Other Options Considered**

- 24 In order to lawfully provide licensable activities as applied for, they must be conducted under the authority of a Premises Licence.

### **Financial Implications**

- 25 The final decision made by the Panel in this matter is subject to appeal in the Magistrates Court by any party to the proceedings.

### **Other Material Implications**

- 26 Section 136 Licensing Act 2003 – A person commits an offence if he carries on or attempts to carry a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or he knowingly allows a licensable activity to be so carried on.
- 27 A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine or both.

### **Sustainability Implications**

- 28 None

### **Background Papers**

Appendix 1 – Application Form  
Appendix 2 – Current Premises Licence and plan  
Appendix 3 – Site Plan and Site Photos  
Appendix 4 – Agreed revised conditions

### **Representations**

Appendix 5 – Representation – Environmental Protection Team  
Appendix 6 – Representation – Gail Boustead  
Appendix 7 – Representation – Elizabeth Scott  
Appendix 8 – Representation – Marianne Butler  
Appendix 9 – Representation – Michael and Sara Atkinson  
Appendix 10 – Representation – Mandy Cuss

Extract of agreed hearings procedure