

**Minutes of a Meeting of the Mid Sussex District Council Liquor  
Licensing Panel held on Tuesday, 27th August 2013  
from 10.00 a.m. to 12:47 p.m.**

- Present: Councillors:** Peter Reed (Chairman)  
Jacqui Landriani  
Bob Mainstone
- Officers in attendance:** Sally Blades, Committee Co-Ordinator (PA to the Chairman of  
the Council)  
Franca Currall, Assistant Solicitor to the Council  
Paul Thornton, Senior Licensing Officer
- Also in attendance:** Bijoux Bar  
Sophie Bailey and Sarah Palser, Directors of Haywards Heath  
Leisure Limited (Applicants)  
Shane Cook, Bridgegate Security (Applicant's Representative)
- Sussex Police  
Jean Irving, Sussex Police Licensing and Safety Manager  
Peter Savill (Counsel)  
Sergeant Tony Jarred, Sussex Police

**Also Present:** Councillor Ginny Heard.

**LS.9 SUBSTITUTES AT MEETINGS OF COMMITTEES ETC. - PROCEDURE RULE 4**

None.

**LS.10 APOLOGIES FOR ABSENCE**

None.

**LS.11 DECLARATIONS OF INTEREST**

Councillor Landriani declared a personal interest in this item as she is married to an employee of Sussex Police who is not involved in licensing.

**LS.12 OBJECTION TO TRANSFER OF PREMISES LICENCE – LICENSING ACT 2003**

Paul Thornton, Senior Licensing Officer introduced the report. He explained that, under the Licensing Act 2003, an objection had been received from Sussex Police for the transfer of a Premises Licence at Bijoux Bar, previously known as Q Ba in The Broadway, Haywards Heath.

He recalled a number of incidents which had taken place at the premises and pointed out that, on 7th May 2013, a Liquor Licensing Panel had revoked Q Bar's licence because of instances of assaults and drunkenness and disorder at the premises. He added that an appeal against this decision had been made by the Applicants, which is due to be heard on 6th January 2014 at Horsham Magistrates Court. He

pointed out that, currently, both Graeme Davies and Dean Austin were still the Premises Licence holders.

On 16th July a completed application had been received from both Sarah Palser and Sophie Bailey to transfer the licence to which Sussex Police have objected.

Mr. Thornton explained that the Notice has been served correctly and that, once the application is made to transfer the licence, then both Mrs. Bailey and Mrs. Palser are licence holders until the final determination is made. Any decision made today could be appealed and then heard by the Magistrates Court whose decision is final.

He then referred Members to the recommendations in the report and the options before them.

#### Submission by the Objector

Mr. Savill, Counsel to Sussex Police, referred to the letter of objection submitted by Sussex Police and sought assurance from the Panel that they had seen the supplementary pack of evidence in support of their objection.

He said that this is a slightly unusual position is that Police can only object in certain circumstances. This exception being crime prevention, which, in their opinion, would be undermined by granting the transfer of the licence. He referred to the meeting of the hearing when the Police asked for the revocation of the licence. The Panel agreed to their request and revoked the licence.

He added that this is a serious case. There has been more contact with this establishment than any other premises in the area. The prevention of crime and disorder had been undermined and the premises have a bad reputation.

Mr. Savill said that what is needed is a clean break with the past and experienced management to be put in place to turn the premises round. It is important to promote the crime prevention objective. Both of the applicants have a lack of experience. The concern is that there is an overlap as to what has gone on before and what is now. Sarah Palser was involved in running the premises before and referred to evidence to support this. He also referred to concerns expressed by PC King in his Witness Statement.

It has also come to the attention of the Police that Sophie Bailey is the daughter of Graeme Davies, former licence holder. She has also previously been in a relationship with Mr. Austen, the Dedicated Premises Supervisor (DPS).

Mr. Savill referred to the overlap and added that there has been no application to change the DPS. If this application is granted then the DPS will remain as Mr. Austen. Mr. Austen also remains as the leaseholder. The concern of the Police is that there was a restriction in place to prevent Mr. Austen to dispose of the lease. This has now been allowed. Mr. Austen still remains as DPS and Licence holder.

Mr. Savill referred to Mrs. Bailey and Mrs. Palser's previous occupations and said there is nothing to allay the concerns expressed by the Police regarding the licence. Neither of them have hands on experience.

### Questions from the Panel

The Chairman asked whether there had been any further incidents recorded.

Sgt. Jarred reported that there had been reports of drunkenness and one of sexual assault but there is an issue over CCTV evidence. He added that since the review, the premises are having a facelift which has resulted in a drop of customers.

Another Member referred to the difficulty in obtaining the CCTV evidence. Sergeant Jarred explained the circumstances. He also confirmed that CCTV is part of the licencing conditions and referred to the conditions attached to the Premises Licence.

One Member sought clarification on the remark "would like to see a clean break". Mr. Savill explained that the people involved in the running of premises now had been involved before, they are not new. These people have management responsibilities and they should be promoting the law. These people fell down badly before.

### Question from The Applicants Representative

Mr. Cook asked Sergeant Jarred who was sent to obtain the CCTV evidence. Sergeant Jarred said that he did not know.

Sergeant Jarred, in response to a question from Mr. Cook confirmed that there were no records of assault. There were accounts of drunkenness and one sexual assault.

Mr. Cook explained that management had not been pre-warned about the visit and when the PCSO's arrived they did not know the date and time of the sexual assault.

In response to a question Mr. Cooke confirmed that the PCSO's were in uniform. He also confirmed that CCTV evidence could not be handed over now because of the time lapse.

### Submission by the Applicants Representative

Mr. Cook confirmed that the Company he works for had nothing previously to do with the premises. He explained that he is an ex-Police Officer reaching the rank of Sergeant. He confirmed that since the premises have been taken over by the applicants the establishment had changed. Although neither applicants have hands on experience they do have the benefit of life experience. He confirmed that Mr. Davies has nothing to do with the premises and has not been around for two years.

He did not have any idea why the DPS had not been changed. If the Licence is granted, then DPS will be changed. Mr. Austen has not been anywhere near the premises. Its reputation has changed and the numbers have gone down. There are 200 people on Friday and Saturday nights and the clientele has changed. The Lease can now be disposed of but the Applicants do not want to take it over if the licence is not granted. He added that numerous changes have been made and risk assessments put in place.

### Questions from the Panel

In response to a question from a Member as to what training has been undertaken and what has been gained from this training Mrs. Bailey confirmed that she has passed her BII and that she has put a lot of time and effort into transforming the bar.

Mrs. Palser confirmed that she has passed her BII and that she is the one who is mostly present at the premises. She confirmed that the number of customers has gone down, people who are not considered appropriate are not allowed entry.

It also hoped to get the kitchen up and running. She confirmed that all the staff employed were the original ones.

In response to another question from a Member as to how she proposes to change the culture to over 21's she said that she hoped to serve food to discourage younger people and make it more appealing to older clients.

Mrs. Bailey added that there would be no drinks promotion but she is trying to incorporate events. She is trying to get away from drinking at the bar and a nightclub atmosphere. Staff training has been undertaken as well as risk assessments. She confirmed that all staff have embraced the changes.

Mrs. Palser confirmed that the bar is upping the age of admittance to 21. In response to a question from a Member the Senior Licensing Officer confirmed that it is up to each individual premises as to what scheme they run. The majority are Challenge 25. Mrs. Palser confirmed that if anyone looks under 25, then they are challenged by the door staff. The door staff have been briefed accordingly.

#### Questions from Members of the Panel

In response to a question from a member of the Panel as to how much time is spent on the premises, Mrs. Palser confirmed that she is there in the week,. She is there more than anyone else. She is either front of house or with the door staff. Both Mrs. Bailey and Mrs. Palser are present at weekends. Mr. Cook confirmed that he visits the premises about every two weeks. He has other premises to visit. He added that he is looking at training all staff.

In response to a question from a Member, Mr. Cooke confirmed that there is a front door list which gives the in and out times and the door staff on duty. Mr. Cook said that he was happy to show incident book and handed it over to the Panel to view.

In response to a question from a Member, Mr. Cooke clarified that Mr. Austen is still the DPS but both Mrs. Bailey and Mrs. Palser do not want him there.

Another Member referred to the "clean break" and asked whether Mrs. Bailey and Mrs. Palser saw any advantage in having been involved in the former company. Mrs. Bailey confirmed that Mr. Davies is her father. He was not running the company when the incidents occurred. When he was he had been very strict. With regards to Mr. Austen she had known him many years. It is just Idle gossip that she had been in a relationship with Mr. Austen and any reference to this should be removed from the record.

Mrs. Palser confirmed that she was not involved with Q Ba, she was appointed to do accountancy work. She had lived in area all her life. She added that knowing how the bar works is an advantage and she is looking to move forward.

#### Questions from Sussex Police

Mr. Saville asked why Mr. Austen is still the DPS. Mrs. Bailey said that if the licence were to be transferred he would be removed immediately.

Mr. Cook explained that it is not viable to take over the premises if lease is revoked. The ladies want rid of Mr. Austen.

Mr. Savill asked whether the applicants are trying to keep the premises open whatever. Mr. Cook denied this and said that both Mrs. Bailey and Mrs. Paulser are trying to turn the premises around.

In response to a question Mrs. Paulser explained why door entry needs to be overseen by her. She confirmed that she wants people to see that she is hands on. Mrs. Bailey confirmed that her father carried out that role before, the door staff are still doing their job. Mr. Cook confirmed that with Bridgegate Security 95% of units employ this way of working.

Mr. Savill asked about policy and training and whether there are any written policies. Mr. Cook did not have any to hand, but he confirmed that yes there are policies and they are being worked on since the takeover. He confirmed that the company are looking to train to NVQ standard.

Mr. Savill asked whether the shareholders of Haywards Heath Leisure are just Mrs. Bailey and Mrs. Paulser and where the capital comes from. He went on to ask where travel expenses come from.

With regard to the Lease Mr. Savill asked why Mrs. Bailey and Mrs. Paulser had not got into pre-contract negotiations and heads of agreement adding that this is a perfectly common thing to do.

Mr. Savill referred to the incident and Mr. Cook confirmed that no-one was aware of the incident until the PCSO's has asked for the CCTV footage. He added that if had been reported the footage would have been kept. It would have been burned off and kept for year.

Mr. Savill sought clarification that the PCSO's did not know what they wanted the CCTV for. He asked whether anyone rang the Police. Mr. Cook said no, it was down to PCSO's to contact Police, he did not want to belittle them.

Mrs. Paulser confirmed that nothing was heard back about this incident for another two weeks.

#### Questions from the Panel

In response to a question from a Member, Sergeant Jarred confirmed that the young lady left the premises and called the Police the next day because she was so intoxicated that evening.

Sergeant Jarred said that staff should know and that positive steps are taken to secure CCTV footage. Mr. Cooke said that they were not aware of the incident so they could not deal with it. If they had been aware they would have dealt with it.

Mr. Savill summed up the concerns as follows:

1. Evidence of problems with CCTV and drunkenness resulting in overlapping management and overlap problems.

2. Although it is accepted that both Mrs. Bailey and Mrs. Palser do have experience in running bars, life experience does not count for anything when running a premises.
3. Ever present feature of Mr. Austen. Leaseholder and DPS who did things so badly and broke the law so fundamentally. The evidence is implausible, it gives Police no confidence. Either put in a new application or get a new licence.
4. The premises should be shut and then apply for a Licence.

Response by the Applicant's Representative

Mr. Cook said that drunkenness will never go away. The incident with the CCTV is a one off occurrence, it is not the Applicants fault .

The Applicants now have BII qualifications. Since May the premises have changed. He understands the Police concerns regarding the DPS. If this application is granted then an application will be submitted this afternoon to remove him. The Applicants are trying to turn the premises round.

**The meeting adjourned at 11.15 a.m. to consider the application  
and reconvened at 12.45 p.m. to deliver their decision**

The Chairman said that the Licensing Panel applaud the attempt at changing the overall culture of the organisation e.g. change of door supervisors; staff training; new seating and change of clientele. They are, however, concerned about the continuous presence of Mr. Austin and his perceived influence and the fact that he remains leaseholder and DPS and is present at all times.

The Panel believes that the premises would benefit from a clean break with a new start to really enforce the new ideas the applicants are promulgating. Therefore the Panel's decision is to allow the objection and reject the application as made.

**RESOLVED**

That the objection be allowed and the application, as made, be rejected.

The Chairman announced that the Decision Letter, giving full reasons, will be sent out within five working days. On receipt of the Decision Letter, all parties will have 21 days to appeal to the Magistrates Court at Brighton.

Chairman.

**Minutes of a Meeting of the Mid Sussex District Council Liquor  
Licensing Panel held on Monday, 16th September 2013  
from 10.30 a.m. to Noon**

**Present: Councillors:** Richard Goddard (Chairman)  
Bruce Forbes  
Ginny Heard

**Officers in attendance:** Sally Blades, Committee Co-Ordinator (PA to the Chairman of the Council)  
Franca Currall, Assistant Solicitor to the Council  
Nick Jenkins, Environmental Protection Team  
Sarah Sheath, Senior Planning Officer  
Paul Thornton, Senior Licensing Officer

**Also in attendance:** Christen Monge, the Applicant  
Stephen Thomas, Applicant's Representative

Interested Parties

Sarah Stokes  
Mrs. Shaw on behalf of Michael Neal and Simon Jackson  
Mr. and Mrs. Blackburn

**Also Present:** Fiona Spears and Yvonne Leddy.

**LS.13 SUBSTITUTES AT MEETINGS OF COMMITTEES ETC. - PROCEDURE RULE 4**

None.

**LS.14 APOLOGIES FOR ABSENCE**

None.

**LS.15 DECLARATIONS OF INTEREST**

Councillor Forbes declared a personal interest as he had visited the premises, but had not pre-determined the application.

Councillor Goddard declared a personal interest as he had met one of the Interested Parties, Mrs. Shaw, on a previous occasion.

Councillor Heard declared a personal interest as she had visited the premises, along with the local Member of Parliament in 2012.

**LS.12 APPLICATION FOR THE GRANT OF A PREMISES LICENCE – KINGSCOTE VINEYARDS LLP, MILL PLACE FARM, VOWELS LANE, EAST GRINSTEAD. RH19 4LG**

Paul Thornton, Senior Licensing Officer informed the meeting that there had been a change made to the application in that the request for regulated entertainment had

been withdrawn and the sale of alcohol had been amended from 0900 hours to midnight Monday to Sunday to 0900 hours to 2100 hours every day. The Applicant's representative confirmed to the meeting that this was the case.

The Senior Licensing Officer outlined the application and explained that Kingscote Vineyards is situated off Vowels Lane in East Grinstead and is a high quality wine producer who aims to provide winery tours. There is a small shop on site that aims to sell wine produced from the estate and from other English wine estates. A 14th century barn has recently been rebuilt and will provide a visitor centre that sells wine as well as providing facilities for corporate events.

During the consultation period Sussex Police and the Council's Environmental Protection Team, in agreement with the Applicant, agreed a number of conditions for the licence, should it be granted, particularly in relation to the outbreak of noise. The Police had also agreed with the Applicant the reduction of the licensable area. These conditions, should the application be granted, would form part of the licence.

The Senior Licensing Officer explained that there were nine valid representations received, relating to noise disturbance. He informed the meeting that a number of these representations had also referred to planning restrictions, but he reminded Members that they could only consider those matters that address the four licencing objectives; the other representations must be disregarded.

#### Submission by the Responsible Officer

Sarah Sheath, Senior Planning Officer informed the Panel that planning permission for the premises was granted in August 2012. The new winery is subject to planning conditions. Conditions 2. and 5. of the planning approval restrict the use of the barn quite tightly and this licensing application does conflict with the planning conditions imposed. If the Licence is granted today, then planning approval will need to be sought.

#### Submission by the Applicant's Representative

Mr. Thomas informed the Panel that the Applicant, Mr. Monge, is very concerned that he has created the wrong impression and would like to make a statement to the Panel in support of this application. He explained that the Applicant is very nervous as he had not attended a hearing before.

Mr. Monge apologised for having created the wrong impression. He explained that he had worked very hard on the vineyard. He added that he had restored the barn in close consultation with planning. He explained that he aimed to sell high quality wine and that it was his ambition that every visitor would leave knowing more about wine. He added that the premises would not just sell alcohol and confirmed that Personal Licence holders had all received training and obtained their licences.

Mr. Thomas added that his client had worked very hard and explained that the application under the Licensing Act sought the sale of alcohol from 9.00 a.m. to 9.00 p.m., purely to provide flexibility for the business to survive.

He explained the background to the venture and said that the applicant had spent the past five years establishing the vineyard. The Applicant had had little or no income and the family's survival depends on the business going forward. He reiterated that the Applicant is concerned about his neighbours.



Mr. Thomas explained that regulated entertainment had been removed completely from the application and the hours of sale of alcohol curtailed. He added that visitors cannot just turn up, they can only visit by prior appointment or attend a pre-booked event.

Mr. Thomas confirmed that the premises lie close to a number of tourist attractions and it is his client's intention to create a fine wine tasting experience. Discussions have been held with local businesses and small groups of people about events in the barn and he referred to the type of facilities available at the premises.

With regard to the planning issue, pre-application discussions are on-going. He referred to the licensing application before Members and confirmed that the Applicant is happy to accept the conditions suggested by both the Police and the Environmental Protection Team. He reiterated the conditions given up by his client.

At this point of the meeting, and with the Chairman of the Panel's agreement, the Applicant's representative distributed letters of support for the application to the meeting.

#### Submission by the Interested Parties

Sarah Stokes, the occupier of Brook Cottage said that she lived 180 metres from the site. Her property is affected by noise and disturbance by parties of people coming and going and she spoke of how noise travels. She likes to sit in her back garden which is a peaceful environment.

Mrs. Shaw, on behalf of Michael Reed and Simon Jackson, near neighbours, also spoke about how noise travels. She added that it is not easy to regulate noise and the premises is set in a quiet peaceful valley. The business can operate during daytime hours, anything beyond that will not work.

Mrs. and Mrs. Blackburn said that their concerns were similar to the others and that the Panel does not have the jurisdiction to limit events. There will be noise from amplified music and people leaving the events. There will also be deliveries made to the premises. It will affect their way of life.

Mr. Blackburn added that there is no planning permission of any kind. If Mr. Monge had applied before this application then everyone would know what event he would be holding. He added that many objectors could not attend. Mr. Blackburn confirmed that he had told Mr. Monge that he wanted to see his business succeed.

#### Questions from Members of the Panel

One Member referred to the comments made by an Interested Party relating to noise and asked for clarification of the remark. Mr. Blackburn spoke of his concern regarding noise, principally amplified music and people coming and going in cars. He added that his bedroom window is 80 metres from the premises.

One Member asked for clarification from the Senior Licensing Officer on how the application sits now without any music and asked whether it is appropriate for the Panel to put a noise restriction on the licence.

The Senior Licensing Officer explained the regulations relating to the Live Music Bill introduced in October 2012. He confirmed that the current agreed conditions do not say music, they relate to noise and they are appropriate.

### Response from the Applicant's Representative

Mr. Thomas said that, if there is ever an issue with live music, the licence can be brought back and reviewed. He reiterated that the Applicant did not wish to come before a hearing again, he did not anticipate any breakout of noise and, in his opinion, this met the licencing objectives.

### Questions from Interested Parties

Mr. Blackburn said that it was inevitable that there would be noise in a very peaceful environment. It is presumptuous to think otherwise. To undertake a Review would be closing the door after the horse has bolted.

### Response by the Applicant's Representative

In response to a question from the Applicant's Representative the member of the Environmental Protection Team gave his views on the proposed conditions.

### Summing-Up by The Applicant's Representative

Mr. Thomas referred to the previous event when the playing of music could be heard from neighbouring properties and explained that this was an isolated incident, a one-off event.

He explained about the party which was held under special circumstances. The Applicant, through his representative, apologised for what had occurred and added that there are on-going discussions relating to planning regulations.

**The meeting adjourned at 11.25 a.m. to consider the application and reconvened at 11.55 a.m. to deliver their decision**

### **RESOLVED**

That the Panel grant the application for a Premises Licence, subject to the following conditions:

The red areas on the plan are the only areas to be licensed by this application. (the shop area off sales only, the tithe barn area and the upstairs 'cookery' area). The conditions below have been agreed and thus attached to the premises licence.

1. CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System. Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police where it is necessary to do so for the prevention or detection of crime; for the prosecution or apprehension of offenders; or where the disclosure is required by law, provided the request complies with the Data Protection Act.
2. CCTV will provide full coverage of the following areas, shop floor and seating area within the stable block, Tithe barn ground floor licensable area, outside licensed patio area and all public entry and exit points.
3. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. It will be the responsibility of the Dedicated

Premises Supervisor (DPS) to ensure that any request from the police for a recording to be made for evidential purposes is provided as soon as practicable.

4. Where the Tithe barn area is in use for a function, the licensed area on the first floor may not be used. Staff only, may access and egress the function through this area.
5. Functions shall be Risk Assessed with specific regard to the use of polycarbonate vessels, and the use of SIA door supervisors where a requirement is identified by the premises licence holder and/or designated premises supervisor.
6. The premises shall adopt an age verification policy of a minimum of Challenge 25.
7. Any person under the age of 18 must be accompanied by a responsible adult unless an employee of the premises.
8. No alcohol shall be removed from the premises in open vessels or transported in open vessels from between the Tithe Barn and the Shop area.
9. A written record of those authorised to make sales of alcohol shall be kept, this shall be endorsed by the DPS with the date such authorisation commences. This record shall be made available to Police and Trading Standards staff upon request.
10. All staff will be trained on the relevant requirements of the Licensing Act 2003 that will enable them to promote the licensing objectives, prior to making sales of alcohol.
11. Training records shall be made and retained for inspection by Sussex Police & the Local Authority Licensing Officer.
12. All instances of crime and disorder will be reported to the Police and kept in an incident log book.
13. On any occasion whereby a 'shooting event' is to take place no persons involved in the event shall be permitted alcohol until their participation in the activity has ceased.
14. All external doors/windows shall be kept closed, other than during access and egress after 2200 hrs.
15. Prominent, clear and legible notices shall be displayed at all exits requesting patrons and staff to leave the premises and area quietly.
16. The licence holder or a nominated representative shall carry out a regular noise assessment of the area adjacent to the premises at the boundary of the nearest residential dwellings, and if noise from the premises is audible, steps shall be taken to reduce the noise to a level where noise is inaudible at the monitoring points.

17. Procedures for responding to noise complaints shall be established. Written records of noise complaints and action taken in response shall be kept and made available to officers from Mid Sussex District Council when requested.
18. Live music, DJ or Karaoke, etc. shall finish no later than at 2400 hrs, except for New Year's Eve and Christmas Eve when it shall finish no later than at 0100 hrs the following day.
19. Disposal of refuse, such as waste bottles into external receptacles, where the noise will be audible to neighbouring properties shall not occur between 2200 and 0800 hrs.
20. All staff and hirers of the premises shall be made aware of the conditions of the premises licence. This is to be made in writing.

The Chairman informed the meeting that the Decision Letter will be sent out within five working days and there is a right of appeal to the Magistrates Court within 21 working days from receipt of the letter.

Chairman.

**Minutes of a Meeting of the Mid Sussex District Council Liquor  
Licensing Panel held on Wednesday, 2nd October 2013  
from 10.30 a.m. to 11.18 a.m.**

**Present:** Councillors: Councillor Bruce Forbes (Chairman)  
Kathleen Dumbovic  
Richard Goddard

**Officers in attendance:** Sally Blades, Committee Co-Ordinator (PA to the Chairman of  
the Council)  
Franca Currall, Assistant Solicitor to the Council  
Nick Jenkins, Environmental Protection Team  
Fiona Spears, Environmental Enforcement Officer

**Also in attendance:** Hassan Hassan, Nalbant Leisure Ltd. (the Applicant)

Interested Parties

Councillor Bob Mainstone (on behalf of East Grinstead Town  
Council)  
Mrs. C.A. Lewis

**Also Present:** Councillor Dick Sweatman.

**LS.17 SUBSTITUTES AT MEETINGS OF COMMITTEES ETC. - PROCEDURE RULE 4**

None.

**LS.18 APOLOGIES FOR ABSENCE**

None.

**LS.19 DECLARATIONS OF INTEREST**

Councillor Bob Mainstone declared a personal interest as he is a Member of Mid Sussex District Council and sits on the Licensing Committee. He has also sat on previous Liquor Licensing Panels.

**LS20. APPLICATION FOR THE GRANT OF A PREMISES LICENCE – 6 WHITEHALL  
PARADE, LONDON ROAD, EAST GRINSTEAD**

Fiona Spears, Environmental Protection Officer, introduced the report and outlined the details of the application. She explained that, previously, the premises had been called Bliss, which had now gone into administration and clarified the hours of business and the licensable activities on the premises then. She explained that the hours being applied for in this application are less than those granted previously, and added that the Applicant runs another two nightclubs in the area.

She confirmed that Sussex Police have agreed a number of conditions with the Applicant and, for the benefit of the meeting, the Environmental Enforcement Officer outlined the conditions which cover various aspects of security on the premises.

The Council's Environmental Protection Team had also agreed a number of conditions with the Applicant which relate to the prevention of noise. She added that a further condition had been agreed with the Applicant before the meeting. She requested that, should the licence be granted, the conditions agreed with both the Police and the Council's Environmental Protection Team form part of the licence.

Four letters of representation against the application have been received from residents of Institute Walk. East Grinstead Town Council had also made an objection relating to noise, anti-social behaviour and the lack of police resourcing.

#### Questions from Members of the Panel

A Member referred to the proposed opening hours and sought clarification from the Applicant on the hours for the ceasing of activities and asked what time the premises would close. The Applicant confirmed that it would be 02:00 hours. He added that any concerns regarding this could be addressed by way of condition.

Another Member asked how many members of staff would be on duty at any one time, to which the Applicant confirmed that it was likely to be around 20.

The Member once again questioned what time the ceasing of activities would be, and what time the premises would close. The Applicant confirmed that it would be the same, 02:00 hours. The Member questioned the reasoning behind this, as someone could be served any time up to 02:00 hours and then be expected to clear the premises at the same time. If someone had just been served with a drink they would not be able to finish it immediately. It was likely that this would not be the case and drinking could go on until 03:00 hours.

#### Submission by the Responsible Authority

Nick Jenkins, Environmental Health Officer, informed the Panel that a number of conditions had been applied and explained that there had been a number of issues regarding Institute Walk.

#### Submission by the Interested Parties

Bob Mainstone, Chairman of East Grinstead Town Council Planning Committee informed the meeting that the Town Council does not support the application. He said that the draft Neighbourhood Plan is at the stage of public consultation and the Town Council are hoping to achieve Purple status. Policy EC05 in the Plan promotes family friendly entertainment, not late night entertainment which can generate anti-social behaviour.

He explained there is already a nightclub nearby which clashes with the existing closure time. The former Caffyns garage site has been granted planning permission for a 79 bedroomed hotel and the impact of another nightclub causes concern that it may hamper the development. He referred to the lateness of opening at the nightclub and expressed concern at the lack of queuing space and the position of the no smoking area.

Councillor Mainstone spoke of the intrusion on residents and the lack of police resources and explained that, to help with noise nuisance, the taxi rank had been moved to London Road. He also explained that there is a Local Churches Street Pastors Scheme to help clubbers get home safely. He also spoke of the number of

people who congregate around fast food outlets when nightclubs close, which results in noise and litter. He reiterated that the Town Council does not support the application, they support entertainment, but it should be proportionate. The Town Council wants to develop a family friendly town.

#### Questions from Members of the Panel

A Member asked whether any formal complaints had been made to Environmental Health or the Police. The Interested Party confirmed that both had been done. Town Councillors have also gone out with the Police to see what happens when the premises close. It was local pressure that got the taxi rank moved to a better position.

The Applicant said that the taxi rank was moved for the purposes of Christmas Eve and New Years Eve. Nothing else had been discussed. He added that this particular nightclub had been open for the last 60 years and that both clubs were open when planning permission for the hotel was granted.

#### Submission by an Interested Party

Mrs. Lewis, the other Interested Party, spoke of her concerns regarding the extension of hours on a Monday to Wednesday until 0100 hours. The Atrium, another nightclub in the area, has restricted hours which have been put there specifically to protect the amenities of nearby residents. She referred to the word "vague" in paragraph 4.9 of the report and said that there is nothing vague about noise.

She also spoke of her surprise that the Police were not opposing this application. There is no assurance from the Police that they will be able to do anything to alleviate the situation.

She referred to anti-social behaviour issues and said that Police resourcing should be paramount and they should be expected to attend any incident. There are also representations made from two residents of Institute Walk who are seriously affected by music. They experience noise from both back and front of their properties as well as violence.

As a point of clarification, the Environmental Enforcement Officer referred to the use of the word "vague" in the report and said that noise cannot be attributed to these premises. It related to people in the town, not specifically to this application.

#### Questions from Members of the Panel

One Member asked Mrs. Lewis if she had complained to Environmental Health. She confirmed no, only to the Police. She added that the Police do not take any action when they do come out. When the patrons leave the premises it is both loud and noisy and it impinges on the rights of residents who want to enjoy their homes. She reiterated that her concerns were against opening the premises from three to seven nights.

One Member asked the Environmental Health Officer if any complaints had been received relating to the two nightclubs in the vicinity. The Environmental Health Officer confirmed that complaints had been received relating to two other nightclubs in the area. The complaints in relation to Poison Ivy related to noise from the air conditioning units. He also confirmed that a number of complaints had been received relating to Bliss and the emergency exit door onto Institute Walk, although these

lessened when emergency measures were put in place. Bliss had had a later closing time but the premises had not been open for all of these.

In response to a question from a Member as to what times the Applicant intended to open the premises Mr. Hassan said that it would most likely be Fridays and Saturdays, he would like to keep his options open. He would also be looking at introducing some other way of creating revenue and hoped to be able to introduce a dual use or doing something else during the day.

Another Member referred to closing time and asked the Environmental Enforcement Officer if there is any control on what time patrons should vacate the premises. The Environmental Enforcement Officer said that planning had made no comment on this application. She added that there is no control over opening hours as such. It is up to the applicant to manage and to avoid everyone leaving at 02:00 hours.

Another Member asked the Applicant the expected number of patrons and he explained that the premises had a capacity to take 450 to 500 people, but it is anticipated to be more like 250.

There were no further questions or submissions.

**The meeting adjourned at 10.40 a.m. to consider the application and reconvened at 11.15 a.m. to deliver their decision**

## **RESOLVED**

That the Panel grant the application, subject to the following conditions

1. SIA accredited door supervisors will be employed at a ratio of 2 plus 1 for every 100 patrons attending the premises on Thursdays, Fridays, Saturday and any non standard timings from 21:00 hours until 30 minutes after the premises closes. A minimum of 1 SIA door supervisor shall be deployed at the entrance and a further 2 patrolling within the premises.
2. SIA accredited door supervisors shall be employed on occasions when a requirement is identified by the premises licence holder's written risk assessment.
3. All door supervisors will use radios to contact each other and will wear high visibility vests with their SIA badge clearly on display.
4. Duty manager will be linked by radio to door supervisors.
5. CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System. Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police where it is necessary to do so for the prevention or detection of crime; for the prosecution or apprehension of offenders; or where the disclosure is required by law, provided the request complies with the Data Protection Act.
6. CCTV will provide coverage of the following areas, front entrance, smoking area, fire exits, floor area, dance floor, bar and seating areas, stairways and toilet entrances.



7. Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable. It will be the responsibility of the DPS to ensure that any request from the police for a recording to be made for evidential purposes is provided in a viewable format as soon as practicable.
8. All new members of staff (including any member of staff who is re-employed having previously worked at the premises) will receive induction training regarding the responsible sale of alcohol before being permitted to sell alcohol. All staff involved in the sale of alcohol shall be reminded of their obligations under the Licensing Act (and in particular not to sell alcohol to persons under 18 or to persons who are drunk) at least once every twelve weeks. All staff training shall be fully documented and copies of the training records made available to the local authority and Sussex Police on reasonable request.
9. Staff responsible for the sale of alcohol must sign a written document with authorisation from the Designated Premises Supervisor.
10. The premises will adopt a 'Challenge 25' policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age.
11. The Premises Licence Holder shall ensure that the premises actively partake in any local "Pub watch" scheme or similar and will ensure that the premises are run in accordance with any initiative adopted by such organisation.
12. In the event that the DPS is unable to attend, then a nominated member of staff will attend in their absence.
13. No entry or re-entry will be allowed to the premises after 01:00 hours, other than for re-entry by patrons smoking outside the premises.
14. A clearly identified smoking area shall be provided, for not more than 25 patrons at any one time. This area shall be monitored by SIA door supervisors at any time licensable is taking place after 21:00 hours or at any time SIA door supervisors are employed at the premises. *(This is subject to planning permission being obtained from the Local Authority)*
15. No food or drink shall be permitted in the smoking area.
16. The premises shall only use polycarbonate vessels (glasses & bottles) other than in the seated area adjacent to the dance floor (as indicated upon the plan) where champagne and/or wine bottles may be served when the customer is partaking in a seated meal.
17. No persons under the age of 18 shall be admitted to the premises unless attending a pre-arranged function where a risk assessment has been conducted by the premises licence holder.
18. A Drugs Policy shall be drawn up which shall include the searching of patrons by door supervisors and shall include a minimum search ratio agreed with Sussex Police.
19. All external doors/windows must be kept closed, other than during access and egress when regulated entertainment is provided. The emergency exits shall

- remain closed at all times during opening hours, except during an emergency situation.
20. Premises to be provided with acoustically treated ventilation/air conditioning – allowing windows and doors to be kept closed.
  21. All speakers must be kept within the premises and shall not be positioned near to or facing openings such as doors or windows exterior to the premises.
  22. Sound amplification systems shall be played through a sound-limiting device.
  23. The sound level shall be set at a level that ensures that any noise from the premises is inaudible at the boundary of the nearest residential dwellings on all sides of the premises.
  24. Speakers shall be placed on anti-vibration mounts.
  25. Prominent, clear and legible notices shall be displayed at all exits requesting patrons and staff to leave the premises and area quietly.
  26. The licence holder or a nominated representative shall carry out a regular noise assessment of the area adjacent to the premises at the boundary of the nearest residential dwellings, and if audible, steps shall be taken to reduce noise from the night club to a level where noise is no longer audible at the monitoring points.
  27. These assessments shall be undertaken at hourly intervals starting from 2200 hrs. Written records of these assessments and any remedial action taken shall be kept and made available to either the local authority or the Licensing Authority when requested.
  28. Procedures for responding to noise complaints shall be established. Written records of noise complaints and action taken in response shall be kept and made available to officers from Mid Sussex District Council when requested.
  29. Disposal of refuse such as waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 2200 and 0800 hrs.
  30. The area in the immediate vicinity of the premises shall be cleared of litter, including waste arising from smoking activities on a regular basis and always at the close of business.
  31. Last admission time shall be one hour before the end of any licensable activity.
  32. All staff will be made aware of the conditions of the licence. This is to be made in writing.

The Chairman informed the meeting that the Decision Letter will be sent out within five working days and there is a right of appeal to the Magistrates Court within 21 working days from receipt of the letter.

He informed the meeting that legislation allows for a review of the licence if any environmental problems are caused. He advised Mrs. Lewis to keep a diary

recording events and to liaise with the Environmental Protection Team. If there is noise from the premises then report it to Environmental Health straight away.

Chairman.

B 1 21

**Minutes of a Meeting of the Mid Sussex District Council Liquor  
Licensing Panel held on Friday, 6th December 2013  
from 10.00 a.m. to 11.25 a.m.**

**Present: Councillors:** Councillor Peter Reed (Chairman)  
Richard Goddard  
Bob Maintsone

**Officers in attendance:** Sally Blades, Committee Co-Ordinator (PA to the Chairman of  
the Council)  
Franca Currall, Assistant Solicitor to the Council  
Paul Thornton, Senior Licensing Officer

**Also in attendance:** Umberto Staiano )  
Philip Staiano ) the Applicants  
Adriani Anderson )

Emma Stewart-Rigby )  
Susan Hannah ) Supporters of the Applicants

**Interested Parties**

Nick Armstrong, near neighbour of the premises  
Charles Peile, near neighbour of the premises.

**LS.21 SUBSTITUTES AT MEETINGS OF COMMITTEES ETC. - PROCEDURE RULE 4**

None.

**LS.22 APOLOGIES FOR ABSENCE**

None.

**LS.23 DECLARATIONS OF INTEREST**

None.

**LS24. APPLICATION FOR THE GRANT OF A PREMISES LICENCE – DAL NONNO  
ITALIAN RESTAURANT, EBM HOUSE, SANDY LANE, CRAWLEY DOWN**

Paul Thornton, Senior Licensing Officer, introduced the report and outlined the details of the application. He explained that the applicants have made an application for a license to supply alcohol everyday between noon and 2300 hours and would provide 45 covers.

He outlined the history of the premises and explained that a number of representations had been made against the application which mentioned planning consent for the change of use of the building.

The Senior Licensing Officer clarified that, because of a recent change in Government policy concerning permitted development rights, buildings such as these premises are permitted to change use for a single period of up to two years to A1, A2, A3 and B1 uses (which include restaurants and cafes). He also explained that the playing of background music is not a licensable activity.

The application has been correctly advertised and conditions have been agreed with both Sussex Police and Environmental Health. The Senior Licensing Officer suggested that, should the application be approved, these conditions which are appended to the report form part of the licence. He added that 13 letters of support have been received.

#### Questions from Members of the Panel

In response to a question from a Member as to what happens when the two years is up, the Senior Licensing Officer clarified that a planning application has to be made for a change of use of the premises.

The Chairman of the Panel reminded the meeting that planning and licensing are two separate matters and added that Planning is not for consideration by the Panel.

#### Submission by the Applicants

Mrs. Anderson, one of the Applicants, explained that she lives in Crawley Down and has two young children. She realised there is something missing from the area and thought this would be a wonderful opportunity to run a small family business and would also bring business to the village. She added that her family are responsible people and have not experienced any problems with their other restaurants.

She explained that the main focus of the business would be food, and that in order to be competitive they would have to offer the sale of alcohol. She added that her family have taken account of neighbours' concerns. Signs asking for patrons to be considerate when they are leaving the premises would be displayed. She also confirmed that there is room for nine to ten cars to park, although it is envisaged that many patrons will walk to the premises. There is tremendous support from many of the villagers.

#### Questions from Members of the Panel

In response to a question from a Member, Mrs. Anderson confirmed that Umberto Staiano would be the Designated Premises Supervisor (DPS). With regard to off-sales she confirmed that the Applicants would be willing to agree to a condition that there are no off-sales other than to diners.

Mrs. Anderson also confirmed that the hours of opening of the premises would be from noon to 1430 and 1800 to 2230 Monday to Thursday and until 2300 on a Friday and Saturday which would not interfere with parking at school times.

One Member asked about a smoking area. Mrs. Anderson said that at the moment there is no designated smoking area.

When asked where it would be situated she confirmed that it would be situated to the right of the premises, furthest away from residents. A sign will be erected to indicate where.

In response to a question from a Member regarding closing times Mrs. Anderson confirmed that last orders would be 2230 Mondays to Thursday and 2300 Friday and Saturdays. Patrons will have left 30 minutes after this time.

In response to a question as to whether there is any intention to sell takeaway food, Mrs Anderson thought that perhaps maybe pizzas, at the moment she is not sure as to its viability.

Mr. Peile asked how the Applicants would dissuade patrons from going outside with a drink when they are having a cigarette. The Applicant explained that customers would be told not to go outside with a drink should they need to smoke and it would be monitored closely.

For the benefit of the meeting the Senior Licensing Officer explained the policy with regard to the consumption of alcohol on or off the premises.

#### Submission by the Interested Parties

Mr. Armstrong explained that this is a residential area which experiences parking problems. The area is relatively quiet from 2130 onwards. He did not consider a residential area to be a suitable location for a restaurant and spoke of the impact on local residents.

Mr. Peile concurred with the previous speaker's comments and agreed that the road is already overcrowded. He would be happy to support the application if the closing time was 2200 and 2230 hours respectively.

#### Submission by Supporters of the Applicants

Both supporters of the Applicants were thrilled at the thought of an eatery in the village. They stressed that it is important that the business survives and added that Mrs. Anderson is a respected member of the community.

#### Summing up by the Applicant

Mrs. Anderson apologised for any breakdown in communication. She said that her family are well experienced in the restaurant trade and they are responsible people. They would not allow youngsters to congregate around the premises and would adhere to the hours of opening and close earlier if clients leave. They want the chance to make the restaurant work and bring business to Crawley Down.

There were no further questions or submissions.

**The meeting adjourned at 10.55 a.m. to consider the application and reconvened at 11.25 a.m. to deliver their decision**

The Chairman reminded the meeting that communication between parties is important. If there are any complaints then they should be listened to.

The Chairman explained that the application was granted and that a Decision Letter would be sent out within five working days and there is a Right of Appeal at the Brighton Magistrates Court within 21 days of the receipt of the letter.

## RESOLVED

That application be granted, subject to the following conditions:-

### Protection of Children from Harm

1. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age.
2. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
3. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
4. Induction training must be completed, and fully documented, prior to the sale of alcohol by the staff member and refresher training thereafter at intervals of no less than six (6) months.
5. All restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to the Sussex Police Local Authority Licensing officers and the local Trading Standards service upon request. Prevention of Crime & Disorder.

### Prevention of Crime and Disorder

6. CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System.
7. CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
8. It will be the responsibility of the DPS, or duty manager, to ensure that any request from the police for a recording to be made for evidential purposes, is carried out as soon as possible in compliance with data protection legislation.
9. Sales of alcohol shall cease 30 minutes prior to the premises closing time.
10. All off-sales shall only be in sealed containers.
11. Spirits will be stored and displayed behind the service counter, beyond arms' reach of the public.

### Prevention of Public Nuisance

12. The premises shall at all times maintain and operate a sales refusals book and an incident log which shall be reviewed by the Designated Premises Supervisor at intervals of no less than twelve (12) weeks and feedback given to staff as relevant.

13. The refusal register and an incident register will be kept on the premises to record all refusals and incidents of crime or disorder. These records will be made available to the Authorised members of the Local Licensing Authority and/or the Police upon request.
14. No emptying of bottles/cans into the external bins between 2000 and 0800 on the following day.
15. Notices to be displayed at all exits requesting customers to consider neighbours and keep noise to a minimum when outside and leaving the premises.

Condition Imposed by the Panel

16. No off-sales to be made from the premises except to diners.

Chairman.