

**Minutes of a Meeting of the Mid Sussex District Council Liquor
Licensing Panel held on Monday, 20 October 2014
from 10.00 a.m. to 11.55 a.m.**

Present: Councillors: Bruce Forbes (Chairman)
Kathleen Dumbovic
Ginny Heard

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

Also in attendance: Applicant's:
Alison Armstrong, Secretary and Trustee and Designated Premises Supervisor (DPS)
Alec McPherson (Chairman of Bolnore Village Community Partnership (BVCP)
Louise Beeton from Action in Rural Sussex (AiRS)
Louise Smith, Trustee and Director of Trading Company

LS.5 SUBSTITUTES AT MEETINGS OF COMMITTEES ETC. - PROCEDURE RULE 4

None.

LS.6 APOLOGIES FOR ABSENCE

None.

LS.7 DECLARATIONS OF INTEREST

None.

LS.8 APPLICATION FOR THE GRANT OF A PREMISES LICENCE – THE WOODSIDE PAVILION, MIDDLE VILLAGE, HAYWARDS HEATH

Paul Thornton, Senior Licensing Officer, introduced the report and outlined the application which had been received from The Bolnore Woodside Trading Company for the grant of a Premises Licence at the Woodside Pavilion, Middle Village, Bolnore. He added that that one local resident had objected to the application.

He explained that the original application had requested Sunday hours to 2230 for regulated entertainment indoors and outdoors. The applicants had requested that, due to planning constraints, these be amended to show a finish at 2230 on Sunday's and regulated entertainment to be restricted to indoors only.

The Senior Licensing Officer added that, during the consultation period, the Council's Noise Protection Team had agreed a number of conditions to address the issue of public nuisance in relation to noise. These include monitoring points to the south and north of the premises. At these points the noise from regulated entertainment must be inaudible. Additionally, there is also a requirement for noise monitoring to be documented by the licensees and for windows and doors to be closed during regulated entertainment.

In addition, Sussex Police had also agreed a number of conditions and he asked that, should the Licence be granted, the conditions from both the Noise Protection Team and Sussex Police, together with those from the operating schedule form part of the licence.

The Senior Licensing Officer explained that the applicants had anticipated that this application would be granted under delegated authority so they had arranged events to take place at the end of the consultation period, however, it became clear that, at the end of the consultation period, a relevant representation had been received and that this application must be determined by a Licensing Sub-Committee in accordance with the Licensing Act 2003

He explained that one objection had been received from a local resident who lives near the premises. Noise was cited as being likely to occur from the premises during licensable activities. Despite the details of the agreed conditions they wished their representation to remain valid. The Senior Licensing Officer added that the objector's identity had been anonymised and explained the reasons behind the exceptional circumstances which lead to the anonymising of his details.

Questions from Members of the Panel

In response to a question from a Member the Senior Licensing Officer confirmed that Monitoring Point E should be included in the conditions.

In response to a question from another Member, the Senior Licensing Officer confirmed that regulated entertainment would be confined to indoors and alcohol can be taken off the premises as well as being consumed on the external balcony.

Representation from the Applicant's Representative

Louise Beeton from AiRS informed the Panel that she had worked with the BVCP over a number of years and explained that it was a charity organisation. She added that a great deal of help had been received from both the Council and the Police before the application for the Licence was submitted.

She then gave a fully comprehensive expansion on the six points provided in the hearing form which included:-

- an explanation of BVCP and charity subsidiary trading company;
- why a Premises Licence with alcohol sale was chosen over other alternatives;
- bar and catering as an Ancillary Service to support activities at Woodside;
- consultation and addressing the objections raised;
- how Woodside will meet the licensing objectives; and
- community benefit

She concluded by thanking the Panel for listening and commended the applicants as responsible people who had already taken on considerable responsibility as trustees. If financially sustainable the Woodside will have economic as well as social benefit, maintain an excellent Pre-School facility enabling parents to work, providing venue for exercise and dance class teachers, permanent jobs and engaging building professionals locally.

Questions from Members of the Panel

One Member asked if a Manager had been appointed. Ms. Armstrong replied that the position was advertised and a shortlist drawn up with an appointment made in August to help with the set up. The position is currently part-time with a review in January. She confirmed that the incumbent lives in Bolnore.

Representation from one of the Applicant's

Mr. McPherson explained that the installation of CCTV and air conditioning was planned. Quotes had already been obtained. He added that there is a noise limiter in place.

Questions from Members of the Panel

In response to a question from a Member regarding a smoking area, one of the Applicant's confirmed that presently there is not, and that it was hoped to provide smoking bins on the field side of the pavilion.

The Senior Licensing Officer asked whether there is a timetable for the installation of CCTV because no licensed activity would be able to take place until it was installed. One of the Applicant's said that a DIY installation was being explored and they were waiting for a quote back, as it is more expensive than first thought. The Partnership had submitted an application to the Police and Crime Commissioner for a grant towards the cost of installing CCTV and were awaiting the outcome.

The Applicant's representative suggested that if the Panel were minded to grant the application a time period could be set for them to comply with the CCTV condition.

In response to a question from a Member regarding a reasonable time for the installation of CCTV, the Senior Licensing Officer advised that he would contact Sussex Police to ascertain their views on whether a time scale for completion is appropriate.

As there were no more points to raise the Chairman adjourned the meeting.

The meeting adjourned at 11.55 a.m. to consider the application and reconvened at 12.55 p.m. for the Panel to deliver their decision

The Chairman informed the meeting that the Panel approves the application for a Premises Licence, subject to the conditions shown below.

He confirmed that a letter confirming the Panel's decision would be despatched within five working days and reminded those present that an appeal against the decision could be made to the Magistrate's Court within 21 days of receipt of the decision letter.

RESOLVED

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

1. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems. It will provide coverage of internal and external licensed areas to which the public have access (other than toilets) including

the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - CCTV footage will be stored for a minimum of 28 days
 - The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
 - Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
2. Staff must ensure that all empty glasses and bottles are promptly cleared away from the public areas. Regular patrols are to be conducted, at least hourly, both inside and outside the premises.
 3. The Premises will be an active member of a Pubwatch Scheme or similar Group where there is one in operation. The premises shall be represented at 75% of all meetings as a minimum. The premises shall comply with all decisions collectively made by the group.
 4. A Dispersal Policy shall be drawn up in agreement with Sussex Police and shall be implemented while the Premises are conducting licensable activities until 30 minutes after the Premises closes.
 5. The premises will operate /shall adopt an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25 (or the age set by the policy) will be asked for photographic ID to prove their age.
 6. The only form of ID that will be accepted are passports, driving licences with a photograph or Citizen card or validated proof of age cards bearing the "PASS" mark hologram. The list of approved ID may be amended or revised subject to prior written agreement with Sussex Police.
 7. Signage advertising the "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale and the area where the alcohol is displayed, as a minimum.
 8. 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. Induction training must be completed and refresher training thereafter at intervals of no more than 3 months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.

9. The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept on the premises to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
10. That all windows and door must be kept closed during regulated entertainment, except on occasions to open doors to allow ingress and egress.
11. That noise from regulated entertainment at the premises must be inaudible when monitored at monitoring points A, B, C, D and E as set out in an attached Noise Monitoring Map and detailed below. The noise must be assessed regularly throughout the regulated entertainment use by a responsible person and be recorded in a written log which must be available for inspection for up to 6 months after the event. Due to the affect noise has on hearing, this assessment should be conducted by a person with normal hearing who has not been subject to a noisy environment for the 15mins prior to the assessment. Monitoring points to be read with reference to the attached Noise Monitoring Map
A Boundary close to the rear of 2 Lower Village RH16 4GU
B Boundary close to the rear of 2 Hawthorne Place RH16 4FY
C Boundary close to the rear of 5-8 poplar Mews Lower Village RH16 4GZ
D Boundary close to the rear of 85 Middle Village RH16 4GL
E Boundary close to the rear of 59 Cattswood Lane RH16 4GF
12. That in order to prevent noise disturbance to neighbouring premises from the use of the external first floor viewing area , that this area should not be used for any licensable activities between the hours of 20:00hrs – 08:00hrs.
13. A CCTV system will be installed to a standard that ensures complete compliance with Condition 1 of this Licence by 7th December 2014.
14. The placing of refuse, such as bottles, into receptacles outside the premises shall not take place between 19:00 hrs – 08:30 hrs.

Chairman.

**Minutes of a Meeting of the Mid Sussex District Council Liquor
Licensing Panel held on Monday, 13th April 2015
from 2.00 p.m. to 3.15 p.m.**

Present: Councillors: Peter Reed (Chairman)
Bruce Forbes
Ginny Heard

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

Also in attendance: Paolo Musumeci, the Applicant
Bernard Smith, Chartered Surveyor, Applicants Representative

LS.10 SUBSTITUTES AT MEETINGS OF COMMITTEES ETC. - PROCEDURE RULE 4

None.

LS.11 APOLOGIES FOR ABSENCE

None.

LS.12 DECLARATIONS OF INTEREST

None.

**LS.13 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – PAOLINO
ITALIAN RESTAURANT, HIGH STREET, LINDFIELD**

Paul Thornton, Senior Licensing Officer, introduced the report and outlined the application which had been received from Paolino's Restaurant, High Street, Lindfield and added that one objection had been received from the Council's Environmental Protection Team.

He explained that the Applicant has applied to vary his premises licence to extend the use of the outside patio area for licensable activities from 2000 hours every day to 2200 hours every day.

The Senior Licensing Officer gave the background to the premises and explained that it has been extensively modernised by the owner. In 2013 the licence had been varied to include the outdoor patio area which was subject to four conditions regarding noise control.

He drew Members' attention to planning restrictions at the site and added that these conditions do not have any influence on the determination of this application and are supplied for information only. He added that a planning application has been made for variation to allow use of the courtyard which is due for determination by 28th April 2015.

Submission by the Responsible Authority

Nick Jenkins, the Council's Environmental Protection Officer explained that when the licence was first issued there was concern about noise emanating from the patio area. He added that no complaints have been received. He referred to the prevention of public nuisance and outlined his concerns relating to noise made by patrons and the clanking of crockery.

Questions from Members of the Panel

In response to a question from a Member of the Panel the Environmental Protection Officer confirmed that no objections have been received from neighbours of the site.

Another Member observed that the patio area is currently open until 2000 hours and asked what noise would there be after then. He observed that there is a considerable amount of noise emanating from traffic travelling up and down the High Street. The Environmental Health Officer clarified that later in the evening there would be more noise from patrons rather than the traffic.

One Member sought clarification from the Senior Licensing Officer as to the proximity of the smoking area to the premises.

Submission by The Applicant

Mr. Smith stated that CCTV cameras are in operation and that most noise emanates from other areas and clarified that the premises is immediately adjacent to a public house which has a garden area.

He said that this is very much a family restaurant and has been built up by the applicant who has put a lot of money into the business. Guests have an enjoyable experience. Alcohol and food is served on the premises. He added that noise from traffic continues much later. There is ambient noise from other restaurants in the High Street and the owner has put mitigation measures in place.

Questions from Members of the Panel

In response to a question from a Member, the Applicant explained that the outside area is used for dining. The restaurant is not open Sundays, only on special occasions until 2000 hours.

In response to a question from a Member relating to lighting, the Applicant confirmed that lighting had been improved recently. The footprint of the restaurant has grown and takes a maximum of 16-20 people.

In response to a question from a Member relating to mitigation measures which have been put in place, the Applicant explained that one member of staff remains outside. If any problems were to arise these would be looked at. No problems have been experienced to date.

As there were no more questions the Chairman adjourned the meeting.

The meeting adjourned at 2.35 p.m. to consider the application and reconvened at 3.07 p.m. for the Panel to deliver their decision

The Chairman informed the meeting that the Panel approves the application for a Variation to the Premises Licence, subject to the conditions shown below.

He confirmed that a letter confirming the Panel's decision would be despatched within five working days and reminded those present that an appeal against the decision could be made to the Magistrate's Court within 21 days of receipt of the decision letter.

RESOLVED

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

Proof of age cards

1. A 'Challenge 21 proof of age' policy will be enforced. This will require the production of 'proof of age' identification before the sale or supply of alcohol to any person who appears to be under 21 years.

Unaccompanied Children

2. Unaccompanied children under the age of 16 years will not be admitted to the premises.

Noise Control

3. Signs will be placed at exits advising customers to respect neighbours and to keep noise levels down when leaving the premises.
4. Consumption of alcohol is not allowed in the area known as the west courtyard after 22:00 hours. This area must be clear of customers after this time.
5. Consumption of alcohol is not allowed at any time in the north facing smoking area. Prominently placed notices will point this out.
6. All windows and doors affecting the South elevation of the premises must be closed after 19:00 hours.

Staff Training

7. All staff must be fully trained and advised about their responsibilities under the Licensing legislation. This training must be documented and retained for inspection on request.

Chairman.

**Minutes of a Meeting of the Mid Sussex District Council Liquor
Licensing Panel held on Thursday, 23rd April 2015
from 10.00 a.m. to 12.47 p.m.**

Present: Councillors: Bruce Forbes (Chairman)
 Kathleen Dumbovic
 Ginny Heard

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

Also in attendance: The Applicants
 Mr. Thomas, the Applicants Representative

Interested Parties

Kate Watson from Fulking Parish Council
Ian Goodridge
Mark Hind
Paul Green
Paul Wayne

LS.14 SUBSTITUTES AT MEETINGS OF COMMITTEES ETC. - PROCEDURE RULE 4

None.

LS.15 APOLOGIES FOR ABSENCE

None.

LS.16 DECLARATIONS OF INTEREST

None.

**LS.17 APPLICATION FOR THE GRANT OF A PREMISES LICENCE – SHEPHERD AND
DOG PUBLIC HOUSE, THE STREET, FULKING, BN5 9LY**

Paul Thornton, Senior Licensing Officer, introduced the report and outlined the application which had been received from the business owners of the Shepherd and Dog Public House for the grant of a new premises licence at the site.

He outlined the background to this application and explained that the Applicant currently holds a Premises Licence with three additional conditions regarding noise control attached to it. He added that the current licence does not include the large garden area as part of the premises plan. Amendments have been made to this application which includes a different layout to the ground floor bar and a proposal for a small function/dining room on the first floor of the pub.

He added that this application originally included the licensable activities of showing of films and live and recorded music which has now been withdrawn.

The Senior Licensing Officer informed the Panel that 21 letters of objection had been received with two in support and pointed out that one objector had withdrawn his objection. There were five Interested Parties present, four against and one in support.

The Senior Licensing Officer clarified that a number of objections had been received relating to parking, traffic flow and the number of vehicles through the village, these objections should not be considered as they are not relevant to the licensing objectives. He also referred to the number of Temporary Event Notices during 2014 during about which two formal complaints were made about noise from the pub.

The Senior Licensing Officer confirmed that Sussex Police have agreed a number of conditions with the Applicant should the Panel be minded to grant the application. He asked that these be appended to the Licence should Members grant the application.

Submission by The Applicant's Representative

Mr. Thomas, the Applicant's Representative asked the Panel to consider the licence the premises currently holds and all the activities which can be lawfully carried out at the premises under current licence conditions.

He explained that the Applicants were mortified when they read the objections. He referred to the current application and clarified that acoustic music would be played on no more than three occasions with the additional use of the garden for four events. A marquee would be erected with amplified music being played for a maximum of three hours per day.

He added the Applicant wants to work with objectors and introduce noise management measures to mitigate noise. As the law stands music can be provided within the workplace. He confirmed that, if this application for a new Premises Licence is approved, the current licence will be surrendered.

The Applicant's Representative outlined the rationale behind the application and added that it was for a uniformed approach.

He said that the application for the outside bar between 1st May to 30th September is covered at the moment and ends 2300 hours, is not regulated. Under this application it does become regulated.

The Applicant wants to provide better supervision of the garden area. No concerns have been raised regarding eating in the garden. Three main events will be held in the garden and he outlined for the benefit of the Panel the events proposed to take place. He confirmed that the Applicant will be on site when the amplified music is being played for no more than three hours. The Applicant wishes to initiate a Noise Management Plan and to work with local residents. He stressed that amplified music would not be played all day and every day.

He summed up by saying that if there are concerns and complaints then a review can take place. The Applicant has got a business to run and added that some of the residents want the Applicants to succeed.

This is an attempt to tidy, rationalise the licence and the supervision of the garden area. He added that every member of staff undergoes a strict training regime and members of staff walk around checking on events when they are held in the garden.

There are three conditions on the existing licence and he confirmed that the Applicant accepts the conditions added by the Police.

Questions from Members of the Panel

In response to a question from a Member about the maximum number of people in the garden, the Applicant's Representative confirmed that it was 200 in total.

In response to a question from a Member about a public meeting which the Applicant attended to explain the position regarding the application, the Applicant felt he was not given the proper opportunity to explain what was going to happen.

Submission by an Interested Party

Mrs. Watson confirmed that she was invited to attend and ask questions. She confirmed that a public meeting had been held in the village and that the applicant was given a full opportunity to present the application. It appears that residents were confused about the licensing regulations in relation to the Live Music Act. A vote was taken at the end of the public meeting and it was unanimous in its objection to the application.

The Senior Licensing Officer confirmed that the law regulating live music was changed on in November 2012 and Recorded Music de-regulated on 6th April this year.

Submission by the Interested Parties

One Interested Party referred to the playing of live and recorded music and said she had no objection to the serving of alcohol. She referred to a Temporary Event Notice and the playing of music. This did cause a public nuisance on one occasion, she complained but nothing was done. The noise could be heard above the television and with the windows closed.

She added that the pub is a venue for weddings. Weddings normally noisier, the garden acts as an amphitheatre. The area is usually very quiet. Music and the work place are very different.

The issue is noise. The Beer and Jazz Festival is excellent. Weddings are very destructive to the South Downs National Park. She also questioned whether the restaurant should serving alcohol so late.

The Current licensee is the best the pub has had for a number of years. She reiterated the points regarding environmental health guidance. The pub is a great local amenity but intrusive noise should be stopped. The law changed, the workplace is detailed as a garden. There is a need for such a pub want to support but don't want blaring music.

The Interested Parties recognises that the pub is an important part of the village and attracts people to the area. Problems are caused with parking and traffic, the premises should complement not dominate.

Another Interested Party objects on the grounds of noise and nuisance. There are problem with noise from weddings. Three weddings already been held, it is ideal for a summer venue. The problem is that it creates an amphitheatre and the application should be refused. Had monitoring equipment been in place a review or abatement notice would have been carried out.

One Interested Party, the nearest resident to the pub, spoke in support of the application. He said that the garden has been enlarged and landscaping done. He realises that business is seasonal so business has to be maximised. He pointed out that a significant amount of positive comments were contained in the letters.

Summing Up by the Applicant's Representative

Mr. Thomas referred to the Licensing Act and reiterated that the Applicants want to work with the Interested Parties. They are committed to the residents of the village. The Applicants are aware that if there are any problems with the licence a review will follow. The main objections appear to be weddings. A Noise Consultant has been engaged to ensure the situation is managed properly. There are no problems with music festivals, there is nothing to justify refusal. If this Licence is permitted the existing licence will be surrendered.

As there were no more questions the Chairman adjourned the meeting.

The meeting adjourned at 11.55 a.m. to consider the application and reconvened at 12.45 p.m. for the Panel to deliver their decision

The Chairman announced that the licence be granted to give more control, subject to the following conditions:-

1. The premises will operate an age verification policy set at a minimum of 21 years, whereby any person attempting to buy alcohol who appears to be under 21 (or the age set by the Policy) will be asked for photographic ID to prove their age.
2. Signage advertising the "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale and the area where the alcohol is displayed, as a minimum
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. Induction training must be completed and refresher training thereafter at intervals of no more than six (6) months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
4. Any patron under the age of 18 years must be accompanied by a responsible person aged 18 or over.
5. The premises shall at all times maintain and operate a sales refusals log and an incident log. This will be kept on the premises to record all refusals and incidents of crime or disorder. These records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.

6. No open vessels shall be allowed off the premises.
7. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover internal areas including the bar area and seating. The system shall be on and recording at all times the premises licence is in operation.
 - The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - CCTV footage will be stored for a minimum of 31 days
 - The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police
 - without difficulty or delay and without charge to Sussex Police
 - Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
8. The Garden area will be clear of, and closed to, customers by 2300 hours.
9. The Garden Bar will cease trading at 2200 hours daily.
10. Clear legible notices are to be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
11. In the Garden Bar a notice shall be placed in the area reminding customers to respect neighbours and to use the area quietly.

The Chairman announced that the Decision Notice would be received within the next five working days and informed the meeting of the right to appeal within 21 days of this notice in the Magistrates Court.

Chairman.

**Minutes of a Meeting of the Mid Sussex District Council Liquor
Licensing Panel held on Wednesday, 3rd June 2015
from 2.00 p.m. to 3.35 p.m.**

Present: Councillors: Peter Reed (Chairman)
Bruce Forbes
Ginny Heard

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

Also in attendance: Responsible Authorities

Pauline Giddings, Police Licensing Officer
Olly Robinson, Police Licensing Officer
Sergeant Mike Balmer, Sussex Police
Nick Bennett, Environmental Protection Officer, Mid Sussex District Council

LS.1 SUBSTITUTES AT MEETINGS OF COMMITTEES ETC. - PROCEDURE RULE 4

None.

LS.2 APOLOGIES FOR ABSENCE

None.

LS.3 DECLARATIONS OF INTEREST

None.

**LS.4 DETERMINATION OF OBJECTION NOTICE TO TEMPORARY EVENT NOTICE –
Land Behind 1A Breachlands, London Road, Albourn, BN6 9BJ**

Paul Thornton, Senior Licensing Officer introduced the report and outlined the background to the determination of the Objection Notice to a Temporary Event Notice.

The Senior Licensing Officer explained that a Temporary Event Notice (TEN) had been received from the Applicant, Mr. James Langley, in accordance with Section 100 of the Licensing Act 2003. He added that, following receipt of the Notice, both Sussex Police and the Council's Environmental Health Protection Team had submitted Objection Notices citing public nuisance and crime and disorder.

He explained that the TEN covers the sale of alcohol, regulated entertainment and late night refreshments between 6.00 p.m. on 4th July and 6.00 a.m. on 5th July at Breachlands, London Road, Albourn, which is believed to be on private land.

He added that the notification states the nature of the event as being a dance music event to include performed and playback and will be attended by a maximum of 499

people which includes performers and staff. He explained that a TEN's is only accepted if there are no more than 499 attendees which includes staff, performers and patrons.

The Senior Licensing Officer explained that the timescale for notification was adhered to and reminded Members that the Police and Environmental Health have the right to object if they are of the opinion that allowing the event to take place would undermine any of the licensing objectives.

He reminded Members that if the Committee issue a counter notice, the event cannot take. If they choose not to and allow the event to be held the Premises User and the Relevant Persons must be given a notice of the decision. However, If the decision is made not to issue a counter notice and allow the event to go ahead no conditions can be attached to the TEN.

Question from a Member of the Panel

In response to a question from a Member, the Senior Licensing Officer confirmed that the Applicant, Mr. Langley, had been informed by e-mail and sent a copy of the committee papers. He confirmed that the applicant had been made aware the matter would be determined by a committee hearing. At that time no details of the hearing were confirmed. He acknowledged this by return e-mail. He was informed the next day about details of the time and date for the hearing using the same e-mail address. He did not acknowledge the second e-mail.

The Panel expressed their disappointment that the Applicant, Mr. Langley was not present at the meeting to answer questions.

Representation from Sussex Police

Research on the internet had shown that 3,000 to 10,000 people would be attending the event and Sussex Police had grave concerns regarding the promotion of the licencing objectives. Their concerns relate to the impact on the community and the traffic management of the A23. The Applicant would normally agree a security plan with the Police who are unaware of the name of the security firm. There is also information available that the Applicant had been involved in an illegal rave in the past.

Question from Members of the Panel

One Member referred to the perimeter of the site and asked about fencing and security. Sussex Police said that he had not visited the site but indicated that there is some kind of fencing and added that the entrance to the site is a go kart track

In response to another question from the Member as to how difficult the site would be to control and keep secure, Sussex Police confirmed that it would be difficult to keep secure as there would be a serious amount of infrastructure and staff to control.

The Member asked what problems he envisaged. Sussex Police said that there was the potential for public disorder, buses or coaches turning up on the site, no pick-up points identified. There would be the potential for trouble if event goers were turned away from the site. The event would be very difficult to police due to lack of resources. A special plan would need to be put in place.

The Member referred to the licensing objective, protection of children from harm and the use of illegal substances. Sussex Police explained that at smaller festivals it is quite common to find illegal substances. He added that youngsters can get lost and there is the potential for them to be provided with alcohol.

The Member asked how difficult it would be for Applicant to satisfy protection from harm. Sussex Police outlined measures the Applicant would need to put into place and referred to the use of balloons and nitrous oxide which is illegal.

Representation from Environmental Health Protection Team

The Environmental Health Protection Officer, Nick Bennett, referred to the continuous playing of music for twelve hours and the prevention of public nuisance. He said that bass level is harder to control

He also referred to noise nuisances which include crowd noise, cheering and chanting, the erection of the stage, testing noise by the deejay and the noise of customers arriving and leaving the site.

He confirmed that he had visited the site and there is an earth bund of around 15 to 20 feet. He considered that this would help to reduce the noise but not enough to allay concerns.

Questions from Members of the Panel

In response to a question from a Member as to how easy it would be to scale over the Environmental Health Inspector confirmed relatively easy. He added that the residents of Albourne are only a kilometre away from the site. Noise levels will be intrusive and residents disturbed.

In response to another question from the Member about health and safety, the Environmental Health Officer said that normally a Management Plan would be put in place covering security. He confirmed that a whole raft of things has not been addressed.

In response to a further question from the Member about the serving of hot food, the Senior Licensing Officer explained that a Food Safety Officer would liaise with the event organisers about food concessions and may attend to inspect on the day of the event.

The Member asked that, if event goes ahead, would the Environmental Protection Team make a visit. Mr. Bennett confirmed that no, it would not, an out of hours service is only provided in exceptional circumstances.

There were no more questions.

The meeting adjourned at 2.45 p.m. to consider the application and reconvened at 3.30 p.m. for the Panel to deliver their decision

The Chairman informed the meeting that the Counter Notice citing the following reasons would be issued:-

- (1) Prevention of Crime and Disorder and Public Safety

The Liquor Licensing Panel have concerns that the applicant intends to exceed the maximum capacity of 499 people at the event and would have little control over the numbers attending.

There is information on social media sites which indicate attendance of 1500 with the possibility of more.

(2) Prevention of Public Nuisance

Given the nature, times and expected size of the event the Panel has concerns that public nuisance will be caused. It appears that there will be several stages and loud bass-heavy dance music played in the open air. There are several residential properties within 500m and it is likely that residential properties over a much wider area will be subject to intrusive noise levels.

(3) Protection of Children from Harm

Due to the lack of clear information on the part of the Premises User the Panel has grave concerns regulating the protection of children from harm.

The Chairman announced that the Decision Notice would be received within the next five working days and informed the meeting of the right to appeal within 21 days of this notice in the Magistrates Court.

Chairman.

**Minutes of a Meeting of the Mid Sussex District Council Liquor
Licensing Panel held on Tuesday, 7th July 2015
from 2.00 p.m. to 3.35 p.m.**

Present: Councillors: Peter Reed (Chairman)
Bruce Forbes
Ginny Heard

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

Also in attendance: Thomas Colvill (The Applicant)
Sean Smith (Applicant's Sister)
Mr. Richard and Mrs. Jean Smith, Interested Parties

LS.5 SUBSTITUTES AT MEETINGS OF COMMITTEES ETC. - PROCEDURE RULE 4

None.

LS.6 APOLOGIES FOR ABSENCE

None.

LS.7 DECLARATIONS OF INTEREST

None.

LS.8 APPLICATION FOR THE GRANT OF A PREMISES LICENCE – NICKY C AND TOMS FOOD, HIGH STREET, CUCKFIELD

Paul Thornton, the Council's Senior Licensing Officer introduced the report and explained the application for the new premises licence. He reminded Members that the premises currently has a licence from 1000 to 1800 on a Sunday and 1000 until 2300 Monday to Saturday. He added that the current licence has a number of conditions attached to it. The rear courtyard and kitchen area are subject to the current licence. This application includes the front part of the premises which used to be a retail shop selling women's clothing, shoes and jewellery items.

He confirmed that the Applicant has agreed to surrender the existing licence should Members be minded to grant this application.

He confirmed that Notices had been correctly displayed. Both the Police and Environmental Health had raised no objection. One representation had been received from a neighbour of the premises. He added that the Operating Schedule promotes a number of licensing objectives from which he had composed a number of conditions which, if Members are so minded, be added to the licence.

Submission by the Applicant

The Applicant explained that the premises had started operating last summer. During that time he had adhered to a number of conditions and there had been no problems. He added that this is a unique restaurant in Cuckfield and a top place to eat and recalled the other eating establishments in the area. He added that there are approximately 3,500 inhabitants and not enough suitable eating venues. He has lived in Cuckfield for three years and is trying to meet demand. He submitted that living in a High Street is not always quiet and added that when the Interested Parties moved into their premises the restaurant was already there.

He pointed out that the use of the side door had ceased. Customers enter and exit by way of the front door. He has created a good atmosphere with fresh, locally sourced food and has plans for sofas and arm chairs for small groups of people who wish to avoid noise and nuisance.

Questions from Members of the Panel

In response to a question from a Member as to how many nights the premises would open the Applicant replied that, at the moment, he was unsure how many due to personal circumstances. His current thinking is Thursday to Saturday.

Submission by the Interested Parties

Mr. Smith supported the comments already made by him and his wife and reiterated that there have been several instances of noise from the front of the premises. Both him and his wife want to be good neighbours. He referred to the intrusive event on 24th May and confirmed that he did not contact the Senior Licensing Officer or Environmental Health to complain. He lives in a quiet cul-de-sac and wishes it to remain so.

Question from a Member

The Member asked whether the Interested Parties thought using the door at the front of the premises would help. She suggested that, if there is a problem, let the Applicant know. The Interested Party said yes he thought it might help the problem of noise.

Questions from Members of the Panel

One Member referred to the noise incident and expressed concern at the lateness of the incident. He observed that the premises is only licensed until 2300. He added that the use of foul language is also a cause for concern.

Response from the Applicant

Mr. Colvill said that the customers had taken a long time to leave and were very excitable. He added that Mr. Smith was very annoyed and quite rude to both him and the customers.

Question from a Member of the Panel

One Member acknowledged that the Licence holder should manage the situation and asked the Applicant how he will manage the premises in future.

The Applicant said that he would go out and tell customers to be quiet. There are signs displayed asking customers to be quiet when exiting the premises.

In response to a question from a Member about using the courtyard and side entrance, the Applicant confirmed that the side door is a fire exit so the door would remain closed but unlocked. He will display a notice accordingly.

The Senior Licensing Officer confirmed that this would be subject to Health and Safety and would require a risk assessment. The Applicant confirmed that a risk assessment had already been undertaken. The Senior Licensing Officer reminded Members that, if they refused this application, the Applicant would still have the original licence.

As there were no more questions the Chairman announced that the Panel would break.

The meeting adjourned at 2.33 p.m. to consider the application and reconvened at 3.12 p.m. for the Panel to deliver their decision

The Chairman announced that the Panel would grant the application. He stressed that licensing hours finish at 2300 hours. Anything served beyond that a licence for Late Night Refreshment is required. He also said that the Applicant needs to take control.

RESOLVED

The application for a Premises Licence be approved, subject to the following conditions:

- (1) The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25(or the age set by the policy) will be asked for photographic ID to prove their age. The only form of ID that will be accepted are passports, driving licences with a photograph or Citizen card or validated proof of age cards bearing the 'PASS' mark hologram. The list of approved ID may be amended or revised subject to prior written agreement with Sussex Police. Signage advertising the 'Challenge' policy will be displayed in prominent locations in the premises.
- (2) 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. Induction training must be completed and refresher training thereafter at intervals of no more than 12 twelve weeks. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
- (3) 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 shall be made available immediately upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers

- (4) The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept on the premises to record all refusals and incidents of crime or disorder.
- (5) Signs will be erected requesting guests/customers to leave the premises quietly.
- (6) Bottles from the licensed premises will not be placed into external rubbish bins between 2100 hours and 0800 hours
- (7) All external windows to be kept shut after 2200 hours.
- (8) The side door to be kept shut but not locked during licensable hours.

The Chairman announced that the Decision Notice would be received within the next five working days and informed the meeting of the right to appeal within 21 days of this notice in the Magistrates Court.

He recommended that the Applicant and the Interested Parties have an open dialogue and, if any problems arise, the Interested Parties keep a diary and contact the Environmental Protection Team if any problems arise.

Chairman.