

15 January 2021

PLEASE NOTE START TIME OF MEETING

New regulations came into effect on 4 April 2020 to allow Councils to hold meetings remotely via electronic means. As such, Council and Committee meetings will occur with appropriate Councillors participating via a remote video link, and public access via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **LIQUOR LICENSING COMMITTEE** will be held via **REMOTE VIDEO LINK** on **MONDAY, 25TH JANUARY, 2021 at 10.00 am** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

1. Roll Call and Virtual Meeting Explanation.
2. To receive apologies for absence.
3. To receive Declaration of Interests from Members in respect of any matter on the Agenda.

The procedure the Licensing Panel will follow in considering the application is set out in the Licensing Act 2003, its attendant Regulations and was agreed by the Licensing Committee on 2nd February 2005. The Licensing Panel, in accordance with rule 14 of the Licensing Act 2003 (Hearings) Regulations 2005 decide to exclude the public from all or part of the hearing where the Licensing Panel considers that it is in the public interest to do so.

4. To confirm the minutes of the previous meeting of the Committee held on 30 July 2020. **5 - 10**
5. Application to vary a Premises Licence - Licensing Act 2003 **11 - 60**

Human Rights Act Implications

Licensing Act 2003

A licensing authority must carry out its function under the Licensing Act 2003 with a view of promoting the licensing objectives.

The Licensing objectives are:-

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

In carrying out its licensing functions a licensing authority must also have regard to:-

- (a) its licensing statement published under Section 5 of the Licensing Act 2003 (this may be viewed on the Mid Sussex District Council website);

and

- (b) any guidance issued by the Secretary of State under Section 182 of the Licensing Act (this may be viewed on the Department for Culture, Media and Sport website).

Members are asked to consider the human rights implications for both the licensee who has rights under Article 1 of the First Protocol, the Right to Property (which includes the licence):and the objectors who have rights under Article 8 to Respect for Private and Family Life, and Article 1 of the First Protocol, their right to enjoy peaceful use of their possessions.

To: **Members of Liquor Licensing Committee:** Councillors L Gibbs, J Knight and S Smith

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**Minutes of a meeting of Mid Sussex District Council Liquor Licensing
Committee
held on Thursday, 30th July, 2020
from 10.00 am - 11.23 am**

Present: Councillors:

J Dabell
N Webster
L Gibbs

Officers in attendance:

Franca Currall, Solicitor
Tom Andrews-Faulkner, Paralegal
Jon Bryant, Senior Licensing Officer
Alison Hammond, Democratic Services Officer

Also in attendance:

Applicant (St Francis Social and Sports Club)
Ms Nik Mansfield, Chalkhill Hospital

LS.1 ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.

The Chairman welcomed everyone to the meeting and introduced each member of the Panel to the participants.

Franca Currall, Solicitor explained the virtual meeting procedure. She advised that no decision will be given at the end of this meeting. The decision will be made within 5 working days of the meeting. A letter will be sent to all the participants and any other parties who made written representations but did not attend the meeting. The letter will set out the Members decision with reasons for it and will also contain details of how to make an appeal against that decision.

The Senior Licensing Officer and Paralegal introduced themselves to the participants of the meeting.

LS.2 TO RECEIVE APOLOGIES FOR ABSENCE.

None.

LS.3 TO RECEIVE DECLARATION OF INTERESTS FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

None.

The procedure the Licensing Panel will follow , in considering the application, is set out in the Licensing Act 2003, its attendant Regulations and was agreed by the Licensing Committee on 2nd February 2005. The Licensing Panel, in accordance with rule 14 of the Licensing Act 2003 (Hearings) Regulations 2005 decide to exclude the public from all or part of the hearing where the Licensing Panel considers that it is in the public interest to do so.

The Solicitor confirmed that the deliberations of the Panel would be held in private.

LS.4 APPLICATION FOR A VARIATION TO A CLUB PREMISES LICENCE.

Introduction and outline of the report:

Jon Bryant, Senior Licencing Officer introduced the report. He noted the application made on behalf of St Francis Social and Sports Club and representations made against the application by Haywards Heath Town Council and Chalkhill Hospital. The Committee were asked to determine the application in accordance with the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.

He confirmed the location of the club within the grounds of the Princess Royal Hospital and when the club was founded. He noted that the club premises certificate was detailed in the report and that the current certificate does not include the outside areas. The plan of the club for the current Club Premises Certificate (CPC) does include outside areas; it does not allow for alcoholic drinks to be taken outside in an open container.

The application sought to include a patio area adjacent to the car park and a garden area to the side of the club premises. The application included: measures to manage the new areas, noted that the outside areas would not be in use after 20:00, the staff training scheme and the use of the "Challenge 25 scheme, updated noise management plan, clear signage for patrons, the hours when children are permitted in the club and monitoring of the outside areas. The members were informed that representations had been received against the application from Chalkhill Hospital and Haywards Heath Town Council. He highlighted appendix 7 the proposed conditions should the licence be permitted.

The Officer highlighted in the representations from Chalkhill Hospital that they provided hospital services for children aged 12 -17 years with emotional and mental issues; who they consider would be affected by increased noise levels and noted that the beer garden would be adjacent to their outside space. The children need a calm and quiet outside space and noise from a drinking establishment may be inappropriate. It was noted that from 6 pm onwards the children suffer more distress and self-harm and a quiet calm space is essential. Some of the children have experienced trauma as their parents have issues with alcohol and the proposed beer garden may trigger unpleasant memories, some children have autism needing a quiet environment and some have eating disorders. The Officer confirmed that the kitchen and dining room are closest to the proposed beer garden.

The representation from Haywards Heath Town Council expressed concern over the location of the beer garden adjacent to Chalkhill Hospital which is one of the leading units in the country specialising in the treatment of children. The Councillors noted the outside area could be noisy and could have an adverse effect on the wellbeing of people with existing mental health challenges. With the beer garden being open till 20.00 it could also be detrimental to people living in the local community. The Officer confirmed the application to vary the licence had been advertised in the local papers and at the site of the club.

The Committee were advised that the application is lawful and relevant representations have been made. The Members should take steps to promote the four licensing objectives of the Council: Prevention of Crime and Disorder; Promotion of Public Safety; Prevention of Public Nuisance and Prevention of Harm to Children and Young People. The Committee can modify conditions or reject the whole or part of the application. They can modify by altering any of the current conditions, omitting

existing conditions or add new ones. He concluded that either party can appeal in the Magistrates Court in respect of these proceedings.

Questions from the Members to the Officer:

In response to a question from the Chairman, the Officer confirmed that the application included the up to date Noise Management Plan and that the applicant could advise other groups that used the club's facilities, but these were not listed in the report.

He also advised the location of the outside area used by the children of Chalkhill Hospital in relation to the proposed beer garden.

Applicant addressed the Committee:

Jon Donohue, Applicant and Honorary General Secretary of the club noted it operated on a not for profit basis and serves the NHS and local community. The application was to extend the licence to include a beer garden and patio to enlarge the area for use by the patrons. The noise management plan was introduced in April 2019 and has been worked on since their last application. He highlighted the changes to the club after contracting a sound and acoustic specialist. Following advice, physical changes were made to the windows, air conditioning and a noise limiter has been installed; amplified sound will be restricted to Fridays and Saturdays once normal operation of the club resumes.

They have introduced a communication and complaint process for noise complaints and members are aware of the plan. It has been distributed to local residents and Chalkhill Hospital. He noted that the beer garden and patio would shut at 8 pm, staff will monitor for excessive noise and the tables nearest the hospital would be non-smoking. He highlighted that no objection had been received from Environmental Health Officers and no noise complaint had been lodged since the September 2018.

He believed the hospital's outside space was far enough away and there was soft landscaping to screen and muffle any noise; the club had recently paid for the repair of the hospital's fence. He noted the current challenging times which reduced trading and hoped this licence would bring back members and increase their financial stability. He referenced the changes in licenses for pubs during the pandemic and reiterated their plan to manage the outside space regarding noise.

Questions to the Applicant:

A Member was concerned with the location of Chalkhill Hospital to the club and asked for details of their terms and conditions or code of conduct for members. The applicant advised they had neither but could include one. However, their constitution stipulated that members should conduct themselves appropriately; there is a disciplinary process and membership can be revoked.

A Member asked if there had been any complaints or problems recently due to lower age limit for membership. The applicant advised that nothing had been reported by Environmental Health for the last two years and no members under 18 were allowed. They did, however, hold events for under 18s, parties, football etc.

In response to a question on the demographics of the club members, the applicant confirmed that a lot of older people use the club and they wanted to get more younger members. Many come after work from the Princess Royal Hospital and the local community.

On the matter of complaints, the applicant reiterated there have been no complaints since September 2018. Previous complaints had related to issues on music bands nights, noisy people leaving the premises, doors opened due to heat and noise carrying to local houses. He highlighted that the noise management plan would rectify that, the air conditioning would stop the doors and fire doors being opened, some were now fitted with alarms, they have repositioned the orientation of the music bands, introduced a noise limiter, installed triple-glazed windows to reduce noise and high-density curtains. The club and staff were now more mindful of noise issues. He confirmed that staff and new members sign up to the noise management plan.

The applicant noted the club had developed the site which was originally an old boiler house for the mental health hospital, it had a long history of connection to the health authority and they had recently bought the land.

Through a thorough examination of the plan and photos and discussions with the applicant and representative from Chalkhill Hospital the Committee determined:

- an estimated size of the proposed beer garden, 15ms by 18ms and the separate patio area of 18ms by 15ms, of which half has tables and chairs and half is covered in an all-weather artificial grass for a children's play area,
- large areas of the garden are taken up by vegetation including a 6ms wide holly bush and the hospital fence is beyond the bush,
- that the bar counter, in the main part of the building, was 20ms from the window facing the hospital,
- that 2 air conditioning units served the main hall and the other 2 served smaller halls where activities took place; keep fit classes etc,
- identified which doors had been fitted with alarms, there was also signage to identify them, these would be operational from 8pm every night,
- the door to the pool and darts area did not have an alarm but one could be fitted.

Interested Party - Representation by Chalkhill Hospital:

Nik Mansell, Matron of Chalkhill Hospital highlighted the services which operate from the hospital including in-patient and community mental health services, day service and an eating disorder service. She apologised for the need to object to the application and appreciated the changes to the schedule of operating hours. However, the location of the club next to the hospital made their functions incompatible and the safety and care of children was paramount. She expressed sympathy for the club in light of the pandemic and their ability to trade. The part of the hospital housing the in-patient unit was closest to the beer garden and it is an acute admission unit for 16 children 12-17 years for assessment and treatment, with most staying about 60 days. They also treat girls with autism and as it shows up differently there are high instances of self-harm. She noted that autistic people are hyper-sensitive to noise, and ear defenders were distributed when testing their fire alarms. They also have patients with psychotic symptoms, emotional dysregulation who express themselves through severe self-harm, some have anxiety, depression or have suffered traumatic episodes and symptoms; some relating to parents who have had alcohol dependencies.

She described the proximity of the hospital to the club and the use of the area immediately behind the proposed beer garden fence as a thoroughfare, waste storage area and loading bay for deliveries to the adjacent kitchens. She noted a raised terrace which has doors into the dining room. It was noted that meal times are stressful for the patients especially if they have eating disorders, and the doors are now open due to Covid-19 restrictions and spacing out the patients. She

confirmed an area of foliage between the hospital and proposed beer garden, but noted that noise does travel. The aim of the hospital is to keep the environment for the patients quiet and calm. This can be achieved internally as they have control. They have made changes to how they work due to Covid-19 as family are now visiting and they use the terraced area, which could be subject to noise, but they acknowledge that they had not made complaints recently. If the patio doors were left open noise would travel into their building and was concerned how the club could expect their members to keep as quiet as the hospital would need.

There was a short pause in the meeting for the agenda pack, including photos to be emailed to the matron; she was a late substitution as the representative for the hospital.

The Committee again discussed at length the plan of the club grounds and photos in relation to the hospital site and determined:

- the buildings immediately behind the proposed beer garden are a sports hall, kitchen for staff use and the patients dining room,
- the staircase from the storage area leads to the kitchen.
- the terraced area is the same height as the proposed beer garden,
- the area on the plan similar in shape to an arrow head is a garden,
- the hospital design has an internal central courtyard,
- the dining room doors open out onto the top end of the long thin area on the plan, with their terrace being to the right of the proposed beer garden,
- the main entrance to the hospital is on the one-way system, the access road which they share with the club.

The Chairman confirmed, with the Senior Licensing Officer, that the representations by the applicant and the interested party were complete.

Summing up by participants:

The applicant advised that he did not wish to make a further statement.

The hospital representative expressed concern that there had been no comments on the public health issue of smoking and asked the applicant if the club planned to have the doors open onto the outside spaces. The applicant advised that they could consider fitting an alarm to the fire door nearest to the garden and hospital. They could also use a door further away as access to the proposed beer garden which was about 15ms away. This would also prevent noise from bar area coming out. He indicated the alternative access to the proposed beer garden on the plan and advised that there would be two sets of doors between the bar and the garden, which should help to contain any noise from the bar. He also reminded the Committee that areas for smokers would be placed well away from the boundary with the hospital.

The Chairman asked the applicant how they would monitor the garden area and if they had CCTV. The applicant advised their CCTV system had recently been upgraded and had 30 cameras; he did not know if it covered the beer garden and patio area but cameras could be added if not. He noted a monitor behind the bar that constantly scrolls through the camera images so it would be easy to monitor. Staff would also know which patrons were going out into the outside area. He confirmed the capacity of the car park was approximately 44 vehicles.

The Chairman advised that the meeting had now closed for the Committee to start their deliberations on the application and reach a decision. The Solicitor reminded those present that they would receive notification of the decision in the post in 5 working days.

The meeting finished at 11.23 am

Chairman

Application to vary a Premises Licence – Licensing Act 2003

REPORT OF: Tom Clark, Head of Regulatory Services

Contact Officer: Jon Bryant, Senior Licensing Officer
Email: jon.bryant@midsussex.gov.uk Tel: 01444 477076
Wards Affected: East Grinstead
Key Decision: No
Report To: Liquor Licensing Panel

Purpose of Report

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

Summary

- 2 An application, pursuant to Section 34 Licensing Act 2003, has been made by Mr Hassan Nafi Hassan to vary a Premises Licence at The Crab and Beacon, The Atrium, King Street, East Grinstead, West Sussex, RH19 3DJ. Representations against the application have been made by a Responsible Authority.
 - 3 The Committee is asked to determine the application in accordance with the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.
-

Background

- 4 The Crab and Beacon is situated within the Atrium complex in King Street, East Grinstead and occupies the first floor. It has previously traded under the name of The Crows Nest.
- 5 It has been trading for a number of years and was issued with a Premises licence by this Council in 2005 when the previous Justice Licence 'On' Licence was converted under the Licensing Act 2003.
- 6 It is currently licensed for the following licensable activities;

Licensable Activity	Timings
A performance of dance - Indoors	Sunday 12:00 - 23:30 Monday to Wednesday 11:00 - 23:00 Thursday to Saturday 11:00 - 01:30
Provision of facilities for dancing - Indoors	As Above

A performance of live music - Indoors	As Above
Provision of Ent. Fac. similar to music/dance - Indoors	As Above
Entertainment similar to dancing/making music - Indoors	As Above
An indoor sporting event - Indoors	As Above
Sale by retail of alcohol	As Above
Any playing of recorded music - Indoors	Sunday 12:00 - 00:00 Monday to Wednesday 11:00 - 23:30 Thursday to Saturday 11:00 - 02:00

7 The current opening hours of the premises are:

Monday to Wednesday 11:00 - 23:30
Thursday to Saturday 11:00 - 02:00
Sunday 12:00 - 00:00

8 I have appended the full conditions currently attached to this licence to the rear of the report.

In brief they include the following conditions which were attached to the licence after a previous hearing of the Licensing Committee:

- a. All windows and doors to be kept closed when amplified music is played.
- b. A noise limitation device shall be installed
- c. Notices shall be displayed requesting customers to leave quietly
- d. Provision of CCTV
- e. Staff Training
- f. Staff sale of alcohol having DPS written authorisation
- g. SIA Door Staff to be present every Thursday, Friday and Saturday from 2000hrs to 30 minutes after closure
- h. Maintain a refusals log
- i. Use of plastic/toughened glass containers and no removal of containers from the premises

9 These conditions were added to the Premises Licence by the Committee following a review of the Licence that was called for by the Police on the 1st November 2011. I have attached a copy of the review application to the report.

- 10 On the 5th November 2020 Mr Hassan submitted an application for a minor variation to vary the current premises licence. His intention is to re-purpose the location to be predominately restaurant based and to reduce the licensable hours. This application was as follows:
- a. To adjust the premises plan to reflect the new internal layout of the premises.
 - b. Reduce the licensable hours to terminate the sale of alcohol at 23:30 hours each night and late-night refreshment to 00:00 hours each night (terminating 0100 hours into Christmas Day and New Years Day)
 - c. Removal of Premises Licence conditions relating to the provision of door staff
- 11 The Police made representations in respect of this minor variation application and it was therefore refused.
- 12 On the 25th November 2020 Mr Hassan re-submitted this application as a full variation of the Premises Licence. He is requesting the same proposed variations as specified in the Minor Variation application.
- 13 Should the Committee grant the variation of the licence and the removal of the conditions in respect of door staff, the Police have requested that a number of conditions detailed in the appendices to this report be included in respect of their representations.

Representations

- 14 Representations have been received from the Police in respect of the removal of the Premises Licence condition in respect of the provision of SIA door staff. Their detailed representations are attached in the appendices.

In brief the Police have expressed their concerns that the premises will not be operating solely as a restaurant with alcohol only being served to customers sitting down and partaking of a 'sit down meal'. In correspondence with Mr Hassan he confirmed that customers would still be able to stand at the bar and watch and partake in sports (Pool and darts). Therefore the Police considered that, while a 'restaurant area' may be provided and the operating hours reduced; the premises would never the less continue to function as a 'sports' bar, operating well into the hours of the night time economy, in the centre of East Grinstead. Sussex Police could therefore not endorse the removal of the condition in respect of the provision of door staff.

The Police have also referenced recent breaches of the current Premises Licence conditions and Covid19 Restrictions. These relate to a visit to the premises by Police after 2200 hours on the 30th October 2020. The Covid19 regulations at that time stated that the premises should be closed to the public at 2200 hours. It was found to be open and this matter was subsequently discharged by a Fixed Penalty Notice.

A subsequent visit by the Licensing Officer found a number of other issues in respect of the Premises Licence conditions which have since been rectified in a re-inspection.

The Police have also brought to the attention of the Licensing Department of a check the Police completed at 22:15 hours on Friday 18th December 2020 when there were no SIA door staff present at the location.

- 15 The consultation period took place between 25th November and 23rd December 2020. It was correctly advertised at the site during this period and in the Mid Sussex Times 3rd December 2020

Policy Context

16 Determination of Application for a Premises Licence

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

17 Section 34 LA03 deals with the determination of the application:

Grant of premises licence

34 Determination of application for premises licence

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

- (a) receives an application, made in accordance with section 34, to vary a premises licence, and
- (b) is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section.

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

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

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

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

(4) The steps are—

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

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

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

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

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

(6) The requirements of are—

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

(b) that they have not been withdrawn, and

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

18 Relevant Representations

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

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

19 A representation is a 'relevant representation' if it is about the likely effect of the grant of the licence on the promotion of the licensing objectives. The objector must establish that such a consequence is a *likely* effect of a grant - (ie more probable than not)

Other Options Considered

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

Financial Implications

21 The final decision made by the Committee in this matter is subject to appeal in the Magistrates Court by any party to the proceedings.

Other Material Implications

22 Section 136 Licensing Act 2003 – A person commits an offence if he carries on or attempts to carry a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or he knowingly allows a licensable activity to be so carried on.

23 A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine or both.

Background Papers

- Appendix 1 – Application Form and new plan of premises
- Appendix 2 – Current Licence Conditions
- Appendix 3 – Photos of Location
- Appendix 4 – Application for review dated 1st November 2011

Representations

- Appendix 5 – Police representation and associated emails
- Appendix 6 – Letters relating to Licencing Team Inspection

Other Documents

- Appendix 7 – Police requested conditions if SIA door staff removed

Part 1

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

Serial Number: 866842

I/We being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Name(s) of applicant(s): H. Hassan

Premises licence number PWA0226

The Premises

Postal address of premises or, if none, ordnance survey map reference or description: Atrium, King St
East Grinstead
West Sussex
RH19 3DJ

Postcode: RH19 3DJ

Tel: (at premises) 01342326359

Email: HH

Non-domestic rateable value of club premises. £4301 - £33000

The Current Premises Licence

Please describe briefly, the nature of the proposed variation: To reduce the operating hours at the venue and remove condition 14 which requires door supervisors on thursday, friday and saturday nights.

I have attached the premises licence (or relevant part of it) Yes

Part 2

Applicant Details

Current postal address if different from premises address:

Postcode:

Tel:

Email:

Part 3

Operating Schedule

Do you want the proposed variation to have effect as soon as possible?

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Description:

The premises is situated on the mezzanine floor of the Atrium and operated previously as a public house. After extensive renovation works this year we have opened as a restaurant/ bar. Our customers now are predominantly family diners but we also invite guests who wish to enjoy just a drink. We operate a strict challenge 21 policy. Our average age group is 30 plus and we are fast becoming known and a family friendly venue. We realise that once restrictions are lifted customers will want to once again sit/stand at the bar with their food and drink. When that time comes we will allow our customers to do so, as will many other venues in east grinstead who do not have such conditions on their licenses.

Activities

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

- a) plays
- b) films
- c) indoor sporting events
- d) boxing or wrestling entertainments
- e) live music
- f) recorded music
- g) performances of dance
- h) anything of a similar description to that falling within (e), (f) or (g)

Provision of late night refreshment

Supply of alcohol

Night Refreshment

Standard days and timings. Provide times using 24hour clock.

Monday

Start

Finish

Tuesday

Start

Finish

Wednesday

Start

Finish

Thursday

Start

Finish

Friday

Start

Finish

Saturday

Start

Finish

Sunday

Start

Finish

Where will the provision of late night refreshment take place?
Indoors may include a tent.

State any seasonal variations :
For example (but not exclusively) where late night refreshment is provided on additional days during the summer months.

Non standard timings. Where the club intends to use the premises for the provision of late night refreshment at different times from those listed above, please list:
For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Supply of alcohol

Standard days and timings. Provide times using 24hour clock.

Monday

Start

Finish

Tuesday

Start

Finish

Wednesday

Start

Finish

Thursday

Start

Finish

Friday

Start

Finish

Saturday

Start

Finish

Sunday

Start

Finish

Where will the supplied alcohol be consumed? Indoors may include a tent.

State any seasonal variations :
For example (but not exclusively) where the supply of alcohol will occur on additional days during the summer months.

Non standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed above, please list:
For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Open Hours

Hours club premises are open to the public

Standard days and timings

Monday

Start 08:00

Finish 00:00

Tuesday

Start 08:00

Finish 00:00

Wednesday

Start 08:00

Finish 00:00

Thursday

Start 08:00

Finish 00:00

Friday

Start 08:00

Finish 00:00

Saturday

Start 08:00

Finish 00:00

Sunday

Start 08:00

Finish 00:00

State any seasonal variations :
For example (but not exclusively) where the supply of alcohol will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, please list:
For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Adult Entertainment

Please highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the club premises that may give rise to concern in respect of children.

Licensing Objectives**Describe the steps you intend to take to promote the four licensing objectives**

General - all four licensing objectives (b,c,d,e):
Please list here steps you will take to promote all four licensing objectives together.

Ongoing training will be provided to all members of staff.
By having sufficient numbers of staff on the premises at busy times.

The prevention of crime and disorder:

Have regular empty glass collections. Challenge 21 to ensure no under age drinking. Provide a taxi booking service. Cctv in place.

Public safety:

keep up to date with ring main electrical testing. PAT testing of all portable equipment. ensure H&S policy and RA are up to date. Employers and public liability insurance is in place. regular checks and staff training for fire extinguishing equipment.

The prevention of public nuisance:

Signs in prominent places asking customers to respect neighbours and leave quietly.
Ensure all windows and doors are kept closed whenever possible.

The protection of children from harm:

No Children are allowed in the bar area. Must be with a family member or carer.

Submit & Pay

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Address for correspondence
associated with this application

The Crab & Beacon
Atrium, King St.
East Grinstead

Postcode:

RH19 3DJ

Tel:

01342326359

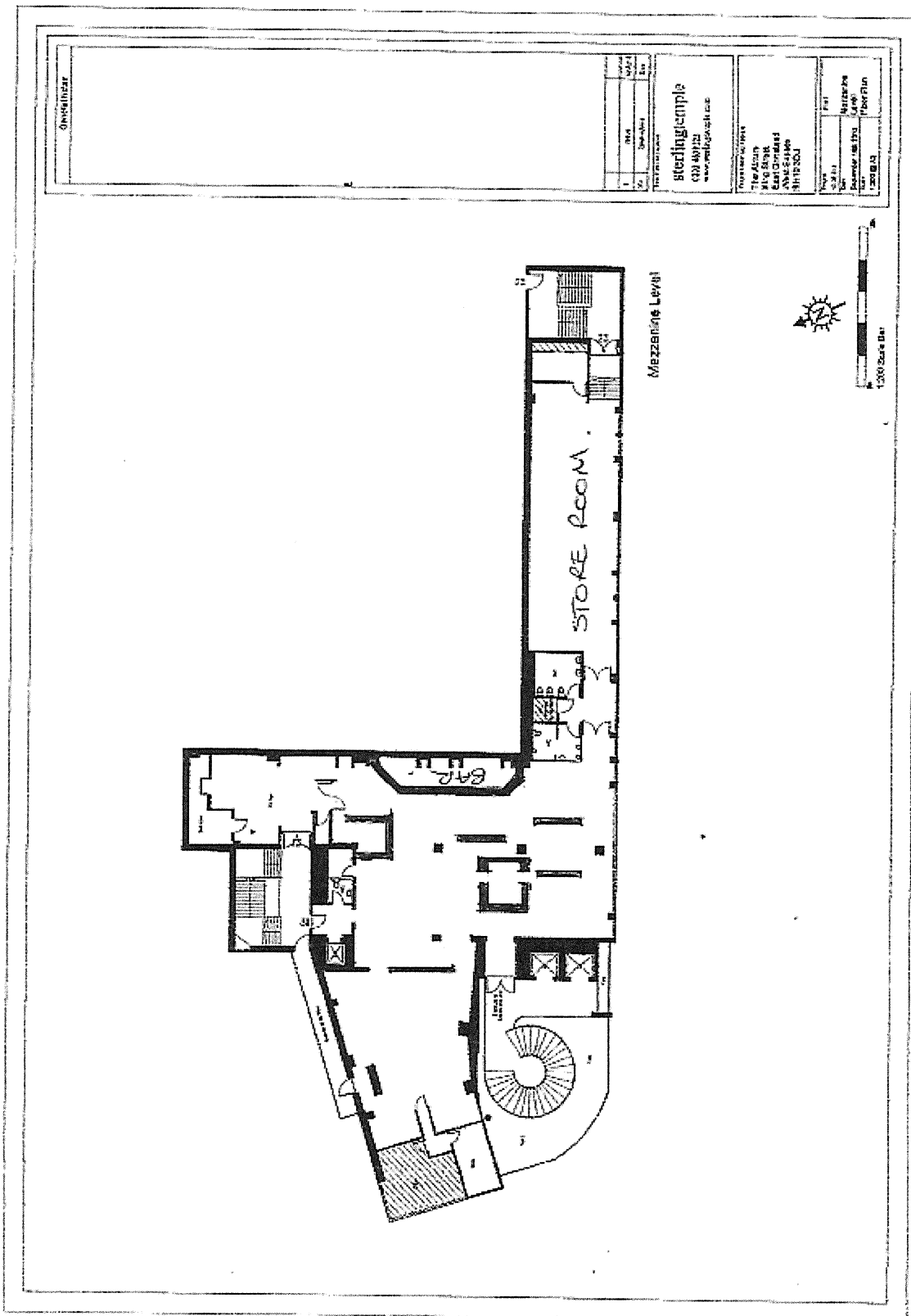
The email address provided below will receive a copy of this completed application form.

Email:

HH

Payment amount:

£190.00



Conditions consistent with the operating schedule

Conditions attached after a hearing by the Licensing Committee

1. All windows and doors to be kept closed when amplified music is played.
2. A noise limitation device shall be installed on the premises sound system in agreement with the Environmental Health Department Noise and Pollution team.
3. Notices shall be displayed requesting customers to leave quietly.
4. CCTV to be installed in accordance with current or amended Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems. These cameras shall be located both internally and externally in consultation with the police.
5. 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. Sussex Police will be immediately notified of any breakdown or system failure and will be rectified as soon as practicable. A daily log will be kept of the condition of the CCTV systems.
6. Any request from Sussex Police for a recording to be made for evidential purposes must be actioned immediately.
7. Written records to be kept of staff training, with at least one training session to be conducted every 12 weeks. These records will be available upon request by Sussex Police and/or the Local Authority.
8. Staff responsible for the sale of alcohol must sign a written document with authorisation from the Designated Premises Supervisor.
9. On Thursdays, Fridays and Saturdays, the numbers of licensed door staff will be set as follows, 2 Security Industry Authority licensed door supervisors for the first 100

customers and then 1 Security Industry Authority licensed door supervisor per 100 customers thereafter.

10. Security Industry Authority door supervisors will be on duty from 20:00hours and will remain on duty until 30 minutes after the closure of the premises and must ensure the Atrium, including the stairwell and lifts, are clear of customers.
11. A Designated Premises Supervisor must receive specific BIIAB approved training for the job role. Proof of attendance must be provided to the Local Authority and Sussex Police.
12. Bar staff to take a BIIAB Level 1 Award in Responsible Alcohol Retailing. Proof of attendance must be provided to the Local Authority and Sussex Police.
13. A written log shall be kept of all refusals to serve alcohol, refusals of entry to the premises and ejections from the premises. The Premises Licence Holder shall have responsibility for making sure that this log is properly maintained and available for inspection upon request to Sussex Police and the Local Authority.

14. Door Supervisors

On Thursday, Friday & Saturday evenings door supervisors shall be employed.

15. Plastic containers/toughened glass

All beverages will be provided in containers constructed of paper, plastic etc. or toughened glass. Containers constructed of breakable glass shall not be used.

16. Removal of open containers from premises

Bottles (whether opened or unopened), glasses, tins and other beverage containers shall not be permitted to be taken from the premises by customers.

APPENDIX 3



Front of Venue



Entrance

Stairs



Podium in Entrance



View of venue from left hand side



View across bar



View Bar from Right hand side



Pool Tables

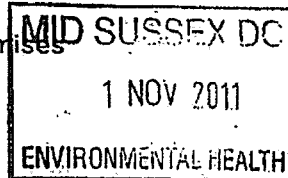


Ref: 11/02267/LAARMC

End date for Representations!

29/11/2011

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Chief Inspector De Le Rue for and on behalf of the Chief Constable of Sussex Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Crows Nest Mezzanine Floor The Atrium King Street	
Post town East Grinstead	Post code (if known) RH19 3DJ

Name of premises licence holder or club holding club premises certificate (if known) Mr Nafi H. Hassan, Sarah J Lambert,
--

Number of premises licence or club premises certificate (if known) PWA0226

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2). a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Inspector De La Rue for and on behalf of the Chief Constable of Sussex Police Haywards Heath Police Station Boinore Road Haywards Heath RH16 4BA
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Sussex Police contend that the Licensing Objectives of :

- Public Safety
- Prevention of Crime and Disorder

have been undermined.

The Designated Premises Supervisor (DPS) Sarah Lambert failed to promote the licensing objectives and comply with conditions on the Premises Licence.

Staff within the premises have failed to understand their responsibilities under the Licensing Act 2003 and exercise a duty of care to patrons. As a result, a patron became heavily intoxicated within the premises and upon leaving fell to his death.

Please provide as much information as possible to support the application
(please read guidance note 2)

The Atrium Complex is a glass fronted building on the corner of King Street and Little King Street, East Grinstead.

The entrance to the Atrium complex is via Little Kings Street. On entering the foyer, access is gained to the upper levels via a spiral staircase. The Crows Nest is situated on the floor referred to as the mezzanine, from which this is the only public access point to the premises. The first floor is currently vacant with no tenant. The entrance to the cinema is located on the second floor.

Within the Atrium complex the Ounce and Ivy Bush, a Wetherspoons pub, is situated on the right hand side of the foyer and can be accessed from the ground floor by a side door. Tryst nightclub is situated in the basement of the complex with access from Little Kings Street only.

At 1.05am on 9th October 2011 police were called by members of the public who had witnessed a male falling from the upper floor in the Atrium foyer. The police officers found a male on the ground floor who was unconscious and had stopped breathing. A police officer and off-duty nurse proceeded to administer first aid and CPR until paramedics arrived. The male was identified as David Cockerton.

Mr Cockerton was taken to the Royal Sussex and County Hospital in Brighton where he subsequently died from his injuries.

Officers spoke to witnesses at the scene who said that they had left the Crows Nest a few minutes before the incident, following a request by Door Supervisors, who advised them that the venue was closing. Mr Cockerton left the venue very shortly afterwards. A witness described Mr Cockerton as being very drunk, unsteady on his feet and swaying.

One witness stated that she saw Mr Cockerton walking up the stairs and was not prevented from doing so by the Door Supervisors. She stated that he was so drunk he was unable to walk in a straight line, using the handrail to support himself while staggering from one side of the stairs to the other.

The witness said she heard Mr Cockerton calling, and as she turned she saw him holding onto a vertical metal pole which runs from the ground floor to the third floor of the Atrium. Mr Cockerton was waving. She then saw him lose his grip from the supporting pillar and fall backwards to the ground floor.

The witness stated she then knocked on the Crows Nest doors, which were locked, and asked staff for assistance and a member of door supervision to call an ambulance. It is not known if this call was made. In the witness' written statement to police, she advised that she had heard a member of staff making crass and inappropriate comments regarding Mr Cockerton and the accident.

Witnesses confirmed that at the time of the incident no member of door supervision was present on the mezzanine floor or in the foyer area of the Atrium.

Following Mr Cockerton's death, the police investigation was hampered by the CCTV system for the complex not working. This is a breach of a condition on the licence which states:

"A closed circuit television (CCTV) shall be provided to a specification agreed with Sussex Police.

- The precise siting of each camera shall be agreed with the Police.
- All cameras & recording equipment shall be maintained in a good & efficient working order.
- All images created shall be recorded with appropriate media, as agreed with Police and shall be retained for a minimum period of thirty (30) days."

The system failed to record any images from 00:00 hours on Friday 7th October until 01:37 hours on Sunday 9th October when the engineer re-initialised the CCTV. The engineer had been called by a member of staff from the Atrium, following the incident occurring.

The CCTV system for the Atrium and the Crows Nest is situated within the Crows Nest main office. When operational, the monitor displays images from the sixteen cameras sited throughout the building. When the CCTV engineer arrived, he found the monitor to be blank with the word "initialising" displayed on the screen.

At no time had management or staff informed the CCTV engineer that the system was not operational.

On Wednesday 19th October the DPS, Sarah Lambert was interviewed by police and admitted she had not checked if the CCTV was working that day.

When she was asked about the training she gave to her staff, her first response was that she taught them how to pull pints. She then said she trained them on the responsible sale of alcohol. Whilst she said she did conduct training, there were no written records which could be provided to the police.

Ms Lambert was asked what her responsibilities as a Designated Premises Supervisor are under the Licensing Act 2003; she replied that she was not clear on the question and didn't know what it meant. When the officers explained the question, she replied her responsibility was to tell staff to keep the fire exits clear. She was then asked what the Licensing Objectives were and she replied she could not recall them and then said she didn't know what they were. Ms Lambert was asked if an incident log had been completed to which she replied it had, but when officers advised her that their investigations highlighted that it had not been completed, she replied that she had tasked someone else to do it and had not followed this up.

Sussex Police believe that it is both proportionate and necessary to request that the Licensing Committee seriously consider applying the following conditions to the premises licence:

- CCTV to be installed in accordance with current or amended Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems. These cameras shall be located both internally and externally in consultation with the police.
- 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. Sussex Police will be immediately notified of any breakdown or system failure and will be rectified as soon as practicable. A daily log will be kept of the condition of the CCTV system.
- Any request from Sussex Police for a recording to be made for evidential purposes must be actioned immediately.
- Written records to be kept of staff training, with at least one training session to be conducted every 12 weeks. These records will be available upon request by Sussex Police and/or the Local Authority.

- Staff responsible for the sale of alcohol must sign a written document with authorisation from the Designated Premises Supervisor.
- On Thursdays, Fridays and Saturdays, the numbers of licensed door staff will be set as follows, 2 Security Industry Authority licensed door supervisors for the first 100 customers and then 1 Security Industry Authority licensed door supervisor per 100 customers thereafter.
- Security Industry Authority Door Supervision will be on duty from 20:00 hours and will remain on duty until 30 minutes after the closure of the premises and must ensure the Atrium is clear of customers, including the stairwell and lifts.

Sussex Police also request the Licensing Committee require that the following training is undertaken by the Designated Premises Supervisor and completed within one month of the review hearing. This training is to ensure that management and staff involved in the sale of alcohol are aware of their responsibilities under the Licensing Act 2003, and that the Licensing Objectives are promoted.

- Designated Premises Supervisor will receive specific BIIAB approved training for the job role. Proof of attendance must be provided to the Local Authority and Sussex Police.
- Bar Staff to take a BIIAB Level 1 Award in Responsible Alcohol Retailing. Proof of attendance must be provided to the Local Authority and Sussex Police

Have you made an application for review relating to this premises before **Please tick yes**

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

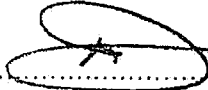
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

 C/Insp A Joo

Date

31/10/11

Capacity

Senior Police District Commander

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

From: [PG](#)
To: [HH](#)
Cc: [licensing](#)
Subject: RE: Crab & Beacon minor variation
Date: 16 November 2020 15:24:03
Attachments: [objection.pdf](#)

Good afternoon

Thank you for responding to my email.

The information you have provided indicates that the new business profile is not in fact that of a restaurant but of a bar with restaurant facilities. I can agree with you that it is not unusual for patrons to wish to stand at a bar drinking and watching sport, but this is activity associated with a bar not a restaurant.

It would be expected that in a restaurant patrons would be sitting down for their meals and enjoying waiter/waitress service for both food and drinks.

It is noted that the hours sought have been reduced however this remains a venue operating during the night time economy in the town centre.

In view of these matters Sussex Police cannot agree to the removal of SIA door supervisors.
(please see attached document)

Kind regards

Pauline Giddings

Divisional Licensing Officer
 Prevention Licensing Team
 West Sussex
 101 x 581443
 01273 404030

(My working days are Monday, Tuesday and Wednesday. Please send any urgent enquiries outside of those days to

From: HH
Sent: 16 November 2020 14:38
To: PG

Subject: RE: Crab & Beacon minor variation

****External Email - Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found [here](#).****

Good Afternoon

Firstly, allow me to apologise for not getting back to you sooner. As you can imagine things are a little hectic, trying to run a business, during these troubled times.

With regards to your queries, id like to address each in turn.

Firstly, the floor plans you received are the plans for the premises as requested by M.S.D.C. during my application.

I'd be happy to provide a table plan for you if that's what you'd like. I'd like to point out that Jon Bryant and Fiona Spears visited the premises and were happy with our layout. Please feel free to pop in and see for yourself.

As part of the branding for our new venue we want to encourage a family atmosphere where families can enjoy a meal/ snack whilst enjoying not only watching but also participating in sports. This is proving very popular with families who have become regulars.

Although during recent restrictions our customers are only permitted to drink whilst seated, people are looking forward to being able to stand at the bar as they did before.

You'll agree that this is not an unusual thing as many other restaurant/ bar/ grill establishments in this town and others do the same thing.

You'll notice that we've requested our hours be shortened therefore I can confirm that no special events are planned for the future.

If this changes we will provide any risk assessments that are required.

All our staff will continue receiving full training promoting the licensing objectives.

Regards

H.Hassan

----- Original Message -----

From: [PG](#)

To: [HH](#)

Cc: [licensing](#)

Sent: Monday, 16 Nov, 20 At 09:52

Subject: RE: Crab & Beacon minor variation

Good Day

To date no response has been received to the email below (9th November 2020) seeking clarification around aspects of this licence application. If the matters raised are not addressed to the satisfaction of Sussex Police, a representation will need to be submitted to the licensing committee objecting to the application; the measures proffered in the operating schedule being insufficient for a premises operating as a late night bar.

A reply is required no later than 4pm today after which time the objection shall be submitted.

Kind regards

Pauline Giddings

Divisional Licensing Officer

Prevention Licensing Team

West Sussex

101 x 581443

01273 404030

(My working days are Monday, Tuesday and Wednesday. Please send any urgent enquiries outside of those days to ...)

From: PG
Sent: 09 November 2020 10:28
To: HH
Cc: 'licensing' <licensing@midsussex.gov.uk>
Subject: Crab & Beacon minor variation

Good Day

Sussex Police have received the application to vary the premises licence for The Crab and Beacon.

Within the application various alterations are sought which include; in effect a change of hours and use of the premises, the removal of conditions and an alteration to the layout.

I have looked at the plan submitted but would seek written confirmation of the changes intended as, without currently having access to the current plan, it is not easy to assess the changes.

It is appreciated that, as a restaurant, SIA door supervision may not be necessary. Can the applicant therefore please confirm that the premises is intending to trade as a restaurant and that alcohol will therefore only be served to persons partaking in a sit down meal? Can it also be confirmed that any pool tables and dart's boards will be removed. If this is the case and the premises is not intending to continue as a vertical drinking establishment then Sussex Police can agree this variation application. A documented risk assessment regarding the use of SIA for any seasonal variations or special functions would obviously be in the interests of the premises licence holder; both for the safety of staff and of members of the public alike; clearly promoting the licensing objective for the prevention of crime and disorder.

Please can these matters be clarified in order that Sussex Police can be assured of the nature of this variation, to enable a proper consideration, and potentially, a resolution to be achieved

Kind regards

Pauline Giddings

Divisional Licensing Officer
Prevention Licensing Team
West Sussex
101 x 581443
01273 404030

(My working days are Monday, Tuesday and Wednesday. Please send any urgent enquiries outside of those days to ...)

You can report crime and incidents online at
<https://www.sussex.police.uk/report-online>

We want to know your views - see what's new and give us your feedback and suggestions at www.sussex.police.uk

If you have received this message in error, please contact the sender as soon as possible - you may not copy it, or make use of any information contained in it for any purpose, or disclose its contents to any other person. Messages sent and received by Sussex Police are not private and may be the subject of monitoring.

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If you have received this message in error, please contact the sender as soon as possible -



Licensing Officer,
Mid Sussex District Council,
Oaklands Road,
Haywards Heath,
RH16 1SS

Neighbourhood Licensing Team West Sussex Division

16th November 2020

RE: APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR CRAB AND BEACON

Dear Mr Bryant,

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above variation application on the grounds of the licensing objectives of the Prevention of Crime and Disorder, the Prevention of Public Nuisance.

Sussex Police object to this variation application due to concerns that while the applicant refers to the premises operating as a restaurant, it will in fact be operating as a vertical drinking establishment.

Sussex Police sought clarification from the applicant, due to the information in the application referring to the premises as a restaurant, but also seeming to seek to retain the ability to function as a bar. This has indeed been confirmed by the applicant as the intention.

While the hours in the variation have been reduced, ceasing licensable activity at mid night; the fact remains that the premises would be able to function as a vertical drinking establishment operating well into the hours of the night time economy, in the centre of East Grinstead.

Sussex Police cannot therefore endorse the removal of SIA door supervisors from this premises, as to do so would place staff and members of the public at risk and fail to promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Therefore Sussex Police invite the licensing committee to refuse this variation application.

Sussex Police, Neighbourhood Licensing Team
Centenary House, Durrington Lane, Worthing,
West Sussex. BN13 2PQ
Telephone: 01273 404030

Please contact this office on the number below or via email to ws_licensing_wor@sussex.pnn.police.uk should you wish to discuss this representation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Lovell', with a stylized flourish at the end.

Insp R Lovell CL740
Force Licensing Lead
Sussex Police

**Sussex Police, Neighbourhood Licensing Team
Centenary House, Durrington Lane, Worthing,
West Sussex. BN13 2PQ
Telephone: 01273 404030**

From: [WJ](#)
To: [Jon Bryant](#)
Cc: [PG, DB](#)
Subject: Crab and Beacon, The Atrium, East Grinstead
Date: 21 December 2020 12:00:51
Attachments: [image001.png](#)
Importance: High

Good morning Jon,

I hope this finds you well?

An Op Tandem/Licensing visit was conducted by local officers at the Crab and Beacon at about 2215 hours on Friday 18th December 2020.

There were no SIA door staff on duty. The PLH/DPS Nafi Hassan, was on site and was spoken to by officers. He confirmed that there were no door staff on duty, rationalising to them that he had an application in to have the condition removed. The officers confirmed with him that it was still a current requirement of the premises licence.

The InnKeeper entry states that there were about 20 patrons present, all seated, and social distancing was being adhered to. There was evidence of recently eaten food on many tables, but a number of empty glasses on most tables.

It would appear that despite recent intervention from both the police licensing team, and yourself as the licensing authority, Mr Hassan has continued to knowingly breach the conditions attached to the relevant premises licence. Being on the premises at the time of the breach, he was in a position to prevent this occurring, thus negating any suggestion of due diligence. This is unacceptable, regardless of any difficulties he has previously cited in obtaining door supervisors, or in regards to any variation application he has in place.

In considering a course of action in regards to this breach, we are mindful that the relevant condition was added following a hearing by the licensing committee. It does therefore seem appropriate to bring this to the attention of Mid Sussex District Council, as the licensing authority, and responsible authority in regards to applying the condition to the premises licence, and invite you to take such action as you deem appropriate.

The attending officers are currently enjoying their rest days, but I will contact them to request s9 statements, and BWV should these be required for any formal procedures you instigate.

Kind regards,

Warren

Warren Jones
Constable CJ903
Neighbourhood Licensing Team | West Sussex Police
Hurst Road | Horsham | RH12 2DJ
Mobile: 07780 227415



Licensing Officer,
Mid Sussex District Council,
Oaklands Road,
Haywards Heath,
RH16 1SS

Neighbourhood Licensing Team West Sussex Division

2nd December 2020

RE: APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR CRAB AND BEACON EAST GRINSTEAD

Dear Mr Bryant,

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above variation application on the grounds of the licensing objectives of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

On 4th November an application was submitted seeking a minor variation to the premises licence for The Crab & Beacon, East Grinstead.

The application sought to reduce the hours available for licensable activity, so as to cease trading by midnight. (With seasonal variations until 01:00 hours). It stated that the premises would now have "*revised hours & change from predominantly bar to restaurant based and (we) do not require door supervisors*"

While the premises was referred to in the application as a restaurant, there was an indication that it would also continue to operate as a vertical drinking bar. Sussex Police therefore sought clarification from the applicant around this and some other matters regarding the floor plan.

In the email from Sussex Police dated 9th November 2020, (extract below for your convenience*) it clearly explained the concerns surrounding the removal of SIA door supervisors while seeking to continue to trading as a bar, retaining the pool tables and the dart board(s).

*It is appreciated that, as a restaurant, SIA door supervision may not be necessary. Can the applicant therefore please confirm that the premises is intending to trade as a restaurant and that alcohol will therefore only be served to persons partaking in a sit down meal? Can it also be confirmed that any pool tables and dart's boards will be removed.

Following a second email request from Sussex Police; the applicant responded, confirming that the premises would indeed still be operating as a bar. It was also confirmed that patrons would be able to stand at the bar, "*...not only watching but also participating in sports*"

Sussex Police, Neighbourhood Licensing Team
Centenary House, Durrington Lane, Worthing,
West Sussex. BN13 2PQ
Telephone: 01273 404030

Therefore it was considered that, while a 'restaurant area' may be provided and the operating hours reduced; the premises would never the less continue to function as a 'sports' bar, operating well into the hours of the night time economy, in the centre of East Grinstead.

Sussex Police could not therefore endorse the removal of the SIA door staff condition from this licence.

As Mr Hassan will know, the SIA door staff conditions were placed upon the premises licence as a result of the Review hearing in 2012; following the death of a patron of the premises. The conditions are there to provide protection both to members of the public and staff alike. Persons who have reached their alcohol tolerance threshold will inevitably need to be refused entry to a late night venue. This should be achieved by SIA trained, professional staff. There may also be the need to eject patrons from The Crab and Beacon itself which, given its location at the top of a long flight of stairs, needs to be managed calmly & professionally.

In view of this police representation, the minor variation application was refused by the Licensing Authority on 20th November 2020.

On 25th November 2020 a variation application was submitted by the applicant. This has now been considered by Sussex Police and, being virtually identical to the previous minor variation application, raises the same concerns.

If the applicant seeks to operate *solely* as a restaurant, where children attending as part of a family can be protected from harm; then it may be possible to reconsider the requirement for SIA security door staff. Clearly there would still need to be safeguards in place regarding the presence of children on the premises.

- Any patron under the **age of 18 years** must be accompanied by a responsible person aged 18 or over.
- After 21:00 hours all children under 18 years must be accompanied by a responsible adult and may only remain on the premises until 23:00 hours and then only if partaking in a sit down meal or attending a pre-booked function or event. (such private functions must be booked at least 24 hours in advance and a risk assessment must be performed by the premises staff, with the promotion of the licensing objectives to be addressed.)
- With the exception of the immediate area of the bar, all customers will be required to be seated whilst consuming alcohol. Customers will be served by a waiter/waitress.
- All tables will be laid for food service at all times when the premises are open for licensable activities.
- Any bookings taken will include provision of a full meal for all those attending.
- No entry will be permitted to the premises after food service has ceased each day.
- Food must be offered for consumption up until at least 40 minutes before closing each day.
- The premises will operate as a restaurant and any promotions and advertising will refer to it as such.

However, if the applicant seeks to continue operating as a vertical drinking establishment, and continues to provide dart boards and pool tables then the current conditions remain essential.

While Sussex Police are not adverse to diversification, particularly during these difficult times; this cannot be at the expense of public safety.

Sussex Police, Neighbourhood Licensing Team
Centenary House, Durrington Lane, Worthing,
West Sussex. BN13 2PQ
Telephone: 01273 404030

Indeed it is of concern that this Designated Premises Supervisor & Premises Licence Holder has recently come to the attention of Sussex Police and of the Local Authority Licensing Officer for failing to operate this premises with due regard for public safety and in accordance with conditions currently attached to the licence.

On 30th October 2020 a police officer visited the premises after 22:00 hours. The premises was very busy and obviously still full of patrons both standing and sitting at tables and chairs, drinking alcohol. No apparent effort was being made to ask them to leave. The balcony area remained full of patrons smoking and inside patrons continued to drink and play pool; unchallenged by premises staff. No SIA door staff were on duty.

The Local Authority (L/A) were made aware that the premises had been open contrary to Regulation 6(1) of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020. The Local Authority Licensing Officer subsequently attended the premises and, having viewed the evidence, the matter was dealt with by way of a Penalty Notice under the regulations. This was confirmed in writing in a letter dated 3rd November 2020 to Mr Hassan from Mid Sussex District Council. (copy attached)

While viewing footage of the original offence relating to Coronavirus Health Protection regulations, further offences under the Licensing Act 2003 were identified by the L/A officer attending. These offences were clearly set out for Mr Hassan in the letter of the 3rd November 2020, with an explicit expectation that the failings would be addressed by the time the premises re-opened, when the CV19 restrictions were relaxed. At this time this has yet to be confirmed as 'lockdown' restrictions have remained in place.


While at this present time provision of alcohol for 'on sales' may only be as an accompaniment to a substantial 'restaurant' meal; clearly this premises licence will be in place once the current restrictions are lifted. Sussex Police cannot therefore endorse the removal of SIA door supervisors from this premises. As previously stated, to do so would place staff and members of the public at risk and fail to promote the licensing objectives of, the prevention of crime and disorder, and the prevention of public nuisance.

Even solely as a restaurant, Sussex Police consider additional steps are necessary to ensure that children are protected from harm at this premises, should it be open for the hours suggested.

Therefore Sussex Police invite the licensing committee to refuse this variation application.

Please contact this office on the number below or via email to ws_licensing_wor@sussex.pnn.police.uk should you wish to discuss this representation.

Yours sincerely



Insp R Lovell CL740
Force Licensing Lead
Sussex Police

Sussex Police, Neighbourhood Licensing Team
Centenary House, Durrington Lane, Worthing,
West Sussex. BN13 2PQ
Telephone: 01273 404030

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Contact: Jon Bryant
Direct Line: 01444 477428
E-Mail: jon.bryant@midsussex.gov.uk

Our Ref: PWA0226
Your Ref:

Date: 3rd November 2020

Mr Hassan Nafi Hassan
The Crab And Beacon
King Street
East Grinstead
West Sussex
RH19 3DJ

Dear Hassan,

Visit to premises 2nd November 2020

Thank you for your time yesterday when I visited The Crab and Beacon in connection with a report from the Police, that the premises had not been closed at 2200 hours on Friday 30th October as required by Regulation 6(1) of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020.

We viewed the CCTV for this and other incidents and confirmed that there were still a number of customers on the premises after 2200 hours on the night in question. This matter has been dealt with by the issue of a Penalty Notice under the Regulations.

In respect of the current Premises Licence conditions, there were a number of issues surrounding breaches of these that came to light.

Premises Licence Conditions 9 10 & 14 - Door Supervisors

On Thursdays, Fridays and Saturdays, the numbers of licensed door staff will be set as follows, 2 Security Industry Authority licensed door supervisors for the first 100 customers and then 1 Security Industry Authority licensed door supervisor per 100 customers thereafter.

Security Industry Authority door supervisors will be on duty from 20:00 hours and will remain on duty until 30 minutes after the closure of the premises and must ensure the Atrium, including the stairwell and lifts, are clear of customers.

On Thursday, Friday & Saturday evenings door supervisors shall be employed

You agreed that there were no door staff on duty on the Friday, when the Police attended the location and accepted that you knew that this was a condition of your licence. You explained that you were having issues in respect of the door team not wanting to work for 2 hours up to 22:00 hours. You confirmed that you had not advised either the Police or the Licensing Authority of these issues and that you realised that there should have been door staff on duty as this is a condition of the premises Licence.

Premises Licence Condition 8

Staff responsible for the sale of alcohol must sign a written document with authorisation from the Designated Premises Supervisor.

You were not present at the premises on Friday 30th October when the Police visited and there were no holders of a Personal Alcohol Licence present either. I asked to see the authorisation list as per this licence condition to see which of the current staff have been authorised by yourself for the sale of alcohol. You stated that it may be behind the bar but was unaware of its location. We agreed that we would avoid the embarrassment of trying to find it in front of staff and you accepted that there would not be an up to date list in any case.

Premises Licence Condition 7 – Staff Training Records

Written records to be kept of staff training, with at least one training session to be conducted every 12 weeks. These records will be available upon request by Sussex Police and/or the Local Authority.

You were unable to show me any staff training records and again it was clear that these records would not be up to date as required.

Premises Licence Condition 13 – Refusals Register

A written log shall be kept of all refusals to serve alcohol, refusals of entry to the premises and ejections from the premises. The Premises Licence Holder shall have responsibility for making sure that this log is properly maintained and available for inspection upon request to Sussex Police and the Local Authority

Finally, I asked to see your refusals register; again, this was not available and it was clear that it would not be up to date. We discussed the necessity for the completion of the refusal/incident register in case of any incidents at the premises and that it should be completed where necessary by all staff.

In respect of these breaches of the Premises Licence Conditions you have undertaken to utilise the forthcoming four-week lockdown period to remedy all these areas. I have attached a best practice guidance document for staff authorisations, an example of a refusals/incident register and training logs.

You have indicated that you will be submitting a Minor Variation to apply for the removal of the requirement to have Door Supervisors and amend the current plan of the premises as you plan to run it as a restaurant rather than as a bar into the early hours of the morning. I await this application.

In conclusion, I expect that the measures outlined above which constitute a breach of the Premises Licence conditions are remedied during the lockdown period and by the 5th December at the latest. I will look to re-visit the premises once the lockdown restrictions have ended to ensure that these shortfalls have been rectified.

Finally, I must point out that as the Designated Premises Supervisor, and Premises Licence Holder, you are ultimately responsible for the lawful conduct of this business and are reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises in breach of the conditions of a premises licence.

The maximum penalty on conviction for each breach is six months imprisonment and/or an unlimited fine. Furthermore, a review of this premises licence may be called for if further breaches of the Licence are substantiated.

Yours faithfully

Senior Licensing Officer

Contact: Jon Bryant
Direct Line: 01444 477428
E-Mail: jon.bryant@midsussex.gov.uk

Our Ref: PWA0226
Your Ref:

Date: 3rd November 2020

Mr Hassan Nafi Hassan
The Crab And Beacon
King Street
East Grinstead
West Sussex
RH19 3DJ

Dear Hassan,

Visit to premises 8th December 2020

Thank you for your time on Tuesday 8th December when I visited The Crab and Beacon to conduct a re-inspection following from my visit on the 2nd November.

I am pleased to confirm that the particular issues raised in the earlier visit have been addressed.

You currently have an application for a full variation of the Premises Licence pending to amend the current plan of the premises, shorten the licensable hours and regarding of the removal of current conditions relating to door staff which we briefly discussed.

In respect of the current Premises Licence conditions you have remedied the matters highlighted during the visit in November.

Premises Licence Condition 8

Staff responsible for the sale of alcohol must sign a written document with authorisation from the Designated Premises Supervisor.

There is an up to date DPS authorisation document that has been signed by all the staff that are involved in the sale of alcohol on the premises. The document was on display next to the bar area and there was also the age verification policy for the premises displayed next to it. The position of these two documents are clearly visible to any members of public and are fully compliant with the licence requirements.

Premises Licence Condition 7 – Staff Training Records

Written records to be kept of staff training, with at least one training session to be conducted every 12 weeks. These records will be available upon request by Sussex Police and/or the Local Authority.

The staff training records were produced and were up to date and covered all the current staff members. I was pleased to see that the training covers issues regarding age verification, permitted licensable activities, refusals, emergency and fire procedures together with the four licensing objectives which were detailed for the staff. I found the areas for staff training to be thorough and comprehensive.

Premises Licence Condition 13 – Refusals Register

A written log shall be kept of all refusals to serve alcohol, refusals of entry to the premises and ejections from the premises. The Premises Licence Holder shall have responsibility for making sure that this log is properly maintained and available for inspection upon request to Sussex Police and the Local Authority

You produced the refusals register. It is located at the 'welcome podium' and accessible for all staff to use, and the use of this refusals register forms part of the staff training.

You have clearly used the last four-week lockdown period to remedy the issues that were identified and it is clear that the premises are now fully compliant in these highlighted areas in respect of the licensing conditions.

Yours faithfully

Senior Licensing Officer

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Crab and Beacon

Proposed Police Conditions

1. Any patron under the age of 18 years must be accompanied by a responsible person aged 18 or over.
2. After 21:00 hours all children under 18 years must be accompanied by a responsible adult and may only remain on the premises until 23:00 hours and then only if partaking in a sit down meal or attending a pre-booked function or event. (such private functions must be booked at least 24 hours in advance and a risk assessment must be performed by the premises staff, with the promotion of the licensing objectives to be addressed.)
3. With the exception of the immediate area of the bar, all customers will be required to be seated whilst consuming alcohol. Customers will be served by a waiter/waitress.
4. All tables will be laid for food service at all times when the premises are open for licensable activities.
5. Any bookings taken will include provision of a full meal for all those attending.
6. No entry will be permitted to the premises after food service has ceased each day.
7. Food must be offered for consumption up until at least 40 minutes before closing each day.
8. The premises will operate as a restaurant and any promotions and advertising will refer to it as such.

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