

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing  
Committee held on Friday, 9th April, 2021  
from 10.00 am - 11.47 am**

**Present:** Councillors: N Webster (Chairman)  
J Dabell  
C Laband

**Officers in attendance:** Franca Currall, Solicitor  
Jon Bryant, Senior Licensing Officer  
Alison Hammond, Democratic Services Officer

**Also in attendance:** Mr John Thorpe, Applicant  
Mr Peter Sparham, Resident  
Mrs Emma Sparham, Resident  
Ms Joanna Steadman, Resident  
Ms Karen Sedgewick-Smith, Resident

Cllr Webster was nominated as Chairman for the meeting. The Solicitor carried out a roll call to establish attendance at the meeting and provided information on the format of the virtual meeting.

**LS.1 ROLL CALL AND VIRTUAL MEETING EXPLANATION.**

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**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.

**LS.4 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 30 JULY 2020.**

The Minutes of the Committee meetings held on 30 July 2020 were agreed as a correct record by Cllrs Dabell and Webster. The minutes were electronically signed by the Chairman.

**LS.5 APPLICATION OF A NEW PREMISES LICENCE.**

ACSC SERVICES LIMITED, THE TRADING SUBSIDIARY OF ANSTY SPORTS AND SOCIAL CLUB, ANSTY VILLAGE CENTRE AT RECREATION GROUND, DEAKS LANE, ANSTY, RH17 5AS.

Introduction and outline of the report:

Jon Bryant, Senior Licensing Officer introduced the application. He advised that the Committee would 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 taking into consideration the relevant representations of four neighbours close to the site on public nuisance and one representation on public safety.

He highlighted the history of the Club and that the Licensing Team were not aware of any complaints from the Public or intervention by Sussex Police or other authorities. The new Premises Licence was requested for the new building as it would give greater flexibility than a Club Premises Certificate. The application had been advertised on site and in the local newspaper.

The Officer noted that some of the matters raised in the representations were not relevant for the purposes of the Licensing Act 2003. These were comments concerning additional TENS applications (Temporary Event Notices), planning, car parking, timings, odour from the premises and people driving to the site. Relevant representations have been made on matters relating to the objective of Public Nuisance – the timings of the use of the outside space and noise from that use. He advised that a list of possible conditions were included with the report and related to CCTV, staff training, closure of windows and doors and use of the outside areas. It was noted that the Committee could add extra conditions.

The Officer summarised the relevant points raised in the representations: use of outside space and noise nuisance late at night; potential for public nuisance from the use of outside space and the request for additional hours. The Committee were reminded that the new building was still under construction and the photos of the site showed the position of the new building in relation to the current Club House.

Section 18 of the Licensing Act 2003 was highlighted along with the Licensing Objectives of the: Prevention of Crime and Disorder; Promotion of Public Safety; Prevention of Public Nuisance and Prevention of Harm to children and young persons. That a representation was relevant if it concerns the likely effect on the Licensing Objectives of granting a licence and was more probable than not. The Committee was advised that any party to the proceedings could appeal in a Magistrates Court.

#### Questions from the Members to the Officer:

A Member sought clarification on refuse collections and the timings of deliveries to the premises in the application. Mr Thorpe advised that restricted timings for deliveries would be added to the contract with suppliers and he would check regarding the refuse collection. The Officer advised that any guidance on timings for refuse collections from the premises would come from the Environment Protection Team but the Liquor Panel could add as part of the conditions if the licence was to be granted.

A Member thanked the Officer on the comprehensive report.

The Chairman sought clarification on the irrelevant matters raised in the representations relating to the TENS. The Officer advised that the person who made the representation had misunderstood. The premises would not be permitted to split the areas and have 15 TENS for two separate areas. TENS are separate applications and are processed separately from the Premises. These applications are reviewed by Sussex Police and the Environment Protection Team to determine

whether they are granted. He confirmed that no representations were received from the Environment Protection Team and Sussex Police made comments regarding people being able to take their drinks around the edge of the cricket ground during matches. This has been resolved by restricting drinking to the designated area outside the premises.

The Chairman asked how the CCTV would be monitored. The Officer highlighted the proposed detailed conditions on CCTV, which state the equipment should operate in all light levels, retention of and checking of the recordings and disclosure to Police if requested.

As there were no further questions from the Members, the Chairman invited Mr Thorpe to address the Committee.

Applicant address and Questions from the Committee:

Mr Thorpe advised that additional information was provided on 22 March after representations were received. This included the history of the Club, no reported incidents with Sussex Police or the Licensing Team. How the changes to the governance and setting up of a new charity will deliver the activities. The Company would manage the bar. The Charity was aware of the impact on near neighbours and residents of Deaks Lane and would work closely with them and be sensitive to matter raised, reducing the impact as much as possible.

Policies have been strengthened in relation to noise in outside areas from clearing glassware. Ansty Village Hall Trust had raised the issue of bottling out, this would not be done before 8am or later. It could be restricted to later in the day and in early evening if necessary.

The Chairman noted the representations on the lack of public engagement during the development of the site and he asked for details.

Mr Thorpe confirmed the project had been developed over a long time and a public consultation took place in 2013. An exhibition followed in 2016 and a further consultation was undertaken as part of the planning process for the current design. The Parish Council led a public consultation which was linked to their funding of the project 2019.

Following a question from the Chairman Mr Thorpe advised that the Designated Premises Supervisor (DPS) would provide an immediate response to any phone calls received on the designated phone line for reporting concerns by local residents. The DPS would be frequently on site, the current Chairman will be the DPS. Later a General Manager would be appointed and either they, or their nominee, would then deal with any phone calls. He reiterated that regular contact to deal with any concerns was vital.

A Member asked if the activities of the Club were just for members and their guests and if the premises would be rented for other groups to use. Mr Thorpe confirmed that the club room could be rented during the day, like the Village Hall. The Clubroom would not be available for hire during the evenings. He noted that most members are members of the sporting section and the social membership is for people resident outside the immediate area. The Club committee are investigating how to administer the scheme and monitor the visitors.

In response to a question from the Chairman the Officer advised that Members' Clubs normally operate under a Club premises Certificate. This restricts those

coming in, membership of club, members can sign in guests, and there is restriction on the time people wait to become a member. This model of operation is now outdated for most social clubs; it also restricts the sale of alcohol to other visitors to the club. A Premises Licence allows a Club to restrict who enters the Club and offers more flexibility to admit people.

Franca Currall, Solicitor to the Panel advised that as a charitable organisation the Club must meet association guidance. The Committee could request that the Club manage their membership similarly to that of a Club Premises Certificate. Alternatively, if the Committee were happy with the proposals and information provided, they could leave the Club to manage themselves. The Committee were reminded that a review can be undertaken at any time if issues arise at a later date and there is no time limit when these reviews can occur.

A Member queried the maximum number of people permitted in the premises and noted the use of Security Industry Authority licensed staff for some events. Mr Thorpe confirmed that the capacity of the hall has been covered as part of the planning application, a maximum of 100 people has been suggested for the club room. He noted that the Club room would not host weddings, they could be held in the Village Hall. The capacity of the hall is managed by the trustees but would be less with table and chairs.

The Chairman noted that the Village Hall is one third of the ground floor as much space is taken up by changing rooms etc.

#### Interested Party - Representation by Peter Sparham

Mr Sparham queried the capacity of the premises and asked if any comments had been received from the Fire Service. The Chairman advised this had already been covered. The Solicitor noted that as the Fire Service were a statutory consultee they had been consulted and would have responded on capacity issues. Mr Thorpe confirmed Building Control had been in communication with Fire Service about the escape routes and capacity as part of planning application.

The Chairman reminded those present that the capacity of the premises was not for the Licensing Committee to discuss.

Mr Sparham asked for clarification on drinks promotions. Mr Thorpe advised they might promote some drinks in club, such as ales etc. to provide variety to the members and determine the drinks they would like to be supplied.

Mr Sparham noted the duty of care to those incapacitated by alcohol and asked how staff would deal with drunk patrons. Mr Thorpe advised the DPS or manager would be assisted by the bar staff. All bar staff would be properly trained and would take action as required and manage the bar area.

The Chairman noted that the Club would be required to operate within the law, if not then the public can lodge a complaint. The Licensing Authority will monitor the Club through the monitoring process that is in place and will ensure the licence conditions are adhered to.

Mr Sparham highlighted the history of no previous incidents but noted that the new building was much bigger, with a larger catchment area, with more potential patrons, which could increase the risk of incidents. He noted the public nuisance caused by the construction of the building during the day and commented that noise nuisance may be greater at night. He noted the restrictions on the use of outside space,

closure of windows and protection of children from harm is extensive. There was no account of the children who live near the location for noise nuisance. He expressed concern on how the Club would monitor the multiple entrances to the site and the use of CCTV. He highlighted that the club is located on a communal recreation ground.

The Chairman confirmed that the Club House is located on council land, noted concerns raised with this and asked the Solicitor to comment. The Solicitor noted that Mid Sussex has many recreational buildings next to or on Council owned land; some of these buildings are Council owned and some are in private ownership. Where the land and / or building are Council owned there will be restrictions on the lease / licence to control the activities and there would also be landlord obligations in the use and management of the building. This is managed by the Outdoor services and Property Estates departments.

Mr Thorpe noted that the Club will take a lease from the Council on the pavilion site and the Council will be the landlord. The Club will be subject to conditions within the lease. He explained that the Club had an extension to take on extra land to provide more facilities, the additional area is open to dog walkers and the public. The demolition of the old hall will provide further car park spaces.

Interested Party - Representation by Emma Sparham

Ms Sparham has represented all of the residents who live on the boundaries of the old and new sites. There are lots of families in the immediate area who have experienced public nuisance in the past year, one illegal event during the pandemic. She expressed concerns with the bigger building and the longer licence times to sell alcohol may cause more public nuisances.

The Chairman confirmed the Committee will weigh up the public benefit and the concerns of the neighbours / public nearby in granting the licence.

Interested Party - Representation by Joanna Steadman

Ms Steadman confirmed she agreed with the other interested parties' comments on the social impacts on the neighbourhood. She expressed concern on how non-members entering the Club would be monitored and how people using the Village Hall would be differentiated from those using the club room. She highlighted that the current building is much smaller, self-contained and unglazed. It cannot be directly compared the new building. There is a much wider implication to the public that uses the local area, some of the public feel intimidated when using the community facility.

The Chairman advised that if a licence is granted the Committee will expect a process of communication between the Club and the neighbours. The impact will be different as it will not be the same type/size of premises as before. The Committee will consider all matters raised within the legal parameters.

Interested Party - Representation by Karen Sedgewick-Smith

Ms Sedgewick-Smith advised that she agreed with all points already covered. She suggested constant open communications with local residents and the Club to ensure concerns raised are discussed. A clear route of communication should be maintained in case of changes to management in the future. She suggested a WhatsApp or Facebook group to permit quick communication.

The Chairman advised that the Committee expected the telephone number, for the residents to contact the Club, to remain the same.

Ms Steadman highlighted her concern of the fire escape balcony being used for gathering and drinking. She felt it would not be appropriate to be used as a drinking area.

The Chairman advised that the Committee have been taking notes throughout the meeting.

Summing up by Mr Thorpe:

Mr Thorpe advised he was grateful for the comments made. He advised that the balcony area is not solely a fire escape, it is 3 metres wide. A clear route through must be maintained, as it is a primary means of escape for the snooker room and a secondary escape route for the club room. There is a full programme for the summer, and it is unlikely that the volume of traffic can be reduced on particular days. The Cricket Club provides facilities for 6 to 16 years and 4 senior groups with disability cricket being added this summer. This is a family club with responsibilities to families and residents and which knows its obligations to the public. Bad language will be dealt with and no barbeques will be permitted in that area again. They had carefully planned a working party in socially distanced family groups, but have now suspended all action on the site. He liked the idea of a WhatsApp group for communication and to keep dialogue open and encourage good communication. The only area for future growth was discounted membership for local residents.

The Chairman thanked the officers and public participants to the meeting.

The Solicitor advised the public participants that the panel would retire to a private virtual room to deliberate and make a decision today. If the decision took longer they would be advised. To meet legislation the applicant would receive the decision and any reasons within five working days and copies would be sent to all interested parties. Interested Parties would have 21 days to appeal to Brighton Magistrates Court from receipt of the letter.

As there were no further questions the public meeting finished at 11:18 am so that the Committee could deliberate.

The revised conditions were agreed by the Committee in the closed session.

**RESOLVED**

The application for a Premises Licence be approved, 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 System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. (Amend this part as appropriate) The system shall be on and recording at all times the premises licence is in operation
  - a. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - b. CCTV footage will be stored for a minimum of 31 days
  - c. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

- d. 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.
  - e. 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.
  - f. Any breakdown or system failure will be notified to the police via 'phone (currently 101) or email immediately & remedied within a time frame agreed with Sussex Police.
2. 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 the specified age will be asked for photographic ID to prove their age. 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 prior to engaging in any sale of alcohol. Refresher training shall be conducted thereafter at intervals of no more than 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 officers of a Responsible Authority.
  4. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The DPS must review and sign the record at intervals of no more than eight weeks. The record must be made immediately available upon request to officers of a Responsible Authority.
  5. No customer shall be allowed to use the outside or balcony areas after 21.00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area.
  6. No furniture, sports bags or sports equipment shall be taken on or placed on the balcony. It is to be kept clear of any items that may impede or obstruct the safe passage of people in the event of an emergency. A notice reminding patrons using the balcony of this requirement is to be put up inside the premises near the door or doors if more than one, giving access balcony and this notice is to be placed in a prominent place on the balcony itself.
  7. Prohibit glasses and bottles being taken beyond a designated area which comprises the outside areas of the balcony, the patio and the grass terrace extending 3 metres into the Recreation Ground.

8. Notices will be displayed with clear signage stating no drinks on the perimeter of the designated area stating, 'No glasses beyond this point'
9. All (external doors/windows) must be kept closed after 21:00 hrs, other than during access and egress or an emergency.
10. Procedures for responding to noise complaints shall be established. Written records of noise complaints and action taken in response shall be kept and made available to officers from Mid Sussex District Council when requested.
11. Prominent, clear and legible notices shall be displayed at all exits, and on and at entrances to the balcony, requesting patrons and staff to leave the premises in an orderly and quiet manner.
12. Bottling out will only be permitted between the hours of 8:00 and 21:00 hours Monday to Saturday and 9:00 and 20:30 on Sunday and Bank Holidays.
13. The collection of waste from the premises by third parties and the delivery of goods by suppliers to the premises must not take place before 8:30 on any day of the week.
14. All staff will be made aware of the conditions of the licence. This is to be made to them in writing and documented in their staff training records.

The meeting finished at 11.47 am

Chairman