

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing
Committee
held on Thursday, 22nd August, 2019
from 10.30 am - 12.12 pm**

Present: Councillors: P Chapman (Chairman)
L Gibbs
S Smith

Officers in attendance:

Also in attendance:

LS.1 TO RECEIVE APOLOGIES FOR ABSENCE.

None.

LS.2 TO RECEIVE DECLARATION OF INTERESTS FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

None.

LS.3 APPLICATION TO VARY A PREMISES LICENCE - LICENSING ACT 2003.

HAY AND STRAW, 16 HIGH STREET, EAST GRINSTEAD, RH19 3AW

Introduction and outline of the report

Paul Thornton, Senior Licensing Officer introduced the application to vary the premises license of the Hay and Straw and advised that relevant representations have been made by Mid Sussex Environmental Health and members of the public.

The officer advised that the application seeks to extend the existing licensable area to enclose a small area outside the front and increase the permitted hours on Friday and Saturday. The current licenced premises previously operated as a haberdashers shop. A licence was granted to Côte Restaurant but it was surrendered without opening. The Hay and Straw has been trading since February 2019 as a bar/restaurant and they are licensed for live and recorded music until 23:00 hours under the current licencing arrangement. He noted that the report included the conditions for the existing premises licence, which include age verification with a minimum age of 25 years, staff training, the operation of a refusals and incidents log, after 9pm all children under 18 years must be accompanied and attending a meal or pre-booked event and digital CCTV and recording equipment.

The officer advised the Committee that the applicant has offered some conditions in the operating schedule and these should be added to the licence if it is granted. It included no admittance of new patrons after 11pm Sunday to Thursday and after 11.30pm Friday and Saturday. Re-admittance of existing patrons, who have gone outside to smoke, is permitted. He highlighted that the current premises licence does not permit the consumption of alcohol bought at the Hay and Straw outside the premises and this application would include a small seated dining area on the pavement for approximately 12 seats. The width of the shop front is 6.2 metres and

the pavement is 2.96 metres wide and is part of the public highway. There are steps directly opposite the entrance and a Grade II listed water fountain.

The officer confirmed that representations have been received from Sussex Police, Mid Sussex District Council Environmental Protection Team and three residents. He noted that Sussex Police had agreed conditions with the applicant police and the licenced area would be delineated with a windbreak, all furniture, including the tables and chairs, must be removed or stacked and secured when not in use.

The Environmental Protection Team has objected to the use of an outside area after 21.00 hours and the extension of hours to supply alcohol as it is likely to create a public nuisance. The Senior Licensing Officer advised the Committee that representations have been received from Mrs Cook, Mr Berry and Mr Beirne, all local residents. A further representation from Mrs Cook is noted in the supplementary report, which has already been supplied to the Members. He highlighted that the last paragraph in Mrs Cook's representation should be ignored as it has not been proven that the alcohol came from the Hay & Straw.

The Committee were informed that Mr Berry representation had noted noise from people leaving the premises late at night, and any mention of planning matters should be disregarded. The officer advised that Mr Beirne has provided a detailed representation and sections 4, 10, 11, and 12 are relevant. Mr Beirne states that free movement on the pavement will be compromised, he questions the validity of information supplied in the operating schedule to address the licensing objectives and thinks insufficient information has been supplied in the application. Other matters in the representation were not relevant as they have been dealt with by the response of Sussex Polices.

The officer confirmed that the Planning Authority is a statutory consultee and has supplied information which may be useful to the Committee, and the applicant would need to submit a planning application to use the outside area and any extended licensing hours. He confirmed that the Planning Authority had received an application but had not made a decision and West Sussex Highway Authority will not issue a table and chairs licence unless planning permission is granted. He noted that the consultation had been completed and was advertised at the site and in the East Grinstead Courier on 5 July.

The Committee were advised that under Section 34 LA03 the application is lawful and relevant representations have been made. The Members should take steps to promote the four 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 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 to these proceedings.

Submission by the Environmental Protection Officer

Jane Cooper, Environmental Protection Officer noted that they object on the grounds that use of the outside area is likely to create a public nuisance. The bar / restaurant is in the town centre and residential properties are close by, one with living accommodation adjacent to the pavement. The officer stated that noise from the customers will impact on the nearby residents in the evening, and noise from the outside seating area will be more intrusive as the background noise drops. She commented that there have been a noticeable increase of intoxicated people in the evening and noisy customers outside bar / restaurant in the evening. The Committee

were advised that a Licensing Officer has seen people drinking outside the bar on the pavement. She concluded that local residents are upset as they expect increased noise for a longer period if the longer licensable hours are agreed.

Questions to the Applicant

The Chairman asked Mr Pilbrow how they would meet the licensing objects. Mr Pilbrow advised that he is a junior partner in the business and was speaking on behalf of the other partners as English was their second language. He confirmed that he agreed with the conditions put forward by the officer: 1) to use the seating outside to up to until 9pm, 2) to remove or securely stack away the furniture and barriers by 9.30 pm, and 3) to close the windows and doors at 9.30pm. He noted that it is hard to supervise people who buy a drink and then go outside to smoke, as some smokers lean through the open windows to access their drinks. He confirmed that staff do work until midnight so he doesn't want to turn customers away; he acknowledged that it is difficult to handle intoxicated customers. Mr Pilbrow stated that only the lounge of 18 High Street overlooks the front. He asked the Committee to take into account that 14 High Street has opened as a wine bar and is licensed until 11pm. He commented on the recent incident noted in the supplementary report and advised that the staff need more training as on that occasion both the other partners were away from the premises.

He advised the Committee that the other local traders were happy as their trade has increased. He provided a map for the Committee with the restaurant and the residential flats highlighted. He noted that he had not received any complaints from the immediate neighbours to the left or opposite the restaurant; the properties on the right were offices. He noted that he needed planning permission before he could submit an application to West Sussex County Council to have table and chairs on the pavement.

The Committee discussed the latest time customers were admitted into the restaurant. It was noted that the premises are licensed until midnight and the Divisional Leader noted that they had made a mistake on the times stated on the planning permission but they would not take any action.

Mr Pilbrow then stated that even though they had applied to serve alcohol up to 1.00am and to have table and chairs on the pavement until 11pm, they had no intention of using the new licence to the extended hours, if granted. The Senior Licensing Officer asked Mr Pilbrow to clarify the proposed changes to the application. Mr Pilbrow said they were happy with the comments made by the Environmental Protection Officer and would use the outside area until 9pm, cleared the outside furniture up by 9.30pm and the doors/windows would be shut by 9.30pm. He also wanted to withdraw a part of the operating schedule regarding the times for non-admittance.

The Senior Licensing Officer advised the Chairman that they must consider the application as submitted. They cannot ignore that part of the operating schedule as it supports the application and is a fundamental part of the application to vary an existing premises licence. He advised Mr Pilbrow that if he wanted to withdraw parts of the operating schedule he must make a new application.

Mr Pilbrow advised that the Committee could choose to ignore the "no entry after 11pm", but would prefer the committee to reject the application as a whole so they could reapply at a later date. He disputed the times on the planning permission and that the recommendation was for 11.30pm and not 11.00pm. The Divisional Leader noted that she had conferred with Tom Clark, Solicitor to the Council and that the

Council would not take enforcement action as another planning application had been submitted. Mr Pilbrow noted that they had sold alcohol after 11.00pm since they had opened and there was only one person on the refusal register.

Franca Currall, Solicitor to the Licensing Committee asked Mr Pilbrow if they wanted to reduce the hours on this application. Mr Pilbrow replied that they wanted to reduce the hours on the application, and they were happy with the current licence.

The Committee adjourned at 11.14am so the Senior Licensing Officer and the applicants could discuss changes to the current application.

The Committee reconvened at 12.09pm and the Chairman asked Mr Pilbrow if he wished to address the Committee. Mr Pilbrow advised the Committee that after a discussion they would like to want to either withdraw part of the application or the entire application.

The Solicitor highlighted that it was part of the way the applicants would mitigate the licensing objectives. As the consultees have reviewed the application on that basis, it is a fundamental part of the application and could not be removed.

After a final consultation with the other partners Mr Pilbrow advised the Liquor Licensing Committee that they wished to withdraw their application and they would resubmit at a later date. He thanked the members of the Committee and the officers for their time.

The meeting finished at 12.12 pm

Chairman