

## APPLICATION FOR A VARIATION TO A CLUB PREMISES LICENCE

REPORT OF: Tom Clark, Head of Regulatory Services

Contact Officer: Jon Bryant, Senior Licensing Officer  
Email: [jon.bryant@midsussex.gov.uk](mailto:jon.bryant@midsussex.gov.uk) Tel: 01444 477076

Wards Affected: Haywards Heath

Key Decision No

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### Purpose of Report

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

### Summary

- 2 An application pursuant to Section 84 Licensing Act 2003 has been made on behalf of St Francis Social and Sports Club, Princess Royal Hospital, Lewes Road, Haywards Heath, RH16 4EX to vary their Club Premises Certificate. Representations against the grant have been made by Haywards Heath Town Council and Chalkhill Hospital.
  - 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 representation.
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### Background

- 4 St Francis Social and Sports Club is a long established (since 1959) members club situated in the grounds of the Princess Royal Hospital in Haywards Heath.
- 5 It is run and governed on behalf of the members by a Committee.
- 6 The club has a Club Premises Certificate (CPC) authorising the following qualifying club activities;

Films Live Music Recorded Music Indoor Sporting Event	Sunday 19:00 - 23:00 Monday to Thursday 19:00 - 23:00 Friday and Saturday 19:00 - 00:00
Supply of Alcohol	Sunday 11:00 - 23:00 Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 00:00

- 7 The plan of the club for the current CPC does not include outside areas. This

means that the activities outlined above are only authorised for inside the confines of the building itself.

- 8 The CPC authorises supply of alcohol for consumption on and off the premises. Significantly however, it does not allow alcohol supplied for consumption off the premises to be provided in an open container. This prohibits alcoholic drinks in glasses (open containers) being taken from the bar to any outside area of the club.
- 9 The application seeks to include in its licensed area a patio area adjacent to the car park and a larger garden area to the side of the premises.
- 10 The Operating Schedule submitted by the club (under the heading 'Licensing Objectives') indicates what measures the club intends to take in support of the application. This includes;
  - a. The patio area and garden area will not be used after 2000 hours on any day.
  - b. The licensing objectives will be supported through staff training and the use of a Challenge 25 scheme.
  - c. Children not allowed in the club after 2000 hours (October to March) and 2100 hours (April to September).
  - d. Prominent, clear and legible notices will be displayed requesting members and their guests respect the needs of nearby residents and to leave the premises and the area quietly.
  - e. An updated noise management plan has been supplied with the application.
  - f. The Beer Garden and the outside patio area would be monitored, and the time restrictions strictly enforced. Further training for staff to manage noise would be compulsory and evidenced.
- 11 Should the Committee grant the licence I respectfully request that a number of conditions detailed in the appendices to this report be included to take into account the matters mentioned in paragraphs 9 and 10.

## **Representations**

- 12 Representations have been received from the Ward Manager at Chalkhill Children's Hospital which is adjacent to the club's beer garden and Haywards Heath Town Council.
  - a. Chalkhill Hospital – Chalkhill is a hospital ward that provides a service to children aged 12-17 years with emotional and mental health problems and are located adjacent to the social club. They cite that the impact associated noise levels in relation to people congregating outdoors or providing live music, at any time of day or night, is as follows: Their garden area is adjacent to the social club's outdoor space. It is in use all year round. Some of their children are detained and may be unable to leave the hospital premises and therefore must have access to a calm and quiet outdoor space to be able to access fresh air. It would be totally inappropriate to subject our children to noise from a drinking establishment. For many of our children, evening is the most difficult part of the day. They see a significant rise in distress and self-harm incidents from 6pm onwards. It is vital that they can provide a quiet, calm, and

therapeutic environment for them. Many of their children have experienced trauma and may be children of parents with alcohol problems so noise generated from drinking establishments and / or intoxicated people can evoke distressing memories for them. A significant number of their children have a diagnosis of Autistic Spectrum Disorder and have sensory issues; many are extremely sensitive to any noise within the existing environment and often have to wear ear defenders to manage this. Any additional external noise would exacerbate their distress. They treat young people with eating disorders who struggle most around meal times. The kitchen / dining room is in closest proximity to the beer garden. They often keep the external doors open for ventilation and would be impacted significantly by increased noise that prevents the young patients from sleeping.

b. Haywards Heath Town Council – their report states and the beer garden borders Chalkhill, one of the country's leading hospitals for treating children and young people with acute mental health problems and eating disorders. Members are concerned that potentially highly vulnerable children/young people with mental health challenges will be accommodated next to what may, understandably, become a noisy and boisterous outdoor area. This may become a focal point for their interest or concerns, which could have an adverse effect on their well-being.

They also state that Members are concerned that the consumption of alcohol and beverages in both the beer garden and the patio area until 20:00 would be detrimental to the social well-being of residents living in the immediate vicinity.

- 13 The consultation period took place between 13th June and 10th July 2020. It was correctly advertised at the site during this period and in the Mid Sussex Times on the 25<sup>th</sup> June

### **Policy Context**

- 14 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

- 15 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. Section 85(5)(a) Licensing Act 2003.

- 16 The Committee must determine the matter in accordance with Section 85 Licensing Act 2003.

- 17 Section 85 Determination of application under section 84 –

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

(a) receives an application, made in accordance with section 84, to vary a club premises certificate, and

(b) is satisfied that the applicant has complied with any requirement imposed by virtue of subsection (4) of that section.

(2) Subject to subsection (3) and section 86(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 certificate;

(b) to reject the whole or part of the application; and for this purpose the conditions of the certificate 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 are—

(a) that the representations are made by a responsible authority or other person within the period prescribed under section 71(6)(c) by virtue of section 84(4),

(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.

(7) Subsections (2) and (3) are subject to sections 73 to 74 (mandatory conditions relating to alcohol and to exhibition of films).

## **Financial Implications**

- 18 A decision made by the Committee is subject to appeal at the Magistrates Court by the applicant or those making representations.

## **Background Papers**

Appendix 1 Application form and plan of premises  
Appendix 2 Noise Management Plan  
Appendix 3 Index and Photos of Site

## **Representations**

Appendix 4 Vicki Barwood- Chalkhill Hospital  
Appendix 5 Haywards Heath Town Council

## **Other Documents**

Appendix 6 Conditions from Operating Schedule