

## **APPLICATION OF A NEW PREMISES LICENCE**

REPORT OF: Tom Clark, Head of Regulatory Services

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Wards Affected: Cuckfield

Key Decision: No

Report To: Liquor Licensing Panel

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### **Purpose of Report**

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

### **Summary**

- 2 An application, pursuant to Section 17 Licensing Act 2003, has been made by ACSC Services Limited the Trading subsidiary of Ansty Sports and Social Club for the grant of a Premises Licence for the newly constructed Ansty Village Centre at Recreation Ground, Deaks Lane, Ansty, RH17 5AS. Four residents have submitted representations objecting to the application on the grounds of public nuisance.
  - 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.
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### **Background**

- 4 Ansty Sports and Social Club has operated on its existing site as a members' club since before the Second World War. It has provided the umbrella for its sporting clubs and sections over many years.
- 5 The Club has operated under its current licencing arrangements under the authority of a Club Premises Certificate for well over 30 years without any complaint from the public, intervention from the Police or any other authority. The Club is moving into a new building, and the existing one will be demolished and therefore the Club is seeking a new license. A Premises Licence has been applied for rather than a Club Premises certificate as it offers greater flexibility in the operation of the facility and places the Club under a clear set of responsibilities.
- 6 In addition to the application the Club have provided a lengthy explanation of the proposed operation of the premises which is appended to this report.
- 7 The application was correctly advertised at the site between 17<sup>th</sup> February 2021 and 16<sup>th</sup> March 2021 and in the Mid Sussex Times on 26<sup>th</sup> February 2021.

- 8 The applicant seeks the following licensable activities and timings;

Licensable Activity	Timings
Supply of Alcohol – On Premises Only	Everyday 12:00 - 23:00 In addition, non standard timings are requested to supply alcohol up to 24.00 closing on up to 12 days in the year, including Christmas Eve and New Years Eve. This will be for special events, such as, birthday parties and Club Awards Nights.

- 9 The current opening hours of the premises will be:

**Everyday** 09:00 – 23:00

Non standard opening hours requested as per above on the 12 days a year.

- 10 There have been four representations received from nearby residents to this application. The details of these representations are appended to the report.
- 11 The Committee should be aware when reading the representations that some of the information contained therein is irrelevant for the purposes of the Licensing Act 2003. They are comments relating to – Planning, Car Parking, Timings, odour from the premises and people driving to the location.
- 12 The main points raised in the representations that are relevant relate to the licensing objective of Public Nuisance. They refer to the timings in respect of the use of the outside area and noise from this use.
- 13 The Committee must focus on these parts only and disregard the irrelevant matters when determining this matter
- 14 If the Committee decides to grant the licence, I request that a number of conditions offered in the operating schedule be attached. They relate to the use of CCTV, staff training, closure of doors and windows and use of the outside areas. Full details are attached in the appendices.
- 15 At the time of writing the report the premises are still in the stages of construction and therefore it is only possible to provide pictures of the exterior, but these also show the location of the current licensed premises which is due to be demolished.

## Representations

- 16 Four representations have been received in respect of the application which are summarised:

- Mr Peter Sparham – He has expressed concerns in respect of the application for up to 12 events within the non-standard timings. The comments regarding additional TENs applications is irrelevant to this application. He has concerns regarding the use of the outside space and the potential for noise nuisance after 2100 hours.
- Emma and Jonathan Sparham have expressed the same representations regarding the use of the outside area and the potential for public nuisance from this use as Mr Peter Sparham.
- Joanna Steadman has outlined representations in respect of public nuisance surrounding the use of the outside space and the additional hours requested.
- Karen Sedgwick-smith has also outlined representations in respect of public nuisance surrounding the use of the outside space.

The full representations are appended to the report

## **Policy Context**

### **17     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.

### **18     Section 18 LA03 deals with the determination of the application:**

Grant of premises licence

18. Determination of application for premises licence

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

(a) receives an application for a premises licence made in accordance with section 17, 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), the authority must grant the licence in accordance with the application subject only to—

(a) such conditions as are consistent with the operating schedule accompanying the application, and

(b) any conditions which must under section 19, 20 or 21 be included in the licence.

(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 grant the licence subject to—

(i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application.

(5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.

(6) For the purposes of this section, “relevant representations” means representations which—

(a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,

(b) meet the requirements of subsection (7),

(c) if they relate to the identity of the person named in the application as the proposed premises supervisor, meet the requirements of subsection (9), and

(d) are not excluded representations by virtue of section 32 (restriction on making representations following issue of provisional statement).

(7) The requirements of this subsection are—

(a) that the representations were made by a responsible authority or other person within the period prescribed under section 17(5)(c),

(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.

19     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

- 20     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**

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

**Financial Implications**

- 22     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**

- 23     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.
- 24     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 plan of premises  
Appendix 2 – Further submission submitted by Ansty Sports and Social Club  
Appendix 3 – Photos of location

**Representations**

Appendix 4 – Representation from Mr Peter Sparham  
Appendix 5 – Representation from Emma and Jonathan Sparham  
Appendix 6 - Representation from Joanna Steadman  
Appendix 7 - Representation from Karen Sedgewick-smith

**Other Documents**

Appendix 8 – Schedule of proposed conditions