

## Application to vary a Premises Licence – Licensing Act 2003

REPORT OF: Tom Clark, Head of Regulatory Services  
Contact Officer: Paul Thornton, Senior Licensing Officer  
Email: [paul.thornton@midsussex.gov.uk](mailto:paul.thornton@midsussex.gov.uk) Tel: 01444 4774278  
Wards Affected: High Weald  
Key Decision No  
Report To: Liquor Licensing Panel 22<sup>nd</sup> August 2019.

---

### 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 on behalf of Hay and Straw Limited to vary a Premises Licence at 16 High Street, East Grinstead, RH19 3AW. Representations against the application have been made by a Responsible Authority and members of the public.

### Recommendations

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. 16 High Street, East Grinstead was for many years a haberdashers shop called Threadneedles trading Monday to Saturday - 9am to 5pm. It closed in 2017 and planning permission was granted for a change of use to a restaurant. A premises licence was granted to Cote Restaurant, but they surrendered the licence without ever opening.
  - 4.1 Hay and Straw is a bar/restaurant at the site. It has been trading since November 2018 when it was issued with a Premises licence by this council.
  - 4.2 It is currently licensed for the following licensable activities;

	Everyday
Live Music	0900-2300
Recorded Music	0900-2300
Late Night Refreshment	2300-0000
Sale of Alcohol	0900-0000
Xmas and New Years Eve	0900-0130

- 4.3 I have appended the full conditions attached to this licence at the rear of the report.  
In brief they include;
  - a. Provision of CCTV at the site.
  - b. Staff Training

- c. Maintain a refusals register
- d. Age verification for 25 years old.
- e. No unaccompanied children u18 yrs. post 21:00 hours.

4.4 The application seeks to vary the licence as follows;

- a. Increase permitted hours for the sale of alcohol on a Friday and Saturday evening from 0900 hrs - midnight to 0900 hrs to 01:00 hrs.
- b. Adjust layout of premises to include outside area for consumption of alcohol until 2200 hours every night for 12 covers.

4.5 If the committee grants the application I request that the following conditions are added to the licence in accordance with the operating schedule to the application:

- a. There will be no entry to the premises after 2300 hours Sunday to Thursday, 2330 hours Friday and Saturday.
- b. The only exception to a) above is to re admit current customers who have gone outside the premises to smoke.

4.6 The current licence does not authorise sale of alcohol for consumption off the premises. The new application seeks to change the licensable area of the premises to include a small outside area on the pavement immediately outside the restaurant. The application indicates a figure of 12 seats for this area.

4.7 This area is part of the public highway and is constructed in red block paving across to steps leading down to a Grade II listed Water Fountain. The steps are bounded by terrace and raised flowerbeds. I have appended pictures of this area, including the pavement, in the appendices. These pictures show views outside the restaurant and front views that include the steps, flower beds and water fountain.

4.8 The width of the shop front is 6m 20cm. The width of the pavement from the boundary wall of the restaurant to the pavement edge is 2m 96cm. The depth of the top step leading from the pavement is .62cm.

#### 4.9 Representations

Representations have been received from Sussex Police, Mid Sussex District Council's Environmental Protection Team (EP) and three local residents.

##### a. Sussex Police.

Sussex Police have agreed two conditions with the applicants as follows:

- I. If tables and chairs are positioned outside, then windbreaker/partitions will be installed to enclose that area, ensuring a clearly delineate licensed area
- II. When the outside area is no longer in use for licensable activity all unsecured tables, chairs and associated furniture, shall be removed from the outside area and /or stacked and secured.

If the Committee grants the licence, I respectfully request that these conditions are appended to it.

- b. Mid Sussex District Council's Environmental Protection Team (EP)  
A representation has been submitted against the application. In particular they object to use of the outside seating area after 21:00 hours and to the proposed extension of hours for the supply of alcohol on the grounds that these actions are likely to create a public nuisance to local residents.
- c. Three local residents have submitted representations ;
  - 1) Mrs Cook - cites noise from customers since the restaurant has opened.
  - 2) Mr Berry – cites noise from people leaving the restaurant late at night. The references to planning matters should be disregarded as they are not relevant for the purposes of the Licensing Act 2003.
  - 3) Mr Beirne – makes a number of points in his representation. I have numbered them for ease of reference.
    - i. The following are relevant – 4, 10, 11, 12.
    - ii. These relate to the methods used to enforce the new arrangements by the applicants, public safety (free movement of pedestrians, particularly those with disabilities being compromised) and questions the validity of information in the Operating Schedule of the application. as to how the applicants will address the licensing objectives (in his opinion insufficient detail supplied)
    - iii. The remaining points have been dealt with by Sussex Police in their consideration or are simply not relevant for the purposes of the Licensing Act 2003.

#### 4.10 Other information - Mid Sussex District Council Planning Authority.

The Planning Authority has submitted information concerning planning restrictions at the site;

- a. The premises shall only be open to customers between the hours of 08:00 and 23:00 on any day. This means that currently, the premises must not be open beyond 23:00 hours and that if this application is granted, a planning application would have to be submitted in order to use the extended licensing hours.
- b. An application has been submitted to use the outside area for seating. This is being considered and at time of writing this report no decision has been made. It is a fact that West Sussex Highways Department has indicated it will not issue a tables and chairs licence unless planning permission is granted.

4.11 The consultation period took place between 5<sup>th</sup> July 2019 and 1<sup>st</sup> August 2019. It was correctly advertised at the site during this period and in the East Grinstead Courier on 5<sup>th</sup> July 2019.

.

## **Policy Context**

### 5. 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.

5.1 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.

## 5.2. 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

- 5.3 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**

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

## **Financial Implications**

7. 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**

8. 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.
- 8.1 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**

### **Document**

Application form and plan of premises

### **Representations**

Mrs Monica Cook

Mr Frank Berry  
Mr Leo Beirne

**Representations – Responsible Authorities**

Sussex Police  
Agreed Conditions with Sussex Police

**Other Documents**

Mid Sussex District Council Planning Authority  
Conditions attached to current licence.  
Photographs of exterior of site

**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:

714570

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):

Hay &amp; Straw Limited

Premises licence number

PWA0576

**The Premises**

Postal address of premises or,  
if none, ordnance survey map  
reference or description:

16 High Street  
East Grinstead  
West Sussex

Postcode:

RH19 3AW

Tel: (at premises)

01342 322699

Email:

stuartpilbrow@aol.com

Non-domestic rateable value  
of club premises.

£4301 - £33000

**The Current Premises Licence**

Please describe briefly, the  
nature of the proposed  
variation

1, Variation to alcohol licensing hours on Friday and Saturday evenings by extending the time by one hour from 12.00 midnight to 0100 hours  
2, Variation of license to allow the serving of alcohol to the from of the premises outside on the pavement until 22.00 hours every night, for approximately 12 seats

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

No

Reasons why you have failed to attach the premises licence or relevant part of it:

I do not have it with me at this time

## Part 2

### Applicant Details

Current postal address if different from premises address:

Green Oaks  
Imberhorne Lane  
East Grinstead

Postcode:

RH19 1TZ

Tel:

07795 670709

Email:

stuartpilbrow@aol.com

## Part 3

### Operating Schedule

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

Yes

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:

Restaurant and cocktail bar to include pavement area to the front of the premises for approximately 12 seats

**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 23:00

Finish 00:00

**Tuesday**

Start 23:00

Finish 00:00

**Wednesday**

Start 23:00

Finish 00:00

**Thursday**

Start 23:00

Finish 00:00

**Friday**

Start 23:00

Finish 01:00

**Saturday**

Start 23:00

Finish 01:00

**Sunday**

Start 23:00

Finish 00:00

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

On the premises

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 09:00

Finish 00:00

**Tuesday**

Start 09:00

Finish 00:00

**Wednesday**

Start 09:00

Finish 00:00

**Thursday**

Start 09:00

Finish 00:00

**Friday**

Start 09:00

Finish 01:00

**Saturday**

Start 09:00

Finish 01:00

**Sunday**

Start 09:00

Finish 00:00

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

On the premises

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 00:30

**Tuesday**

Start 08:00

Finish 00:30

**Wednesday**

Start 08:00

Finish 00:30

**Thursday**

Start 08:00

Finish 00:30

**Friday**

Start 08:00

Finish 01:30

**Saturday**

Start 08:00

Finish 01:30

**Sunday**

Start 08:00

Finish 00:30

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.

Italian Style Bar/Restaurant open all day, no admittance after 11 pm except for re admittance Sunday to Thursday  
no admittance except for re admittance after 11.30 pm Friday & Saturday

The prevention of crime and disorder:

Utalien style Bar/Restaurant run by partners established in the town at both Paglia E Fieno, 102a London Road, East Grinstead & Hay & Straw 16 High Street, East Grinstead

Not solely for drinking  
Primarily restaurant  
CCTV

Public safety:

CCTV  
FRA  
Fully insured

The prevention of public nuisance:

Noise, few if any residential properties locally, residential properties to the rear are some distance away  
All doors and windows to be closed during live music evenings

The protection of children from harm:

Challenge 25  
Refusal register  
Staff trained by DPS every 6 months

**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

Green Oaks  
Imberhorne Lane  
East Grinstead

Postcode:

RH19 1TZ

Tel:

07795 670709

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

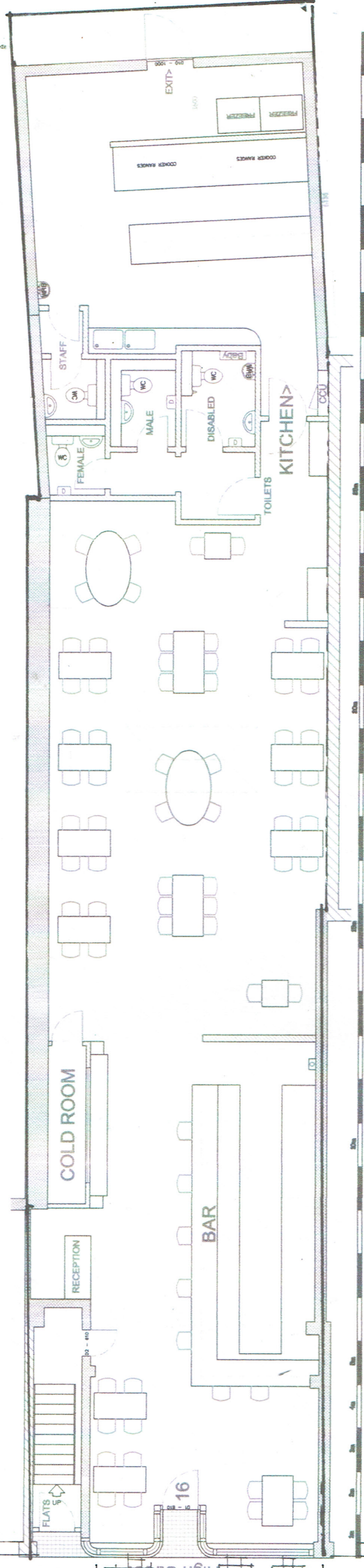
Email:

stuartpilbrow@aol.com

**Payment amount:**

£190.00

PROPOSED SEATING OUTSIDE HAY AND STRAW RESTAURANT 16 HIGH STREET,  
 EAST GRINSTEAD  
 PROPOSED LAYOUT  
 SCALE 1: 100 @A3  
 DRG NO 2019/29/2 REV A  
 JUNE 2019  
 DRG BY



FOOTPATH  
 DEFINED AREA FOR OUTSIDE  
 SEATING - AREA DEFINED WITH  
 BARRIERS  
 PROPOSED SEATING OUTSIDE  
 RESTAURANT FOR MAX 2 FLOORS

**From:** planninginfo@midsussex.gov.uk  
**To:** [licensing](#)  
**Subject:** Mid Sussex DC - Online Register - Comments for Licensing Application LI/19/0823  
**Date:** 24 June 2019 19:43:17

---

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 7:43 PM on 24 Jun 2019 from Mrs Dominique Cook.

### Application Summary

**Address:** Hay And Straw 16 High Street East Grinstead West  
Sussex RH19 3AW

**Proposal:** Premises Licence

**Case Officer:** Mr Paul Thornton

[Click for further information](#)

### Customer Details

**Name:** Mrs Dominique Cook

**Address:** 26a High Street East Grinstead

### Comments Details

**Commenter Type:** Neighbour or general public

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:** - Prevention of Public nuisance

**Comments:** 7:43 PM on 24 Jun 2019 Since the restaurant opened, the number of drunks making noise in the High street has gone up considerably in the evening. This goes on till fairly late, having more people drink for longer and outside the restaurant is going to make it even worse and create further nuisance for those of us who live here. In the meanwhile, I would very much like to see something done so that they stop their patrons being so noisy and getting drunk so much.

**From:** Frank Berry  
**To:** [licensing](#)  
**Subject:** Licensing Application L1/19/0823 Hay and Straw Limited 16 High Street East Grinstead West Sussex RH19 3AW  
**Date:** 01 August 2019 23:52:04

---

Dear Sirs,

I wish to make a representation i.e. object to this application for the following reason: Public Nuisance. My specific reasons are as follows:

If the license is extended on Fridays and Saturdays to 01:00 hours, it will mean customers leaving the premises between 01:00 - 01:30. This dispersal of people will cause a noise nuisance to those living in the flats above and those in the surrounding area. Noise is more noticeable at night, and people will be disturbed/woken from the noise of emptying rubbish and bottles at the rear of the premises. This could as late as 01:00 - 01:45. Evidence of existing noise nuisance can be found under Planning Application DM/19/1319 - Retention of Alterations to Restaurant Front (decision pending). See letter from J.M. Welsh Re: Forest Lodge Flats.

Thank you

Regards

Frank Berry

58 Hurst Farm Road  
East Grinstead  
West Sussex  
RH19 4DH

greenwichdome@sky.com  
07704446513

**From:** Leo Beirne [mailto:]  
**Sent:** 01 August 2019 19:00  
**To:** licensing  
**Subject:** HAY AND STRAW - EAST GRINSTEAD HIGH STREET - Ref: LI/19/0823.

Dear Sir,

My objections to changes in the Licensing Application for the above premises are as follows – i.e.:

**Part 1.**

- **Variation to alcohol licensing hours on Friday and Saturday evenings by extending the time by one hour from 12.00 midnight to 0100 hours:**
  - 1. why should the local neighbourhood be subject to such an extension with the potential for this to extend beyond closing hours?
- **Variation of license to allow the serving of alcohol to the from of the premises outside on the pavement until 22.00 hours every night, for approximately 12 seats :**
  - 2. I understand the original outdoor seating plan was for 8 seats not 12 persons?;
  - 3. previously, the Neighbourhood Police Panel were informed at great lengths, that the police had stopped alcohol being taken-off the premises – i.e., glasses and bottles, for consumption given their potential to be used as weapons also public injury from broken glass, should be maintained - Guidance by a consortium of Police Crime Commissioners (PCCs) have also referred to problems that can arise re. group behaviours from alcohol consumption, that does not appear to be considered;
  - 4. there is a strong possibility of such group behaviours (neglected in the Application) causing a 'Breach of the Peace', blocking the pavement in addition to the un-secured tables and chairs – especially, for blind people who wholly rely on the trained judgement of their dogs to guide them which can be influenced by a large group of people obstructing their path – hesitation, leading the blind person closer to the edge and falling – a Blind Person and their Dog are/can be wider than 1.2m;
  - 5. there appears to be no reference to the Equality Act 2010 – in particular to unlawful treatment on or after 1 October 2010, which can include 'wilful obstruction' including '... harmonising the thresholds for the duty to make reasonable adjustments for disabled people';
  - 6. the drinking area is likely to be extended to include the adjacent steps as additional facility to promulgate drinkers to congregate thus increasing the numbers of drinkers with the likelihood of creating anti-social behaviour;
  - 7. there appears to be no reference to the means of regulating/policing any conditions that should form part of the Licence – e.g., the maintaining unhindered access by tables and chairs required by pedestrians needing safe use of the pavement;

**Part Reasons why you have failed to attach the premises licence or relevant part of it: '*I do not have it with me at this time*':**

- 8. In my opinion, this is an unacceptable response to this formal and serious application that will impact on the local community – possibly, indicative of a management's attitude towards managing free and unobstructed pavement access.

**Part 3. Night Refreshment / Supply of Alcohol / licensing Objectives:**

- 9. It is presumed that if changes to the existing Licence occur, the outside area will become part of the premises where alcohol will be served – again contrary to the previous police controls referred to previously;
- 10. **'Italian Style Bar/Restaurant open all day, no admittance after 11 pm except for re admittance Sunday to Thursday no admittance except for re admittance after 11.30 pm Friday & Saturday';**

- How will this be policed as a Licence requirement (*also not my misspelling above*)?
- 11. **Utalien style Bar/Restaurant run by partners established in the town at both Paglia E Fieno, 102a London Road, East Grinstead & Hay & Straw 16 High Street, East Grinstead - Not solely for drinking, Primarily restaurant, CCTV:**
  - How does the above statement in the application address the question, 'The prevention of crime and disorder'?
- 12. **CCTV, FRA, Fully insured;**
  - How do the above 'acronyms' to passive questions explain to the public that the following question relating to Public Safety have and WILL be addressed?
- 13. **Noise, few if any residential properties locally, residential properties to the rear are some distance away All doors and windows to be closed during live music evenings;**
  - There are historical occasions on record, where unmanaged noise have caused great upset and frustration to residents that were resident further away from some places of entertainment in East Grinstead, than the neighbouring residents in extremely close proximity to these premises in this (former longest) row of Tudor buildings. Therefore, what **objective criteria** in terms of measured noise w.r.t. the use of BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound) that will be set in the Licence and how monitored for **'The prevention of public nuisance'**?:

I object to this Licensing Application. The questions are 'passive' in form without and demand for an appropriate level of rigour explaining in adequate detail the effectiveness of what are said to be 'control measures', that will benefit the Community in terms of preventing Crime and Disorder, ensuring and maintaining Public Safety and, preventing Public Nuisance in a Conservation Area.

It is also not helpful to the public to have such a fragmented Planning and Licensing system in order to preserve what's left of the High Street.

Yours sincerely,

Leo Beirne.

(Confidential as per GDPRs: 'Rosehill', Dunning's Road, East Grinstead, RH19 4AD.)

**LI/19/0823 Application for variation of a Premises Licence**

**Hay and Straw, 16 High Street, East Grinstead, West Sussex . RH19 3AW**

The applicant seeks to supply alcohol for consumption on the pavement outside this bar up until 22:00 hours, every day of the week. Whilst the applicant has stated in an email to Environmental Protection that he is prepared to restrict the hours of use of the proposed outside seating area to 21:00 hours Sunday to Thursday and to 22:00 hours on Friday and Saturday, Environmental Protection has concerns that the supply of alcohol for consumption outside the premises after 21:00 hours will cause noise disturbance to the occupants of nearby residential properties.

The applicant also seeks to extend the hours for the supply of alcohol on Fridays and Saturdays from 00:00 hours to 01:00 hours. The High Street is a relatively quiet area in the evening and although the applicant has stated that the windows and doors to the bar will be kept closed after 22:00 hours, Environmental Protection is of the opinion that further measures to control noise break out from the premises will be required. Given that the bar is located in a conservation area, Environmental Protection is concerned that works to the building necessary to control noise break out, such as provision of a lobby, may not be possible. In addition, it should be noted that nearby residents living in the conservation area may be limited in any action they can take to insulate their homes against external noise.

With this in mind and given that representations have been made to the council voicing concerns about noise from these premises, Environmental Protection objects to the use of the outside seating area after 21:00 hours and to the proposed extension of hours for the supply of alcohol on the grounds that these actions are likely to create a public nuisance.

**Jane Cooper**

**Environmental Protection.**

**13/07/2019**

**From:** stuartpilbrow@aol.com  
**To:** [Clare.Godfrey01@sussex.pnn.police.uk](mailto:Clare.Godfrey01@sussex.pnn.police.uk)  
**Subject:** Re: Hay and Straw variation application  
**Date:** 13 June 2019 14:18:31

---

Hi Clare

Yes this is fine by us

Many thanks  
Stuart

Sent from my iPhone

On 13 Jun 2019, at 12:43, <[Clare.Godfrey01@sussex.pnn.police.uk](mailto:Clare.Godfrey01@sussex.pnn.police.uk)>  
<[Clare.Godfrey01@sussex.pnn.police.uk](mailto:Clare.Godfrey01@sussex.pnn.police.uk)> wrote:

Dear Stuart,

Thank you for sending Sussex Police your variation application. As you now wish to provide seating outside, Sussex Police suggest that the below conditions appear on your licence. Can I please ask that you have a look at them and let me know in writing (by email is fine) if you accept them?

<!--[if !supportLists]-->•<!--[endif]-->If tables and chairs are positioned outside, then windbreaker/partitions will be installed to enclose that area, ensuring a clearly delineate licensed area

<!--[if !supportLists]-->•<!--[endif]-->When the outside area is no longer in use for licensable activity all unsecured tables, chairs and associated furniture, shall be removed from the outside area and /or stacked and secured.

Kind Regards,  
Clare

---

<image001.png>

**Clare Godfrey**

Licensing Officer

Prevention Licensing Team | West Sussex Police

Centenary House | Worthing | BN13 2PQ

Tel No: 101 ext 581419

[clare.godfrey01@sussex.pnn.police.uk](mailto:clare.godfrey01@sussex.pnn.police.uk)

(My working days are Wednesday, Thursday and Friday. Please send any urgent enquiries outside of those days to [ws\\_licensing\\_wor@sussex.pnn.police.uk](mailto:ws_licensing_wor@sussex.pnn.police.uk))

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](http://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.

### Conditions on current Premises Licence

1. 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.
2. 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.
3. The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than eight weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept for a minimum of twenty four (24) months, and made immediately available upon request to officers of a Responsible Authority.
4. After 21:00 hours all children under 18 years must be accompanied by a responsible adult and may only remain on the premises if partaking in a sit down meal or attending a pre-booked function or event.
5. 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 as soon as practicable.





5 AT 5  
ANY SELECTED  
Cocktail  
ONLY  
£5  
TUES.-SAT. 5-6PM

Hay & Straw  
Lunch  
Menu  
11.30am - 5pm  
KIDS EAT  
1/2 PRICE

# Hay & Straw Restaurant & Cocktail Bar

hayandstrawrestaurant.co.uk

Restaurant & Cocktail Bar

01342 322699









This page is intentionally left blank

## **Supplementary Report - Application to vary a Premises Licence**

REPORT OF: Tom Clark, Head of Regulatory Services  
Contact Officer: Paul Thornton, Senior Licensing Officer  
Email: [paul.thornton@midsussex.gov.uk](mailto:paul.thornton@midsussex.gov.uk) Tel: 01444 477428  
Wards Affected: High Weald  
Key Decision No  
Report To: Liquor Licensing Panel 22<sup>nd</sup> August 2019.

---

### **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 on behalf of Hay and Straw Limited to vary a Premises Licence at 16 High Street, East Grinstead, RH19 3AW. Further information has been made available to the Licensing Authority which is material to the hearing.

### **Recommendations**

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 Committee has been provided with a full report to determine this application.
  - 4.1 One of the representors – Mrs Dominique Cook – is unable to attend the hearing in person and has submitted an e mail with further relevant information and expands on information contained in her original representation.
  - 4.2 She cites noise from customers, music and disturbance outside the premises from customers on 10<sup>th</sup> August 2019 between 2230hrs and midnight.
  - 4.3 Mrs Cook challenges the applicant regarding his statement about few residential properties by stating that most floors above the shops are residential flats.
  - 4.4 The last part of her additional information regarding two ladies drinking on a bench outside the bar can be ignored as there is no evidence provided to suggest the alcohol was purchased from Hay and Straw.
  - 4.5 Mr Jon Bryant , a Licensing Officer for Mid Sussex District Council has provided a statement regarding 9<sup>th</sup> August 2019 between 2300 hours and 23;15 hours where he saw customers entering Hay and Straw and then stand outside it drinking.

- 4.6 The current premises licence for the bar does not permit the sale of alcohol for consumption off the premises.
- 4.7 The Designated Premises Supervisor for the bar Mr Grippa and the Premises Licence Holder, Mr Pilbrow have been spoken to regarding this breach of the licence.
- 4.8 The council has recorded this matter as a complaint. It does not intend to take any further action regarding this, other than advising them to institute managerial procedures to ensure the premises licence is complied with.

### **Background Papers**

E Mail from Mrs Cook  
Statement from Mr Jon Bryant Licensing Officer

**From:** Dominique Cook [[mailto:](#)]  
**Sent:** 16 August 2019 15:40  
**To:** Paul Thornton  
**Subject:** Fw: Hay & Straw extension of Licence

Dear Sir,

Your reference: FC/002672

My name is Dominique Cook and I made an objection to the extension of HAY& STRaw licence to dispense alcohol later in the night and have tables outside.

I shall not be able to come to the meeting, however I would like to give you further information regarding what is happening outside this establishment.

Last Saturday, i.e. 10th August 2019, at about 10.30 pm there was a lot of noise coming from just outside the restaurant.

As I live not far, I went out and checked it for myself. At that time, several people were drinking outside the restaurant and being very loud. It went on I would say for about 30 min. There was no crowd control. The fact that, should they be allowed to put tables out, those tables would be taken back in after 10pm will not change the fact that their patrons will be drinking on the pavement after that hour. I'm only mentioning this one time as it is after the 22h00 until which they wish to have tables outside for the consumption of alcohol.

Then around midnight, there was a lot of noise still coming from around that area. I didn't go into the street to check it out as it was late, but there was also music coming out.

As mentioned in my previous objection, the noise level in the high street has gone up tremendously. It is not only at closing time, but while they are open. Indeed, before that establishment opened, there was no disturbance from the nearby pubs or eateries. Now, and particularly Fridays and Saturdays, there are a lot of people in the street making a lot of noise, around that restaurant. again, no crowd control that I am aware of.

This is not mentioning the loud throwing of glass bottles very late at night in the bins at the back. Maybe they should do this at another time.

Note that in his application, the owner/manager says there are "few if any residential properties locally, residential properties to the rear are some distance away". As you probably know, most floors over the shops in the high street are flats, all of which have at least a room on the front, in my case my lounge. So this is not true. We are not distance away, but right there.

As for not solely drinking but primarily a restaurant, note that I have seen, in the middle of the day a few weeks ago while it was still nice weather, two ladies drinking glasses of alcoholic beverages, on a bench outside their shop, i.e. far enough from the restaurant not to be counted as being within its perimeters. Again, no crowd control.

So considering all this, I don't think that this establishment is adding value to the high street, to the contrary, and that those running it know how to control what is happening so it doesn't become a nuisance to the neighbours and the environ.

If you could take into account these comments I would appreciate it, and again sorry for not attending.

Kind regards

Mrs D.Cook

26A High Street

East Grinstead

RH19 3AS

## **WITNESS STATEMENT**

**(CJ ACT 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; CPR 2013 r.27.1)**

Statement of: Jonathan Bryant

Age if under 18: 0.18 (if over 18 insert 'over 18')

Occupation: Licensing Officer

---

This statement (consisting of .....1..... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: Jonathan Bryant

Date 12/08/2019

---

I am a Licensing Officer employed by Mid Sussex District Council.

At 23:00 hours on Friday 9<sup>th</sup> August 2019 I was working in the East Grinstead area conducting compliance checks on licensed vehicles accompanied by Sussex Police. I was sitting in the front passenger seat of a marked police carrier.

We stopped in the High Street East Grinstead, parking in the police bay which is situated outside Hay and Straw, 16 High Street. The parking bay is on the same side of the road as Hay and Straw and as I was sitting in the front passenger seat of the police van I had a clear and unobstructed view of the front of the premises and into the premises to the bar area.

We parked outside the premises at 23:00 hours and on arrival I saw that there were approximately 12 customers outside in two groups and I could see that some of the people on both groups were drinking. I saw that the bi-folding windows to the front of the premises, were wide open and the front door was also open. There were up to three members of staff working behind the bar whilst I observed the premises.

I observed the premises for around 15 minutes; during this time I saw two further groups of customers arriving and going into the premises and heading to the bar to be served. I also observed that several customers went outside the premises once they had got their drinks.

I could see around 8 people inside the premises sitting at tables. I could not see if there were further customers to the rear of the premises. The noise from the people standing outside the premises was audible to me in the van. During our time outside the premises a number of the people outside walked off.

We left the premises at 23:15 hours, at this time the premises was still open with the bi-folding windows and doors open and still with customers remained both inside and outside the premises. During this time my view remained clear and unobstructed, my passenger window was fully down and the area is well lit from street lighting and with lighting from within the premises and other premises nearby.