

9 December 2021

PLEASE NOTE START TIME OF MEETING

Given Covid levels and the ongoing work to get the adult population double vaccinated, the Liquor Licensing Committee will occur with appropriate Councillors participating via a remote video link, and public access via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **LIQUOR LICENSING COMMITTEE** will be held via **REMOTE VIDEO LINK** on **FRIDAY, 17TH DECEMBER, 2021 at 10.00 am** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

1. Roll Call and Virtual Meeting Explanation.
2. To receive apologies for absence.
3. To receive Declaration of Interests from Members in respect of any matter on the Agenda.

The procedure the Licensing Panel will follow in considering the application is set out in the Licensing Act 2003, its attendant Regulations and was agreed by the Licensing Committee on 2nd February 2005. The Licensing Panel, in accordance with rule 14 of the Licensing Act 2003 (Hearings) Regulations 2005 decide to exclude the public from all or part of the hearing where the Licensing Panel considers that it is in the public interest to do so.

4. To confirm Minutes of the previous meeting of the Liquor Licensing Committee held on 12 October 2021. **3 - 12**
5. Application to Vary a Premises Licence - Licensing Act 2003. **13 - 54**

Human Rights Act Implications

Licensing Act 2003

A licensing authority must carry out its function under the Licensing Act 2003 with a view of promoting the licensing objectives.

The Licensing objectives are:-

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

In carrying out its licensing functions a licensing authority must also have regard to:-

- (a) its licensing statement published under Section 5 of the Licensing Act 2003 (this may be viewed on the Mid Sussex District Council website);

and

- (b) any guidance issued by the Secretary of State under Section 182 of the Licensing Act (this may be viewed on the Department for Culture, Media and Sport website).

Members are asked to consider the human rights implications for both the licensee who has rights under Article 1 of the First Protocol, the Right to Property (which includes the licence):and the objectors who have rights under Article 8 to Respect for Private and Family Life, and Article 1 of the First Protocol, their right to enjoy peaceful use of their possessions.

To: **Members of Liquor Licensing Committee:** Councillors J Dabell, R Cromie and R Webb

**Minutes of a meeting of Mid Sussex District Council
Liquor Licensing Committee
held on Tuesday, 12th October, 2021 from 10.14 am - 12.33 pm**

Present: Councillors: J Dabell (Chairman)
J Henwood
S Smith

Officers in attendance: Franca Currall, Solicitor
Jon Bryant, Senior Licensing Officer
Michael Bateman, Team Leader for Environmental Health
Adam Dracott, Team Leader for Environmental Health
Protection Team
Alison Hammond, Democratic Services Officer

Also in attendance: Mr T Earley, Applicant
Miss C Kacy, Applicant
Mr P Lloyd, Interested Party
Ms P Berry, Interested Party

In attendance for Training / Observing: Zak Moallim, Solicitor
Sonya Bameeur, Solicitor
Shakeelah Nayiga, Paralegal
Nick Bennett, Senior Environmental Health Officer
Fiona Spears, Environmental Health Enforcement Officer
Jane Cooper, Senior Environmental Health Officer
Cllr Paul Brown

LS.1 ROLL CALL AND VIRTUAL MEETING EXPLANATION.

The Chairman welcomed everyone to the meeting and introduced each member of the Panel to the participants.

Franca Currall, Solicitor explained the virtual meeting procedure. She advised that no decision will be given at the end of this meeting. The decision will be made within 5 working days of the meeting. A letter will be sent to all the participants and any other parties who made written representations but did not attend the meeting. The letter will set out the Members decision with reasons for it and will also contain details of how to make an appeal against that decision.

LS.2 TO RECEIVE APOLOGIES FOR ABSENCE.

None as all Members were present.

LS.3 TO RECEIVE DECLARATION OF INTERESTS FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

None.

LS.4 TO CONFIRM THE MINUTE OF THE PREVIOUS MEETING HELD ON 7 SEPTEMBER 2021.

The minutes of the meeting held on 7 September 2021 were agreed as a correct record and were electronically signed by the Chairman.

The Solicitor advised that the purpose of the Panel was to check if the application met the four Licensing Objectives. The Panel should determine whether the applicants could uphold the Licensing Objectives and what conditions should be applied to the Premises Licence if it was approved.

The participants of the meeting introduced themselves. Miss Kacy advised she had sent further information to the Senior Licensing Officer; it had not been included in the agenda pack.

LS.5 APPLICATION OF A NEW PREMISES LICENCE.

Introduction and outline of the report

Jon Bryant, Senior Licensing Officer introduced the report. An application (section 17 of Licensing Act 2003) has been made by The Fox Eating and Drinking House. Representations were received from the two Responsible Authorities and the freeholder of the premises objecting on the grounds of Prevention of Crime and Disorder, Prevention of Public Nuisance, and the promotion of Public Safety. In addition a number of representations have been received in support of the application. The Panel were advised that a Premises Licence has already been issued for the premises. This application is for the issue of an additional Premises Licence and is not a consideration of the current licence. The Panel were 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.

The Senior Licensing Officer confirmed to the Panel that Mr Earley is the current Leaseholder of the premises and has 13 years remaining on a 20-year lease. Mr Paul Lloyd is the freeholder of the property, he is also the Premises Licence Holder of the current premises licence which is still valid. Due to differences with Mr Earley, Mr Lloyd resigned as the Designated Premises Supervisor (DPS) and no replacement has been appointed. The Panel were advised that no sales of alcohol can take place without a nominated DPS; Mr Earley and Miss Kacy are applying for a separate Premises Licence in their own names. He highlighted that the application had been correctly advertised on the premises and in the Mid Sussex Times. The application seeks to supply alcohol on and off the premises.

The Panel were advised that a number of representations had been received from two responsible authorities, The Licensing Authority and the Environmental Protection Team. These were detailed in the report. A further representation was received from the freeholder and current Premises Licence Holder, Mr Paul Lloyd. The representations raised points relevant to the licensing objectives of Prevention of Crime and Disorder, Prevention of Public Nuisance, and the promotion of Public Safety. The application has generated numerous local interest in the village and surrounding area, 75 emails were received in support of the application. He reiterated that all representations must be relevant to the Licensing Objectives, only eight supporting representations had been accepted as being relevant. It was noted that the content of some emails as irrelevant for the purposes of the Licensing Act 2003 and those comments should be disregarded. The Police have agreed conditions if the Panel decide to grant the licence. These were detailed in the report, and further conditions put forward by the applicants to reduce any public nuisance from music.

The Senior Licensing Officer listed the grounds on which the two Responsible Authorities objected to the application. The Licensing authority objected on the grounds of the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance. A number of incidents were listed in their objection and the action had been taken by the Licensing Team. The report advised that the Environmental Protection Team objected on the grounds of Public Safety; the report should have stated that they objected on the grounds of the Prevention of Public Nuisance. Mr Paul Lloyd, an Interested Party has objected on the grounds of the Prevention of Crime and Disorder and the Prevention of Public Nuisance, he is the freeholder and current Premises Licence holder. Mr Lloyd had submitted a short video showing out of hours drinking at the premises. Ms Berry, an Interested Party and local resident had sent a representation in support of the application. The Officer outlined the other relevant representations, they were not in attendance at the meeting: Ms Martin advised she had not seen any public nuisance, and her garden over looks onto the premises. Mr Martin also lives adjacent to the premises and has never experienced any anti-social behaviour. Mr Howard was responsible for a live event at the premises, he had monitored the output levels to keep them to a reasonable level, 85db limit. He had also run other events there and the noise levels had been acceptable. Mr and Mrs Bannister, one of the closet houses to the establishment had experienced some loud music in the Summer. They did not consider the running of premises caused a public nuisance. Ms Kashdan, who lives across Finches Fields had not experienced any issues of noise during licensing hours or at closing time. Ms Berry, who lives opposite had said the live music ended at a considerate time and was not a nuisance, advance warning was given for up-coming music events. Ms Abbott said she had observed well behaved groups of young adults and their age was verified by the staff, she had seen people refused drinks. Ms Burrows had commented that she was not aware of any crime and disorder at the pub, she has friends who live close by who would have mentioned if there had been any issues.

The Panel were 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. The Panel could: grant the licence subject to conditions, modified as the Panel considered appropriate; exclude from the scope of the licence any licensable activities to which the application relates; refuse to specify a person in the licence as the premises supervisor or reject the application. The Licensing Act 2003 required relevant representations to relate to the effect of granting the licence on the promotion of the Licensing Objectives, and an objector must establish that such a consequence is a likely effect of a grant (more probable than not).

The Officer confirmed joint application could be made and applications could be made for premises that already have a premises licence and any party to the proceedings can appeal in a Magistrates Court. He outlined the background papers and highlighted the proposed conditions if the application was approved. He confirmed his role was an administrative function only and any questions should be referred to Mr Bateman, Team Leader for Environmental Health.

The Chairman thanked the officer for his comprehensive report. He invited the joint applicants to address the Panel and advised they should ensure they comments referenced the four Licensing Objectives.

Mr Earley, the Joint Applicant addressed the Committee

He advised he had been involved in the hospitality industry for over 35 years in the UK and overseas, primarily as a chef for 18 years and as the licensee of a pub for 6 years. He loves his job and has organised and catered for large scale events, was the DPS for the village fete and could manage aggressive / intoxicated people, completed a variety of courses. He advised the representations did not give a good impression of him, he could be “hot headed” and gets frustrated as people don’t see what he is trying to achieve. The Fox is a restaurant and not a late-night venue, they have hosted afternoon children’s parties to make money. He takes his job very seriously and has done his utmost to uphold Licensing Objectives. He advised if he knew where the complainants lived, he could angle the sound of the bands away from their properties. They had not broken any Covid rules, the business had been adapted as the laws changed, they had a one-way system in the premises. They tried to survive and keep people safe. He confirmed an event in the summer, all clientele were in a safe environment, “we could not have done any more than we did”. He confirmed he had been in regular contact with the Senior Licensing Officer, had visits from the Police and the Licensing Team. Ms Kacy had also completed additional training courses and they had learnt from their mistakes, adapting and changing.

He mentioned the egg allergy, “an unfortunate accident” citing human error between front and back (room) staff. There was now additional documentation in place and staff talk to the clientele when booking over the phone or when “walk in bookings” to determine any allergies or intolerances. If it is a severe allergy, he talks to the client himself about the danger as they have a small kitchen. The Panel were provided with details of Mr Earley dealing with and ejecting intoxicated clientele; he could “talk people down and was good at communicating with people”. He confirmed he was hot headed, could snap and apologised as he had been sarcastic to the Environmental Health Team. Noise complaints had increase by 66% since the pandemic. They had bands playing outside in a safe environment in the afternoons not late at night and monitored sound levels. Half the pub had been changed to a shop to serve the village but was limited to 20 people. He noted the breakdown of his friendship with Mr Lloyd, cited the last two years had been tricky and any staff that broke laws were dismissed.

The Chairman advised the Panel would give the application a fair hearing and make references to the Licensing Objectives. They would listen to relevant representations and take them into account.

Questions from the Members to Mr Earley

A Member noted the changes Mr Earley had made following the allergy incident and enquired how they managed hygiene, disposal of empty bottles and waste to prevent disruption to the neighbours. He advised no bottles are put out late at night, just plastic sacks of food waste. The bottles are kept at bar and emptied into commercial bins between 10 am and noon. In the recent hot weather, the food bins had been smelly, they are cleaned with chemicals and jet washed once they have been emptied on a Wednesday or Thursday.

A Member expressed concern over the food allergy incident and asked what steps had been taken to prevent another incident. He advised that he was aware there are more allergies, not just nut allergies. Once a client advises they have an allergy or intolerance they complete a form giving full details and level of severity which goes from the front staff to the back staff and is followed until the client leaves. The form has the 12 main allergies, others can be added, and they can note if it is a severe

allergy. He advised most people with severe allergies carry EpiPens. They have a good process of checking invoices, make their own bread and ice-cream and try to buy local produce.

In response to the Chairman expressing concern that previous events have overrun and confirmation that timings would be adhered to, Mr Earley confirmed they would no longer have bands as it is too much to do. He lives in the flat above the premises and his teenage boys live with him part-time. We noted they have cctv, and the Police have requested want more cameras which they will have access to, the old licence was granted on grandfather rights.

The Chairman advised Mr Earley to make notes as he would be able to sum up and respond to the representations made.

Miss Kacy, Joint Applicant addressed the Committee

Miss Kacy noted that Mr Earley had made a good representation for their application. All allergen safety measures were now in place. She had attended additional training courses, including Covid Awareness and reiterated that she knew the rules and regulations; they had learnt from the egg allergy incident. There would be no music outside, no amplified music inside, just acoustic inside - piano and harpist. More advanced measures were now in place including an incident / accident book, a register to refusals of sales, Challenge 25 signs are displayed - specific ID is required, and staff training manuals have been updated. Nothing had yet happened, but incidents would be reported immediately to the Police. She noted she was now trained to ISO 2001, an implementation of procedures to run businesses smoothly.

Questions from the Members to Miss Kacy

A Member asked which training course had been most beneficial and would assist her going forwards. She advised that she has allergies, including peanuts and the food allergens course had been most beneficial, along with Covid Awareness and hygiene courses.

She noted all key staff had received training on allergy awareness but as they were temporarily closed, they had limited staff.

Interested Party - Representation by Michael Bateman for the Licensing Team

Michael Bateman, Team Leader for Food, Safety & Health advised the Licensing Authority had considered the application and objected on the grounds of the applicants' ability to up-hold the Licensing Objectives: Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance. There had been repeated interventions at the establishment, by the team in the past five years, with frequent liaising with Mr Earley and Mr Lloyd, the Police, Environmental Protection Team and West Sussex County Council Trading Standards for failure to comply with legislation. He confirmed that despite providing advice to Mr Earley they had to issue written warnings as they had failed to comply in July 2017, January 2020 and May 2021. In November 2018 Mr Earley confirmed he had permitted a party to continue beyond their licensed hours, and in May 2021 a music event without a Temporary Event Notice (TENS). He highlighted the repeated contraventions despite many chances to comply and cited a successful prosecution by West Sussex County Council for food safety charges. Officers from Mid Sussex and West Sussex have reported that Mr Earley has been difficult to engage with and has been verbally aggressive. The Licensing Act 2003 guidance advises that good communication

between the licence holder and the local authority is important. When upholding Public Safety. In January Mr Lloyd advised the Licensing Authority that he had no confidence in Mr Earley being able to uphold the Licensing Objectives and removed him as the Designated Premises Supervisor (DPS). An application was made by Mr Earley in August 2021 to transfer the licence to himself from Mr Lloyd, the application was refused as it was discovered that Mr Lloyd had not given consent. And had no knowledge of the application. This an application for a new licence, Mr Lloyd can appoint a DPS if he wishes to do so. The Local Authority has evidence of non-compliance, and on the balance of probability the Local Authority could be not confident that the applicants would uphold the Licensing Objectives and object to the application.

There were no questions from the Panel.

Interested Party - Representation by Adam Dracott for the Environmental Protection Team

Adam Dracott, Team Leader for Environmental Protection Team advised that the Council wants to support local businesses. The Team aim to work with businesses to uphold the law and ensure the public are not unreasonably affected by noise and odours. Despite their efforts they have received complaints about noise at the premises. They have objected to the application as they could be not confident that the applicants would uphold the Licensing Objective of Public Nuisance. There have been eight noise complaints over two years; the expectations of applicants has been made clear. In November 2018 there was a complaint about noise, music and shouting after 01:00, the applicants were advised that future applications for TENS might be refused if the disturbances continue. Further complaints of noise after midnight were received in July 2019, in November 2019 and on a Sunday in December 2019 occurring after their licensing hours. A TENS application for Christmas Eve was refused, however one was permitted for a New Years Eve party until 02:00. Complaints were received that shouting/swearing was clearly audible at 0:15 on Christmas Eve and music was audible inside nearby properties at 03:20 on New Year's Eve. At a meeting it was made clear that noise from music and customers needed better management. In May 2021 further complaints were received of noise from music outside the pub, no TENS application had been received. The Team were concerned some unregulated events were happening. Three TENS applications were applied for and Ms Kacy was written to and asked to monitor / adjust the noise to prevent a public nuisance. They were advised that the events would be monitored for noise by officers. Loud music was audible up to 65ms away, the musicians faced the houses – and two complaints received. They were given advice how to mitigate potential noise nuisance at the other events. At a subsequent event with a tribute band, further complaints were received even though the musicians had been faced away from the houses. The team spoke to them again and advised the band should be inside. The Team monitored the final event with guitars, drums and singers, loud music played in the car park, and the band had faced the houses. This conflicted with what Mr Earley had advised would happen, the noise could be heard as far as Cost Cutters approximately 350ms away. He advised that despite being given promises by the applicant to not cause a public nuisance from noise these promises have not been kept. The Environmental Protection Team has made a representation as they have no confidence that further incidents of Public Nuisance will not occur.

In response to a Member's question on communication between the applicants and the Environmental Protection Team he confirmed communication with Mr Earley has

been difficult. At times he had had to advise Mr Early could only deal with him to protect his staff from abuse, communications with Mr Early have been disturbing.

The Chairman asked if no further music events, as advised by Mr Early would make a big difference to environmental issues at The Fox. The Officer advised it would help the disturbance to the local residents if the team confidence that no music would be played. He expressed concerned given the history of The Fox.

Interested Party - Representation by Mr Paul Lloyd

Mr Lloyd, freeholder of The Fox and Premises Licence holder advised he objected to the application. He was a former policeman and had run pubs since 1995 in London, he bought The Fox in 2004. He had always followed local authority advice for past 6 or 7 years whilst dealing with Mr Earley. He engaged a solicitor for anything relating to licensing matters and Mr Earley. He liaised with The Senior Licensing Officer and then resigned as DPS on 16 August 2021 as he had no confidence in Mr Earley continuing to be the DPS, solicitors letter sent was sent to him on 18 August. The applicants posted inaccurate false statements regarding his resignation as DPS on social media resulting in disinformation. He advised he received abusive social media posts, some posts thought the pub was closing which he denied. He noted domestic disturbances at the premises since 2016 involving the applicants. He noted the Licensing Act 2003 and the Licensing Objectives and the expectation of licence holders to behave in a fit and proper way. Mr Earley had sent threatening text messages and he did not believe Mr Earley was suitable to be a DPS. Previous discussions with the applicant regarding the food waste bins in the recent hot weather had resulted in heated confrontations. His objection was not personal, but he did not believe the applicants to be fit and proper people to hold a licence and uphold the Licensing Objectives. He apologised for raising personal issues.

The Chairman reminded the attendees at the meeting that the Panel were considering the application in relation to the Licensing Objectives and the running of the premises.

There were no questions for Mr Lloyd.

Interested Party - Representation by Ms Poppy Lewis

Ms Lewis, a local resident advised that she supported the application. She is a customer of The Fox eating there occasionally and lives close by. She has not experienced crime and disorder, noise levels are bearable and have not been an issue. The Fox advertise music events in advance. In relation to public safety she had not heard of any issues and young people do work for them in the kitchens. In response to a Member's questions she advised events are advertised on a placard outside the premises and posted on social media.

Summing up by Mr Earley

Mr Earley acknowledged he had fallen out with Mr Lloyd and would not repeat what had been said. Regarding the unlicensed event he cited confusion with the constant changing laws due to the pandemic and thought the use car parks to space out clientele included holding events. They had not circumvented the Council's usual procedure deliberately; it was an oversight. They had held the charity event in the afternoon due to the previous complaint for an event in the evening. They had relocated the band and monitored the noise level. He apologised for being rude to Council officers and thought he was approachable but gets frustrated, if no guidance

is given how he could change things. He thanked Ms Lewis for her comments. Noise is inevitable as it is a pub and he would try to keep clients quieter; signs are everywhere at the premises. With regard to Christmas Eve people were coming in from the club and after attending midnight mass. He disputed that The Fox was the cause of some of the noise complaints as the dates did not match. He was too old to stay up very late. He thought he had carried out the Licensing Objectives to the law, this was his livelihood. He would take any comments on board, he was disappointed the relationship with Mr Lloyd had broken down; he wanted to make a living and asked for help.

The Chairman advised that running of a pub is difficult, but requirements of the Licensing Objectives were very clear and need to be met.

The Senior Licensing Officer advised the Panel that live or recorded music played between 08:00 and 23:00 on a premises, which has a premises licence to sell alcohol and is open to sell alcohol is not regarded as a regulated activity.

Further Questions to the Mr Earley

A Member asked Mr Earley how he controls poor behaviour. Mr Earley advised he has a good relationship with the young people in the area. There had been some incidents during lockdown where they would buy take-away food from The Fox and it eat it in their cars with music on outside the pub. He said "I am good at controlling them. ...I have only barred 2 people in my career". He gave details of a time he intervened with a fight and refused entry to someone who had been barred. He is able to talk them down; he can control a crowd and has the respect of his clientele. He does not get aggressive with his clientele.

Mr Lloyd advised he had no personal animosity to the applicant and Mr Earley sometimes had difficulty taking on board comments in order to comply with the Licensing Act 2003.

Mr Earley disagreed and said no reason had been given when Mr Lloyd resigned as DPS. He would have compensated complainants with a free meal if they had been identified to him. He would prefer people to complain to him and not the authorities.

The Chairman recognised that people have different strengths, but the Panel must consider the Licensing Objectives.

Summing up by Miss Kacy

Miss Kacy commented that their suggestions to Mr Lloyd for an alternative DPS had been refused. She reiterated that there would be no amplified music outside, just acoustic music inside. Miss Kacy confirmed they advertised events on social media and on placards outside the premises.

The Team Leader for Food, Safety & Health noted it was for Mr Lloyd to determine a suitable replacement DPS and the Licensing Team had no control over his decision.

Mr Lloyd disputed being given alternative names for the DPS by the applicants and he did volunteer himself to be DPS.

Mr Earley claimed stipulations were attached to Mr Lloyd being reinstated as the DPS which were was not feasible.

The Chairman confirmed the Members and Officers had no further comments or questions. He thanked everyone for their representations. The Licensing Objectives would inform the Panel when reaching a decision.

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 12.15 pm so that the Committee could deliberate.

RESOLVED

The application for a Premises Licence was refused as the Panel considered that it did not have confidence in the Applicants ability to uphold the licensing objectives.

The meeting finished at 12.33 pm

Chairman

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Application to Vary a Premises Licence – Licensing Act 2003

REPORT OF: Tom Clark, Head of Regulatory Services

Contact Officer: Jon Bryant, Senior Licensing Officer
Email: jon.bryant@midsussex.gov.uk Tel: 01444 477076
Wards Affected: Cuckfield
Key Decision: No
Report To: Liquor Licensing Panel

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 by Cuckfield Parish Council to vary a Premises Licence at The Queens Hall, High Street, Cuckfield, RH17 5EL. Representations against the application have been made by an Interested Party.
 - 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 The Queens Hall is situated on the High Street, Cuckfield. It is a listed, Victorian Village Hall in the centre of Cuckfield. There is a large hall to the rear of the building and beyond that is a garden which extends to the car park for Cuckfield Recreation Ground.
- 5 The Hall has residential properties to both sides and land adjacent to the garden was obtained by the Parish Council on a 25 year lease in 2020 and is being converted into a nature garden for the public and hirers of the hall. The garden contains a gazebo which is licensed for wedding ceremonies. The Premises was issued with a Premises licence by this Council in 2005 when the previous Justice Licence 'On' Licence was converted under the Licensing Act 2003.
- 6 It is currently licensed for the following licensable activities;

| Licensable Activity | Timings |
|---------------------------------------|----------------------------------------------------------|
| A performance of dance - Indoors | Monday to Saturday 09:00 - 00:00 Sunday 10:00 - 23:00 |
| A performance of live music - Indoors | Monday to Saturday 09:00 - 00:00 |

| | | |
|---------------------------------------------------------|---------------------------------|--------------------------------|
| | Sunday | 10:00 - 23:00 |
| The exhibition of a film - Indoors | Friday to Saturday | 14:00 - 23:00 |
| Entertainment similar to dancing/making music - Indoors | Monday to Saturday Sunday | 09:00 - 00:00 10:00 - 23:00 |
| The performance of a play - Indoors | Monday to Saturday Sunday | 09:00 - 00:00 10:00 - 23:00 |
| Sale by retail of alcohol | Wednesday to Friday Saturday | 18:00 - 23:00 12:00 - 23:00 |
| Any playing of recorded music - Indoors | Monday to Saturday Sunday | 09:00 - 00:00 10:00 - 23:00 |

- 7 Alcohol is supplied for consumption on the Premises only.
- 8 The additional conditions currently attached to this licence are:
1. All windows and doors to be kept closed after 2100 hours.
 2. Inbuilt sound limitation device to be maintained in efficient working order.
- 9 On the 2nd November 2021, Cuckfield Parish Council submitted an application to vary the current premises licence. Their intention is to extend the licensed premises area to include the garden to allow the consumption of alcohol in this area. There is a Gazebo in the garden that is licensed for wedding ceremonies. The application additionally requests music to be played outside only during a wedding ceremony. The variation application includes a request for an outdoor play to be held in the garden area on one occasion a year. Currently this performance is held on Cuckfield Recreation Field and it is planned to move this performance to the garden area where there may be amplified music during the performance.
- 10 A resident of the High Street, Cuckfield, Olivia Barnard, who lives near to The Queens Hall has submitted a representation on the grounds of the prevention of crime and disorder and the prevention of public nuisance. This representation has not been resolved.
- 11 There was one other representation made during the consultation period which was resolved by the acceptance of the additional conditions offered by Cuckfield Parish Council in respect of the additional use of the garden area.
- 12 As stated, Cuckfield Parish Council have offered a number of additional conditions to be attached to the Premises Licence should the application be granted. These are outlined in the attached appendices.

Representations

- 13 Representations have been received from an interested party, Olivia Barnard, who lives in an adjacent property, in respect of the additional licensable activities that have been requested.

In brief she states that her premises directly adjoins the garden area of Queens Hall and they have already been disturbed by events at the Hall held under the existing licence. She states that her partner works from home almost every day of the week and is already affected by noise from the Hall and he feels unable to make business calls due to the noise. She has further stated that performances outside will be considerably louder than those held inside. She states that the music allowed under the current licence is already overpowering and if it is allowed in the garden area it will affect their well-being.

- 14 The consultation period took place between 4th November and the 2nd December 2021. It was correctly advertised at the site during this period and in the Mid Sussex Times on the 11th November 2021

Policy Context

- 15 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.

- 16 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.

17 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

18 A representation is a ‘relevant representation’ if it is about the likely effect of the grant variation 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 - (i.e. more probable than not)

Section 182 Guidance

19 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.

20 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits

- 21 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
- the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - the Section 182 Guidance;
 - The MSDC Statement of Licensing Policy.

Other Options Considered

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

Financial Implications

- 23 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

- 24 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.
- 25 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.

Sustainability Implications

- 26 None.

Background Papers

Appendix 1 – Application Form and new plan of premises
Appendix 2 – Current Licence Conditions
Appendix 3 – Photos of Location
Appendix 4 – Further submissions by the applicant in response to representation

Representations

Appendix 5 – Olivia Barnard representation and associated emails

Other Documents

Appendix 6 – Requested conditions if variation granted.

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service_team_name

service_email_address

Your Details

Correspondence

Correspondence Email

Confirm Email

Name Cuckfield Parish Council

Premises licence number PWA0165

Premises

Name of premises The Queen's Hall

Does your premises have a postal address? Yes

Postal address of premises or, if none, ordnance survey map reference or description
Queens Hall High Street
Cuckfield West Sussex RH17 5EL

Tel: (at premises)

Email

Non-domestic rateable value of premises.

Current Premises Licence

Please describe briefly, the nature of the proposed variation

Add the garden to the existing licence for the Queen's Hall.

This will provide a licence for the garden to be used for the sale and consumption of alcohol.

Music will only be played during wedding ceremonies, there will be no amplified or unamplified music played in the garden other than this.

Use of the garden will be stopped from 9pm onwards, all visitors to the hall will be asked to move inside at this time.

The licensee will provide training to all staff working at the event to ensure these guidelines are followed.

The garden will be thoroughly cleaned at the end of the event, as per the guidelines imposed for the use of the hall.

Attach the premises licence (or relevant part of it)

If you have not attached the premises licence or relevant part of it, please give your reasons:

Applicant Details

Current postal address of Committee - 17 December 2021

different from premises address

Phone

Email

Operating Schedule

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

Yes

Operating Schedule

If the club's proposed variation would mean that 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.

The Queen's Hall is a listed, Victorian village hall based on the High Street in Cuckfield. There is a large hall to the rear of the building, and beyond that is a garden which extends to the car park for Cuckfield Recreation Ground. The hall has residential properties to the left and right. The land adjacent to the garden was taken over on a 25 year lease in 2020, and is being converted into a nature garden for the use of members of the public and hirers. All land is accessed immediately from the hall. The garden contains a gazebo which is licensed to hold wedding ceremonies.

Activities

Plays

Will you be provisioning Plays?

Yes

Monday

Start Time

09:00

End Time

00:00

Tuesday

Start Time

09:00

End Time

00:00

Wednesday

Start Time

09:00

End Time

00:00

Thursday

Start Time

09:00

End Time

00:00

Friday**Start Time** 09:00**End Time** 00:00**Saturday****Start Time** 09:00**End Time** 00:00**Sunday****Start Time** 10:00**End Time** 23:00**Where will the performance of the play take place? Indoors may include a tent.** Indoors and outdoors**Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.** Throughout the year a local theatre production group use the hall for plays, these are always held indoors and amplified music may be used. Once a year an outdoor play is held (currently on Cuckfield Rec), amplified music may be used. This will eventually be held in the garden.**State any seasonal variations for performing plays: For example (but not exclusively) where the activity will occur on additional days during the summer months.****Non standard timings. Where the premises intends to use the premises for the performance of a play 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.****Films****Will you be provisioning Films?** No**Monday****Tuesday****Wednesday****Thursday****Friday****Saturday****Sunday****Indoor Sports****Will you be provisioning Indoor Sporting events?** No**Monday****Tuesday**

Wednesday

Thursday

Friday

Saturday

Sunday

Boxing or wrestling

**Will you be provisioning
boxing or wrestling
events?**

No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Live Music

**Will you be provisioning
Live Music?**

No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Recorded Music

**Will you be provisioning
Recorded Music?**

Yes

Monday

Start Time

09:00

End Time

00:00

Tuesday

Start Time

09:00

End Time

00:00

Wednesday

Start Time

09:00

End Time

Thursday**Start Time** 09:00**End Time** 00:00**Friday****Start Time** 09:00**End Time** 00:00**Saturday****Start Time** 09:00**End Time** 00:00**Sunday****Start Time** 10:00**End Time** 23:00**Where will the playing of recorded music take place? Indoors may include a tent.** Indoors and outdoors**Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.** Music will only be played outdoors for wedding ceremonies.**State any seasonal variations for playing recorded music: For example (but not exclusively) where the activity will occur on additional days during the summer months.****Non standard timings. Where the premises intends to use the premises for the playing of recorded music 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.****Performances of dance****Will you be provisioning Performances of dance?** No**Monday****Tuesday****Wednesday****Thursday****Friday****Saturday****Sunday****Similar to live music, recorded music or performances of dance**

Will you be provisioning anything with a similar description to live music, recorded music or Performances of dance? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Late Night Refreshment

Will you be provisioning any late night refreshment? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Supply of alcohol

Will you be provisioning any alcohol? Yes

Monday

Start Time

End Time

Tuesday

Start Time

End Time

Wednesday

Start Time 18:00

End Time 23:00

Thursday

Start Time 18:00

End Time 23:00

Friday Liquor Licensing Committee - 17 December 2021

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Start Time | 18:00 |
| End Time | 23:00 |
| Saturday | |
| Start Time | 12:00 |
| End Time | 23:00 |
| Sunday | |
| Start Time | |
| End Time | |
| Where will the supplied alcohol be consumed? | Both on and off premises |
| State any seasonal variations : For example (but not exclusively) where the supply of alcohol will occur on additional days during the summer months. | Sale and consumption of alcohol to be permitted both indoors and outdoors in the garden. Use of the garden would be allowed until 9pm when all guests will be asked to return inside. The Licencee would ensure all staff are trained in the requirements for the use of the Queen's Hall and garden. |
| Non standard timings. Where the premises 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. | |
| Hours premises is open to the public | |
| Monday | |
| Start Time | 09:00 |
| End Time | 00:00 |
| Tuesday | |
| Start Time | 09:00 |
| End Time | 00:00 |
| Wednesday | |
| Start Time | 09:00 |
| End Time | 00:00 |
| Thursday | |
| Start Time | 09:09 |
| End Time | 00:00 |
| Friday | |
| Start Time | 09:00 |
| End Time | 00:00 |
| Saturday | |
| Start Time | 09:00 |
| End Time | 00:00 |

Sunday

Start Time 09:00

End Time 00:00

State any seasonal variations : For example (but not exclusively) where the supply of alcohol will occur on additional days during the summer months.

The hall is open to the public during the Parish Council office opening hours, Monday to Friday.
All other times the hall is only open for a private hirer and their guests.

Non standard timings. Where you intend to use the premises to be open 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.

Current licence conditions

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.

None

Adult Entertainment

Please highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

None

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.

The Licensee shall ensure there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder at all times during licensable activities.

The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

The prevention of crime and disorder:

Any incidents of a criminal nature that may occur on the premises will be reported to the Police.

Digital CCTV is installed, operated and maintained throughout the premises internally and externally (to the rear only) to cover all public areas, including the entrance hallway to the premises. The system is on and recording at all times the premises licence is in operation.

The CCTV cameras and recording equipment works in all lighting

levels inside the premises at all times.

CCTV footage will be stored for a minimum of 31 days.

The CCTV images record and display dates and times, and these times are checked regularly to ensure their accuracy.

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.

Subject to Data Protection guidance and legislation, the management of the premises have key staff fully trained in the operation of the CCTV, who are able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.

Any breakdown or system failure will be notified to the police via 'phone (currently 101).

Public safety:

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually.

All emergency exits shall be kept free from obstruction at all times.

The prevention of public nuisance:

All customers are asked and reminded to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

The protection of children from harm:

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

All staff will be trained for UNDERAGE SALES PREVENTION regularly.

A register of refused sales shall be kept and maintained on the premises.

Submit & Pay

Name

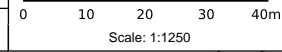
Address for correspondence associated with this application

Phone

Email

Author:

Date: 03/11/2021



Liquor Licensing Committee - 17 December 2021



Worsley Memorial Recreation Ground

Ockenden Garden House

Ockenden Manor (Hotel)

Appendix 2

Current Premises Licence Conditions additional to Mandatory Conditions

| | |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p style="text-align: center;">Conditions consistent with the operating schedule</p> <p style="text-align: center;">Conditions attached after a hearing by the Licensing Committee</p> <ol style="list-style-type: none">1. All windows and doors to be kept closed after 2100 hours.2. Inbuilt sound limitation device to be maintained in efficient working order. <p style="text-align: center;">Plan of premises</p> <p>See attached</p> |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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Front View of Queens Hall



Rear Area – Looking from Queens Hall



Wedding Gazebo at end of pathway



View back to Hall





View of Garden area towards rear of Hall





End view of garden area next to Hall



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From: [Sam Heynes](#)
To: [Jon Bryant](#)
Subject: RE: Licence Variation
Date: 06 December 2021 16:06:19
Attachments: [jmaqe003.png](#)
[jmaqe006.png](#)
[jmaqe007.png](#)

Hi Jon

It will be of great assistance to go through it with you prior to the hearing, which I have added to my diary. Will the meeting be help via zoom or in person?

I've added some comments below.

If this complaint is from the immediate neighbours (Kingsleys), as background they were misinformed by their solicitor when they purchased the property and have been upset about the hall usage ever since they moved in, asking that we limit it's use as they find it intrusive. This is difficult to do as the hall needs to pay for itself and is very popular, providing a venue for weddings and local events throughout the year.

If we reduce the hiring of the hall we would be forced to increase the precept to cover this loss of income. We believe we run the hall with great integrity and try to balance the needs of hirers, neighbours and the community at all times.

Kind regards

Samantha Heynes PSLCC

Parish Clerk

Cuckfield Parish Council



01444 454276
www.cuckfield.gov.uk

Office Hours:
Monday to Friday
10am – 3pm

Cuckfield Parish Council, The Queen's Hall, High Street, Cuckfield, RH17 5EL

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From: Jon Bryant <Jon.Bryant>
Sent: 06 December 2021 15:44
To: Sam Heynes <Sam.Heynes>
Subject: RE: Licence Variation

Hi Sam

If it will assist I can come over and explain the process for you on either Tuesday or Wednesday. You would attend as the Parish Council representative to explain the variation to the Panel. The panel is made up of three district councillors who are from outside the immediate area of Cuckfield. I have just heard that the time and date is fixed for 10am on Friday 17th December.

I will prepare a report in the next day or so giving details of the variation application, the legislation that has to be complied with by the panel and the details of the representation that remains unresolved. It will also have the additional conditions that may be placed on the licence in respect of the variation. I present the report, as the applicant you would give details of the variation and the purposes of it and the restrictions that you have requested in order to reduce any impact on local residents (outside area used only until 2100hours, music will only be performed outside during a wedding ceremony and the performance of a play with amplified music would be held just once a year). You would also outline the value of the premises to the local community and the variation is to assist in diversifying it's use etc.

I have copied the representation below for your information. I have clarified with the below the extent of the variation with the person making the representation as there appears to be some confusion by them. I am awaiting their further reply.

As you point out the Licensing Team haven't been made aware of instances of the windows being left open or excessive noise but I have requested further details.

Representation

Dear Jon,

Thank you for your emails.

I

I understand the application is to extend the current licence to cover performances outside, as well as inside. However I am conscious that performances outside will be considerably louder than those inside, and therefore should be under stricter time limits. I cannot seem to see the operating schedule online, so apologies if I may have missed some of the finer details here.

Performances – we are only planning to hold the Rain or Shine theatre production outdoors once a year; this is currently held on Cuckfield Rec immediately to the rear of the garden, so currently already takes place outside.

In respect of the recorded music played outside during wedding ceremonies; does this mean during the actual ceremony only, or during the ceremony and subsequent wedding reception? If the former then I would question why a licence is required outside up to 12:00am Mon-Sat and 11:00pm on Sundays? I can't imagine there are many ceremonies taking place that late and would request this be limited to 6pm throughout the week.

We mean music will only be played during wedding ceremonies themselves and note the validity of the concerns regarding the timings, did I complete something incorrectly on the application?

If the latter then I would strongly object to this change in licence. The music is already overpowering under the current licence, where the sound limitation device and walls of the hall are presumably limiting it's volume to local residents. The playing of music outside (presumably without the sound limitation device) would be even louder and have a greater impact on our lives. Our bedroom and study face the garden of Queen's Hall and are a mere 50 yards from where the music would be played. This will no doubt limit my partners ability to concentrate or take work calls during the day, and for both of us to sleep at night.

We do have sound limitation devices in place at the hall. All music must end at 11.30pm currently and the hall must be vacated by midnight. We have someone attend the hall from approx. 11pm to ensure this occurs. Events of this nature typically only ever happen on a Friday or Saturday evening, not during the day, and certainly not during the week days as the hall is used by regular hirers running various classes. I have not been made aware of a complaint regarding excessive noise during the day (other than the wedding party earlier in the year who did take their music outside without permission).

I understand via word of mouth from other residents that there may be a requirement to have all music moved indoors after 9pm. However, I cannot see this anywhere on the application and this would not be of any assistance during the day. There is also ongoing evidence that the current rules are not being adhered to or monitored in any way by the Parish Council, and I therefore have no faith that any future conditions will be adhered to (we will shortly be raising with you a complaint about another incident of loud music and windows not being shut while a party was being held in the hall last weekend).

This seems irrelevant as music will not be permitted outside under the licence other than for wedding ceremonies. |

I would be interested in the evidence that the rules imposed are broken on a regular basis. We do not receive complaints and if we ever do, we address these with the hirers. This is a village hall, it is not manned for events in the same way other village halls are not manned. We are not a hotel which is constantly staffed.

There was a band in the hall the weekend before last, we have not yet received any complaints about this. The current rules regarding windows are complicated by the covid rules to allow ventilation. We do tell hirers of the rules and will penalise anyone who does not follow them via the loss of their deposit. If we are not aware of any issues we are unable to follow up with hirers.

Lastly, if a condition has been added to limit the consumption of alcohol to 21:00, then why is the application allowing the sale of alcohol until 11pm? Surely the application itself should be amended, rather than adding a condition, to avoid any confusion here.

The sale of alcohol inside is allowed until 11pm, and alcohol consumption outside will need to cease at 9pm and move inside.

Kind regards,

Details

Dear Sir/Madam,

I have been trying for several days to submit a comment against the proposed variation in licensing for Queen's Hall, Cuckfield, app. number LI/21/1341. Each time I try to submit an error message comes up saying 'Your comments could not be submitted due to an error in the system'.

As the closing date for comments is today (1st December) I am forced to submit my comments and objection here and ask that they please be registered against the application as per the due process.

Our comments are the following:

- commenting as a neighbour*
- objecting due to prevention of crime and disorder, public nuisance and other issues*

Dear Sir/Madam,

I am writing to strongly object to the variation in licensing in its current form. My partner and I feel strongly that if the current proposed licence is agreed it will result in a number of detrimental effects to our wellbeing and livelihoods, and that of our neighbours.

Our property directly adjoins the memorial garden and on several occasions this year we have already been disturbed by the noise from events held at Queen's Hall. The noise has at times been so loud it can be heard through double glazing with all doors and windows closed. This has prevented us from entertaining family and friends, and has even prevented us from sleeping at night. As you

can imagine, when outside the noise is even worse, making it impossible to sit outside in our private garden and forcing us to keep windows and doors closed, even in summer.

I work as a teacher for the local authority and have to rise early during the week. The music and noise from the hall has already kept me awake on several evenings up to midnight, disrupting my sleep. This is with the music currently turned off by 11:30 and the noise coming from people exiting the hall; the idea that it may continue outside the Hall until midnight on any day of the week is daunting, and I fail to see how it will not affect my livelihood.

My partner works from home almost every day of the week and has also been affected by the noise from the hall. He often feels unable to make business calls because of the music that can be heard in the background, again with all doors and windows shut.

We can only imagine how much more intrusive the music will be if allowed to be played outside in the memorial garden, and the extent to which this will affect our wellbeing.

The current licence states that doors and windows in the hall should be shut at 9pm so as to contain the noise, however we can see that windows and doors are not being closed. We would like to know how the council plans to enforce this, in addition to their statement that people outside will be moved inside at 9pm in the new licence. This information should be added to the licence application.

The council also state in their conditions that a sound limitation device will be maintained, but do not state what the sound limitation will be. This should also be added to the licence application.

We feel that the application should be amended to the following:

- The number of events per year should be limited (we believe there is a current limit of 20 weddings per year, this limit should also apply to outdoor events) and this limit should be stated on the application*
- Sundays should have no events with live or pre-recorded music or performances to allow residents to recover*
- Monday - Saturday all playing of live or pre-recorded music or performances and should cease by 10pm*
- Monday – Saturday alcohol should not be sold on the premises after 10pm*

We appreciate that the Queens Hall is an important village amenity and has multiple uses and functions. However, we do not think it is unreasonable to ensure local residents working in the community are able to get a good night's sleep on weekdays and one day of respite at the weekend. This is particularly important given changing working conditions leading to more people working from home and requiring a suitable environment to do so.

*Kind regards,
Residents*

Kind regards

Jon

Jon Bryant

Senior Licensing Officer

Mid Sussex District Council

Environmental Health

01444 477428

07712 415409

jon.bryant

www.midsussex.gov.uk



'Working together for a better Mid Sussex'

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From: [enquiries](#)
To: [licensing](#); [planninginfo](#)
Subject: FW: Enquiry - Licensing (Ref: GE-1638399437)
Date: 02 December 2021 08:52:54

From: eforms
Sent: 01 December 2021 23:00
To: enquiries <enquiries>
> **Subject:** Enquiry - Licensing (Ref: GE-1638399437)

| | |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Your data | |
| Your details | |
| Title | Miss |
| Name | Olivia Barnard |
| Phone | |
| Email | redacted |
| Confirm email | redacted |
| Address finder | xx High Street |
| Select address | xx HIGH STREET RH17 5EL |
| Enquiry details | |
| Enquiry type | Licensing |
| Details | <p>Dear Sir/Madam,</p> <p>I have been trying for several days to submit a comment against the proposed variation in licensing for Queen's Hall, Cuckfield, app. number LI/21/1341. Each time I try to submit an error message comes up saying 'Your comments could not be submitted due to an error in the system'.</p> <p>As the closing date for comments is today (1st December) I am forced to submit my comments and objection here and ask that they please be registered against the application as per the due process.</p> <p>Our comments are the following:</p> <ul style="list-style-type: none">- commenting as a neighbour- objecting due to prevention of crime and disorder, public nuisance and other issues <p>Dear Sir/Madam,</p> |

I am writing to strongly object to the variation in licensing in its current form. My partner and I feel strongly that if the current proposed licence is agreed it will result in a number of detrimental effects to our wellbeing and livelihoods, and that of our neighbours.

Our property directly adjoins the memorial garden and on several occasions this year we have already been disturbed by the noise from events held at Queen's Hall. The noise has at times been so loud it can be heard through double glazing with all doors and windows closed. This has prevented us from entertaining family and friends, and has even prevented us from sleeping at night. As you can imagine, when outside the noise is even worse, making it impossible to sit outside in our private garden and forcing us to keep windows and doors closed, even in summer.

I work as a teacher for the local authority and have to rise early during the week. The music and noise from the hall has already kept me awake on several evenings up to midnight, disrupting my sleep. This is with the music currently turned off by 11:30 and the noise coming from people exiting the hall; the idea that it may continue outside the Hall until midnight on any day of the week is daunting, and I fail to see how it will not affect my livelihood.

My partner works from home almost every day of the week and has also been affected by the noise from the hall. He often feels unable to make business calls because of the music that can be heard in the background, again with all doors and windows shut.

We can only imagine how much more intrusive the music will be if allowed to be played outside in the memorial garden, and the extent to which this will affect our wellbeing.

The current licence states that doors and windows in the hall should be shut at 9pm so as to contain the noise, however we can see that windows and doors are not being closed. We would like to know how the council plans to enforce this, in addition to their statement that people outside will be moved inside at 9pm in the new licence. This information should be added to the licence application.

The council also state in their conditions that a sound limitation device will be maintained, but do not state what the sound limitation will be. This should also be added to the licence application.

We feel that the application should be amended to the following:

- The number of events per year should be limited (we believe there is a current limit of 20 weddings per year, this limit should also apply to outdoor events) and this limit should be stated on the application
- Sundays should have no events with live or pre-recorded music or performances to allow residents to recover
- Monday - Saturday all playing of live or pre-recorded music or performances and should cease by 10pm
- Monday – Saturday alcohol should not be sold on the premises after 10pm

We appreciate that the Queens Hall is an important village amenity and has multiple uses and functions. However, we do not think it is unreasonable to ensure local residents working in the community are able to get a good night's sleep on weekdays and one day of respite at the weekend. This is particularly important given changing working conditions leading to more people working from home and requiring a suitable environment to do so.

Kind regards,
Residents, xx High Street

Contact preference

Email

From: [Jon Bryant](#)
To: [Olivia Barnard](#)
Subject: RE: Representation - Application to Vary Premises Licence Queens Hall
Date: 06 December 2021 15:00:00
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Dear Olivia

Thank you for your reply.

To clarify, the current licensing hours of the existing licence remain in place and are not affected by this application to vary the licence. The existing licence allows music to be performed only inside until 00:00hrs Mon-Sat and 23:00hrs on Sunday. The variation application is not in respect of these licensable activities.

The variation is to allow the following activities in the garden area:

The consumption of alcohol in the garden area up to 2100 hours. So Wednesday – Friday customers/users of the hall would be permitted to drink in the garden from 18:00 – 21:00 and on Saturday 12:00-21:00, and they would then have to move inside the premises if they wish to continue drinking up to 23:00 hours.

The request to hold a play in the garden area with amplified music is for just once a year. The varied licence would only allow this on one occasion a year.

The application states that the music will only be played in the garden area during the wedding ceremony. This therefore does not allow the outside playing of music during any subsequent wedding reception as that is not part of the ceremony.

There cannot be music played in the garden area other than during wedding ceremonies. It may be that other residents are confusing this with the requirement that any people drinking in the garden area will be moved inside at 2100 hours.

I am more than happy answer any questions you may have in respect of this application either by phone or by a visit to your address.

Issues around the existing licence in respect of noise and non-compliance with the licence conditions should certainly be brought to the attention of the Licensing Team and the Environmental Protection Team who deal with noise nuisance.

I have requested that a date is identified for a possible hearing date. Due to the Christmas period this is likely to be on or before the 20th December. I will update you once I have been informed of a panel date.

If you have any questions in the meantime, please do not hesitate to contact me.

Kind regards

Jon

Jon Bryant
Senior Licensing Officer
Mid Sussex District Council
Environmental Health
01444 477428
07712 415409

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From: Olivia Barnard <redacted>
Sent: 06 December 2021 13:14
To: Jon Bryant <Jon.Bryant>
Subject: RE: Representation - Application to Vary Premises Licence Queens Hall

Dear Jon,

Thank you for your emails.

I understand the application is to extend the current licence to cover performances outside, as well as inside. However I am conscious that performances outside will be considerably louder than those inside, and therefore should be under stricter time limits. I cannot seem to see the operating schedule online, so apologies if I may have missed some of the finer details here.

In respect of the recorded music played outside during wedding ceremonies; does this mean during the actual ceremony only, or during the ceremony and subsequent wedding reception? If the former then I would question why a licence is required outside up to 12:00am Mon-Sat and 11:00pm on Sundays? I can't imagine there are many ceremonies taking place that late and would request this be limited to 6pm throughout the week.

If the latter then I would strongly object to this change in licence. The music is already overpowering under the current licence, where the sound limitation device and walls of the hall are presumably limiting it's volume to local residents. The playing of music outside (presumably without the sound limitation device) would be even louder and have a greater impact on our lives. Our bedroom and study face the garden of Queen's Hall and are a mere 50 yards from where the music would be played. This will no doubt limit my partners ability to concentrate or take work calls during the day, and for both of us to sleep at night.

I understand via word of mouth from other residents that there may be a requirement to have all music moved indoors after 9pm. However, I cannot see this anywhere on the application and this would not be of any assistance during the day. There is also ongoing evidence that the current rules are not being adhered to or monitored in any way by the Parish Council, and I therefore have no faith that any future conditions will be adhered to (we will shortly be raising with you a complaint about another incident of loud music and windows not being shut while a party was being held in the hall last weekend).

Lastly, if a condition has been added to limit the consumption of alcohol to 21:00, then why is the application allowing the sale of alcohol until 11pm? Surely the application itself should be amended, rather than adding a condition, to avoid any confusion here.

Kind regards,
Olivia Barnard

Sent from [Mail](#) for Windows

From: [Jon Bryant](#)
Sent: 06 December 2021 10:42
To: [olivia](#)

Subject: RE: Representation - Application to Vary Premises Licence Queens Hall
Importance: High

Dear Miss Barnard,

I am following up on the below email I sent to you on the 3rd December.

Have you had the opportunity to consider the conditions that will be added to the varied licence? If they are not acceptable I will need to arrange a hearing by the Licensing Panel by the 31st December at the latest.

Please could you update me either way. If you are able to supply a contact phone number I can talk to you further about this.

Kind regards

Jon

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From: Jon Bryant

Sent: 03 December 2021 09:01

To: 'olivia_<redacted>

Subject: Representation - Application to Vary Premises Licence Queens Hall

Dear Miss Barnard,

Thank you for your representation in respect of the application to vary the current premises licence at Queens Hall, Cuckfield.

To clarify the licensing process, this application to vary the licence is not a review of the current licence and concerns the potential impact of the variation application. To confirm the current licence allows the following activities

| Licensable Activities authorised by the Licence and the times the Licence authorises the carrying out of Licensable Activities | |
|--------------------------------------------------------------------------------------------------------------------------------|---------------|
| A performance of dance - Indoors | |
| Monday to Saturday | 09:00 - 00:00 |
| Sunday | 10:00 - 23:00 |
| The exhibition of a film - Indoors | |
| Friday to Saturday | 14:00 - 23:00 |
| A performance of live music - Indoors | |
| Monday to Saturday | 09:00 - 00:00 |
| Sunday | 10:00 - 23:00 |
| Ent similar to dancing/making music - Indoors | |
| Monday to Saturday | 09:00 - 00:00 |
| Sunday | 10:00 - 23:00 |
| The performance of a play - Indoors | |
| Monday to Saturday | 09:00 - 00:00 |
| Sunday | 10:00 - 23:00 |
| Any playing of recorded music - Indoors | |
| Monday to Saturday | 09:00 - 00:00 |
| Sunday | 10:00 - 23:00 |

| | |
|----------------------------------|---------------|
| Sale by retail of alcohol | |
| Wednesday to Friday | 18:00 - 23:00 |
| Saturday | 12:00 - 23:00 |

The application to vary the licence is to extend the performance of plays to include outside and the provision of recorded music to outside as well. The existing licensable hours are not changing.

However the application is more specific in respect of recorded music and the performance of plays.

The application states within the operating schedule that: *throughout the year a local theatre production group use the hall for plays, these are always held indoors and amplified music may be used. Once a year an outdoor play is held (currently on Cuckfield Rec), amplified music may be used. This will eventually be held in the garden.*

In respect of recorded music the application states in the operating schedule: *Music will only be played during wedding ceremonies, there will be no amplified or unamplified music played in the garden other than this.*

The application also states that the use of the garden area for the consumption of alcohol will only be permitted until 2100 hours.

Conditions are placed on the licence in accordance with representations and on the basis of the submitted operating schedule.

Therefore currently the additional conditions that will be added to the licence will be:

1. Music will only be played during wedding ceremonies, there will be no amplified or unamplified music played in the garden other than this.
2. On one occasion a year an outdoor play can be held with amplified music.
3. The use of the garden area for the consumption of alcohol will only be permitted until 2100 hours

Do these conditions assist in resolving your representation?

If not I will speak with the Parish Council regarding your representations.

In respect of the windows not being closed during the Summer period and excessive noise from the premises, when this occurs would it be possible to advise me or the Environmental Protection Team and then I can take this up straight away with the Parish Council.

I look forward to hearing from you.

Kind regards

Jon Bryant

Jon Bryant
Senior Licensing Officer
Mid Sussex District Council
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Proposed Additional Conditions

1. Music will only be played outside during wedding ceremonies, there will be no amplified or unamplified music played in the garden other than this.
2. On one occasion a year an outdoor play will be held with amplified music.
3. The use of the garden area for the consumption of alcohol will only be permitted until 2100 hours.

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