

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing
Committee
held on Thursday, 26th May, 2022
from 2.00 pm - 3.35 pm**

Present: Councillors: C, Laband (Chairman)
M, Cornish
J, Henwood

Officers in attendance: Tom Clark, Solicitor
Jon Bryant, Senior Licensing Officer
Ellen Fisher, Democratic Services Officer

Also in attendance: Asa Griffiths, Applicant
Ruth Rowatt, Technical Advisor to the Applicant

In attendance for Observing: Yvonne Leddy, BUL Environmental Heath & Building
Control
Sonya Baameur, Litigation Solicitor
Aidan Gaff, Senior Democratic Services Officer

LS.1 TO RECEIVE APOLOGIES FOR ABSENCE.

None.

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

None.

LS.3 APPLICATION OF A NEW PREMISES LICENCE.

Introduction and outline of the report

Jon Bryant, Senior Licensing Officer introduced the report noting an application, pursuant to Section 17 Licensing Act 2003, has been made by Bluebell Railway PLC for the grant of a Premises Licence at Horsted Keynes Railway Station, Station Approach, Horsted Keynes, RH17 7BB. The Environmental Health Team, a Responsible Authority and six members of the public, referred to as 'Interested Parties' within the Act, have submitted representations objecting to the application on the grounds of the Prevention of Public Nuisance.

It should be noted by the Panel that there is a Premises Licence currently issued in respect of the premises. This current application is for the issue of a new Premises Licence as the Bluebell Railway wish to extend the licensable area included in the Premises Licence and also to provide more flexibility in respect of the number of large events that they will be able to hold at the location. This is not a review or consideration of the current licence.

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 regard to the applicant's submissions and relevant representations.

The Senior Officer advised the existing Premises Licence (PWA0014) licenses the Refreshment Rooms situated on the platform together with additional areas identified as the Railway Field and Paddock. The new application proposes to extend the licensed area to include all the Platform areas, the carriage and wagon shed and the Car Park and drew the Panel's attention to appendix 1 and appendix 2 of the report, which details the proposed areas to be considered in this application and the areas currently licensed. Appendix 3 shows a map of the site and Appendix 4 are various photographic views of the site.

The application sets out the current Premises License which allows for the following licensable activities and timings, the sale by retail of alcohol, Sunday 12:00 – 22.30, Monday to Saturday 10:00 – 23:00, a performance of live music – Outdoors, everyday 18:00 – 22:00 and any playing of recorded music – Outdoors, Sunday 12:00 – 22:30, Monday – Saturday 10:00 – 23:00. The following condition is attached to the current License, live music no more than 6 times a year and live music will not be amplified.

The applicant is seeking the following licensable activities and timings, supply of alcohol – on and off premises, provisional plays (indoors and outdoors), provisional films, performance of live music (indoors and outdoors), performance of recorded music (indoors and outdoors) and performance of dance (indoors and outdoors), Monday – Sundays 08:00 – 23:00 with proposed opening times of 10:00 – 23:00. The conditions attached to this are set out at appendix 12. The Senior Officer highlighted the condition request by the Environmental Protection Team (EPT), limiting the number of days on which events can take place to 12 days per year and this had been accepted by the applicants.

The Senior Licensing Officer advised the Panel there were 7 representations and introduced each representation to the Committee. He confirmed Mrs Clarke was present to read the representation on behalf of Mr Clarke. Mr Hackett was also present but did not wish to speak and was content for the Senior Licensing Officer to read his representation. Camilla Witheridge was present, but did not wish to speak, and was content with the Senior Licensing Officer presenting her representation. Mr Poole is present to address the Committee, however, had agreed the Senior Officer would present a summary of his representation. The Senior Licensing Officer presented the representations for Mr Jake McQuitty and Mr Rufus Clarke as they were not present at the meeting.

The Senior Licensing Officer drew the Panels attention to p8. of the report and the Policy context, detailing Section 18 which under the Licensing Act 2003, deals with the determination of the application. He advised he would not go into the policies in detail as Tom Clark, Solicitor was present to answer any questions.

The Senior Licensing Officer drew the Panels attention to p10. of the report, highlighting the Guidance issued under Section 182 of the Licensing Act 2003, detailing each of the items for the benefit of the Committee.

Questions from Members to the Senior Licensing Officer

A Member asked the officer to summarise the Live Music Act 2012 and how it applies to this application if at all.

The Officer advised when the Licensing Act was first introduced it made the performance of live and recorded music a regulated activity. When the Live Music Act was introduced in 2012 it deregulated live and recorded music under certain circumstances and therefore no longer became an activity regulated by the Premises License. This is not applicable to this current application.

The Chairman asked for clarity on one of the complaints regarding Christmas Carol music being amplified and this was clarified.

The Officer confirmed the Panel consider the representations and context before them to form a decision accordingly based on the application.

A Member asked for clarity on the condition to limiting events to 12 days per year.

The Officer confirmed the agreed condition with the EPT limits the number of days to 12 days, for example, with 1 event taking place over 12 days or 12 events taking place over 12 days.

Tom Clark, Solicitor, for clarity asked on 1 day could there be 2 events?

The Officer confirmed yes potentially as it is the days under consideration not the events.

The Solicitor sought clarity on whether the representations were about the existing licensed areas not the additional areas.

The Officer confirmed the Interested Parties may wish to add further information to their representations without making new representations.

Asa Griffiths, Applicant addressed the Committee

Asa Griffiths, applicant, confirmed the Senior Officer had covered his submission and is set out in the application. He explained the current premises license is vague and applying for a new license gives the opportunity to set out clearer guidance within a more flexible framework. They initially applied for 365 days, however, have agreed to the 12 day limit on which events would be held.

Ruth Rowatt, Technical Advisor to the applicant explained the current license is ambiguous for staff and customers, this new application would streamline the license. She confirmed the paddock and field are licensed, the new license would include the buildings.

Questions from the Members to applicant

A Member asked the applicant for clarity on extending the opening times from 10am to 8am.

The applicant advised this was to provide flexibility for the business to avoid applying for a temporary license each time but could accept a 10am start time.

A Member asked for clarity on notifying residents and was there a policy in place?

The applicant confirmed the period for notifying residents was no less than 12 weeks as agreed with the Police and this would apply to residents.

The Solicitor, asked would a shorter notice period for residents be more practical?

The applicant agreed and suggested a 4 week notice period. He said, given the commercial operation a shorter notice period for running an event would be more suitable.

Questions from Interested Parties to the Applicant

Mrs Clarke asked for clarity that if the new application was approved, does this relinquish the current application.

The applicant advised that it would replace the current application in place for 6 events to 12 days.

Mrs Clarke asked the applicant to consider producing a policy for addressing the noise nuisance for residents.

The applicant confirmed he would work with EPT to produce a policy with a single point of contact for residents and a two-way radio to always allow contact.

Mrs Clarke asked the applicant to confirm to date that there has not been any consultation with residents about events and whether the consultations were ad hoc rather than consistent.

The technical adviser to the applicant advised they could not confirm this and stated there had been some consultation with residents regarding events and they had responded to those enquiries they were aware of.

Mr Poole asked why residents had only been given 1 week notice, rather than 12 for an event taking place on Monday.

The technical adviser to the applicant apologised and advised this should not have happened and would be addressed. She emphasised this was why they were applying for a new license, to set down clearer guidelines to avoid future issues.

Mrs Clarke - Interested Party Representation on behalf of Mr Clarke

Mrs Clarke advised that many of her concerns had already been addressed and there were only three further points she wished to put before the Committee.

She drew the Committee's attention to appendix 2 - the distance between the cottages and the paddock was not a true reflection of the actual distance. She also noted at appendix 3 - the only item separating the cottages from the railway was a tree, therefore there is little vegetation to absorb the noise which funnels down the railway track and as a result, residents have experienced noise vibrations within their properties.

Mrs Clarke explained of the 6 households who had submitted representations, 2 households are elderly, vulnerable and with disabilities, 1 included a shift worker, 1 household works from home and 1 has children. She advised most residents have

objections to the license being extended and that it was not clear if the applicant was still applying for a license to start at 8am. She highlighted the impact upon residents, especially for shift workers' sleeping arrangements. She asked would the applicant compromise for a 10am start time. Similarly, with the extension end time to 11pm, this would need to be considered on an event-by-event basis.

Mrs Clarke advised many of the events take place over the summer, and residents cannot open their windows or enjoy their gardens, due to the ancillary noise from the music/band and the attendees leaving, which can take up to an hour often with alcohol consumption. This impacts upon the residents who are working the next day.

Finally, Mrs Clarke, highlighted the Bluebell Railway is beautiful place to live, however, the lack of understanding for residents from the Bluebell Railway PLC needs to be addressed and that communication is key. She advised that had the communication channels been in place between both parties the situation today could have been avoided. She fully supports the proposal for a noise nuisance management plan to be drafted to actively support the residents rather than to dismiss them.

Mr Poole, Interested Party Representation

Mr Poole confirmed that all the points he wished to raise had been presented by the Senior Licensing Officer and he had nothing further to add.

Summing up by the Applicant

The Applicant advised he would like to have a clearer license in place to include an amended start time of 10am and to work with EPT to put in place a process to notify residents within a suitable timeframe along with the conditions stated by the EPT and to produce a noise nuisance management plan.

The Chairman asked if the alcohol and music license times would be flexible depending on the event.

The applicant advised he would like both to remain at 11pm.

As there were no further questions the Chairman advised the public participants that the Panel would retire to deliberate and decide. The public meeting finished at 15.15pm and the Panel left the Council Chamber. The Panel returned at 15.32pm.

RESOLVED

The application for a new premises license was approved subject to the following amended conditions; should seek to give 4 weeks notice to residents for all events up to 500 people, all licensable activities should not start before 10am on any day, the licensable activities on Sunday shall finish at 22.30pm except when the following day is a public holiday when it is 23.00. Finally, the number of days is limited to 12 days and the applicant must work with EPT to provide a noise nuisance policy for residents.

The meeting finished at 3.35 pm

Chairman