

**Minutes of a meeting of Mid Sussex District Council Liquor
Licensing Committee held on Friday, 1st July, 2022
from 2.00 pm - 3.56 pm**

Present: Councillors: M Cornish
J Dabell
J Knight

Officers in attendance: Paul Vickers, Solicitor
Jon Bryant, Senior Licensing Officer
Alison Hammond, Democratic Services Officer

Also in attendance: John Thorpe, Applicant
Phil Herbert, Supporting the Applicant
Emma Sparham, Interested Party
Joanna Steadman, Interested Party
Karen Sedgwick-Smith, Interested Party
Alex Austin, Democratic Services Officer
Lucinda Joyce, Senior Democratic Services Officer

LS.1 TO RECEIVE APOLOGIES FOR ABSENCE.

None.

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

None.

LS.3 TO CONFIRM MINUTES OF THE PREVIOUS MEETINGS OF THE LIQUOR LICENSING COMMITTEE HELD ON 17 DECEMBER 2021 AND 26 MAY 2022.

The minutes of the meetings held on 17 December 2021 and 26 May were agreed as a correct record and were signed by the Chairman.

LS.4 APPLICATION TO VARY A PREMISES LICENCE – LICENSING ACT 2003.

The Chairman opened the meeting by reminding the attendees of the four licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Introduction and outline of the report

Jon Bryant, Senior Licensing Officer introduced the report noting an application, pursuant to Section 34 Licensing Act 2003 had been made by Mr Thorpe on behalf of ACSC Services Ltd to vary a Premises Licence at Ansty Village Centre, Recreation Ground, Deaks Lane, Ansty. He advised three objections had been received on the grounds of a Public Nuisance. The Committee was 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 Officer advised ACSC Services Ltd, the Trading subsidiary of Ansty Sports and Social Club were granted a Premises Licence by the Licensing Committee on the 24th April 2021. The Sports and Social Club has been operating since the Second World War. He noted that the application, current premises licence, and timings were all detailed in the report. There would be no change to the core times, appendix C detailed the conditions imposed by the Committee when appraising the premises licence and he drew attention to condition five which this application sought to vary. The Committee were advised that the Club has lodged an appeal with the Magistrates' Court in relation to condition five. However, as they had submitted an application to vary the premises licence, they had paused the appeal until a decision was made; if the application was approved the officer thought there would be no need to continue with the appeal in the Magistrates' Court.

The Officer advised the application was to allow use of the outside and balcony areas for licensable activities to 22:00 hours and to permit the playing of amplified music up to 00:00 hours inside the premises on 12 days a year to correspond with the non-standard timings for the supply of alcohol. Three representations had been received from members of the public, known as interested parties, and their main points relate to the licensing objective of the Prevention of a Public Nuisance. He confirmed that the Environmental Protection Team (EPT) had responded to the application and noted they had not received any noise complaints in the year since the premises licence was granted; they did not object to the application to vary the current licence.

Mr Thorpe had received a complaint about noise generated inside the club following an event, and he had written to the EPT for advice. The application had been advertised on the site and in the local paper. The applicant had made further submissions following receipt of the representations from the interest parties; appendix two detailed the mitigation measures and recording of complaints.

The Officer briefly outlined the representations received:

Mrs Sparham lives directly opposite the village centre and noise from the club directly impacts on her family and neighbours, she stated that noise travels in the evening particularly when there is less traffic, the village centre is surrounded by houses on all sides, and some bedrooms face the village centre, they get noise disturbances at night. A WhatsApp group had been set up following the granting of the premises license; this has worked as the Club has been notified when there has had been a disturbance. She would prefer no variation to their existing premises licence.

Ms Sedgwick-Smith, who also lives close to the club objected to the use of the outside area. She advised she has had occasion to complain and ask for the music to be turned down via the WhatsApp group, noise travels and is invasive in their homes, and there will be more noise if the outside area can be used for longer. She thought that the comparison to the East Grinstead Social Club was not valid.

Mrs Steadman stated she had complained twice by email to the Officer in July and October, due to the elevated position of the club noise travels to the nearby residential dwellings which have families with young children.

The Officer highlighted the Committee must determine the application in relation to the relevant legislation and policies: 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. Relevant representations are representations which are about the likely effect of the grant of the application on the promotion of the licensing objectives. Applications

must be determined on case-by-case basis, taking into account the representations and submissions received.

The Chairman outlined how the meeting would proceed and the Interested Parties had no questions for the Officer.

Phil Herbert, speaking to support the Applicant

Mr Herbert, Club Committee Member advised the Club take their obligations to the village, Club Members and the neighbours seriously. They have developed a robust Noise Management Plan (NMP) which was constantly evolving, are in regular contact with the Senior Licencing Officer and EPT to refine the NMP. The Club was still learning, during the pandemic in the original NMP the windows had to remain open, Members had to be seated with table service only, there was some confusion over the status of the balcony; this has now been resolved. He advised the escape route across the balcony had now been marked out. He highlighted the two reasons they were seeking to vary the current premises licence sought to extend the times for the use of the balcony and outside space, and to request the use of amplified music extended to midnight 12 times a year. He noted that to be fair to their neighbours they had requested 10 pm for the use of outdoor event space even though MSDC policy allows 11pm as a starting point. Over a year later it was decided it would be beneficial for the club and club members to extend this to 10 pm. He noted recent events in June which had Temporary Event Notice (TENs) enabling use of the balcony until 10 pm, one had no live music, and no complaints were received; another event had a DJ with music until late, sounds checks were completed and no complaints were received. The live music event played by the Band of Dads was part of the Cuckfield Music Festival organised by the Village Hall, they were briefed on the NMP and no complaints were received. At a recent mid-week cricket match the people on the balcony were given two warnings to vacate it by 9 pm as it cannot be used after 9 pm under the current licence. He advised a balanced approach was needed, to take into account what users want and what the village want; there is no pub in the village. With a NMP and the WhatsApp group the club were taking appropriate steps to address any concerns, he admitted there had been a few mistakes.

Questions to Mr Herbert

The Chairman checked that the officer had no questions for Mr Herbert.

Mrs Steadman disputed several of the comments made by Mr Herbert as he had not been at the committee meeting when the current licence was granted. She asked for the number of adult club members, when the line to mark the escape route had been installed, why there were so many parties as it is a private members' club and noted that the old club house had been a single storey with no outdoor space. She noted the use of the balcony after 9 pm, using the WhatsApp group to make complaints and the resolution of the complaints by the Club.

Mr Thorpe advised there were around 350 adult members, the escape route had been marked recently following remedial works to replace the balcony floor to fix a leak. The chairs had been removed in October 2021 and had been put back in May. Mr Herbert advised there had been people on the balcony after 9 pm on two occasions and signage / processes were now in place to prevent this.

The Officer advised prior to the current premises licence, the club had a club premises cert which restricted access to club members or signed in guests. The

current licence permits the sale of alcohol to any adult, gives flexibility to hold other events within the premises not just for club members and permits the use of the balcony until 9pm unless a Tens has been obtained to permit activities in other unlicensed areas. The Club can have up to 20 TENS each year.

Members Questions to Mr Herbert

Members asked for clarification on lighting of the balcony and what processes were in place to deal with intoxicated patrons. They expressed concern that neighbours have to use the WhatsApp group to contact the club when events are running that cause a disturbance, they asked how it could be addressed in advance of the events taking place.

Mr Thorpe advised there was no exterior lighting on the balcony, just safety lighting. He advised it was exhausting to manage a 9pm curfew, the members know the rules of the Club and it is easy to remind them. The Club are obligated to manage intoxicated people, they manage that risk anywhere on the premises and will stop serving people or get people taken home. He commented that for two events with amplified music the neighbours were given less than four weeks' notice, there was extensive engagement on the WhatsApp group for the January event, so they knew it would happen. There would be a limited number of events, less than 12. He confirmed they are now aware, following the event in January that sound can become noise; it's dependent on whether you are at the event or suffering the consequences of it. They have consulted the Council to put plans in place. 'There is now a process of testing, There are limits set in the lease and are working on how compliance is achieved'. He advised events will be strictly managed, sounds check will done in the hall, club room and outside to check the limits have not been breached. On one occasion the music went on beyond 11:00pm, this will not happen again, they will ensure the DJs know the rules and the limits. He closed by advising all events are widely publicised in advance four weeks in advance and should not be a surprise to the neighbours to the club.

Mrs Sparham - Interested Party Representation

Mrs Sparham reiterated her points of communication of events, noise travels especially when there is little traffic, the village centre is surrounded by many houses with children, and many have the main bedrooms facing the village hall. They need the windows open in the Summer and the potential of noise from the club could restrict them making the decision to have the windows open. She noted that the incidents of noise from the club were only dealt with after they had made a complaint via the WhatsApp group. The comparison with the East Grinstead club was disputed as that facility does not have residential properties close by. The close properties know about events once the event is publicised, sharing of information of events could be improved. She thought the existence of the WhatsApp group had not been advertised with the wider village.

In response to a Member's question, she advised they are impacted by all sports events held on the recreation ground whether they have the windows open or if they are in the garden; they can hear shouting, cars in the car park, doors slamming late at night and have headlights of cars in their garden.

Ms Sedgwick-Smith - Interested Party Representation

Ms Sedgwick-Smith advised that the noise from the club had increased since it had been relocated; you can now hear more clearly, can hear actual conversations and

the music. She queried why the new building didn't have air conditioning as opening the windows permits the sound to travel.

A Member asked the applicant about the glass doors to the balcony and Mr Thorpe advised they should be kept closed, it was in a condition of their licence that they had to be kept shut except for access and egress when playing music. The Senior Licensing Officer confirmed condition 9 required all external doors and windows to be kept closed after 21.00 unless for access / egress and an emergency situation.

Mrs Steadman - Interested Party Representation

Mrs Steadman advised that they knew the property backed onto a cricket pitch before they bought it; listening to the cricket in the Summer is not unpleasant, but it goes on a long time. They got more exhausted by constantly keeping a log of noise disturbances, contacting the club and then it continued to happen. They supported the project to build the village hall for the residents and but wondered if the aspirations of the Club were higher. They cannot have a quiet family event in the back garden in the Summer without the noise and music from the Club; there is no respite from the noise April to October. The Club now seems to be a pub and she commented by the use of a TENs to hold more events for a longer time using outdoor space which causes a disturbance. They can hear every word from people on the balcony, when the doors are shut it is a lot quieter, they can't hear the music. She closed by saying they live on the field side in line with the balcony; noise does carry and is disturbing.

The Chairman asked if one hour extra would make much difference, Mrs Steadman advised it would impact on her the time to relax in the evening after caring for the family. It's mostly visitors coming into the village enjoying sport, but it is detrimental to the local residents.

Mrs Sparham queried what the extra hour would mean and do for the club. The people can continue drinking inside, is detrimental to families with young children, students studying and is worse for families rather than the drinkers.

Summing up by the Applicant

The Applicant confirmed they were committed to getting it right, there two parts to the application, the use of the balcony and the amplified music. He referred back to his submission following receipt of representations from Interested Parties, the Club's committee now knew more on managing the building and the club. There had been no complaints made through any media since January 2022, two incidents had occurred, one they had been dealing with and they were not aware of the other until advised by the Licensing Team. Regarding noise both the Ansty Sports Club and the Village Hall use the building. The events in January 2022 have shaped their thinking for the future. In early days the Village Hall could also take bookings, and the Club has run bars for several for them; they advised they must comply with lease, licence conditions and have a NMP. Made sure windows were closed and room was kept cool. Have learnt lessons. They no longer support events booked for the hall, and they no longer have a premises manager. He drew Members' attention to the evidence of incidents in the report. He is the only member of the club on the WhatsApp group as the centre manager has gone, other club members would go on the group, but the club does not administer the chat group. They are happy to extend the chat group wider. After the January the club contacted the Council, the NMP is still in a draft format, they need objective measurements to ensure lease requirements are met. The club cannot close down events on the recreation ground

if they are still going at 9pm. It is exhausting policing the balcony's use under the current conditions, 10pm is better and the club never wanted 11pm. He closed by saying the members of the club come from the surrounding towns in the Mid Sussex area, they have preferential rates for Ansty residents.

Mr Herbert added that the neighbours are told about events in advance, but earlier notifications would be better. He confirmed the sounds from the air conditioning had been mitigated, advised there were approximately 12 residential properties in close proximity to the sports ground, other neighbours do use the club and can join the WhatsApp group. The Interested Parties present couldn't speak on behalf of the other neighbours. They wanted to use the building as an event space for the village, the number of late-night events will be limited to 12 and it is vital to have fund raising events to cover the running costs of insurance, security lighting etc. Most events will be on a Friday or Saturday night. The East Grinstead Sports Club has a balcony and an 11pm licence, they only want until 10pm. He thanked the committee for their time.

Members queried the exterior lighting on the balcony and signage for club users. Mr Thorpe confirmed they would not have an exterior lighting on the balcony other than safety lighting and the balcony would only be used after 9pm in the Summer months as it is too cold later in the year. He confirmed they are required by the current licence (condition 11) to install notices on all exits to be aware of the neighbours and mind noise on the exits or balcony. They can refresh the notices and remind members through the code of conduct, they have put temporary signage on tables as a campaign to highlight the matter, regarding noise in the car park, they advise members and people booking the premises to book taxis in advance.

The Chairman thanked the Applicants and the Interested Parties for their representations. As there were no further questions the Legal Officer advised the public participants that the Panel would retire to deliberate.

The Panel left the Council Chamber at 3.22 pm and returned to the Council Chamber at 3.53 pm.

The Chairman advised the Panel had a good discussion and wanted to be fair to all parties to ensure a correct decision. He noted that after very careful consideration of all parties' representations the Panel decided to grant the application subject to the current licencing in Appendix 3; condition 5 is amended to 10 pm. The Panel further recommend a continued monitoring of noise levels and wider engagement with residents. The Panel also requested that the Licensing Team carry out random checks. He highlighted to all parties that any breach would result in the applicants return to the Panel for further consideration and the licence might be suspended. He thanked all parties for their time.

RESOLVED

The application to vary a premises licence was approved based on the existing conditions of the licence and condition 5 was amended to 10 pm.

The meeting finished at 3.56 pm

Chairman