

23 June 2022

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PLEASE NOTE START TIME OF MEETING

Dear Councillor,

A meeting of **LIQUOR LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **FRIDAY, 1ST JULY, 2022 at 2.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

Pages

1. To receive apologies for absence.
2. To receive Declarations 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.

3. To Confirm Minutes of the Previous Meetings of the Liquor Licensing Committee held on 17 December 2021 and 26 May 2022. **3 - 16**
4. Application to vary a Premises Licence – Licensing Act 2003. **17 - 78**

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 M Cornish, J Dabell and J Knight

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing
Committee
held on Friday, 17th December, 2021
from 10.03 am - 10.31 am**

Present: Councillors: J Dabell (Chairman)
R Webb
C Laband

Officers in attendance: Tom Clark, Solicitor to the Council
Sonya Baameur, Solicitor
Jon Bryant, Senior Licensing Officer
Lucinda Joyce, Senior Democratic Services Officer

Also in attendance: Sam Heynes, Parish Clerk, Applicant

LS.1 ROLL CALL AND VIRTUAL MEETING EXPLANATION.

The Chairman welcomed everyone to the meeting.

Tom Clark, Solicitor to the Council explained the virtual meeting procedure noting that Councillor Laband is present in place of Councillor Cromie who was listed on the papers. He noted that as the meeting is held in accordance with the Licensing Act 2003 there is no requirement to meet in person and given the current levels of Covid the decision has been made to meet virtually.

LS.2 TO RECEIVE APOLOGIES FOR ABSENCE.

None.

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

None.

LS.4 TO CONFIRM MINUTES OF THE PREVIOUS MEETING OF THE LIQUOR LICENSING COMMITTEE HELD ON 12 OCTOBER 2021.

The minutes of the meeting held on 12 October 2021 were agreed as a correct record and were electronically signed by the Chairman.

LS.5 APPLICATION TO VARY A PREMISES LICENCE - LICENSING ACT 2003.

Introduction and outline of the report

Jon Bryant, Senior Licensing Officer introduced the report noting that it's purpose is to provide information for the Committee to determine whether to agree an application to vary a premises licence.

He confirmed that 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. He noted that representations against the application have been made by an Interested Party.

Therefore 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.

He confirmed that the background to this matter is as follows. 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 Cuckfield Recreation Ground.

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 area 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's 'On' Licence was converted under the Licensing Act 2003.

He confirmed that item 6 of the report sets out the current licensable activities and times and noted that this application for a variation does not affect the timings for indoor activities. He noted that alcohol is licensed for consumption on the Premises and currently the Licensed premises consists of the building only. He also noted that there are two additional conditions currently attached to this licence which are detailed at section 8 of the report.

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 the Cuckfield Recreation Field and it is planned to move this performance to the garden area where there may be amplified music during the performance, but just one performance a year.

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 during the consultation period.

There was one other representation made during the consultation period from one of the neighbours which was resolved by the acceptance of additional conditions offered by Cuckfield Parish Council in respect of the additional garden area.

As stated, in order to attempt to resolve issues with neighbours, Cuckfield Parish Council have offered a number of additional conditions to be attached to the Premises Licence These are outlined in the attached appendices and are that:

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 to 2100 hours.

The extant representation is from Olivia Barnard. She lives in an adjacent property on the High Street, and these are 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 states they have already been disturbed by events at the Hall held under the existing licence. She outlines 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.

The Senior Licensing Officer confirmed that the representation is attached to the report in full at Appendix 5. The initial representation is at p.43. He drew the Panel's attention to p46-49 which is the Senior Licensing Officer's correspondence with Olivia Barnard in an attempt to resolve the representation. He noted that it did appear that some of the representation was as a result of a misunderstanding initially as to the extent of the variation requested which he has tried to explain to Ms Barnard. In documentation from the Parish Council they have also addressed the representations but unfortunately the Senior Licensing Officer confirmed that that he has not had any reply from Ms Barnard regarding the most recent emails in respect of this.

He confirmed that 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 and site notices clearly stated the extent of the variation application.

In terms of policy context, the Senior Licensing Office confirmed that the Committee must determine the application in accordance with the Licensing Act 2003 (LA03), MSDC Licensing Policy and the current Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.

He noted that section 34 is set out in the report for the benefit of the committee. Moving on to relevant representations, he noted that 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

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).

He noted that it is for the Panel to consider the representations and add what weight they feel appropriate. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. He confirmed that this isn't a review of the current licence, it is a consideration of the variation application.

The Senior Licensing Officer drew the Panel's attention to the background papers which include a plan of the garden in Appendix 1 to provide context in respect of where the application actually applies for. Appendix 3 includes some photographs of the rear area for context and Appendix 4 is submissions by the Parish Council in response to representations which have been forwarded to Olivia Barnard, and her representation too.

Questions from Members to the Senior Licensing Officer

A Member sought clarification that there have been no formal complaints made up until this application was submitted, regarding the use of the hall. The Senior Licensing Officer confirmed that he has received no formal complaints with regards to noise from any resident and when it was alluded to by Olivia Barnard he requested further details to investigate, none of which have been forthcoming.

A Member wished to clarify the outside use in terms of the garden noting the suggested condition to terminate the supply of alcohol outside at 2100hrs. He asked if outside use would therefore cease completely at 2100hrs.

The Senior Licensing Officer confirmed there would still be outside use for the benefit of people smoking as there has to be an outside space for that, but consumption of alcohol would cease at 2100. In essence it would fall back to the current situation where smokers can use the outside space but not to drink.

A question was asked in terms of the 1-night use of the area for the play, as to whether there is a termination time for that as well. It was noted an example that an event in Haywards Heath takes place all day and ceases at 2200hrs but is considerably more noisy than the proposed application here. The Senior Licensing Officer confirmed that on speaking to the applicant it is likely to be around 2200hrs, but it may be something that the Panel may wish to consider fixing during their deliberation, after hearing from the applicant.

Sam Heynes, Parish Clerk, Applicant addressed the Committee

She noted that the Queens Hall is very popular especially for weddings. They only hold one wedding at a time at the hall and over time have extended this to the garden to make it possible to be married in the Gazebo as well as inside the hall. Therefore there is a need to formalise the licensing of this area. With taking over the lease of the adjacent space it has really expanded the garden and they are really looking forward to developing it over coming years into a nature garden in memory of Angela Fox, a renowned resident of the village.

She confirmed that they are very mindful of their neighbours and aware that they are situated in a residential area with neighbours on both sides. One neighbour in particular is adjacent to the hall garden and she commented "I don't want to be dealing with complaints every Monday morning from residents after a rowdy party in the garden, it is not a good use of anyone's time and I don't want to alienate residents, our aim is to live in harmony with them." She confirmed that the Parish Council has liaised with Mid Sussex and taken on feedback when planning the garden. They felt that that 9pm is good time to say that use stops and people must come inside, noting that it is usually getting dark around this time. They also decided not to allow music in the garden other than during actual ceremony when walking up aisle and back again.

She noted that Queens Hall as a facility means that you can have event inside and outside, so if the weather is bad there can be music in the hall and then guests can mill outside if the weather is suitable. Similarly, if you are planning a wedding you can make your decision on the day whether to hold it inside or outside depending on the weather. It is a flexible space and the applicant is just trying to make it as usable as possible for the people who want to use the space.

Regarding the play, she confirmed that it has been held every year for “I don’t know how many years on Cuckfield Rec”, which is situated immediately the other side of the boundary of the garden. It typically has no more than 100 people attending and is a nice event for residents of the village. She believes it starts around 7pm and finishes about 10pm with an interval and by the time the production company have cleared up they have gone by 10.30pm. She confirmed that it is not a big and rowdy event and from a noise perspective won’t make much difference as it has been occurring just outside the boundary up to this point.

Ms Heynes asked the Senior Licensing Officer for clarification of the location of the individual party who submitted the representation. Her understanding is that the location is a cottage just along from the hall, and there is quite a gap as there is the Helmy Hallet yard in between. She also observed that there are other establishments in the village that use their outside areas longer than the hall does, in the middle of the village surrounded by residents. As applicants, she confirmed that the Hall has deliberately chosen to contain the use of the garden just to make better for their neighbours. She noted the compromise of the use of the hall which has been there 130 years before neighbours arrived, being mindful that people are entitled to a decent standard of living in their own gardens especially in the summer.

She confirmed that notices are at the front of the hall saying to be mindful when you leave and she believes they have them at the back as well but if not will ensure that they do. She confirmed that they emphasis to all hirers that it is a residential area and people need to be respectful of that. They also have someone who comes to the hall at the end of the event to make sure that everyone is finished and done according to the licence terms and the hall is closed. She did not believe that would be needed for the garden use but will make sure the licensee is aware of the new conditions, as they would need to be and that they know to make sure people are not drinking in the garden after 9pm.

Ms Heynes asked the Senior Licensing Officer if there has been a response from any other responsible authorities in relation to the licence application. The Senior Licensing Officer confirmed that there has been no other representations from any of the responsible authorities and noted that the Environmental Protection team had no objection and were happy with it as it stands. He also confirmed that within Appendix 3 there are 2 photographs with the end view of the garden and in the distance is where he believes the individual who made the representation actually resides.

The Applicant confirmed that wedding income for the hall is a key stream of income for The Parish Council. They really rely on it, especially missing it in the last year with Covid. If they were unable to continue to generate this revenue it will have impact on village as they will have to reflect that in pre-set rates. The Hall is popular well-loved venue and they see the use of the garden as an enhancement of that and are trying to do so in a respectful way being mindful of the neighbours.

Questions from the Members to Ms Heynes

A Member noted that no official complaints have been received at licensing level and asked Ms Heynes if as proprietors, have they received any complaints over the past year. Ms Heynes confirmed that one complaint had been received earlier in the summer from a neighbour who's garden is adjacent to the nature garden. There was a wedding that took place on a Friday which is unusual. They were playing music in the garden and were disturbing the neighbours and she confirmed that is a big part of why the Parish Council have proposed the additional conditions. They have taken on board the neighbours feedback and appreciate that what occurred at the time was unpleasant for the neighbour and have ensured it has not happened again since. The Parish Council have made it clear to all wedding hirers that music cannot be played in the garden and that is why they want to put that restriction in to give that reassurance to neighbours that they have taken their feedback seriously and appreciate the update it caused them at the time. That is the only complaint that they have had.

The Chairman asked for an estimation of how many weddings are expected to take place outside. Ms Heynes confirmed that across a year it is approximately 20. It is a little busier at the moment as they are dealing with postponed weddings. The weddings take place from March to November and the number of them held in the garden is a third or possibly a quarter depending on the weather if they can go outside.

The Solicitor to the Council sought clarification from Ms Heynes regarding the play. He asked if the suggestion from a Member to make sure the play is cleared from the garden by 2230 would be acceptable as part of the licensing conditions. Ms Heynes confirmed that she would be happy to put a restriction in place but would want to double check how quickly they can get out to make sure we aren't imposing something that is not achievable. She noted that an alternative might be to ask them to start earlier but they are a travelling group from Gloucestershire who have to travel down and set up, usually start around 7pm. Whilst putting everything away there is no sound playing, just the sound of packing. She reiterated that it was once a year and the idea is that people come and have picnics on the ground and sit out to watch the show.

A Member noted that 2230 could be draconian and if the Panel were to seek to put a cap on it, as it is only once a year, 2300 is more than reasonable or it could extend even further.

Interested Party Representation

The Chairman directed the Panel to the representation made by Ms Barnard. She was not able to attend the meeting but the details are in the report and he sought confirmation from the Panel that they have all read and considered the representation. The Panel confirmed that they had by a show of hands.

Summing Up from Ms Heynes

Ms Heynes confirmed that they were hoping to formalise the licence to use the garden, for predominantly weddings throughout the year when the weather is good enough. They are happy to impose the 9pm end time for use of the garden with alcohol and there will be no music other than a couple of songs for the ceremony. They will also make sure that all hirers are aware of the restrictions and ask that they respect them. The Parish Council has a deposit system in place too and will make sure that any rules which are broken will result in a loss of deposit to encourage them

to be mindful to stick to the rules to respect the neighbours so they can continue to enjoy a peaceful relationship with them.

The Solicitor advised the public participants that the Panel would retire to deliberate and make a decision today which will be recorded in a decision letter.

As there were no further questions the public meeting finished at 10.31am so that the Committee could deliberate.

RESOLVED

The application to vary a premises licence was approved based on the existing conditions of the license and the proposed additional conditions supplied by the Parish Council and stipulated in the report.

The meeting finished at 10.31 am

Chairman

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**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

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: Ansty

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 Mr John Thorpe on behalf of ACSC Services Ltd to vary a Premises Licence at Ansty Village Centre, Recreation Ground, Deaks Lane, Ansty, Haywards Heath RH17 5AS. Representations against the application have been made by three Interested Parties on the grounds of a Prevention of Public Nuisance.
 - 3 The Committee is asked to determine the application in accordance with the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.
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Background

- 4 ACSC Services Ltd is the Trading subsidiary of Ansty Sports and Social Club and they were granted a Premises Licence by the Licensing Committee on the 24th April 2021.
- 5 Ansty Sports and Social Club had previously operated on the site as a members' club since before the Second World War. It has provided the umbrella for its sporting clubs and sections over many years. On the completion of the new Club house and facilities the Club applied for and was granted a Premises Licence.
- 6 It is currently licensed for the following licensable activities;

Licensable Activity	Timings
Sale by retail of alcohol	Everyday 12:00 - 23:00 Christmas Eve 12:00 – 00:00

Non Standard Timings – Supply alcohol up to 24.00 on up to 12 days in the year, for special events, such as, birthday parties and Club Awards Nights. including Christmas Eve and New Years Eve.

7 The current opening hours of the premises are:

Everyday 09:00 - 23:00

Christmas Eve 09:00 - 00:00

Non Standard Timings - Supply alcohol up to 24.00 on up to 12 days in the year, for special events, such as, birthday parties and Club Awards Nights. including Christmas Eve and New Years Eve.

8 I have appended the full conditions currently attached to this licence to the rear of the report.

In brief they include the following conditions which were attached to the licence after a previous hearing of the Licensing Committee:

- a. Provision of CCTV
- b. Challenge 25 Policy
- c. Staff Training and staff being made aware of licence conditions.
- d. Refusals register
- e. Outside areas not to be used after 21:00 hours other than for customers using the designated smoking area.
- f. Staff sale of alcohol having DPS written authorisation
- g. Keeping the exit route of the Balcony area clear
- h. Glasses and bottles only to be taken outside into an area 3 metres into the recreation field and appropriate signage.
- i. External doors and windows to remain closed after 2100 hours
- j. Procedures for dealing with noise complaints
- k. Bottling out and waste collection times.

9 These conditions were added to the Premises Licence by the Committee on the determination of the initial application for the Premise Licence.

10 It should be noted that ASCS lodged an appeal with the Magistrates Court in respect of the condition imposed by the Committee that the outside areas could not be used after 2100 hours. The original Premises Licence application had requested the use of the Balcony and outside area until 2200 hours. The appeal is in respect of this condition.

11 Mr Thorpe advised that ACSC had paused the appeal and on the 3rd May 2022 submitted an application to vary the current premises licence.

The application is to allow the use of the outside and balcony areas for licensable activities to 2200 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.

12 Three representations have been received from members of the public, referred to as 'Interested Parties' within the Act. The main points raised in the representations that are relevant relate to the licensing objective of the Prevention of a Public Nuisance. These representations have not been resolved.

13 The Environmental Protection Team responded to the consultation stating:

I note that there was a Licensing Sub Committee that determined the previous application and imposed a 21:00 hrs curfew for the balcony and outside areas. I believe that this was issued on 13 April 2021. This was over 12 months ago, and in my opinion that is sufficient time to assess the situation. According to our records, we have had no noise complaints since then, but we did receive an email from Mr Thorpe at the start of Feb 2022 advising that a live music event they had had the week before had generated a number of complaints. This suggests that residents can clearly be affected by noise from the premises. However, this was not noise from outside or balcony activities, and the fact that Mr Thorpe wrote to us for advice on this matter suggests a responsible attitude and a genuine desire to "get things right".

Taking all of the above into consideration, I do not object to the application for 22:00 hrs for outside/balcony areas. I do strongly recommend that if granted, the applicant is reminded that any complaints about noise could result in a noise abatement notice or the premises license being called in for review.

14 The application was correctly advertised at the site between 4th May 2022 to 2nd June 2022 and in the Mid Sussex Times on 19th May 2022.

15 Mr Thorpe has made further extensive submissions in support of the application that are attached to this report in respect of the measures put in place by the club to mitigate public nuisance caused by noise, recording of complaints and actions taken by the Social Club.

Representations

16 Interested Parties Representations. The full representations are appended to the report and the main points are summarised.

Emma Sparham

Emma Sparham has made objections on the Grounds of the Prevention of a Public Nuisance.

She has stated that she lives directly opposite the Village Centre and that the requested changes have a direct impact on her family and neighbours.

She references the Committee decision letter on the grant of the Licence and further states that the matters raised by the panel are still valid and makes the following points

1. Noise does travel, especially during the evening hours when the traffic using the main road (Cuckfield Road) dies down.
2. The Village Centre is surrounded by houses, with children of all ages (babies to ones taking exams) therefore it is essential & respectful that residents are not disturbed.
3. In the summer months windows are opened for ventilation and the bedrooms of my house (mine & my daughter's) directly face the Village Centre. I feel, a change of curfew times, may restrict me in opening these windows with a fear of noise disturbance late at night. I know this will be the same for my neighbours as they have bedrooms in the same position in their houses.

She further states that with regards to the comments regarding lack /no complaints to date about noise, the surrounding neighbours and John Thorpe have a WhatsApp group to highlight any disturbances. To date this has worked, and on past occasions action has been taken but this, of course, was after myself, my daughter and my neighbours were disturbed. To say that they have not received any complaints is confusing, especially regarding amplified music where on one occasion the music (DJ) was so loud that it could be heard through double glazed windows

There are further comments in respect of the comparison made with other village venues detailed in full in the attached appendices and in conclusion she states

My request is for you to seriously consider not accepting this variation to the premises license for Ansty Village Centre; for the curfew to be increased for the balcony to 22.00 and amplified music to midnight. The residents went through this process only a year ago which resulted in a reasonable outcome for all parties. To have to, again, revisit this matter is very disheartening, especially when we keep hearing that the Village Hall Committee has its residents' interests foremost in their minds

Karen Sedgewick-Smith

Karen Sedgewick-Smith has made objections on the Grounds of the Prevention of a Public Nuisance.

She states:

Upon reading the application to the Variation of a Premises Licence for Ansty Village Centre, I felt that I should object to the variation that has been applied for....ie, the extension of the use of the outside area from 21:00 to 22:00

I live in very close proximity to the club and on a couple of occasions I and my neighbours have had to complain to request that the music be turned down on our WhatsApp group that was set up between the neighbours and John Thorpe who is a trustee on the Ansty Community Sports Club and the Village Hall Trust when a problem does occur.

The conversations held outside the Village Hall, travel very clearly to the residents, and with the addition to the loud music the noise becomes terribly invasive and permeates the homes nearby. To extend the balcony times would only increase more noise disturbance for the immediate neighbours

There was a comparison made between the Ansty Social Club and East Grinstead Social Club, but upon looking at the proximity of the East Grinstead Club and surrounding housing to the Ansty Club and housing, there really is no comparison to be made. The houses in Ansty are much closer to the club

So I would object to the variation. We have had a fair amount of noise disturbance, and I feel that it would be unfair on the surrounding houses for there to be more noise disturbance.

Joanna Steadman

Joanna Steadman has made objections on the Grounds of the Prevention of a Public Nuisance.

She states:

I complained to you directly, via email, twice last year in July and October about noise from the “Club” when the doors where left open and they had a live band or from people making noise on the balcony at 9.30pm. I am aware of neighbours commenting to the club about noise on the “whatsap” group that was set up to enable us to report issues. The Applicant has representation on this WhatsApp Group and I am surprised, given this, that they are seeking to review the licence in this way. The open elevated position in combination with its proximity to neighbouring residential dwellings means that noise from the balcony, even from just opening the doors, carries and is a nuisance/disturbance to the neighbouring residential properties, which include a number of family homes with young children. This impacts on the amenity of nearby residents by virtue of noise and disturbance.

Policy Context

17 Determination of Application for the Variation of a Premises Licence

The Committee must determine the application in accordance with the Licensing Act 2003 (LA03), MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant’s submissions and relevant representations.

18 Section 35 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.

19 Relevant Representations

The Licensing Act 2003 requires representations to address the four licensing Objectives which are

1. Prevention of Crime and Disorder
2. Promotion of Public Safety
3. Prevention of Public Nuisance
4. Prevention of Harm to children and young persons

- 20 A representation is a ‘relevant representation’ if it is about the likely effect of the grant of the licence on the promotion of the licensing objectives. The objector must establish that such a consequence is a *likely* effect of a grant - (ie more probable than not)

21 Guidance Issued Under Section 182 of the Licensing Act 2003

9.3

Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.4

A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives.

9.37

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.

9.38

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;
- Guidance issued under Section 182 Licensing Act 2003;
- its own statement of licensing policy.

9.42

Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43

The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

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 plan of premises
Appendix 2 – Additional comments from applicant
Appendix 3 – Current Licence Conditions
Appendix 4 – Area Map
Appendix 5 – Photos of Location

Representations

Appendix 6 – Emma Sparham
Appendix 7 – Karen Sedgewick-Smith
Appendix 8 – Joanna Steadman

Appendix 9 - Extract of Agreed Hearings Procedure

service_email_address licensing@midsussex.gov.uk

Your Details

Correspondence

Correspondence Email REDACTED

Confirm Email REDACTED

Name ACSC Services Limited

Premises licence number PWA0643

Premises

Name of premises Ansty Village Centre

Does your premises have a postal address? Yes

Postal address of premises or, if none, ordnance survey map reference or description
 Ansty Village Centre Ansty Deaks Lane, Ansty Haywards Heath West Sussex RH17 5ASU

Tel: (at premises) 01444-675227

Email REDACTED

Non-domestic rateable value of premises. £4301 - £33000

Current Premises Licence

Please describe briefly, the nature of the proposed variation

The request for variation concerns the decision made at the Hearing by the Mid Sussex District Council Licensing Authority Sub-Committee (“the Sub-Committee”) on 9 April 2021 and communicated by letter on 15 April 2021, in respect of the application made under Section 17 of the Licensing Act 2003 by ACSC Services Limited for the Grant of a Premises Licence. We ask that one aspect of the decision be reconsidered and that a variation to the Licence conditions is made.

The Sub-Committee’s main concerns related to Public Nuisance, in particular the potential for noise from patrons, using the outside and balcony areas of the premises. Consequently, it introduced changes to the licensing conditions proposed by the Council’s Senior Licencing Officer (SLO).

The Sub-Committee decided that that a reduction in the use of the outside area and balcony was necessary to ensure that residents would not be disturbed after 21:00 by noise from the premises and imposed a revised condition accordingly. This decision was arrived at despite the SLO recommending a curfew of 22.00, and the Council’s own Statement of Licencing Policy (MSDC Licensing Policy introduced 05/01/2020 Paragraph 9.6) allowing the serving of alcohol in garden and outside patio areas to 23.00. There have never been any noise complaints from the operation of the existing Ansty Sports & Social Club and there was no evidence provided to show that this was likely to be the case. This restriction is particularly punitive given that all licenced premises in the local villages operating in similar rural environments many of which have far closer and more densely populated areas of neighbouring residents can serve alcohol to outside areas until 23.00. These premises include a direct comparable being East Grinstead Sports Club which has a balcony in close proximity to residents and a balcony curfew of 23.00.

In August and September 2021, we were granted five Temporary Event Notices covering Friday and Saturday evenings from 13/14 August 2021 through to 10/11 September 2021 allowing the balcony to be used to 22.00. We received no complaints about noise from residents on any of these evenings. Nor have we received any complaints at other times about noise emanating from the balcony and outside areas since the Clubroom opened.

Our experience of the first year of operation under the licence has given us a better understanding of activities and events which present an increased risk under the prevention of public nuisance objective. Consequently, in consultation with the SLO and the Council's Environmental Protection Officers we are developing a Noise Management Plan covering all noise risks, including noise emanating from outside areas and the balcony areas.

Accordingly, we seek a variation to the licencing conditions imposed by the Licencing Authority to permit the serving of alcohol to the outside area and balcony until 22.00 in accordance with the SLO's proposed conditions.

In addition to this variation, we also request that to correspond with our licence to supply alcohol up to 24.00 on up to 12 days in the year, for special events (such as, birthday parties and Club Awards Nights, including Christmas Eve and New Year's Eve,) we are granted the ability to continue to play amplified recorded music up to midnight strictly within the provisions within the Noise Management Plan. Note that we propose to restrict the very occasional* playing of amplified live music to the 23.00 limit allowed within the present licence. [*We have hosted two live music events in the first year of the Centre's operation.]

Attach the premises licence (or relevant part of it)

https://forms.midsussex.gov.uk/upload_dld.php?fileid=5001e9acbc95b69c7c270e694529f353

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

Applicant Details

Current postal address if different from premises address

REDACTED

Phone

REDACTED

Email

REDACTED

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

Ansty Community Sports Club (ACSC, a Charitable Incorporated Organisation, (Registration Number 1192207) leases the first floor of the Ansty Village Centre consisting of a clubroom with a bar (100 m2), a snooker room, a meeting room, a kitchen/servery, and toilet (male, female and disabled). The ACSC also has the use of the first-floor balcony. Both the ACSC and the Ansty Village Hall Trust (the other lessee in the Centre) have the use of the patio areas on the North and East

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. elevations of the building. ACSC Services Limited, a wholly owned subsidiary of the (Company Number 13010467, will be responsible for the operation of the bar and will gift aid profits or other gains from this and any other trading activity to the Club annually, as part of the charity's funding.

ACSC / ACSC Services Ltd operate as a members' club with the cricket and football sections in the charity and social and Ansty residents as associate members of the company. As a Club dedicated to increasing participation sport including the introduction of children and young people to healthy recreation, we are committed to creating a family-friendly environment in the Clubroom that is not frustrated by overly restrictive conditions relating to children. At the same time, we recognise the importance of meeting the Club's responsibilities under the licencing objectives to create a secure environment that protects children from harm and does not expose them to inappropriate behaviour.

Activities

Plays

Will you be provisioning Plays? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

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

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	12:00
End Time	23:00
Tuesday	
Start Time	12:00
End Time	23:00
Wednesday	
Start Time	12:00
End Time	23:00
Thursday	
Start Time	12:00

End Time 23:00

Friday

Start Time 12:00

End Time 23:00

Saturday

Start Time 12:00

End Time 23:00

Sunday

Start Time 12:00

End Time 23:00

Where will the playing of recorded music take place? Indoors may include a tent. Indoors

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. To correspond with our licence to supply alcohol up to 24.00 on up to 12 days in the year, for special events (such as, birthday parties and Club Awards Nights, including Christmas Eve and New Year's Eve) we would like the ability to continue to play amplified recorded music up to midnight strictly within the provisions within the Noise Management Plan.
No non-standard timing is sought for Live Music

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. No seasonal variations are sought.

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. Please see above.

Performances of dance

Will you be provisioning Performances of dance? No

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? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday Liquor Licensing Committee - 1 July 2022

Sunday**Hours premises is open to the public****Monday****Start Time** 09:00**End Time** 23:00**Tuesday****Start Time** 09:00**End Time** 23:00**Wednesday****Start Time** 09:00**End Time** 23:00**Thursday****Start Time** 09:00**End Time** 23:00**Friday****Start Time** 09:00**End Time** 23:00**Saturday****Start Time** 09:00**End Time** 23:00**Sunday****Start Time** 09:00**End Time** 23:00**State any seasonal variations : For example (but not exclusively) where the supply of alcohol will occur on additional days during the summer months.**

Not applicable

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.

The existing license provides for non-standard timings as follows:

Supply alcohol up to 24.00 on up to 12 days in the year, for special events, such as, birthday parties and Club Awards Nights. including Christmas Eve and New Year's Eve.

We are not seeking to vary this other than the ability to continue to play amplified recorded music up to midnight strictly within the provisions within the Noise Management Plan. No non-standard timing is sought for Live Music after 23.00.

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.

We believe the following condition could be amended:

No customer shall be allowed to use the outside or balcony areas after 21.00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area.

We consider the restriction is punitive given that all licenced premises in the local villages operating in similar rural environments many of which have far closer and more densely populated areas of neighbouring residents can serve alcohol to outside areas until 23.00.

When we have used the balcony up to 22.00, under five Temporary Event Notices covering 10 evenings, we received no complaints from residents about noise or any other issue. Nor have we received any complaints at any other time about noise emanating from the balcony and outside areas.

We believe that the provisions under the Noise Management Plan that the risks to the prevention of public nuisance objective will be actively managed and adequately controlled.

We would therefore request that this condition is amended to permit the use of the outside areas and balcony up to 22.00 rather than 21.00.

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.

Not applicable.

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.

These are as per the original licence application and the specific licence conditions imposed by Licensing Authority.

The prevention of crime and disorder:

These are as per the original licence application and the specific licence conditions imposed by Licensing Authority.

Public safety:

These are as per the original licence application and the specific licence conditions imposed by Licensing Authority.

The prevention of public nuisance:

The existing licence imposes conditions relating to the prevention of public nuisance - signage, closing external doors, dealing with noise complaints, exit notices, bottling out, and waste collection – which we comply with and are not seeking to vary.

We have reviewed and updated a Noise Management Plan to provide a clear statement of noise risks and their management.

The protection of children from harm:

These are as per the original licence application and the specific licence conditions imposed by Licensing Authority.

Submit & Pay**Name** John Thorpe**Address for correspondence associated with this application** REDACTED**Phone** REDACTED**Email** REDACTED**Payment Ref** 1g24ond2g

Amount to be paid: GBP 190

Order summary:

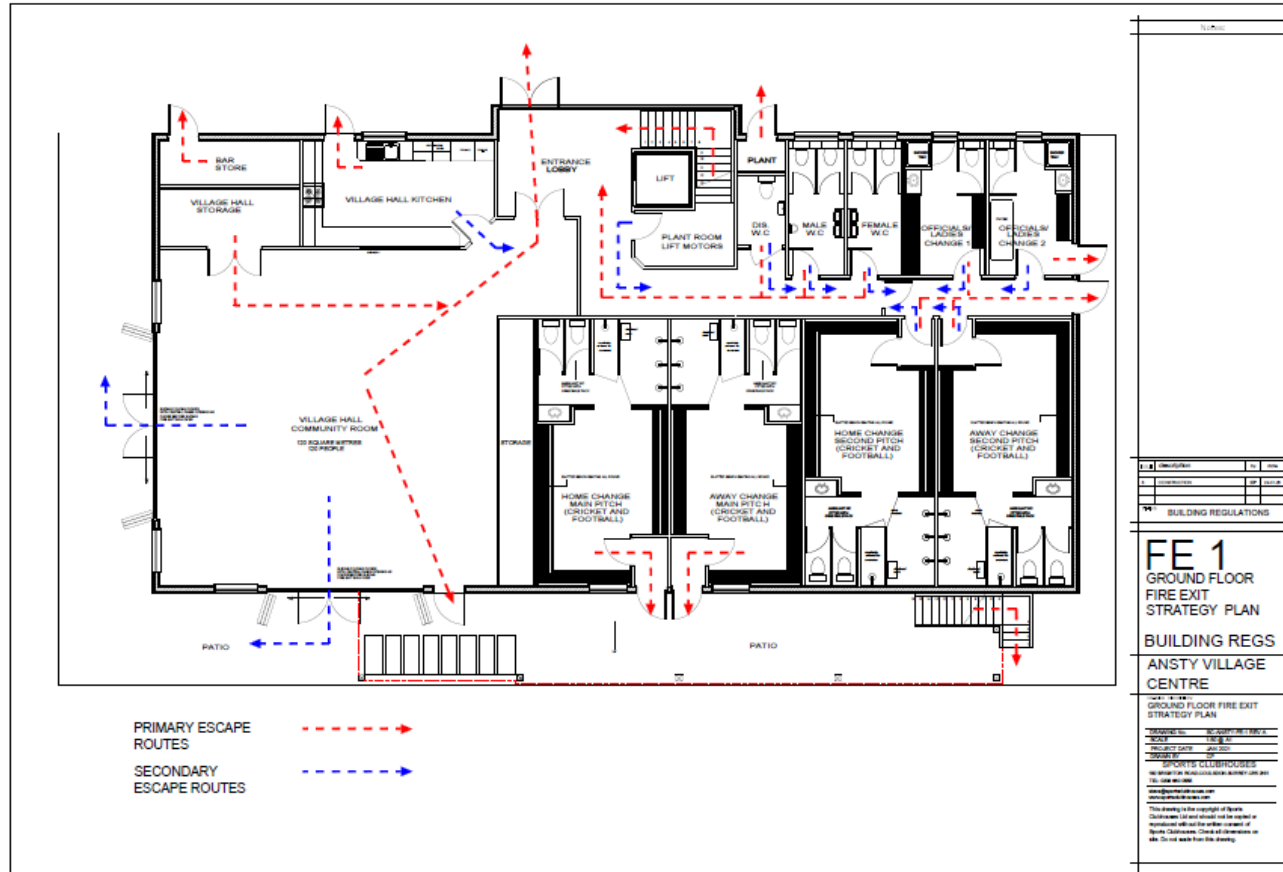
Item	Price	Total
Non-domestic rateable value of premises. - £4301 - £33000	£190.00	£190.00
TOTAL	£190.00	

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Entry ID: 10

Ansty Village Centre

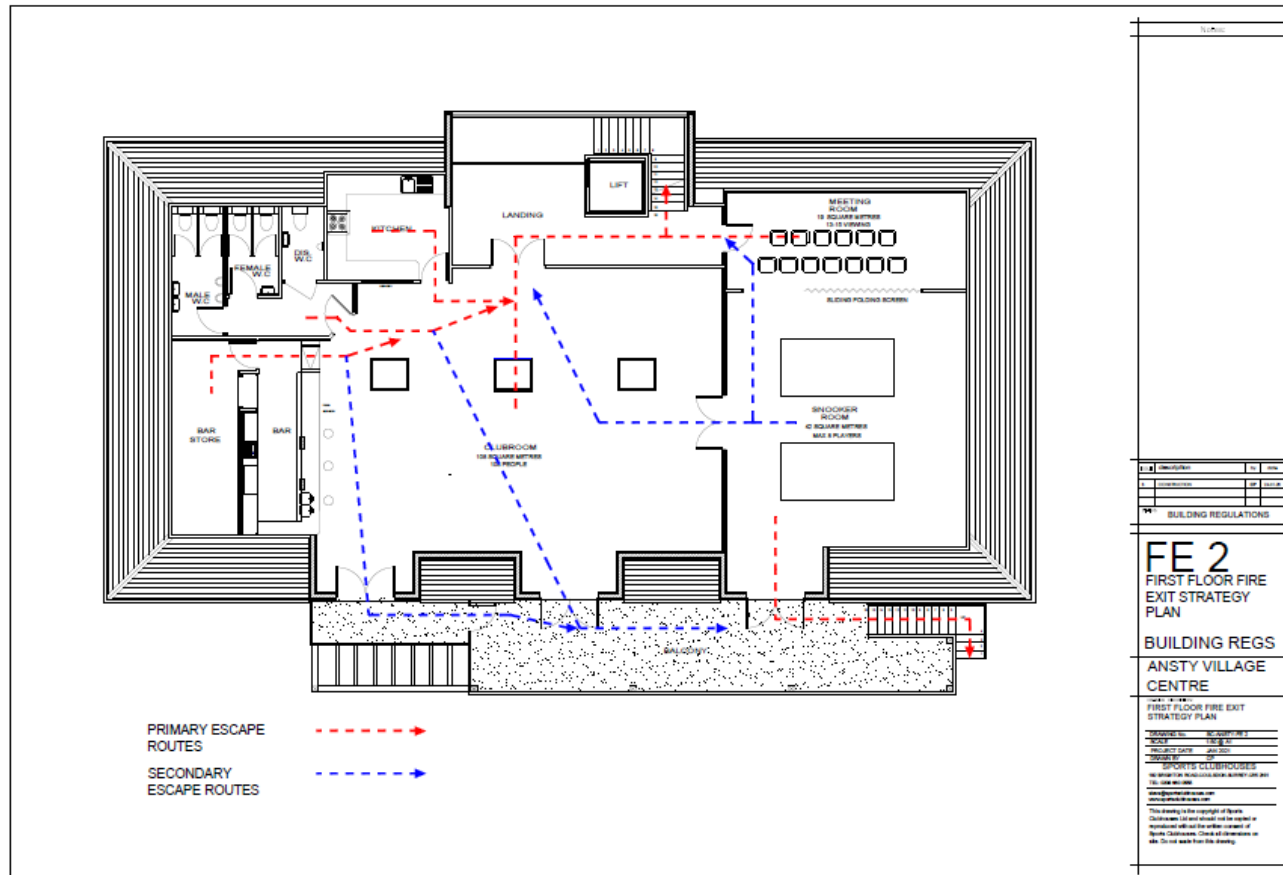
Plan of the Premises

1. Ground Floor – showing primary and secondary escape routes



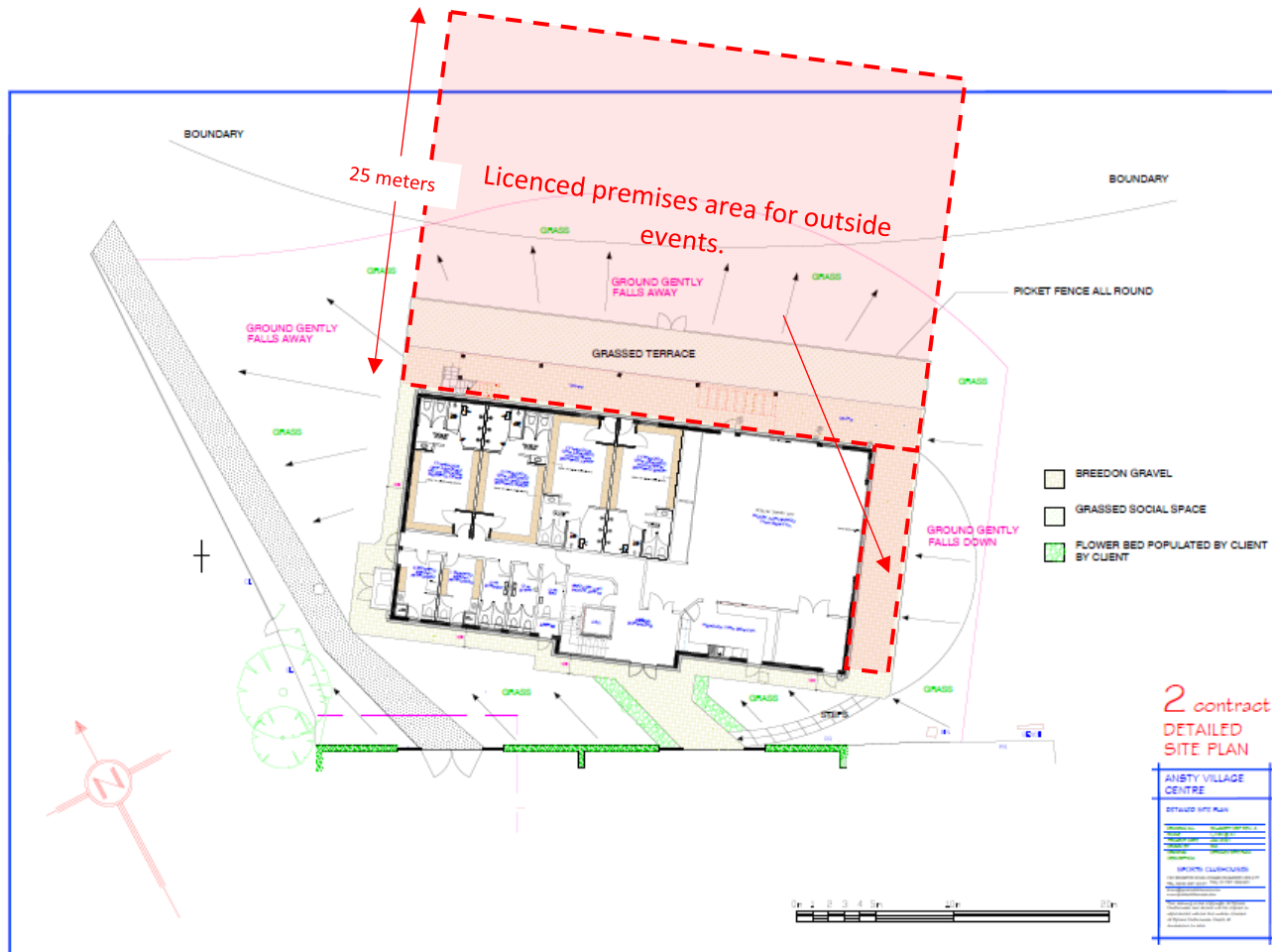
C:\Users\Steve\Dropbox\SPORTSCLUBHOUSES PROJECTS\Ansty\FIRE ESCAPE STRATEGY\FIRE EXIT STRATEGY DRAWINGS.dwg, 20/01/2021 10:05:11, DWG To PDF.pc3

2. First Floor – showing primary and secondary escape routes



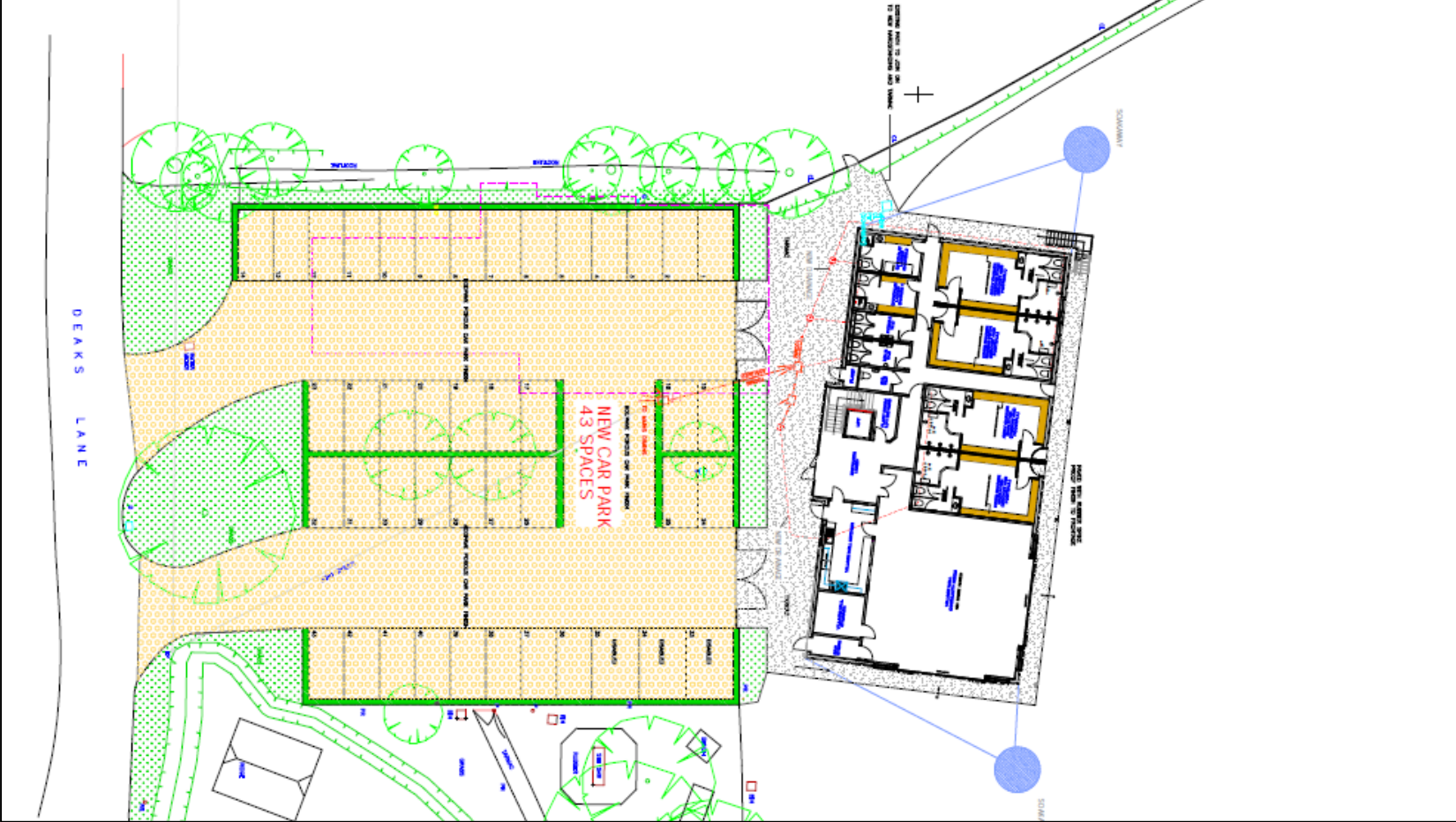
C:\Users\Steve\Dropbox\SPORTSCLUBHOUSES PROJECTS\Ansty\FIRE ESCAPE STRATEGY\FIRE EXIT STRATEGY DRAWINGS.dwg, 20/01/2021 10:36:17, DWG To PDF.pc3

3. Licenced Premises – Area for Outside Events



4. Plan of Premises – Car Park

Note that the landlord, Ansty Village Centre Trust, is reviewing the car park scheme.



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ACSC Services Ltd,
Ansty Village
Centre,
Deaks Lane,
Ansty,
West Sussex,
RH17 5AS

Jon Bryant,
Senior Licencing Officer,
Mid Sussex District Council,
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

6th June 2022

Dear Jon,

Application to Vary the Premises Licence Number: PWA0643

Thank you for sharing the comments received from residents in relation to the application for a variation of the above premises licence at Ansty. I am assuming as the deadline for comments has now passed there are no further comments beyond the three submitted.

In response to the comments, it might be helpful if the issues surrounding the use of outside areas were distinguished separately from the noise complaints. It may also help if the experience of the noise complaints were set in context. This letter therefore covers:

- The Use of the Outside Area and the Balcony
- The Noise Complaints Received in the First Year of the Licence
- Our response to those complaints.

Use of Outside Areas and the Balcony

The Centre has been operating under the Premises Licence for 12 months. In that time, we have not received any comments about noise emanating from the use of the balcony or outside areas. We have on two occasions received comments about people being seen on the balcony after 21.00., one via the WhatsApp group and one via the Licencing Team.

The issue reported through WhatsApp was known to us, and staff were in the process of dealing with the people concerned. The one instance that was not drawn directly to our attention occurred when the Designated Premises Supervisor (DPS) was not working, but we took action to review our procedures, improve signage, and reinforce these with staff (see 3) below).

On all three occasions the observations related to people being on the balcony. They were not to our knowledge, or based on the comments from the residents, attributable to noisy behaviour. I continue to consider the following declarations made in the application to be entirely accurate.

In August and September 2021, we were granted five Temporary Event Notices covering Friday and Saturday evenings from 13/14 August 2021 through to 10/11 September 2021 allowing the balcony to be used to 22.00. We received no complaints about noise from residents on any of these evenings.

and

Nor have we received any complaints at other times about noise emanating from the balcony and outside areas since the Clubroom opened.

Noise Complaints Received

We have received two complaints about noise from music events via the WhatsApp group in the last twelve months.

- 1) On the first occasion, on 24 July 2021, we were asked to provide the bar to a private booking of the Village Hall which is on the Ground floor. Here we were fully aware of the impact on neighbours and had intervened with the DJ on keeping the noise down before a comment was received through the WhatsApp group when we were in the process of closing the disco down promptly at 23.00.

We believe this was the first example referred to by the respondent in the letter dated 18 May. See the Incident Log entry is reproduced in **Annex A, Item 1**.

- 2) The second occasion, on Friday 28 January 2022, we received several complaints on throughout the evening about noise related to the live music in the Clubroom. Despite the interventions by the DPS and other trustees present with the band and the DJ to turn the volume down the complaints continued throughout the evening.

This is the second example in the 18 May letter. See **Annex A, Item 2**.

I was not present on site that evening as I was isolating from Covid, but it is fair to say there was a divergence of view between those on site and the residents about the sound levels. The DPS and the trustees toured the premises on several occasions on the evening and reported to me that traffic on the A272 was clearly audible above the music. They also consulted with other neighbours who said that while they were aware of an event taking place the sound levels were not an issue.

Following this incident, a meeting of the Alcohol Committee was called for Monday 31 January to review the issue. We also contacted the Licencing Team and sought advice and through the Senior Licencing Officer (SLO) the Environmental Team. This is considered further below.

Another respondent identified two other complaints made to the Licencing Team last year, one in last July and one October. We believe these relate to 19 July and 22 October 2021.

- 3) The complaint relating to 19 July was relayed to us the following day via the SLO and concerned a group of ladies being seen on the balcony at 21.30. As previously stated, we took this point as a failure to comply with the licence condition on the balcony, rather than noise per se. See **Annex A Item 3**.

The SLO also visited the site on 28 July 2021 as part of a follow up in a meeting with me, as the Licence Holder, and the DPS .

- 4) We are not aware of any complaints being made to the Licencing Team in October but take this to relate to the 'Band of Dads' playing live in the Clubroom on 22 October 2021.

On this occasion we contacted the Licencing Team in advance to seek advice on meeting COVID-19 requirements on the ventilation of the Clubroom, consequently we left the external doors ajar to allow air to circulate.¹ We communicated the steps we were taking to residents in advance through the WhatsApp group. See **Annex A, Item 4**.

There was no further communication through the WhatsApp group on the evening. Nor are we aware of any complaint being made via the Licencing Team after the event.

Other than incidents at 1) and 2) above we received one further complaint concerning noise. This concerned the early morning glass collection on 16 July. This issue was brought to our attention via the SLO and was addressed on the day. (**Annex A, Item 5**)

Response to Noise Complaints

We are keen to ensure that sound levels at live and recorded music events are kept to reasonable levels and that the number and frequency of events is also limited.

All noise complaints are taken very seriously, and all issues and any action taken in response are recorded in the Centre's Incident Log and reported to the Alcohol Committee. As the Incident Log records, we have sought to act where necessary to address issues and improve practice.

The most significant noise issue emerged from the second Band of Dads event on 28 January 2022 which led us to review our procedures. As noted above, we called a meeting of the Alcohol Committee on the 29 January to identify the lessons from the event and consulted with the Licencing Team. We have drawn on the guidance from MSDC to frame the Noise Management Plan for the Centre. Also, considering the differing perspectives on what levels of sound are acceptable or not, we have embarked on an exercise to take readings to determine objectively the sound limits for events in the Clubroom to meet the sound provisions with the lease.

Noise Management Plan

We have updated the Noise Management Plan, which includes the measures we propose to follow for future music from events in the Clubroom and restricting noise from outside areas. These are summarised in **Annex B**.

The fact that we have only hosted a live act in the Clubroom on two occasions in the last 12 months and are committing to limit the number of music events in the Noise Management Plan to no more than 12 in any year (in reality, the number of events will be less than this) is also relevant to any consideration of public nuisance.

¹ Following a subsequent discussion with the SLO on 15 February 2022 as part of a license inspection visit, we now believe that we may have misunderstood the Licencing Team's advice and should have considered the cancellation of the event given that the need to ventilate the Clubroom resulted in an inability to comply with a license condition.

Sound Levels

There have been no live music or DJ events in the Clubroom since January. We have nevertheless carried out sound checks using the Centre's audio system. With the following results with audio system at full volume:

<u>Location</u>	<u>Average Sound Level</u>
Clubroom	90db(A)
Balcony (doors open)	70db(A)
Balcony (doors closed)	50db(A) – see note below

The test was conducted during the day when the ambient sound levels on the balcony were also circa 50db(A) with no music being played through the audio system. Our aim is to conduct regular testing of sound levels in and around the Clubroom at a variety of events and times in the coming months to inform the Noise Management Plan and to ensure that sound levels are reasonable and meet the provisions of the lease.

Other Points Raised

The respondents have made other observations. There may be areas where the comparison with East Grinstead Sports Club may not be wholly relevant, however, we would argue:

- East Grinstead Sports Club on Saints Hill Road is in a semi-rural location whereas the Ansty residents are on a major road, the A272. Furthermore, there are residences in similar proximity to the East Grinstead clubhouse as the complainant's is to ours. The ambient background sound levels based on our readings to date are typically 50db(A).
- East Grinstead Sports Club's licence allows its members and guests to enjoy outside areas up to 23.00 hours whereas members of Ansty Sports Club are obliged to vacate these areas at 21.00 hours. We are not aware of any other licence premises in the Mid Sussex area that have a corresponding restriction on the use of outside areas, including those in rural locations. In this respect, we consider Ansty Sports Club is being unreasonably treated as an outlier.
- Further, we are not seeking to be put on an equal footing with the other licenced premises but to be allowed to use the outside areas until 22.00. We are also committing to a Noise Management Plan that has a material bearing on the overall number, frequency, and future conduct of music events in the Clubroom.
- Whether the Ansty Sports Club is a 'public house' or not is not relevant. While the Club operates for the benefit of its members and their guests, it is not clear why this has any bearing on their ability to enjoy the facilities or supports the case for imposing more restrictions.

In Summary

I hope points above provides a understanding of the impact of the use of the outside areas and balcony and our experience over the last twelve months. We would also draw a distinction between the use of the balcony and the issues pertaining to noise complaints, which are limited in frequency and quite different. At the same time, we wish to reassure all parties that we take these issues seriously and we are committed to operating the Centre in a manner that is reasonable and limits

the nuisance to others. We believe this is evidenced in the way we have sought to respond to incidents reported to us in the past 12 months and in the light of this our commitment to operate within a Noise Management Plan which sets parameters on our forward programme of events and their conduct. This includes working closely with the Licencing Team on its effective implementation.

Yours sincerely

By e-mail

John Thorpe
ACSC Services Limited
REDACTED MOBILE NUMBER

Annex A - Extracts from the Ansty Village Centre – Incident Log

(Note – Not in chronological order)

Date / Time	Channel	Complainant / Complaint	Response / Action
24/07/2021 22:58 23:00 23:05	WhatsApp	<p><u>ITEM 1</u></p> <p>Noise from the Hall</p> <p>Emma Sparham: Sorry to post this so late but the music from the hall is very loud and it's late. I don't have the number to call, does anyone? Emma</p> <p>John Thorpe: Emma we are dealing with it now.</p> <p>Emma Sparham: Many thanks</p>	<p>This was the first event in the Village Hall under the Premises Licence.</p> <p>All windows in the Village Hall were closed and the Clubroom balcony was cleared at 21.00.</p> <p>DPS and Director walked around the throughout the evening to assess the noise levels outside of the Centre. This resulted in the DJ being asked to turn the volume down.</p> <p>The DJ was instructed in advance to stop the music at 23.00 sharp. This was reinforced at the time. Coinciding with the WhatsApp message.</p> <p>DPS spoke to all guests over the PA at the end of the event to remind them to leave the Centre quietly.</p> <p>No further action considered necessary other than communicate the Centre's telephone number to the WhatsApp Group once the BT line is installed.</p> <p>Supporting Events in the Village Hall</p> <p>Following the events on 11 September and other logistical challenges of supporting events in the Village Hall, the Club has decided to restrict the number of events it would support in the Village Hall.</p>
27/01/2022 2.29 PM 3.26 PM	WhatsApp	<p><u>ITEM 2</u></p> <p>Live Music – Band of Dads</p> <p>John Thorpe: Dear All, we have a band and DJ on in the Clubroom tomorrow evening. Contrary to the band's publicity the bar will be to 12.00 not 11.00. The band, however, will not be playing to midnight.</p> <p>Could Hayley Beveridge be added to the group, please? Hayley's number is +44 7896 882031.</p>	

Date / Time	Channel	Complainant / Complaint	Response / Action
3.37 PM 9.19 PM		<p>Best wishes John</p> <p>Jo Steadman: Hi John who is Hayley please.</p> <p>John Thorpe: Hayley, is a committee member who oversees the bar staff and manages the events calendar. She is onsite daily and at most events.</p> <p>John Thorpe: I would have been there but I am isolating presently.</p> <p>Jo Steadman: Struggling to add her but we can text if there are any issues.</p> <p>John Thorpe: Ok Jo. Thx. I will be monitoring WhatsApp as it is.</p>	
28/01/2021 9.09PM 9.38 PM 9.51 PM 10.31PM 10.36 PM 11.32 PM 11.38 PM 11.44.PM		<p>Peter Sparham: Whilst I understand that there is a club event on this evening for extended hours should I be able to hear the beat of the music above my own television?</p> <p>John Thorpe: I have relayed this to colleagues and asked them to check it out.</p> <p>Peter Sparham: Thank you John I appreciate that... made no difference but thank you..</p> <p>John Thorpe: We have spoken to the DJ and the band and asked for the music to be turned down without spoiling the experience for those in the room. We have consulted neighbours on the other side of the building and opposite. We will continue to check from outside.</p> <p>Jo Steadman: I can hear it through double glazed windows and have headphones in. Just stopped! Just started again</p> <p>Karen Sedgwick Smith: The music is still being played...and it is very loud! I think this is quite unreasonable</p> <p>John Thorpe: I have relayed the message to those in the Club. The DJ has been asked to wind it down and it will have to stop by midnight.</p> <p>Karen Sedgwick Smith: This sound and beat is excessive. Can you confirm that you have an extension for the noise disruption.</p>	

Date / Time	Channel	Complainant / Complaint	Response / Action
<p>29/01/2022</p> <p>8.43AM</p> <p>9.36 AM</p> <p>3.35 PM</p> <p>3.51 PM</p>		<p>John Thorpe: Sorry I missed the last message. The evening was under the existing licence which allows for up to 12 events up to midnight. This was the first time we have used it, bar New Years Eve. It was the second time the BOD have played at Ansty and we didn't have these issues the first time round. My understanding was that the live music from the band was to stop at 11.00 and the DJ would see out the last hour. We would take stock on any event at the Centre and will do the same on this one.</p> <p>Emma Sparham: That would be good John. I had a 12 year old who couldn't sleep as the music was so loud. She could hear every word of each song through closed windows.</p> <p>Jo Steadman: John there were problems last time BOD played too. It doesn't seem to be the band (unless the doors are open) it's the DJ</p> <p>John Thorpe: Ok I will check back. I wasn't there that time either.</p>	<p>Meeting of Director Group / Alcohol Committee called on Monday evening 31 January.</p> <p>Agreed that we should communicate with MSDC SLO to clarify the position regarding the playing of music between 11.00 pm and Midnight. SLO has confirmed that a TEN was required.</p> <p>Agreed that we need an objective assessment (decibel measurement) of the sound levels in the Clubroom and those on the boundary of the property when amplified is played.</p> <p>MSDC SLO should also be consulted as the District Council might be able to advise on the steps, it might expect us to take in any such review. The MSDC Environmental Protection Officer has provided advice which will be considered in the review and updating of the noise policy (noise management plan).</p>
<p>20/07/2021</p> <p>14.30</p>	<p>MSDC SLO e-mail</p>	<p>ITEM 3</p> <p>Drinking on balcony at 9.30pm (19 July 2021)</p> <p>Hi John</p> <p>I have had the following information sent through to me yesterday evening</p> <p><i>9.30 pm and there is a group of women drinking on the balcony of the club.</i></p> <p>Would it be easier for me to speak with the DPS about this?</p> <p>Kind regards</p> <p>Jon</p>	<p>John Thorpe to Alcohol Committee (20/07/21 15.29)</p> <p>Shared with SLO.</p> <p>Dear All,</p> <p>I have just received the following message from Jon Bryant, the Senior Licencing Officer at Mid-Sussex. The licence condition is quite clear, we can only use the balcony up to 9.00 pm at which point all customers are required to retire to the Clubroom or leave.</p> <p>Could I please ask that it is strictly enforced?</p> <p>As it happens, we have issued a newsletter today which addresses this issue. Stefano (the DPS) is back in work on Thursday. In the meantime, I suggest those responsible for the bar this evening and tomorrow inform anyone who is making use of the balcony at 8.30 pm that balcony will close in half an hour. We should then go onto the balcony at 9.00 pm and invite anyone remaining to retire to the Clubroom.</p> <p>Stefano / Allie, we prepared notices for each table summarising both the licencing condition for the balcony and the Covid-19</p>

Date / Time	Channel	Complainant / Complaint	Response / Action
			<p>restrictions (at that point to spell out that no standing was allowed). Can we prepare an up to date set of notices to get a similar message across?</p> <p>You will see that Jon Bryant has offered to speak with the DPS, but I have suggested that won't be necessary. However, we are running at one reported breach a week at present. If this continues we can expect a more direct intervention. I am forwarding this e-mail to Jon Bryant.</p> <p>Happy to discuss.</p> <p>Thank you for your help in dealing with this.</p> <p>Best wishes</p> <p>John</p> <p><u>Other Actions</u></p> <p>The DPS has reviewed the CCTV records. These show a group of four women entering the balcony at 21.10. There is no other CCTV recoding from the balcony camera until the bar staff went out to clean tables and organise the furniture.</p> <p><u>Outcome (Status Closed)</u></p> <p>Newsletter already issued reminding members of licence requirements.</p> <p>Bar staff asked to take proactive steps to ensure the balcony is cleared at 9.00pm in accordance with licence condition:</p> <ul style="list-style-type: none"> - Alerting people on the balcony in advance (08.30 – 08.45pm) that the balcony will be closed a 09.00pm - Actively closing the balcony at 09.00pm - Update customer notices to place on tables to communicate licence requirements. <p>SLO meeting with JT and SO on 28 July at the Centre.</p>
22/10/2021 2.18 PM		<u>ITEM 4</u> Band Of Dads – Live Music	Closed.

Date / Time	Channel	Complainant / Complaint	Response / Action
2.29PM 2.47PM 3.51 PM		<p>John Thorpe: Dear All, just to let you know that we have a band playing in the Clubroom this evening. We have consulted with the Licencing Officer on the need to keep the windows open to the balcony in order to maintain an adequate air circulation throughout the event and we have been assured that this will be ok. We are talking to the band on the need to moderate the noise level and that the set will need to close at 10.30 sharp.</p> <p>John Thorpe: ...is ok.</p> <p>On another matter Stefano Oliva has left our employment and the DPS responsibility for the bar has reverted to Shaun Janman. Shaun will be on site this evening.</p> <p>Jo Steadman: I thought the building was air conditioned?</p> <p>Karen Sedgwick Smith: Thank you for keeping us informed John. Will Shaun be on this WhatsApp group to..... just in case x</p> <p>Jo Steadman: Thankfully I am out this evening.</p> <p>John Thorpe: Both Allie and I will be in touch with Shaun this evening. So it won't be a problem today. I will come back on members of the group as there are others I might add.</p> <p>Karen Sedgwick Smith: Thanks John.</p>	
416/07/2021 12.15	MSDC SLO e-mail	<p><u>ITEM 5</u></p> <p>Early Morning Glass Collection.</p> <p>Hi John,</p> <p>I have had a complaint this morning from one of the residents. They have stated that the bottles were collected from the club at 0530am this morning. Could you look into this for me.</p> <p>Many thanks</p> <p>Kind regards</p> <p>Jon</p>	<p>Action taken:</p> <p><u>Call to waste collection company</u></p> <ol style="list-style-type: none"> 1) Confirmed that 5.30 collection took place. Requested that all future collections after 8.30. 2) Waste collection company called to confirm that glass along with other collections would be after 8.30. <p><u>Communication with Residents</u></p> <p>John Thorpe (13.53): Dear All, MSDC have advised me that there was a glass collection at 5.30 this morning. I am sorry for the inconvenience this will have caused. We have contacted the waste company to inform them that there are to be no collections before 8.30 and to confirm that this will be the case in future. Apologies again. John</p>

Date / Time	Channel	Complainant / Complaint	Response / Action
			<p>Karen. St John's (14.29): Thank you John. It was a very loud collection, so I appreciate you sorting that out!</p> <p><u>Outcome (Status Closed)</u></p> <p>Post 8.30pm waste collection confirmed with Cox Recycling. We will continue to monitor compliance.</p>

Annex B Noise Management Plan (Extracts)

Overview of Measures re Music Event and Outside Areas

The extracts below cover the elements in the Noise Management Plan covering:

- Music from the Clubroom
- Outside Areas (including balcony)
- Dealing with Complaints, and`
- Review and Updating the Plan

Music from events the Clubroom

- Limit the number of events in the Clubroom where live or amplified music is played by a DJ to a maximum of 12 a year.
- Limit the hours for the playing of live music at events to 11.00 pm.
- To limit the sound levels from events in the Clubroom to 90 db(A), as we endeavor to prevent sound levels exceeding 50 db(A)* as measured at the boundary of the Centre between the hours of 07.00 and 23.00 pm.
(* As prescribed in the in the lease with MSDC)
- To require a DJ to have a cooling down period of at least 30 minutes at the end of an event.
- We will seek to establish an effective working relationship with all musicians and DJs who use their own equipment on the provisions of the NMP and the supervision and effective control of live and recorded music.
- In accordance with the License Conditions, to normally keep doors and windows closed after 21.00.
- We will carry out regular checks at the boundary of the nearest noise sensitive properties.
- The sound levels at events in the Clubroom will be regularly measured and on the boundary of the Centre at forthcoming events to assess whether the volume limit is meeting the objective.

Outside Areas (including the balcony)

- Not to play music in outside areas unless it is specially authorised by the licensing authority under a Temporary Event Notice.
- To limit of the use of outside areas to 22.00 hours, as required under the license conditions.²
- Restrict the siting of external furniture to the balcony and outside areas to the North of the Centre.
- The balcony floor is rubber tiled to limit the noise from tables and chairs being moved.
- We will not collect tables and chairs from outside areas late at night.
- All tables and chairs will be removed and stored during the winter months. (October – March).

² This is subject to the Licence Amendment being approved.

- All outside areas will be subject to regular checks to ensure that patrons are not behaving in a rowdy manner.
- Signs will be placed in and at the entrance to outside areas to remind patrons to behave properly and avoid excessive noise.
- There will be no public address or similar systems in outside areas unless specifically authorised.

Dealing with Complaints

The Plan also documents how we will continue to deal with noise complaints, and in particular:

- Our aim to be open and transparent in our approach to noise management with neighbouring residents, the licensing authority, our staff and our members.
- To record and respond to all noise complaints. These are fully recorded in the incident log recording the date, time, name, cause, and action taken.
- All noise complaints are referred to and discussed by the Alcohol Committee as a priority.
- We will liaise with neighbours in advance of special events which might have a greater potential for disturbance via WhatsApp group, this will include the precise timings of events and their scheduled ending.
- A telephone line has been installed to allow complaints to be addressed directly to staff working at the Centre.

Review and Updating the Plan

The Plan will also be reviewed and updated as necessary

- On the identification of an existing un-assessed noise source.
- Prior to launching new entertainment / event at the Centre
- Following a complaint.
- When monitoring procedures identify that the existing procedures and controls are inadequate.

A copy of the amended version of the Noise Management Plan will be forwarded to the Mid Sussex Licensing Team in the event of it being reviewed

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Appendix 3 – Current Licence Conditions

Conditions attached after a hearing by the Licensing Committee

1. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. (Amend this part as appropriate) The system shall be on and recording at all times the premises licence is in operation.
 - a. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - b. CCTV footage will be stored for a minimum of 31 days.
 - c. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - d. The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - e. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
 - f. Any breakdown or system failure will be notified to the police via 'phone (currently 101) or email immediately & remedied within a time frame agreed with Sussex Police.
2. The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under the specified age will be asked for photographic ID to prove their age. Signage advertising the "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale and the area where the alcohol is displayed, as a minimum.
3. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to engaging in any sale of alcohol. Refresher training shall be conducted thereafter at intervals of no more than twelve weeks. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to officers of a Responsible Authority.
4. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The DPS must review and sign the record at intervals of no more than eight weeks. The record must be made immediately available upon request to officers of a Responsible Authority.
5. No customer shall be allowed to use the outside or balcony areas after 21.00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area.

6. No furniture, sports bags or sports equipment shall obstruct the 1050mm escape corridor delineated by a permanent painted line to the rear of the viewing/open-air social area of the balcony. It is to be kept clear of any items that may impede or obstruct the safe passage of people in the event of an emergency. A notice reminding patrons using the balcony of this requirement is to be put up inside the premises near the door or doors if more than one, giving access to the balcony and this notice is to be placed in a prominent place on the balcony itself.
7. Prohibit glasses and bottles being taken beyond a designated area which comprises the outside areas of the balcony, the patio and the grass terrace extending 3 metres into the Recreation Ground.
8. In order to ensure compliance with Condition 7 notices will be displayed with clear signage stating 'No glasses or bottles beyond this point'..
9. All (external doors/windows) must be kept closed after 21:00 hrs, other than during access and egress or an emergency.
10. Procedures for responding to noise complaints shall be established. Written records of noise complaints and action taken in response shall be kept and made available to officers from Mid Sussex District Council when requested.
11. Prominent, clear and legible notices shall be displayed at all exits, and on and at entrances to the balcony, requesting patrons and staff to leave the premises in an orderly and quiet manner.
12. Bottling out will only be permitted between the hours of 8:00 and 21:00 hours Monday to Saturday and 9:00 and 20:30 on Sunday and Bank Holidays.
13. The collection of waste from the premises by third parties and the delivery of goods by suppliers to the premises must not take place before 8:30 on any day of the week.
14. All staff will be made aware of the conditions of the licence. This is to be made to them in writing and documented in their staff training records.



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Front View of Building



Rear View of Building



Side view showing outside area and balcony



Alternate View



Ground Floor area



View of balcony from stairs



View from across Balcony



Alternate view



View towards houses from Balcony



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18th May 2022

To Whom it May Concern

RE: Variation of a Premises Licence, Ansty Village Centre, RH17 5AS (Ref: LI/22/00660)

I'm writing to express my great concern regarding the application to the Variation of a Premises Licence for Ansty Village Centre, Deaks Lane, Ansty RH17 5AS (Ref LI/22/00660). I live directly beside the Village Centre and these requested changes have a direct impact on my family & neighbours in terms of noise disturbance.

During the original application several residents, myself included, highlighted the concern of the noise being emitted from the club, whether from the balcony or from internal events (recorded music etc). The Licensing Authority Sub-Committee took onboard these concerns and amended the original application of an outside curfew from 22.00 to 21.00. Below is a direct quote from decision letter:

'The reasons behind the amended conditions in particular is the Sub-Committee decided that as an area in which noise does currently travel when the background noise levels are low, that a reduction in the use of the outside area and balcony was necessary to ensure the residents would not be disturbed after 21:00 by noise from the premises. This is particularly important in the Working together for a better Mid Sussex Solicitor & Head of Regulatory Services FC / 003471 / 00233823 summer months when residents may have their windows open for ventilation and need to ensure any children in bedrooms facing or near to the premises were not disturbed too late in the evening as they were trying to sleep, especially on week days.'

The above points are still very valid:

1. Noise does travel, especially during the evening hours when the traffic using the main road (Cuckfield Road) dies down.
2. The Village Centre is surrounded by houses, with children of all ages (babies to ones taking exams) therefore it is essential & respectful that residents are not disturbed.
3. In the summer months windows are opened for ventilation and the bedrooms of my house (mine & my daughter's) directly face the Village Centre. I feel, a change of curfew times, may restrict me in opening these windows with a fear of noise disturbance late at night. I know this will be the same for my neighbours as they have bedrooms in the same position in their houses.

With regards to the comments regarding lack /no complaints to date about noise, the surrounding neighbours and John Thorpe have a WhatsApp group to highlight any disturbances. To date this has worked, and on past occasions action has been taken but this, of course, was after myself, my daughter and my neighbours were disturbed. To say that they have not received any complaints is confusing, especially regarding amplified music where on one occasion the music (DJ) was so loud that it could be heard through double glazed windows.

The final point I feel I need to highlight is with regards to the comparison to other local villages *'operating in similar rural environments many of which have far closer and more densely populated areas of neighbouring residents'* giving East Grinstead Sports Club as an example. Below is a photo taken directly from Google maps of East Grinstead Sports Club and Ansty Village Centre. As you can see the two cannot be compared as it is obvious the number of houses in direct proximity to the Centre in Ansty is greater vs the one in East Grinstead.

Photo 1 East Grinstead Sports Club



Photo 2 Ansty Village Centre



My request is for you to seriously consider not accepting this variation to the premises license for Ansty Village Centre; for the curfew to be increased for the balcony to 22.00 and amplified music to midnight. The residents went through this process only a year ago which resulted in a reasonable outcome for all parties. To have to, again, revisit this matter is very disheartening, especially when we keep hearing that the Village Hall Committee has its residents' interests foremost in their minds.

Yours sincerely

Emma Sparham

Redacted

Cuckfield Road

Ansty

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From: planninginfo@midsussex.gov.uk
To: [licensing](#)
Subject: Mid Sussex DC - Online Register - Comments for Licensing Application LI/22/0660
Date: 20 May 2022 19:15:42

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 20/05/2022 7:16 PM

Application Summary

Address:	Ansty Village Centre Recreation Ground Deaks Lane Ansty Haywards Heath West Sussex RH17 5AS
Proposal:	Premises Licence
Case Officer:	Mr Jon Bryant

[Click for further information](#)

Customer Details

Address:	St Johns Deaks Lane Ansty RH17 5AS
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Comments Details

Commenter Type:	Neighbour or general public
Stance:	Customer objects to the Licensing Application
Reasons for comment:	- Prevention of Public nuisance
Comments:	20/05/2022 7:16 PM Re Variation a Public Licence, Ansty Village Centre, RH17 5AS LI/22/0660

Upon reading the application to the Variation of a Premises Licence for Ansty Village Centre, I felt that I should object to the variation that has been applied for....ie, the extension of the use of the outside area from 21:00 to 22:00

I live in very close proximity to the club and on a couple of occasions I and my neighbours have had to complain to request that the music be turned down on our WhatsApp group that was set up between the neighbours and John Thorpe who is a trustee on the Ansty Community Sports Club and the Village Hall Trust when a problem does occur.

The conversations held outside the Village Hall, travel very clearly to the residents, and with the addition to the loud music the noise becomes terribly invasive and permeates the homes nearby. To extend the balcony times would only increase more noise disturbance for the immediate neighbours

There was a comparison made between the Ansty Social Club and East Grinstead Social Club, but upon looking at the proximity of the East Grinstead Club and surrounding housing to the Ansty Club and housing, there really is no comparison to be made. The houses in Ansty are much closer to the club

So I would object to the variation. We have had a fair amount of noise disturbance, and I feel that it would be unfair on the surrounding houses for there to be more noise disturbance

Kind regards

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From: REDACTED EMAIL ADDRESS
To: [Jon Bryant](#)
Subject: RE: LI/22/0660 | Premises Licence | Pending Decision | Ansty Village Centre Recreation Ground Deaks Lane
Ansty Haywards Heath West Sussex RH17 5AS
Date: 14 May 2022 20:50:51
Attachments: [IMG_20220511_074806_resized_20220511_042032724.jpg](#)

Dear Jon

Whilst writing I thought I would draw your attention to the above photo.

You advised in June 2021.

Following the licence decision the Sports and Social Club commissioned an further independent fire risk assessment regarding the use of the balcony and escape corridor and applied to vary second condition above to:

No furniture, sports bags or sports equipment shall obstruct the 1050mm escape corridor delineated by a permanent painted line to the rear of the viewing/open-air social area of the balcony. It is to be kept clear of any items that may impede or obstruct the safe passage of people in the event of an emergency. A notice reminding patrons using the balcony of this requirement is to be put up inside the premises near the door or doors if more than one, giving access to the balcony and this notice is to be placed in a prominent place on the balcony itself.

There is now a delineated marked route for the safe passage of people in case of an emergency that is to be kept clear at all times and no items can be placed in this area. This leaves an area of the balcony where furniture can be placed without interfering with this route. The fire escape remains in place with the required access.

The photo taken on 11th May 2022. For information, the staircase is 1050mm wide.

I note that today, 14th May 2022, the line has been marked out, are you due to inspect the property?

On regards to my representations:

The licensing objection that my representation is being made under is The Prevention of Public Nuisance.

My concerns remain as they were when the applicant made its original application last year, when a limit for 9pm for use of the balcony was set by the Licencing Committee.

Noise –

I complained to you directly, via email, twice last year in July and October about noise from the “Club” when the doors were left open and they had a live band or from people making noise on the balcony at 9.30pm.

I am aware of neighbours commenting to the club about noise on the “whatsapp” group that was set up to enable us to report issues. The Applicant has representation on this WhatsApp Group and I am surprised, given this, that they are seeking to review the licence in this way.

The open elevated position in combination with its proximity to neighbouring residential dwellings means that noise from the balcony, even from just opening the doors, carries and is a nuisance/disturbance to the neighbouring residential properties, which include a number of family homes with young children.

This impacts on the amenity of nearby residents by virtue of noise and disturbance.

I note that MID SUSSEX DISTRICT COUNCIL STATEMENT OF LICENSING POLICY LICENSING ACT 2003 COMMENCES 5th JANUARY 2020 states:

2.6 Licensing decisions taken by the Council (The Licensing Authority) will be focused on matters within the control or influence of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Therefore, we will focus on the impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

In response to Comments from the applicant:

The old village hall/clubhouse building had no outdoor space, it was fully enclosed, visitors brought a drink and sat on the grass and went home when the cricket finished.

The comments made in the Club's application relating to pubs in local densely populated villages and EG Sports ground are irrelevant.

Ansty is not a densely populated village, it is generally a quiet rural village. Up until 2 years ago this building didn't exist and there was no noise or problems from the recreation ground.

In his email Mr Thorpe refers to licenced premises in local villages. Presumably he means pubs? We have repeatedly been told that it is not a pub so why reference pubs in neighbouring villages?

East Grinstead Sports Club is now a large purpose built multi-sports facility with no residential houses in close proximity.

Ansty recreation ground is a public recreation ground with neighbouring residential properties in close proximity.

Does this suffice for your requirements?

Kind regards

Joanna

From: Jon Bryant <Jon.Bryant@midsussex.gov.uk>
Sent: 11 May 2022 11:52
To: Redacted email address
Subject: RE: LI/22/0660 | Premises Licence | Pending Decision | Ansty Village Centre
Recreation Ground Deaks Lane Ansty Haywards Heath West Sussex RH17 5AS

Dear Joanna

Thank you for your email.

Before I can accept your comments as a representation please could I ask for some clarification

As per the original application any representations have the address one of the four licensing objectives. Please could you confirm the licensing objective that your representation is being made under. Additionally with applications for a variation of a Premises Licence the comments must address the likely effect of the variation on the objectives.

Could you provide some more detail surrounding your comments.

Many thanks

Ind regards

Jon

Jon Bryant

Senior Licensing Officer

Mid Sussex District Council

Environmental Health

01444 477428

Redacted mobile number

From: <Redacted email address>
Sent: 10 May 2022 13:27

To: licensing <licensing@midsussex.gov.uk>
Subject: LI/22/0660 | Premises Licence | Pending Decision | Ansty Village Centre
Recreation Ground Deaks Lane Ansty Haywards Heath West Sussex RH17 5AS

You don't often get email from Redacted email address. [Learn why this is important](#)

Dear Sirs

Thank you for the opportunity to comment on this matter.

I understand that the Ansty Village Centre have applied to extend the hours that the balcony is allowed to be used for drinking from 9pm to 10pm. Although I cannot find the full details of the application online.

The concerns raised to the original licence application, by the residents about noise, have proven to be valid.

The height of the building means that when there are people on the balcony or if the doors are left open the noise carries, it is antisocial and a nuisance to the residents that live in the vicinity, as evidenced by the number of times it has been brought to the attention of MSDC.

If people want to sit outside, they can sit on the field where the sound of voices does not carry or cause a disturbance.

The reasons why the time limit was set when the original application was submitted have not changed but the number of times we have been disturbed by noise from the building generally in the last 12 months demonstrates that sadly the residents' concerns were well founded.

I would respectfully ask that the limit of 9pm for the use of the balcony remains as per the original licence.

Kind regards

Joanna Steadman

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exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this email to a third party making a request for information about the subject matter of this email. This email and any attachments may contain confidential information and is intended only to be seen and used by the named addressees. If you are not the named addressee, any use, disclosure, copying, alteration or forwarding of this email and its attachments is unauthorised. If you have received this email in error please notify the sender immediately by email or by calling +44 (0) 1444 458 166 and remove this email and its attachments from your system. The views expressed within this email and any attachments are not necessarily the views or policies of Mid Sussex District Council. We have taken precautions to minimise the risk of transmitting software viruses, but we advise you to carry out your own virus checks before accessing this email and any attachments. Except where required by law, we shall not be responsible for any damage, loss or liability of any kind suffered in connection with this email and any attachments, or which may result from reliance on the contents of this email and any attachments.

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LICENSING COMMITTEE - PROCEDURE AT HEARINGS

This is the procedure to be followed at Licensing Sub-Committee hearings when the Sub-Committee is exercising the functions delegated by the Licensing Committee under the Licensing Act 2003 as agreed by the Licensing Committee on 2nd February 2005.

1.0 AT THE HEARING

- 1.1 The hearing shall take place in **public**, except where (as defined in the Hearings Regulations) the public interest requires the public's exclusion.

2.0 Right of attendance, assistance and representation

- 2.1 A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

3.0 Procedure at the Hearing

- 3.1 The Chairman shall at the beginning of the hearing introduce the members of the Sub-Committee, invite the parties to identify themselves and then explain to the parties the procedure which the Sub-Committee intends to follow (this procedure).
- 3.2 The Sub Committee shall then consider any request made by a party for permission for another named person to appear at the hearing, such permission shall not be unreasonably withheld.
- 3.3 The hearing shall take the form of a **discussion** led by the Authority and **cross-examination** shall **not** be permitted **unless** the sub-committee considers that cross-examination is required for it to consider the representation, application or notice as the case may require.
- 3.4 The Sub-Committee must allow the parties an equal maximum period of time in which to exercise their rights to respond to a point or points of clarification and give further information in support of their application, representations or notice; question any other party (if permission has been given) and in which to address the sub-committee.

Members of the Licensing Sub-Committee may ask any question of any party or other person appearing at the hearing.

The Licensing Sub-Committee may take into account documentary or other evidence produced by a party before the hearing, or produced at the hearing if all other parties agree.

The Licensing Sub-Committee shall disregard any information given by a party or by any person to whom permission to appear at the hearing has been given by the Authority, which is not relevant to the Application representations or notice, (as applicable) or the promotion of the licensing objectives, or if the hearing is considering a notice given by the Chief Officer of police, which is not relevant to the crime prevention objective.

3.5 The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- a) refuse to permit that person to return, or
- b) permit him to return only on such conditions as the authority may specify,

but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

3.6 The Sub-Committee may, after hearing the representations of the parties, withdraw from the room to make their deliberations.

4.0 Determination of applications

4.1 The Sub-Committee shall make its determination at the conclusion of the hearing, or otherwise as prescribed by Regulation. The Secretary of State's Guidance states that the determination shall be 'given forthwith and reasons provided to support the determination'.

5.0 Notification of Determination

The authority shall notify a party of its determination forthwith, or otherwise if the Licensing Act 2003 so provides. Notification to a party will include a statement of the Sub-Committee's reasons for the decision and will be accompanied by information about the party's right of appeal against the determination.

6.0 Failure of parties to attend the hearing

6.1 If a party has informed the licensing authority that he/she does not intend to attend or be represented at the hearing, the hearing may proceed in his/her absence.

6.2 If a party who has not so indicated fails to attend or be represented at a hearing at the Sub-Committee may:-

- where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- hold the hearing in the party's absence.

6.3 Where the Sub-Committee holds the hearing in the absence of a party, the Sub-Committee shall consider at the hearing the application, representation or notice made by that party.

6.4 Where the Sub-Committee adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

7.0 Record of proceedings

7.1 A record of the hearing shall be kept for six years from the date of determination or, where an appeal is brought against the determination, the disposal of the appeal. The record must be in a permanent and intelligible form.

8.0 Irregularities

- 8.1 Any irregularity arising as a result of any failure to comply with the Hearing's Regulations **before** the authority had made a determination, does **not** render the proceedings void, and the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity **before** reaching its determination.
- 8.2 Clerical mistakes in any document recording a determination of the authority or errors arising in such document from an accidental slip or omission may be corrected by the authority.

NOTES

Human Rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Sub-Committee will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following provisions:-

- Article 6 – in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
- Article 8 – everyone has the right to respect for his/her home and private and family life
- Article 1 of the first protocol – every person is entitled to the peaceful enjoyment of his/her possessions (this includes the possession of a licence).

Members Interests

Members of the Sub-Committee shall consider whether they have a personal and/or prejudicial interest in the application or case before them in accordance with the requirements of the Code of Conduct for Mid Sussex District Council.

All interests should be disclosed to the Licensing Sub-Committee and recorded. Members with a prejudicial interest must take no part in the hearing and must withdraw from the room.

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