
4 November 2022

NOTE: There will be limited public access to observe the meeting. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the working day prior to the meeting. Access is also available via a live stream through the [Mid Sussex District Council's YouTube channel](#).

PLEASE NOTE START TIME OF MEETING

Dear Councillor,

A meeting of **LIQUOR LICENSING PANEL** will be held via **COUNCIL CHAMBER** on **MONDAY, 14TH NOVEMBER, 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. | |
| <p>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.</p> | |
| 3. To confirm the Minutes of the previous meeting held on 27 September 2022. | 3 - 8 |
| 4. Application for a New Premises Licence. | 9 - 41 |

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 Panel:** Councillors J Henwood, J Knight and S Smith

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing
Committee
held on Tuesday, 27th September, 2022
from 10.00 am - 12.11 pm**

Present: Councillors: C Laband (Chairman)
J Henwood
J Mockford

Officers in attendance: Paul Vickers, Solicitor
Jon Bryant, Senior Licensing Officer
Michael, Bateman, Team Leader, Food Safety & Health
Alison Hammond, Democratic Services Officer

Also in attendance: George Domleo, Solicitor for the Applicant
Jonathan Fernandes, Applicant
Soul McLawson, Applicant
John Comber, Interested Party
Tim Sebley, Interested Party
Alex Austin, Democratic Services Officer
Lucinda Joyce, Senior Democratic Services Officer

The Chairman introduced the panel and officers to the applicants and interested parties.

LS.1 TO RECEIVE APOLOGIES FOR ABSENCE.

None.

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

None.

LS.3 APPLICATION TO VARY A PREMISES LICENCE - LICENSING ACT 2003.

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

Introduction and outline of the report

Jon Bryant, Senior Licensing Officer introduced the report for the Committee to determine an application to vary a Premises Licence at The Royal Oak, Poynings. An application, pursuant to Section 34 Licensing Act 2003 was received by Flint Bishop Solicitors on behalf of Poynings Property Limited; he noted that six members of the public, here known as Interested Parties had made representations on the grounds of a Prevention of Public Nuisance.

The Senior Licensing Officer advised the application was to vary the plan to operate an outside bar in the existing outside area which is part of licenced area and to amend the additional conditions currently attached to the 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 due regard to the applicant's submissions and relevant representations. The Premises Licence, PWA0304 for the Royal Oak is held by Poynings Property Limited. The pub has held a licence since a Premises Licence since the introduction of the Licensing Act 2003 and previously under the previous Act, the Licensing Act 1964. The 1964 Act Licence was transferred to the existing licensing regime. The Senior Licensing Officer noted that the current licensable activities and additional non-mandatory conditions were listed in the report. He highlighted that an application was submitted in April 2022 but was subsequently withdrawn and any references to that application should be disregarded.

The application before the Committee was to amend the current plan of the licensed premises to incorporate the addition of sale of alcohol from an external bar and requested that the sale of alcohol from the outside bar is permitted daily until 22:00 hours. The applicant also requested the removal of two conditions: *No drinks in open containers (e.g., glasses) and opened bottles are to be taken from the premises including the garden; and any person who appears under the age of 18 and who is attempting to buy alcohol shall be required to produce 'Proof of Age' before such a sale is made.* A replacement condition requested was *Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers unless to an external area set aside for consumption.* He noted that the condition regarding proof of age is now a mandatory condition attached to the licence.

The Senior Licensing Officer advised no representations had been received from any of the Responsible Authorities and six representations had been received from interested parties which remained unresolved. The application had been advertised on the site and in the Mid Sussex Times. Before outlining the representations, he advised the Committee that a number of issues were raised by the interested parties, but these were not relevant to the application and should be disregarded. The full representations from the interest parties were listed in the report: Mr Sebley made his representations on the grounds of a public nuisance and was concerned with the potential for increased public nuisance through the intensified use of the outside area. He suggested a compromise that the outside bar should only be open between 11am – 6pm Saturday and Sundays and closed on weekdays; this was later withdrawn when he made his representation to the Committee. Mr Comber made extensive representations and disputed that some were considered not to be relevant; he advised the Committee to determine what parts were relevant. Ms Nichols made representations on the Grounds of the Prevention of a Public Nuisance and considered the potential intensification of the use of the outside area could cause increased public nuisance through noise. Mr Salanson made representations on the grounds of prevention of a public nuisance in relation to the potential intensified usage of the Royal Oak beer garden. Mr and Mrs Johnstone made representations on the grounds of prevention of a public nuisance and were concerned with the potential for public nuisance through the potential increased usage of the outside area. Mrs and Mrs Hampshire made representations on the same basis as Mr & Mrs Johnstone. He noted that Mrs Hampshire had thought her representation had been in accurately summarised in the report and the Live Music Act 2012 removed the requirement to license the provision of entertainment facilities. Only Mr Sebley and Mr Comber were able to attend the hearing, all representations to be considered were listed in the report and attendees could not add to their original representation.

The Committee were asked to determine the application in accordance with the Licensing Act 2003, 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. The

Committee could modify the conditions of the licence or reject the whole or part of the variation.

He reminded the Committee of S182 guidance paragraphs 9.3, 9.4 and 9.5: representations are relevant if they are about the likely effect of the grant of the application on the promotion of the licensing objectives; representations can support or in objection to the application. The Local Authority had to decide if representations were frivolous or vexatious. He reiterated that the Committee was not there to review the current licence and each application was determined on a case-by-case basis. The final decision made by the Committee could be subject to appeal in the Magistrates Court by any party to the proceedings.

Questions to the Senior Licensing Officer

In response to a Member's question the Senior Licensing Officer advised that the plan separates the areas of the licensed premises, such as drinking, play area and the car park. Paul Vickers, Solicitor to the Committee noted the labels given to specific areas was not important as they can change.

George Domleo, Solicitor for the Applicant

Mr Domleo introduced his clients from the Royal Oak and noted that Heineken is the third largest brewery in world. Poynings Property Limited are the landlord and there is a lease agreement in place with Mr Fernandes and Mr McLawson. The lessees have operated the pub for 2 years, he detailed their experience in the pub, hotel and holiday park industries. The pub, selling real ale and good food has been in existence since the 1880s and is a country pub located in a national park. Poynings Property Limited took over the pub in 2015 and invested £400,000 to retain its position as a local community hub, noting that the internal bar severity is small. Ongoing investment is required to keep pace with the local community need. An outside bar would prevent queues as the inside bar area is small and prevent bar staff carrying drinks a long way to patrons outside. Patrons with children in garden have to leave them unattended to get drinks. Post the pandemic people still want to sit outside and an outside bar will allow this. The outside bar, with British weather may only be used six months of the year; with Temporary Event Notices (TENs) the outside bar has been used for 25 days. He noted the applicants are aware that local residents don't want a noise nuisance, no responsible authority had objected to the application to vary the licence and they are experts in their relative fields. He advised the additional area outside will reduce pressure inside and allow for social distancing. The pub has 45 team members in the Summer; there are two staff outside at all times plus staff to collect glasses, there is always someone there to monitor people. He advised *"the applicants are aware of objections and their anxiety to the application which they say will lead to intensification of the area. He disputed this claim as the area is already in use. These representations are more suited to a review of the licence which this is not"*. The outside area will be used as and when, and they want the flexibility to permit this use. He continued *"They are a responsible operator and a 10 pm cut off is appropriate and proportionate, they will still promote the Licensing Objectives; if there the residents raise any issues in the future, the local authority can take recourse using the laws available. They want to continue to invest (in the pub) to be an asset to the local residents"*.

In response to a Member's question the Senior Licensing Officer advised any matters relating the marquee, planning, infrastructure or live music were not relevant to the application to vary the Premises Licence. The licensed plan is detailed in the pack, there are no queries on the plan, and this has not changed since 2003.

Members' Questions to Mr George Domleo

The Senior Licensing Officer had no questions for Mr Domleo.

A Member asked how much the outside area is used in the Winter and if they had equipment to keep people warm whilst outside. Mr McLawson advised there is minimal use of the area in the Winter, and it was more for use in the Summer months. He confirmed the outside area was not currently being used and they had no plans to use it in the winter months if their application was successful. In response to further questioning from the Chairman he confirmed they had portable patio heaters that could be lit when requested.

Tim Sebley, resident - Interested Party Representation

Mr Sebley asked whether the Members had read the representations and the Members confirmed they had read the representations. He advised he had not had any problems with pub to date, there had been no issues with the previous owners, and he was sympathetic to residents. This was a complicated matter and other matters were interconnected with the Licensing Objectives. It was a balance of the pub making money and the provision of facilities for the locals and people from outside the area. He highlighted other residential properties on Poynings Road who can hear any noise from the pub garden. He noted issues with planning and the infrastructure, but these comments were not relevant to the application. He advised that pub does not provide local residents with details of events in advance; they did not know about the events that were held with a TEN. Residents not warned about TENs applications, he claimed they sold alcohol from the outside bar when they had not applied for a TENs, and he contacted the Licensing Team about this. He closed by advising that he formally withdrew his compromise suggestion of a revised condition relating to the hours the outside bar could be used.

John Comber, resident - Interested Party Representation

Mr Comber made several references to Premises Licences, the current licensed area and disputed the area that was indicated on the plan supplied by the applicant was not the area licenced to sell alcohol. The Chairman advised the application in front of the Committee was to consider the permission of external area only.

The Solicitor to the Committee advised that the licensed premises is the whole area marked on plan; it was a separate issue on how licensed areas were previously defined in old act. A variation under section 34 is the most appropriate and is the purpose of the hearing.

Mr Comber continued that his main concern was the disorderly behaviour when people drink outside around a bar. He recounted three events in the Summer when he was unable to enjoy his garden due to noise from the pub garden; the noise was also intrusive when he was inside the house with his wife who was trying to work. He requested a condition on the licence regarding noise nuisance, disputing the relevance of the Live Music Act 2012.

The Solicitor reiterated that the entirety of the area is the licensed premises. The applicants currently only use the inside area to sell alcohol; the variation is to use the outside bar for the sale of alcohol. Objections must be relevant to the Licensing Objectives and correct procedure; the Council had accepted the application, and interested parties had made representations under section 4, sub-section 2. Any licensing decisions made must relate to the application and the use of the outside bar. He highlighted the four Licensing Objectives and asked Mr Comber to focus his comments on those objectives and not procedural matters.

There were no questions regarding Mr Comber's representation.

Members' Questions

A Member asked the applicants where alcohol is served and consumed when using the marquee, and how do patrons know what they can do. Mr Fernandes advised the plan shows the licensed area, people can take alcohol from the inside bar to the garden.

Mr Comber noted it was a delicate matter, he understood that in creating the sale of drinks from the garden, the pub would attract more people. He noted other matters that were not relevant to the application and advised there had not been a problem with the previous owners.

The Chairman asked the Senior Licensing Officer if the Licensing or Environmental Protection Teams had received any complaints on the Licensing Objectives in the last two years. The Senior Licensing Officer advised that two complaints had been received. One after the premises reopened following the Covid lockdown complaining of odour, noise and use of the field adjacent to the car park for drinking. He noted that he visited the premises and spoke to the current DPS at the time, highlighting that it was not Mr McLawson and some complaints were not substantiated. He noted that the Business and Planning Act 2020 removed conditions on off-sales, and sale of alcohol in sealed containers was not any issue at that time. The complaint regarding noise had been dealt with by the Environmental Protection Team. In May 2022 a complaint was received after a wedding was held in the outside area, this resulted in the previous application being withdrawn; the Environmental Protection Team investigated. He reminded the Members that music outside is not regulated under the Live Music Act, but repeated complaints could be a statutory nuisance and could result in live music becoming a regulated entertainment under s177A Licensing Act 2003 (as inserted by s1 Live Music Act 2012).

George Domleo - summed up for the Applicants

He reiterated that the application was simply to sell alcohol from an outside bar; Mr Fernandes and Mr McLawson also lived locally. The application would allow the pub to be more flexible to use the outside bar in the Summer and Winter months when the weather was good. He reminded the Committee that no responsible authority had objected; he drew attention to section 9.43 of the Home Office Guidance issued under s182 Licensing Act 2003, the decision should be evidence based, appropriate and proportionate. He closed by noting that the pub is an asset to the local community.

A Member commented that compromise was important as the interested parties and the pub are in the same community, it was important to find a way forward.

The Solicitor advised that the Members would retire to deliberate and asked the other attendees to the meeting to remain in the Council Chamber. The Members left the Chamber at 11.14 am.

The Members returned to the Chamber at 12.10 pm.

The Chairman advised that decision of the panel was to grant the application to vary the Premises Licence with the following conditions:

Sunday – Thursday 11.00 to 20.00
Friday and Saturday 11.00 to 22.00
Bank Holidays - Treat Sunday as a Saturday

The Chairman also made the recommendation that the Committee would like more engagement between the pub and local residents, all complaints are discussed and logged, and then the Licensing Team are advised how the complaint was resolved. As matter of courtesy the pub should notify residents of forthcoming events and in was in the interests of all parties for the pub to succeed. He noted that a What's App group is beneficial for communications with local residents and to receive complaints.

In Response to a query from the Senior Licensing Officer, the chairman confirmed the following amendments to the conditions. The removal of:

- no drinks in open containers (e.g., glasses) and opened bottles are to be taken from the premises including the garden; and
- any person who appears under the age of 18 and who is attempting to buy alcohol shall be required to produce 'Proof of Age' before such a sale is made.
- a replacement condition was approved - Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers unless to an external area set aside for consumption.

The Solicitor confirmed the decision of the Committee would be supplied in writing to the applicants and interested parties. The Chairman thanked all parties for attending the meeting.

RESOLVED

The application to vary a premises licence was approved with the following conditions:

That the Royal Oak be permitted to use the outside bar to sell alcoholic drinks on Sundays to Thursdays between 1100hrs and 2000hrs and on Fridays and Saturdays between 1100hrs and 2200hrs, but on Bank Holiday weekends, Sunday will be treated as a Saturday.

That the conditions:

- no drinks in open containers (e.g., glasses) and opened bottles are to be taken from the premises including the garden; and
- any person who appears under the age of 18 and who is attempting to buy alcohol shall be required to produce 'Proof of Age' before such a sale is made.

Be removed and a replacement condition made:

- Customers will not be permitted to remove from the premises any drinks supplied by the premises (alcoholic or otherwise) in open containers unless to an external area set aside for consumption.

The meeting finished at 12.11 pm

Chairman

APPLICATION FOR A NEW PREMISES LICENCE

REPORT OF: Geoff Wild, Interim Corporate Solicitor
Contact Officer: Jon Bryant, Senior Licensing Officer
Email: jon.bryant@midsussex.gov.uk Tel: 01444 477076
Wards Affected: East Grinstead
Key Decision: No
Report To: Liquor Licensing Panel

Purpose of Report

- 1 To provide information in order that the Licensing Committee can determine an application for a Premises Licence.

Summary

- 2 An application, pursuant to Section 17 Licensing Act 2003, has been made by Loungers UK Ltd for the grant of a Premises Licence at Unit E, Queens Walk, East Grinstead, RH19 4DW. Nine 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. The Interested Parties reside or are connected with the flats situated above the location.
 - 3 The Committee is asked to determine the application in accordance with the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.
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Background

- 4 The applicant, Loungers Ltd are a national chain of café/bar establishments currently with in excess of 170 outlets throughout the country. They have submitted an application for the grant of a new Premises Licence for a café/bar to be located on Queen's Walk at Unit E, Queens Walk.
- 5 Unit E is one of a number of new commercial units situated on the ground floor of a newly completed development of flats known as Elizabeth House which is situated on Queens Walk, East Grinstead.
- 6 The applicant seeks the following licensable activities and timings:

| Licensable Activity | Timings |
|---|-------------------------|
| Supply of Alcohol – On and Off Premises | Mon - Sun 10:00 - 23:00 |

- 7 The proposed opening hours of the premises will be:

| | |
|-----------|---------------|
| Mon - Sat | 08:00 – 23:00 |
| Sun | 09:00 – 23:00 |

- 8 It should be noted that these hours have been amended by the applicant from the original application. The hours have been amended as a response to the representations received.

The initial application was for the supply of alcohol 1000 – 2359 hours Monday – Sunday, together with Late Night Refreshment 23:00 – 00:30 hours Monday – Sunday.

The original opening hours were 08:00-00:30 hours Monday – Sunday.

These hours were amended by the applicant during the consultation period after considering representations made by the interested parties.

- 9 The application was correctly advertised at the site between 24th September 2022 to 21st October 2022 and in the East Grinstead Courier on the 30th September 2022.
- 10 A number of representations have been received from members of the public, referred to as 'Interested Parties'. The main points raised in these representations that are relevant relate to the licensing objective of the Prevention of a Public Nuisance.
- 11 The Applicant and their solicitor held a meeting with the interested parties at the site on the 28th October 2022 in an attempt to resolve the outstanding representations and concerns of the residents of the flats. This resulted in a number of representations being withdrawn, however at the time of writing the report nine representations still remain unresolved.
- 12 The Committee should be aware when reading the representations from the Interested Parties that some of the information relates to the original hours applied for. These have since been reduced by the applicant. All the interested parties have been advised of the revised Operating Schedule and hours, but some have not made further comment to these amendments made by the applicant. There are other comments relating to music. In the circumstances of this particular application live and recorded music is not considered as regulated entertainment but would be controlled through other legislation. There are other comments relating to the lease, planning, information provided during the sale of the flats to occupiers which are not relevant in the context of a licensing application. Issues mentioning fire safety would be addressed by the West Sussex Fire Brigade who are consulted as a Responsible Authority.
- 13 The Committee must focus on the relevant parts only and disregard the irrelevant matters when determining this matter
- 14 The Police and Environmental Protection Team have agreed conditions with the applicant and in addition the applicant has offered further conditions to address the representations.
- 15 If the Committee decides to grant the licence, I request that in addition to the Mandatory conditions, the conditions offered in the operating schedule by the applicant and agreed by the Police and Environmental Protection Team be attached. Full details are attached in the appendices.

Representations

Interested Parties Representations

Aaron McDonald

Aaron McDonald has made representations on the grounds of the Prevention of a Public Nuisance.

He has stated that:

I would like to object to the application for a premises licence by Loungers UK Ltd for both the proposals - Sale of alcohol between the hours of 1000 and 2400 daily and Late-night refreshments between 2300 and 0030 daily.

I feel the late night serving of alcohol would cause many problems as mentioned in Prevention of Nuisance Guidance but most specifically in relation to noise levels.

I live directly above this premises, as do many others, and would be directly affected by the noise of customers arriving and leaving the premises.

I am told that they expect to play live music? I have two young children who go to sleep around 8pm and the idea of live music being played directly beneath our flat is frankly ridiculous.

The building work going on has been loud enough over the last few weeks, even illegally working on Sundays. It's not just drilling I can hear them moving materials which is a great concern as to how the noise of a live music late night alcohol bar will achieve.

As per the terms of our lease we are not even allowed the TV on past midnight yet we are expected to agree to a late night bar with music playing until late?

Frankly incredible the process has even got this far. I welcome you to attend our flat and listen to the noise that the builders are making and judge for yourself the suitability of having a 7 day a week late night bar beneath us.

Anna Coster

Anna Coster has made representations on the grounds of the Prevention of a Public Nuisance.

She has stated:

I would like to object to the application for a premises licence by Loungers UK Ltd for both the proposals - Sale of alcohol between the hours of 1000 and 2400 daily and Late night refreshments between 2300 and 0030 daily.

I feel the late night serving of alcohol would cause many problems as mentioned in Prevention of Nuisance Guidance but most specifically in relation to noise levels.

I live in the flats above this premises, as do many others, and would be directly affected by the noise of customers arriving and leaving the premises late at night. If doors and windows are open I would also be affected by noise from inside the establishment and depending upon adequate sound proofing this may be the case even when doors and windows of the establishment are closed.

The residents of the building are lease holders. The lease reads "not to play or use or permit to be played or used any musical instrument or television or radio or similar equipment of any kind between the hours of 12 midnight and 8 am nor at any time sing or carry on loud conversation in the Property so as to cause damage nuisance or annoyance to the Landlord or the Company or the tenants or occupiers of any other part of the Estate". I purchased the property on the understanding that all owners had signed this lease so there would be some protection against noise. Although I am not a legal expert I would hope that this also applies to the commercial units and so cannot see how a Loungers establishment would not cause noise annoyance particularly with the late hours requested.

The commercial unit requesting the licence is very close to one entrance to the residential building, smokers and those entering or exiting the commercial unit may potentially gather and particularly when intoxicated may purposely or accidentally intimidate those needing to exit or enter the residential area. This potential nuisance, particularly at night in a poorly lit area does not seem reasonable. The public lighting in Queens Walk has not ever been on as far as I am aware in the almost two years I lived here, this means that late at night it is very dark and already intimidating.

I also have concerns about smokers gathering outside the establishment and the smoke naturally travelling into surrounding residential properties. I am too far away for this to directly impact me but it would impact neighbouring properties. Would the establishment be responsible for cleaning cigarette ends and any other litter resulting from their business or would they just be left to negatively impact the area?

I would hope that at the very least a licence will not be granted for the requested very late opening hours. Whilst I welcome new businesses to the town and understand living in a town centre is not going to be silent surely consideration must be given to residents and their well-being.

I look forward to hearing from you.

Francois Conradie

Francois Conradie has made representations on the grounds of the Prevention of a Public Nuisance.

They state:

I would like to object to the application for a premises licence by Loungers UK Ltd for both the proposals - Sale of alcohol between the hours of 1000 and 2400 daily and Late night refreshments between 2300 and 0030 daily.

I feel the late night serving of alcohol would cause many problems as mentioned in Prevention of Nuisance Guidance but most specifically in relation to noise levels.

I live directly above this premises, as do many others, and would be directly affected by the noise of customers arriving and leaving the premises late at night. I work shifts and my sleep would be severely disrupted. I also have a daughter who is undertaking studies and exams and the late night gatherings and noise levels will be disturbing for her studies. Any gathering outside of the premises would also be audible as Queens walk arcade is like a sound chamber and any noise at night echoes up and down and is greatly amplified.

Guy Morris

Guy Morris has made representations on the grounds of the Prevention of a Public Nuisance.

He has stated:

My building manager, RoseTree Estates, has just informed me that a commercial tenant has been found for some of the space on our building. They have apparently applied for an alcohol and live music licence up until 1230am.

I object to the issuing of this licence. I have collaborated over a long time, with your Environmental team, to get the commercial users of the delivery bay (Iceland, Poundland, BRC etc) to comply more closely with the 11pm-7am quiet hours. They are much better recently and this has been noted by other residents. It would be extremely counter productive to that effort, and all of the council's work, to issue a licence that specifically grants the tenant permission to make a lot of noise at antisocial hours.

I was also told by Weston Homes, when they sold me the property, that the commercial units were available only for certain, non-noisy, activities. If this was true, I would hope the council will respect that aspect.

If it helps the objection, I would like to let you know that I am an airline pilot. A safety critical role that requires sleep as and when I can get it. I know of at least 1 other crew member and at least 2 doctors that live in this building that have, if not more important, safety critical jobs to do.

At the moment, I can reasonably guarantee quiet between 2130-0730 on most nights. A reasonable window to get sleep when my earliest early rise is a wake up time of 0210 and my latest planned late finish gets me home around 0400. If that quiet window is reduced, it may seriously affect the viability of me living here.

If you have any questions, please do let me know.

Julie Stacey

Julie Stacey has made representations on the grounds of the Prevention of a Public Nuisance.

They have stated:

I would like to object to the application for a premises licence by Loungers UK Ltd for both the proposals - Sale of alcohol between the hours of 1000 and 2359 daily and Late night refreshments between 2300 and 0030 daily.

I feel the late night serving of alcohol would cause many problems as mentioned in Prevention of Nuisance Guidance but most specifically in relation to noise levels.

I live directly above this premises, as do many others, and we would all be directly affected by the noise of customers arriving and leaving the premises late at night. I work from home and my partner works shifts. I feel that we already have to deal with the disruption from noise of deliveries during unsocial hours and this would amplify these issues. It would also disrupt my partners sleep.

Any gathering outside of the premises would also be audible as Queens walk arcade is like a sound chamber and any noise at night echoes up and down and is greatly amplified. We again deal with this already as once bars and establishments in town empty many people walk through Queens Walk and are very loud. There is no consideration for the 129 flats in the building.

It is worth noting that during the construction period now the noise we hear throughout the building of flats, not just those above but even those on the interior side of the building is insanely loud. Therefore once the construction has concluded the music will takeover and one can clearly assume the noise will still be disruptive.

Additionally as the premises have no alternative space many patrons will remain in Queens Walk smoking. It will immediately carry the fumes and smell into all flats which are located above.

Furthermore, there are many families that have young children. In the immediate flats which surround mine there have been 3 children have been born in the last two months alone. This establishment will cause disruption to many peoples lives and cause disruption in sleep patterns young and old.

Finally, the council should consider other establishments in town with designated smoking areas/ gardens close earlier and they have no residents above.

I hope the appropriate measures are considered when deliberations take place on the above mentioned application.

Karen Offord

Karen Offord has made representations on the grounds of the Prevention of a Public Nuisance.

She has stated:

I would like to strongly object to the application for a premises licence by Loungers UK Ltd for both the proposals - Sale of alcohol between the hours of 1000 and 2400 daily and Late night refreshments between 2300 and 0030 daily.

I feel the late night serving of alcohol would cause many problems as mentioned in Prevention of Nuisance Guidance but most specifically in relation to noise levels.

Queen's Walk is no longer just retail, it is now mostly residential, and I feel the opening hours to be completely unacceptable. Any gathering outside the premises would be very audible as Queens walk is like a sound chamber and any noise at night echoes up and down and is greatly amplified.

Lucy Muggeridge

Lucy Muggeridge has made representations on the grounds of the Prevention of a Public Nuisance.

She has stated:

I have an objection to the opening of Lounge opening on Queens Walk.

I live on the side of the high street where anyone who leaves this place will be right outside my apartment. You can clearly hear whoever leaves and makes a noise.

I work shifts for a public service which can be any day of the week and these are 07:00-20:00. This includes me working this shift every other weekend. With this in place including the hours proposed there are going to be large amounts of people exiting this facility making a lot of noise.

I, and I know many other residents would be putting in a lot of noise complaints when this happens, which it will. This would ultimately end in action being taken anyway. Therefore, something should be done about this before anything else continues.

We are already hearing drilling coming from them building inside which is disrupting us and have contacted the sales company about this. So they are causing us issues before they have even opened.

Having a place like this is completely unfair to all residents who have bought their home here and is going to be a massive disruption to our lives and make our homes unbearable.

Please think about your residence who are already in the area and whose lives this will affect just for a business gain. Allowing a pub/restaurant/bar here is allowing anti social behaviour outside of a residence and this is not acceptable nor should be allowed. Please put yourself in our shoes and imagine that this was you, everyone wants to come home after a long day at work and chill and not be disturbed.

We were sold our properties under the impression that this would never happen and we are disgusted that it has.

I hope you go on to make a fair the correct decision about this. I have been a resident since I was young and please don't let us down as our own council.

Mallesh Galli

Mallesh Galli has made representations on the grounds of the Prevention of a Public Nuisance.

They state:

I would like to object to the application for a premises license by Loungers UK Ltd for both the proposals - Sale of alcohol between the hours of 1000 and 2400 daily and Late night refreshments between 2300 and 0030 daily.

I feel the late night serving of alcohol would cause many problems as mentioned in Prevention of Nuisance Guidance but most specifically in relation to noise levels.

I live at Flat 49, Elizabeth Place, which is exactly above the premises and would be directly affected by the noise of customers arriving and leaving the premises late at night. I have 5 year old kid and 2 months old infant and my bedroom windows are just right above the proposed bar.

We already facing problems with people smoking on Queens walk and we are vulnerable to cigarette smoke. Just imagine how much cigarette smoke we would get if the bar is opened every night. I strongly object such bars right under my flat.

Additionally upon receipt of the amended operating hours they state:

Thanks for your email. I am happy to see the changes but not enough at all.

As I said I live exactly above the proposed bar and I have young children. Any noise after 6PM is not acceptable at Queens walk. I couldn't have bought the flat if that was the case. I don't think we can control people standing or sitting outside the bar smoking or talking loudly. So, any kind of bar or place of serving alcohol could lead to chaos.

I welcome you to my home and check how noise will be disturbing us and I mostly work from home these days. My work, software programming, needs enormous concentration. I don't I can do proper job having disturbed sleep.

I strongly object anything which makes noise and disturbance after 6PM. Please understand my situation with 2 kids and working from home with lots of noise downstairs and cigarette smoke directly coming to my bedrooms. Recently, I had to request few people smoking downstairs to move out of the place for smoking.

Megan Knight

Megan Knight makes representations on behalf of Rosetree Estates. They are the Managing Agent for the Queens Walk flats

They state:

We have had concerns raised from almost 100% of the building as well as we feel this to be unsuitable going below such a large development.

The Main concerns are:

- 1. Fire risk, we are already considered to be a high risk building for fire safety and having a kitchen below is simply not a reasonable thing to do.*
- 2. Noise – Residents worry about the noise this premises will bring being directly below half of their flats, there will be no rear access for a garden so a lot of people will be out on the street smoking, drinking, and socialising.*
- 3. Antisocial behaviour, we have had several issues with anti-social behaviour in the queens walk walk way and can only imagine this will heighten when there is alcohol involved.*

Currently the residents of queens walk pay for the grounds surrounding, we are already cleaning up litter, drug paraphernalia. Human excrement and more this is without a bar being placed there, who would responsible to pay for these extra costs as the commercial unit are already causing issues with paying for their share of the service charge.

Overall, we feel the licence for the bar to be revoked. This will cause untold amounts of issues for the residents living there and our company, we can imagine a lot of our residents have individually made representation, but this representation is on behalf of the whole development.

I look forward to hearing from you with an update.

These are the representations in full.

Policy Context

16 Determination of Application for a Premises Licence

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

17 Section 18 LA03 deals with the determination of the application:

Grant of premises licence

18. Determination of application for premises licence

(1) This section applies where the relevant licensing authority—

(a) receives an application for a premises licence made in accordance with section 17, 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), the authority must grant the licence in accordance with the application subject only to—

(a) such conditions as are consistent with the operating schedule accompanying the application, and

(b) any conditions which must under section 19, 20 or 21 be included in the licence.

(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 grant the licence subject to—

(i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and

(ii) any condition which must under section 19, 20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;

(d) to reject the application.

(5) For the purposes of subsection (4)(a)(i) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.

(6) For the purposes of this section, “relevant representations” means representations which—

(a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,

(b) meet the requirements of subsection (7),

(c) if they relate to the identity of the person named in the application as the proposed premises supervisor, meet the requirements of subsection (9), and

(d) are not excluded representations by virtue of section 32 (restriction on making representations following issue of provisional statement).

(7) The requirements of this subsection are—

(a) that the representations were made by a responsible authority or other person within the period prescribed under section 17(5)(c),

- (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.

18 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

- 19 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)

20 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, 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. 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

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

Financial Implications

- 22 The final decision made by the Committee in this matter is subject to appeal in the Magistrates Court by any party to the proceedings.

Risk Management Implications

- 23 None

Equality and Customer Service Implications

- 24 None

Other Material Implications

- 25 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.

- 26 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

- 27 None

Background Papers

Appendix 1 – Application Form and plan of premises

Appendix 2 – Ariel View and site plan of area

Appendix 3 – Photos of location

Appendix 4 – Schedule of proposed conditions and revised Operating Schedule

Appendix 5 – Licensing Committee – Procedure at hearings.

service_team_name Licensing Team

service_email_address licensing@midsussex.gov.uk

Your Details

Name/s: Loungers UK Ltd

Premises

Postal address of premises or, if none, ordnance survey map reference or description: Lounge, Unit E, Queen's Walk, East Grinstead

Postcode RH19 4DW

Phone (at premises) 00000-000000

Email

Non-domestic rateable value of premises. £0 - £4300

Plan of premises https://forms.midsussex.gov.uk/upload_dld.php?fileid=ac3918382213272488d6b3227c8156ab

Applicant type

Please state whether you are applying for a premises licence as: a person other than an individual - i) as a limited company

Applicant type

Please confirm: I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

Individual Applicants

Second Applicant

Other Applicants

Name Loungers UK Ltd

Address 26 Baldwin Street, Bristol

Postcode BS1 1SE

Registered number (where applicable) 04595806

Description Company

Phone

Email

Operating Schedule

When do you want the premises licence to start? 22/10/2022

If you wish the licence to be valid only for a limited period, when do you want it to end?

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Description of premises

Description A food led cafe bar to be located on Queen's Walk, East Grinstead, RH19 4DW.

Licensable 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

Thursday

Friday

Saturday

Sunday

Boxing or wrestling

Will you be provisioning boxing or wrestling No

events?

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?** No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Performances of dance

**Will you be provisioning
Performances of dance?** No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

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

Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Late Night Refreshment
Will you be provisioning any late night refreshment? Yes

Monday
Start Time 23:00
End Time 00:30
Tuesday
Start Time 23:00
End Time 00:30
Wednesday
Start Time 23:00
End Time 00:30
Thursday
Start Time 23:00
End Time 00:30
Friday
Start Time 23:00
End Time 00:30
Saturday
Start Time 23:00
End Time 00:30
Sunday
Start Time 23:00

| | |
|---|---|
| End Time | 00:30 |
| Where will the provision of late night refreshment take place? Indoors may include a tent. | Both on and off premises |
| State any seasonal variations:For example (but not exclusively) where late night refreshment is provided on additional days during the summer months. | The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day. |
| Non standard timings. Where the premises intends to use the premises for the provision of late night refreshment at different times from those listed above, please list: For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve. | |
| Supply of alcohol | |
| Will you be provisioning any alcohol? | Yes |
| Monday | |
| Start Time | 10:00 |
| End Time | 23:59 |
| Tuesday | |
| Start Time | 10:00 |
| End Time | 23:59 |
| Wednesday | |
| Start Time | 10:00 |
| End Time | 23:59 |
| Thursday | |
| Start Time | 10:00 |
| End Time | 23:59 |
| Friday | |
| Start Time | 10:00 |
| End Time | 23:59 |
| Saturday | |
| Start Time | 10:00 |
| End Time | 23:59 |
| Sunday | |
| Start Time | 10:00 |
| End Time | 23:59 |
| Where will the supplied alcohol be consumed? | Both on and off premises |

State any seasonal variations : For example (but not exclusively) where the supply of alcohol will occur on additional days during the summer months. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

Non standard timings. Where the premises intends to use the premises for the supply of alcohol at different times from those listed above, please list: For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Premises Supervisor

Name Hannah Williams

Address 16 Geranium Gardens, Denmead

Postcode PO7 6FN

Date of birth 04/07/1985

Place of birth Portsmouth

Personal licence number (if known) 706

Issuing licensing authority (if known) Winchester City Council

Opening Hours

Monday

Start Time 08:00

End Time 00:30

Tuesday

Start Time 08:00

End Time 00:30

Wednesday

Start Time 08:00

End Time 00:30

Thursday

Start Time 08:00

End Time 00:30

Friday

Start Time 08:00

End Time 00:30

Saturday

Start Time 08:00

End Time 00:30

Sunday

Start Time 08:00

End Time 00:30

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

The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

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.

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.

N/A

Licensing Objectives

General - all four licensing objectives (b,c,d,e): Please list here steps you will take to promote all four licensing objectives together.

The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

The prevention of crime and disorder:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Licensing Authority or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons

- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

| | |
|--|--|
| Public safety: | The premises shall only operate as a café/bar. Waiter/waitress service will be available to patrons at all times. |
| The prevention of public nuisance: | <ol style="list-style-type: none"> 1. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises. 2. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them. 3. The sale and supply of alcohol for consumption in the area designated for external trading on the licence plan shall be restricted to alcohol consumed at tables and chairs. 4. All outside tables and chairs shall be rendered unusable after 2300 each day. |
| The protection of children from harm: | <ol style="list-style-type: none"> 1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all staff likely to be involved in the sale or supply of alcohol will be trained to ask any patron attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence. 2. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the identity of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Licensing Authority at all times whilst the premises are open. 3. There must be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children. |

Right to work

Signatures

Submit & Pay

Address for correspondence associated with this application

Winckworth Sherwood LLP, Minerva House, 5 Montague Close, London

Postcode

SE1 9BB

Phone

02075-935104

Correspondence Email

tvlahovic@wslaw.co.uk

Confirm Email

tvlahovic@wslaw.co.uk

Payment Ref

1gdktv4m0

Amount to be paid: GBP 100

Order summary:

| Item | Price | Total |
|---|----------------|---------|
| Non-domestic rateable value of premises. - £0 - £4300 | £100.00 | £100.00 |
| TOTAL | £100.00 | |

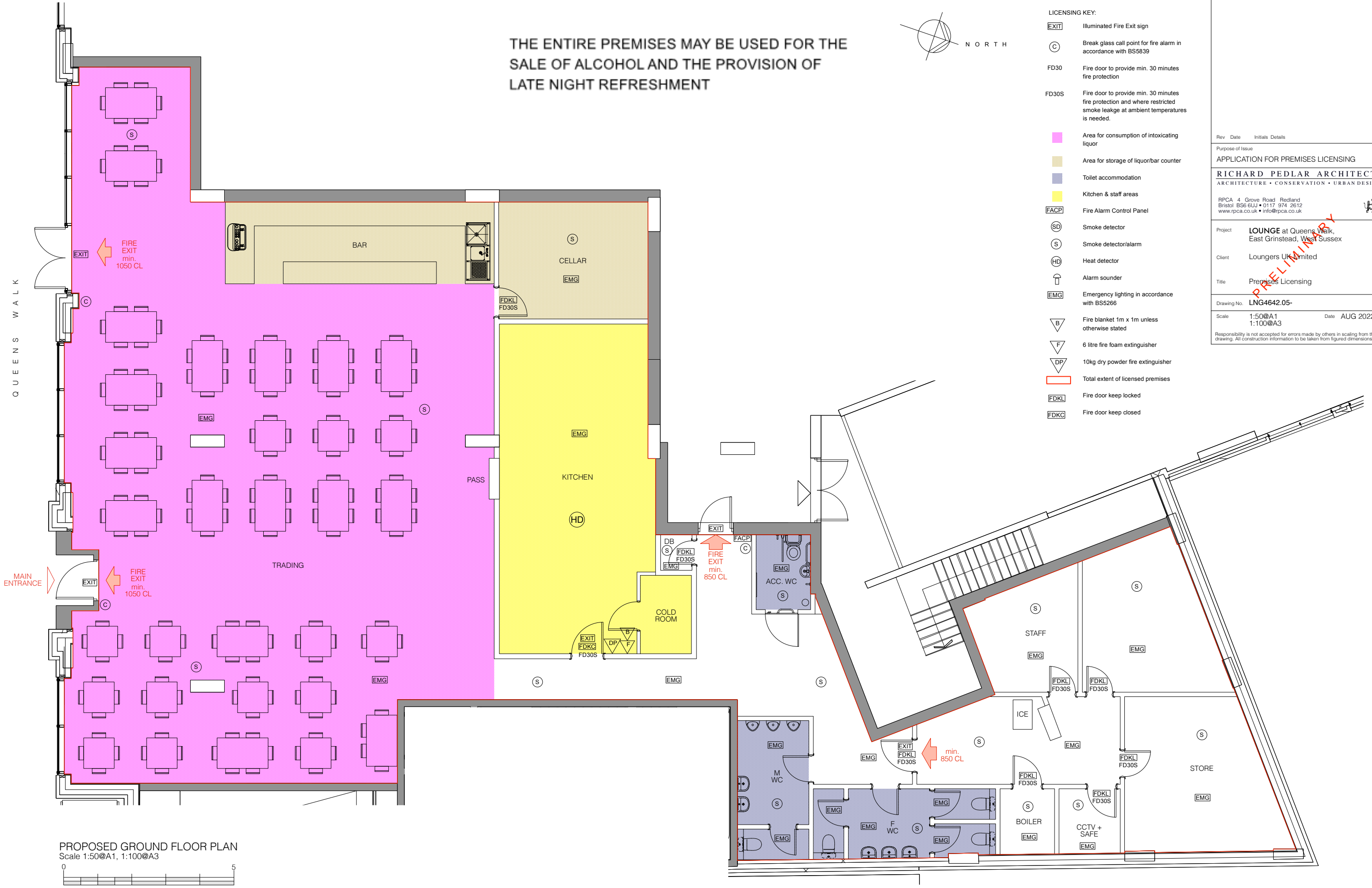
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Entry ID: 36

THE ENTIRE PREMISES MAY BE USED FOR THE SALE OF ALCOHOL AND THE PROVISION OF LATE NIGHT REFRESHMENT



- LICENSING KEY:
- Illuminated Fire Exit sign
 - Break glass call point for fire alarm in accordance with BS5839
 - Fire door to provide min. 30 minutes fire protection
 - Fire door to provide min. 30 minutes fire protection and where restricted smoke leakage at ambient temperatures is needed.
 - Area for consumption of intoxicating liquor
 - Area for storage of liquor/bar counter
 - Toilet accommodation
 - Kitchen & staff areas
 - Fire Alarm Control Panel
 - Smoke detector
 - Smoke detector/alarm
 - Heat detector
 - Alarm sounder
 - Emergency lighting in accordance with BS5266
 - Fire blanket 1m x 1m unless otherwise stated
 - 6 litre fire foam extinguisher
 - 10kg dry powder fire extinguisher
 - Total extent of licensed premises
 - Fire door keep locked
 - Fire door keep closed

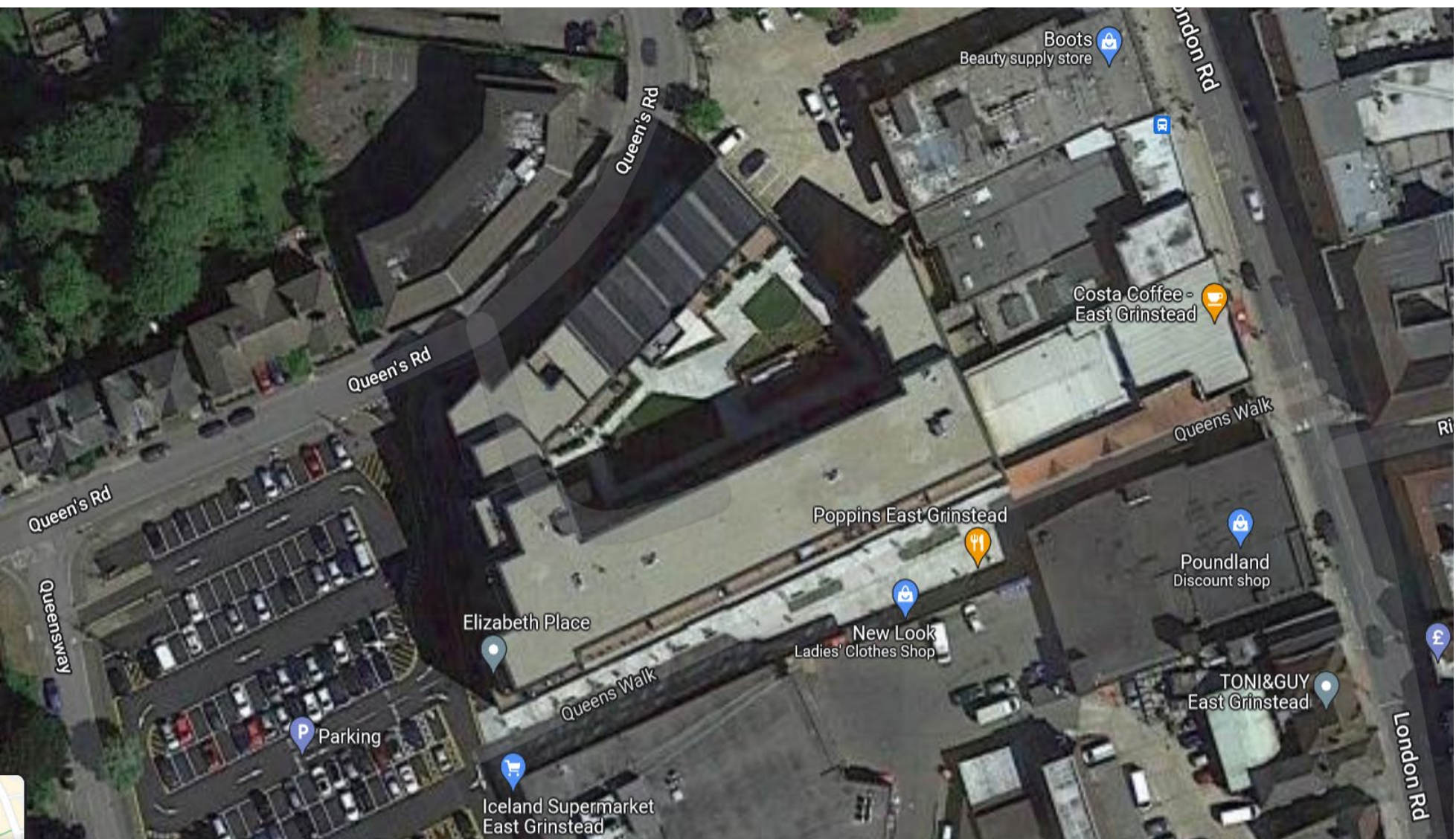
| Rev | Date | Initials | Details |
|--|--|----------|----------|
| Purpose of Issue | | | |
| APPLICATION FOR PREMISES LICENSING | | | |
| RICHARD PEDLAR ARCHITECTS ARCHITECTURE • CONSERVATION • URBAN DESIGN | | | |
| RPCA 4 Grove Road Redland Bristol BS6 6JJ • 0117 974 2612 www.rpca.co.uk • info@rpca.co.uk | | | |
| Project | LOUNGE at Queens Walk, East Grinstead, West Sussex | | |
| Client | Loungers UK Limited | | |
| Title | Premises Licensing | | |
| Drawing No. | LNG4642.05- | | |
| Scale | 1:50@A1 | Date | AUG 2022 |
| | 1:100@A3 | | |
| <small>Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information to be taken from figured dimensions only.</small> | | | |

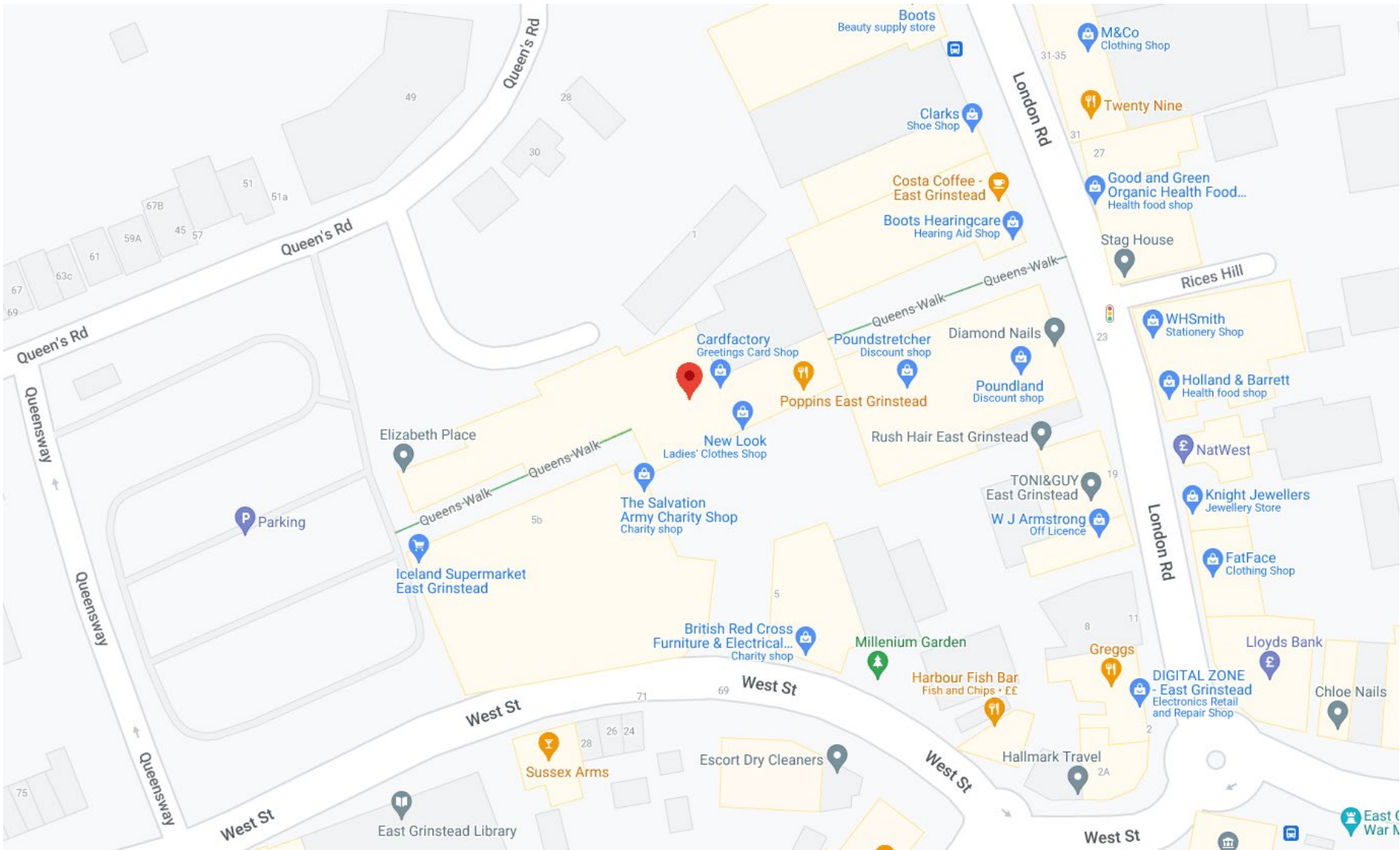


PROPOSED GROUND FLOOR PLAN
 Scale 1:50@A1, 1:100@A3

Scale (m)

Liquor Licensing Panel - 14 November 2022







View along Queens Walk from Car Park



View along Queens Walk from the direction of access to London Road



View of Premises Entrance



View of Premises



View of Premises

Proposed Operating Schedule and Conditions

Description of the premises

Food led café bar.

Alcohol

1000 to 2300 Monday to Sunday

Late night refreshment

Not required

Regulated entertainment

None

Opening hours

0800 to 2300 Monday to Saturday and 0900 to 2300 on Sunday

Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. Cameras are to cover all trading areas inside or outside of the premises.

The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all staff likely to be involved in the sale or supply of alcohol will be trained to ask any patron attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence. 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.

4. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises

6. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the identity of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Licensing Authority at all times whilst the premises are open. The record shall be reviewed and signed by the designated premises supervisor at intervals of no more than four weeks and retained by the licence holder for 12 months.

7. An incident log shall be kept at the premises and made available on request to an authorised officer of the Licensing Authority or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

8. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

9. The sale and supply of alcohol for consumption in any external trading area shall be restricted to alcohol consumed at tables and chairs.

10. The premises shall only operate as a café/bar. Waiter/waitress service will be available to patrons at all times.

11. The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

12. There must be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

13. All outside tables and chairs shall be rendered unusable after 2200 each day and brought inside the premises after 2300.

14. There shall be no vertical drinking at the premises.

15. SIA trained and licensed door supervisors shall be employed when a requirement is identified by the licence holder's risk assessment. The written risk assessment will be kept at the premises and made available for inspection upon request by officers of any responsible Authority.

16. 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 (12) weeks (this may be verbally delivered). All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records will be kept at the premises and shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff.

17. The main entrance doors to the café/bar shall remain closed after 22:00 hours, except when used for access and egress. All other external windows and doors shall also remain closed after 22:00 hours, except when used in the event of an emergency.

18. No bottling out activities outside of the following hours: 08:00 to 20:00 hrs Monday to Saturday; 09:00 to 18:00 Sundays and Bank/Public Holidays.

19. Prominent notices shall be displayed close to the exit doors requesting patrons to have regard to neighbours and to leave the premises quickly and quietly.

20. The licence holder shall invite the local residents to a meeting to discuss any operational issues they may experience every three months during the 12 month period following the opening of the premise. The invitation shall be issued to the managing agents of the building of which the premises forms a part, Rose Tree Estates.

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.