

23 February 2023

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PLEASE NOTE START TIME OF MEETING

Dear Councillor,

A meeting of **LIQUOR LICENSING PANEL** will be held in the **COUNCIL CHAMBER** at these offices on **FRIDAY, 3RD MARCH, 2023 at 10.00 am** 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 the Minutes of the Previous Meeting Held on 10 February 2023. **3 - 8**
4. Application to Vary a Premises Licence - Licensing Act 2003. **9 - 66**

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 M Cornish, J Knight and J Mockford

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing Panel
held on Friday, 10th February, 2023
from 10.00 am**

Present: Councillors: J Knight (Chairman)
M Cornish
J Mockford

Officers in attendance: Paul Vickers, Solicitor to the Licensing Panel
Jon Bryant, Senior Licensing Officer
Lucy Corrie, Assistant Director Communities
Alison Hammond, Democratic Services Officer

Also in attendance: Stuart Beare, Joint Applicant
Sam Beare, Joint Applicant
Paul Thornton, Applicant 's Agent
Scott Castle, Applicant 's Sound Engineer
Jane Cooper, Senior Environmental Health Officer,
Environmental Protection
Oliver Benson, Environmental Health Protection Officer
Alexander 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 TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING HELD ON 14 NOVEMBER 2022.

The minutes of the meeting held on 14 November 2022 were agreed as a correct record and were electronically signed by the Chairman.

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

Introduction and outline of the report

Jon Bryant, Senior Licensing Officer introduced the report for the Panel to determine an application to vary the current Premises Licence pursuant to Section 34 Licensing Act 2003 made by BA Beare and Sons, at The Pumpkin Farm and he noted that one Responsible Authority and one member of the public who is also a local resident, referred to as Interested Parties had made representations on the grounds of the

Prevention of a Public Nuisance. The variation sought to amend the name of the site, extend the times for the Performance of Live and Recorded Music, extend the times for the sale by retail of alcohol and to add the licensable activity of the Performance of a Play.

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

The Senior Licensing Officer advised that the Pumpkin Farm, formerly known as the Maize Maze, had been licensed since 29 March 2003, however this is a separate location. He summarised the conditions on the licence to restrict times for live music, 20 days between 1st June and 30 September but the licensee had a difference opinion. He highlighted that the application would change the name to The Pumpkin Farm and the timings of the requested Licensable Activities.

In response to a question from the Chairman he confirmed the applicant now wished to have a licence for plays all year round. He noted the additional documents that had been received from the applicant and circulated to the panel and Interested Parties; and the remail received from Mr Tilbury who was unable to attend. The report included amendments to the current conditions as agreed with the Police and mandatory conditions; the application had been correctly advertised on the site and in the press. He summarised the representations made by the Environmental Health Protection Team (EPT), Responsible Authority and Mr Tilbury on the grounds of Prevent of Public Nuisance through noise at the site, listed in Appendices 4 and 5. He reiterated that parts of Mr Tilbury's representation related to planning matters and were not relevant, The Pumkin Farm was not a working farm and Mr Tilbury had listed details of their Christmas activities.

The Panel were asked to determine the application in accordance with Section 34 of 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. Relevant representations must address one of the four Licensing Objectives: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm. He highlighted several paragraphs of the Section 182 guidance: 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 be in objection to the application and 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. The Local Authority had to decide if representations were frivolous or vexatious. Each Responsible Authority are experts in their field and may be Licensing Authorities main source of advice; Responsible Authorities can make representations if there is evidence to support them. He reiterated that the Panel should consider each application on a case-by-case basis. The determination should be evidence based, justifiable as being appropriate to the licensing objectives and proportionate. The final decision made by the Committee could be subject to appeal in the Magistrates Court by any party to the proceedings, and any decision by the Committee should be evidence based.

Questions to the Senior Licensing Officer

There were no questions for the Senior Licensing Officer.

Paul Thornton, Licensing Consultant for the Applicant

He started by querying whether the 70 days applied for was up for consideration; they had requested extended hours for 1 September to 31 December, and not for 70 days. They had discussed the application with the EPT, but no agreement had been reached.

With regard to the blanket opening times on the application for Licensable Activities, Paul Vickers, Solicitor to the Licensing Panel confirmed any conditions can be amended accordingly, and the wording on the current license lacks clarity. He advised that the Panel Members needed clarity on what was being sought by the application and clarity can be given as part of their decision. The Senior Licensing Officer confirmed 122 days were being requested, which included the 20 Summer days already permitted.

The Licensing Consultant confirmed the applicants wished to vary the existing premises licence, regularise the timings of licence and change it to a newer business model. Most activities occur in the autumn and winter, pumpkin picking and they wanted to give an enhanced experience, there would be low key entertainment similar to busking with a maximum of 300 visitors and a refreshment hut selling alcohol. These facilities would be ancillary for the site; the dwell times of people picking pumpkins is a maximum of 90 minutes.

He summarised the history of the farm which had been bought by the family in 1938, in 1971 it opened to public for pick your own fruit and vegetables - June to October for 12 hours a day, in 1998 maize maze with refreshments opened and ran until 2017. In 2018 pumpkin picking commenced with evening sessions in 2020 due to the pandemic and to permit social distancing. The farm also hosts Shocktober Fest Scream Park, a unique experience in the UK and 1 of only 10 worldwide. In 2020 an Outdoor Drive-In cinema which continues today. The farm owners have recently travelled to the USA to talk about their business model, and UK farmers also visit to as fact-finding missions. The family has been on the site for 86 years, they are an honest, trustworthy, and successful business.

He highlighted the Noise Management Plan (NMP) by Mr Scott Castle, and the Code of Practice which has been accepted by operators and regulators and is used at concerts. He reiterated that it is guidance and not the law, the table is in their NMP and is acceptable if there are no more than 12 events a year; this is the basis of the EPT's objection. A business can depart from the guidance if evidence is provided and explained, he referenced paragraph 1 (for large scale music events with high powered amplification in stadia, open air sites, and lightweight buildings) and paragraph 3 of the guidance. He noted that the purpose of the code is to give guidance to minimise the disturbance. He disputed that the EPT had taken into account the type or size of events Mr Beare and Sons would host. He requested the panel take a common-sense approach of their NMP, which detailed the training of staff, pre-event testing, testing during the event, using recording and monitoring equipment, which would be freely accessible to the EPT officers. He confirmed the output would be adjusted if a complaint was to be received via their complaints system which had a complaint template. They would also host a post-event feedback meeting with the EPT.

He noted that the Licensing Authority and Mr Beare and Sons responsibility to promote the Licensing Objectives and Police and EPT had to regulate it and provide advice. Little credit was given to their tailored NMP, the complaint by the EPT has a generic explanation and does not relate to their site, and there have been no substantiated complaints for site for the past last 10 years. He referenced the additional information sent to the Licensing Team, which advises how the NMP

complies with the Noise Council's Code of Practice as referred to by the EPT. He reiterated that any comments made by Mr Tilbury on planning matters were irrelevant, and he has not made any representations on behalf of anybody else. Mr Tilbury bought a barn on the farm and Mr Stuart Beare's mother, and his son are neighbours; the presentation is inaccurate as no alcohol this served after hours, the site closes at 22:00 and the existing license conditions have not been breached regarding the number of events. No dates were given for the installation of the recording equipment so it cannot be verified; he asked for the reference to complaints to be ignored. The portable toilets are used for the pumpkin picking and are not part of premises licence. The pick your own business which operates across 120 acres was operational when Mr Tilbury bought his barn. He confirmed that Mr Tilbury has not engaged with the applicants regarding any complaints; Mr Stuart Beare had contacted him but had not received a reply.

The Chairman reminded the applicant's agent to keep his comments to licensing activities.

In summing up Mr Thornton confirmed a floodlight had been left on overnight on one occasion by mistake, it was a working farm so there could be mud on the road. The panel should determine the application to vary the current license. They could modify, add or delete conditions, limit the number of events, and requested the condition relating to the NMP be approved by the EPT be removed. He thought this condition would permit an officer to block an event if they don't agree with a NMP sent by operator, and no appeal would be possible. Then Licensing Authority can refer an operator to their NMP, which should be done at the investigation stage. He thought this was unfair and against natural justice. Mr Stuart Beare is an experienced, respected businessmen with a successful business. The business must keep pace in a changing world, and they are a credit to Mid Sussex as a business, tourist site and an employer.

The Solicitor to the Panel corrected Mr Thornton and clarified that Section 4 subsection 1 of the Licensing Act states that it is the duty of the Licensing Authority to promote to Licensing Objectives and the EPT is part of the Licensing Authority.

Mr Thornton observed that a good EPT Officer will talk to an operator to check they know their responsibilities if they think their NMP is unprofessional or deficient. He expressed concern that Mr Beare and Sons could be held hostage because a Council Officer does not like their NMP. He outlined the roles of the operators, and the Licensing Authority, stating the NMP is comprehensive, has in-built monitoring and checking and permits reviews of noise levels.

Questions to the Applicant

There were no questions from the Senior Licensing Officer.

The EPT Officer expressed concern of the Agent's view (that the Agent thought her department were holding the applicants' hostage), they are fully aware of the guidance and had tried to negotiate on the number of days of operation and noise levels; no straight answer had been received. In principle with a higher the number of days of operation they would need to be quieter each day, the NMP does not take this into account.

In response to Member's questions Mr Sam Bear confirmed the pumpkin picking is a family event and ends at 22:00 and the car park is usually clear by 22:15; and they grow over 1,000,000 pumpkins each year. Mr Stuart Beare advised Mr Tilbury has been a good neighbour, they have not aggravated him, there are some boundary

disputes that they are trying to resolve, and they are on good terms with Mrs Tilbury. Mr Castle noted the entertainment would be a guitarist and a singer from 18 :00 to 22:00 with sets every 15 minutes, it would be low key, and they could reduce sound levels if required, they want to be good neighbours.

In response to the Chairman's concern regarding possible heavy amplification in the future should the application be approved, Mr Stuart Beare stated it was not in their future plans and conditions could be added, they are not in the music business.

Mr Thornton advised is a heavy rock band was to play on the site, the operators would first look at mitigation measures to reduce the impact.

The Chairman advised as a responsible Council Mid Sussex must consider prevention.

Mr Stuart Beare advised they were not trying to hold a five-day event akin to Glastonbury and Mr Castle noted that the licensing regime and statutory regime were two different principles.

Jane Cooper, Responsible Authority:

The Officer stated the EHP object as they believe to allow the proposed changes will result in a public nuisance and she believed the Licensing Objectives would not be upheld, she noted a dispute on the number of days activities are currently permitted. She expressed concern for occasional low-key events and referred to the operator's website for tickets to pumpkin nights. She believed the application would result in intensification of the site, with more than 500 people a day. The monitoring last year following a complaint regarding loud music in October was referenced, the music was clearly audible in a home that the lyrics could identified, and it was deemed intrusive. The Council wants to support business but not at expense of the public. The application sought to increase the number of days and the hours, there must be agreement between the applicant and the EPT. If there is an increase in the number of days, the music must be quieter, and she confirmed no agreement had been reached.

The EPT use the same guidance, which has recommendations for up to 12 days a year, she advised there is no guidance for more than 12 days and this demonstrates it would be intrusive. For more than 12 days the event should be, held indoors. The applicant wants to hold the events in a field close to houses; she didn't believe they could control the music to prevent a public nuisance. The way forward was to reduce the number of days of live music so a realistic noise level can be set; the applicant needs to demonstrate how they can achieve the noise levels and it should be included on the licence. The approving the application will create a public nuisance and EPT object to application.

Questions to Responsible Authority

There were no questions from the Senior Licensing Officer.

Mr Thornton asked for the results of the investigation regarding the loud music and what action was taken. The EPT Officer confirmed a complaint was received, the EPT installed recording equipment and the Applicant's Agent was aware that the only action taken was a discussion with the operator. Mr Thornton reiterated that he did not believe the complaint had been substantiated against the Pumpkin Farm.

In response to further questions from the Agent the EPT Officer confirmed only one representation had been received from local residents, and the EPT wanted to agree

a noise level that was achievable. She confirmed Mr Tilbury had signed a witness statement confirming the noise had come from the field.

Mr Castle stated the Noise Management code is there to make making events work, he accepted that the code was dated, and bespoke values are required for each site. They could measure values over several days to identify the background levels.

In response to the Chairmans' question concerning other residential properties close to the farm, the EPT Officer advised the village was approximately 500 – 600ms away, low frequency sounds travel easily, and a low beat can be evident inside a property.

The Chairman asked the EPT Officer what would be acceptable. She advised if the applicant gave the number of days they could then suggest a level; and all suggestions had been rejected by The Pumpkin Farm. The Chairman then asked if the applicants thought they could reach agreement, Mr Stuart Beare advised he thought they could, but they would be reliant on Mr Castle for advice on what was achievable. The last suggestion was not achievable, as the noise level was below ambient traffic noise. The EPT Officer noted the impact on local residents. Mr Stuart Beare advised Mr Tilbury bought a barn in the middle of an existing farm.

The Chairman confirmed the Council supports local business, and the Environmental Protection Team and applicants need to try and come to an agreement before the Committee can reach a decision.

The agent for the applicant suggested they take an adjournment for 20 minutes to see if they could reach agreement with the Environmental Protection Team; the committee agreed.

The Environmental Protection Team and applicants left the chamber at 11.45, and they all returned to the chamber at 12.19.

Mr Stuart Beare confirmed no agreement had been reached and requested an adjournment, so they could continue their discussions. A key factor was determining the background level of noise and as the Environmental Protection Team want to set a maximum level above the background noise level; they will conduct a test with their system, then the Environmental Protection Team will know what is achievable.

All parties agreed to reconvene on Friday 3 March to continue the consideration of the application. The Senior Licensing Officer confirmed the applicant will notify the Liquor Licensing Panel if an agreement has been reached before the next meeting.

The meeting was adjourned at 12.27,
and the Panel will reconvene at 10.00 am on Friday 3 March 2023.

The meeting finished at 12.27 pm

Chairman

Application to vary a Premises Licence – Licensing Act 2003

REPORT OF: Lucy Corrie, Assistant Director - Communities
Contact Officer: Jon Bryant, Senior Licensing Officer
Email: jon.bryant@midsussex.gov.uk Tel: 01444 477428
Wards Affected: Turners Hill
Key Decision No
Report To: **Liquor Licensing Panel 03 March 2023 adjourned from 10 February 2023**

Purpose of Report

- 1 To provide information in order that the Licensing Panel 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 Paul Thornton of PT Licensing on behalf of BA Beare and Sons to vary a Premises Licence at The Pumpkin Farm, Tulleys Farm, Turners Hill Road, Turners Hill RH10 4PD. Representations against the application have been made by a Responsible Authority, the Environmental Protection Team at Mid-Sussex District Council (MSDC) and an Interested Party on the grounds of a Prevention of Public Nuisance.
 - 3 The substance of the variation application is to amend the name of the site, extend the times for the Performance of Live music, extend the times for the Performance of Recorded Music, extend the times for the sale by retail of alcohol and to add the licensable activity of the Performance of a Play.
 - 4 The Panel 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 of the Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.
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Background

- 5 BA Beare and Sons are the holder of a Premises Licence for the Pumpkin Farm (formerly known as The Maize Maze) at Turners Hill Road, Turners Hill, RH10 4PD. This is issued under Licence number PWA0456. The Licence has been issued since 29th March 2013. It is a separate location from the main Tulleys Farm site on Turners Hill Road
- 6 The Pumpkin Farm (Maize Maze) is currently licensed for the following licensable activities for a maximum of 20 days between 1st June and 30th September:

Licensable Activity	Timings
A performance of live music - Outdoors	Sunday 10:00 - 19:00
	Monday to Thursday 10:00 - 18:00
	Friday to Saturday 10:00 - 23:00

Any playing of recorded music - Outdoors	Sunday	10:00 - 19:00
	Monday to Thursday	10:00 - 18:00
	Friday to Saturday	10:00 - 23:00
Sale by retail of alcohol	Friday to Saturday	12:00 - 23:00
	Sunday to Thursday	12:00 - 18:00

It should be noted that there is a licence condition restricting the number of times that the Premises can be used for the performance of Live and Recorded music.

The premises may not be used for any more than 20 days between 1st June and 30th September for the licensable activities of live and recorded music.

- 7 There are no opening hours specified on the current licence
- 8 The conditions that are currently attached to this licence in addition to the Mandatory Conditions are:

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 three months. 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.

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.

A documented risk assessment must be undertaken which identifies all the activities undertaken at the premises and the controls necessary to promote the licensing objectives. This will include but not be restricted to; deployment of SIA trained and licensed door supervisors the use of non-glass vessels both externally and internally, age restriction so as to protect children from harm, ticketing the event preventing off sales. It will include written emendations demonstrating what considerations have been made for any additional special events which may arise during the year. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request

The premises will adopt a 'Challenge 25' policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only ID that will be accepted are valid passports and UK driving licences with a photograph or proof of age cards bearing the 'PASS' mark hologram. The list of approved ID may be

amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the actual licence.

A written and maintained policy statement of all lost and found children will be kept to include actions taken by staff. Register to be made available to Sussex Police and/or authorised officers from the local Licensing Authority.

The noise management plan must be submitted annually to the Environmental Protection Team at Mid Sussex District Council and must be approved by them before any of the live or recorded music can take place. The noise management plan shall be submitted at least one month before the anniversary of the issue of the licence. No regulated entertainment will take place until the noise management plan has been approved by the Council.

Any additional external lighting installed for events shall be erected so as not to cause nuisance to residential properties.

No clean-up of external sites and marquees shall take place between 2300 and 0800.

The premises may not be used for any more than 20 days between 1st June and 30th September for the licensable activities of live and recorded music.

- 9 The application before the Panel is to change the name of the site, amend the times for the existing licensable activities and to add the licensable activity of a Performance of a Play.
- 10 The applied for variations to the current licence are detailed below:
- a) Amend name of site as follows:
Delete 'The Maize Maze '
Replace with 'Pumpkin Farm'
 - b) Amend timings Live Music
Everyday 10:00-22:00
These timings valid between 1st Sept - 31st Dec

Outside of these dates – remain the same as current
 - c) Amend timings Recorded Music
Everyday 10:00-22:00
These timings valid between 1st Sept - 31st Dec

Outside of these dates – remain the same as current
 - d) Amend timings Sale by retail of alcohol
Monday to Sunday 10:00-2200
These timings valid between 1st Sept 31st Dec

Outside of this – remain the same as current
 - e) Add Licensable activity of Performance of a Play
Everyday 10:00-22:00

The application is appended to this report at Appendix 1 with the current premises licence and plan at Appendix 2 and site pictures at Appendix 3.

- 11 Representations have been received from a Responsible Authority, the Environmental Protection Team at MSDC, and a member of public, referred to as an Interested Party within the act. These representations have been made regarding the Licensing Objective of the Prevention of a Public Nuisance.
- 12 There are amendments to the current license conditions that have been agreed with the Police during the consultation period. If the Panel decides to grant the licence variation, I request that in addition to the current conditions and any other conditions felt necessary and proportionate by the Panel the amended and additional conditions agreed between the Police and applicant be attached to the varied licence.

Full details of these conditions are attached in Appendix 6.

- 13 The application was correctly advertised at the site between 17th December 2022 to 13th January 2023 and published in the local newspaper on 28th December 2022.

14 **Representations**

Responsible Authority Representations.

Environmental Protection Team

The Environmental Protection Team make representations in respect of the Licensing Objective of the Prevention of a Public Nuisance.

In summary they make representations on the Grounds of the Prevention of a Public Nuisance

They point out that the current licence restricts regulated entertainment to 20 days between 1st June and 30th September and that the variation seeks to extend this to expose residents to music noise potentially all year long and that music at the level predicted, all year round, will inevitably have an unacceptable impact on residents.

The applicant seeks to vary the timings for the sale of alcohol, for the provision of live and recorded music, and makes a new application for the performance of plays at this site to every day, 10:00 - 22:00, between 1st September and 31st December. Outside of these dates they wish to perform/play live and recorded music at the currently permitted times. This means that they could carry on licensable activities all year round, but with different timings.

Given the location of the premises in a very quiet rural location with nearby residential properties, Environmental Protection has concerns that noise from music will cause disturbance to people living in the vicinity. Environmental Protection therefore objects to this application.

They further state that without the provision of suitable structures on site to contain or shield the music, in Environmental Protection's opinion, the

applicant will be unable to ensure that sound from these activities is controlled to a level that would be considered acceptable. The applicant has stated that the regulated entertainment will be “low key” however, these events will involve an audience of more than 500 people, as a music event provided for fewer than 500 people would not be licensable.

Environmental Protection cannot negotiate an acceptable level for music without knowing the number of days when regulated entertainment will be provided each year. We would like to stress that unlimited days cannot be considered, as the acceptable noise level in this case is likely to be unachievable.

Their representation in full is attached to the report at Appendix 4.

Interested Party Representations

Mr Philip Tilbury has made representations on the grounds of the Prevention of a Public Nuisance.

There are parts of this representation relating the current Planning permission which would not be considered as relevant to this type of application.

I object to this license application on the basis that this is likely to substantially increase the potential of public nuisance.

The application anticipates a material expansion of activities, including late night entertainment which will be problematic to the nearby domestic dwellings. The license is intended to support live and recorded music which is to take place in the open air or within temporary structures, and attempts to prevent noise nuisance in such circumstances will be inadequate. In addition it can be anticipated nuisance arising from the arrival and departure of vehicles in an essentially rural area where no prevention measures are possible, inevitably extending the time span of nuisance.

Licensing to 11pm at any time of the year will require floodlighting with concomitant light nuisance as the site sits above the nearest domestic dwellings and will be clearly visible.

The operation of setting-up and subsequent cleaning-up of the site will again, because of the open-air nature of the site, present noise nuisance and extend the time span of disturbance.

Although the comments above are specifically related to this application, they have been informed by recent experience of effects under the current license.

Mr Tilbury’s representations in full are attached at Appendix 5.

Policy Context

15 Determination of Application for the Variation of a Premises Licence

The Panel 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. The Hearing Procedure under which the panel operates is at Appendix 7.

- 16 Section 34 of the LA03 deals with applications for the variation of a premises licence.

Section 34 Application to vary premises licence

(1) The holder of a premises licence may apply to the relevant licensing authority for variation of the licence.

(2) Subsection (1) is subject to regulations under—

(a) section 54 (form etc. of applications etc.);

(b) section 55 (fees to accompany applications etc.).

(3) An application under this section must also be accompanied by the premises licence (or the appropriate part of that licence) or, if that is not practicable, by a statement of the reasons for the failure to provide the licence (or part).

(4) This section does not apply to an application within section 37(1) (application to vary licence to specify individual as premises supervisor).

- 17 Section 35 LA03 deals with the determination of the application:

(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.

18 Supplementary Provisions about determinations under Section 35

Supplementary provision about determinations under section 35

(1) Where an application (or any part of an application) is granted under section 35, the relevant licensing authority must forthwith give a notice to that effect to—

- (a) the applicant,
- (b) any person who made relevant representations in respect of the application, and
- (c) the chief officer of police for the police area (or each police area) in which the premises are situated.

(2) Where relevant representations were made in respect of the application, the notice under subsection (1) must state the authority’s reasons for its decision as to the steps (if any) to take under section 35(3)(b).

(3) The notice under subsection (1) must specify the time when the variation in question takes effect.

That time is the time specified in the application or, if that time is before the applicant is given that notice, such later time as the relevant licensing authority specifies in the notice.

(4) Where an application (or any part of an application) is rejected under section 35, the relevant licensing authority must forthwith give a notice to that effect stating its reasons for rejecting the application to—

- (a) the applicant,
- (b) any person who made relevant representations in respect of the application, and

(c) the chief officer of police for the police area (or each police area) in which the premises are situated.

(5) Where the relevant licensing authority determines for the purposes of section 35(6)(c) that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for that determination.

(6) A licence may not be varied under section 35 so as—

(a) to extend the period for which the licence has effect, or

(b) to vary substantially the premises to which it relates.

(7) In discharging its duty under subsection (2) or (3)(b) of that section, a licensing authority may vary a premises licence so that it has effect subject to different conditions in respect of—

(a) different parts of the premises concerned;

(b) different licensable activities.

(8) In this section “relevant representations” has the meaning given in section 35(5).

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, 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.

For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5

It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.9

It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.12

Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

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.

9.41

In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

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.

9.44

Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

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 Panel 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
Appendix 2 – Current Premises Licence and plan of premises
Appendix 3 – Site Pictures

Representations

Appendix 4 – Environmental Protection Team
Appendix 5 – Representations Mr Tilbury
Appendix 6 – Revised agreed conditions
Appendix 7 – Hearing Procedure

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service_team_name Licensing Team
service_email_address licensing@midsussex.gov.uk

Your Details

Correspondence

Correspondence Email email redacted

Confirm Email email redacted

Name BA Beare and Sons

Premises licence number PWA0456

Premises

Name of premises Pumpkin Farm

Does your premises have a postal address? Yes

Postal address of premises or, if none, ordnance survey map reference or description
 Tulleys Farm Turners Hill Road
 Turners Hill West Sussex RH10 4PD

Tel: (at premises) 01342-718472

Email info@tulleysfarm.com

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

Current Premises Licence

Please describe briefly, the nature of the proposed variation The site is within a large expanse of farm fields as part of Tulleys Farm. Pick your own has been taking place on this site since 1971. Seasonal events have been running since 1998.

The variation is submitted to reflect the increasing popularity of events which are primarily aimed at families.

When the events are running, there are various catering units, hot drinks, alcohol as well as having low key regulated entertainment. The outlets are only open for event periods; they are not open year-round.

The current conditions require extensive risk assessments involving public safety and security staff. These will be updated accordingly to take account of an increase in attendances.

Pre application consultation has taken place with Sussex Police regarding the Risk Assessments and the variation reflects the discussions that have taken place.

In addition, extensive consultation has taken place with Mid Sussex District Council Environmental Health Dept and a revised and updated Noise Management Plan submitted in support of this application reflects these discussions. We believe the existing condition relating to the submission of a Noise Management Plan is sufficient to accommodate the variation.

promotion of the licensing objectives.

1. Amend name of site as follows :

Delete ' The Maize Maze '

Replace with 'Pumpkin Farm'

2. Amend timings Live Music

Everyday 10:00-22:00 These timings valid between 1st Sept - 31st Dec

Outside of these dates - remain the same as current

3. Amend timings Recorded Music

Everyday 10:00-22:00 These timings valid between 1st Sept - 31st Dec

Outside of these dates - remain the same as current

4. Amend timings Sale by retail of alcohol

Monday to Sunday 10:00-2200 These timings valid between 1st Sept 31st Dec

Outside of this - remain the same as current

5. Add Licensable activity of Performance of a Play

Everyday 10:00-22:00

Attach the premises licence (or relevant part of it)

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

Sent under separate cover

Applicant Details

Current postal address if different from premises address

Phone

Email

Operating Schedule

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

Yes

Operating Schedule

If the club's proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Activities

Plays

Will you be provisioning Plays?

Yes

Monday

Start Time 10:00

End Time 22:00

Tuesday

Start Time 10:00

End Time 22:00

Wednesday

Start Time 10:00

End Time 22:00

Thursday

Start Time 10:00

End Time 22:00

Friday

Start Time 10:00

End Time 22:00

Saturday

Start Time 10:00

End Time 22:00

Sunday

Start Time 10:00

End Time 22:00

Where will the Prior Licensing Panel on 13 March 2015

performance of the play take place? Indoors may include a tent.

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.

Plays as part of Pumpkin festival in October and November

State any seasonal variations for performing plays: For example (but not exclusively) where the activity will occur on additional days during the summer months.

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

Films

Will you be provisioning Films? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Indoor Sports

Will you be provisioning Indoor Sporting events? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Boxing or wrestling

Will you be provisioning boxing or wrestling events? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Live Music

Will you be provisioning Live Music?

Yes

Monday

Start Time

10:00

End Time

22:00

Tuesday

Start Time

10:00

End Time

22:00

Wednesday

Start Time

10:00

End Time

22:00

Thursday

Start Time

10:00

End Time

22:00

Friday

Start Time

10:00

End Time

22:00

Saturday

Start Time

10:00

End Time

22:00

Sunday

Start Time

10:00

End Time

22:00

Where will the performance of live music take place? Indoors may include a tent.

Indoors and outdoors

Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether

Live Music

or not music will be amplified or unamplified.

State any seasonal variations for performing live music: For example (but not exclusively) where the activity will occur on additional days during the summer months.

Timings above valid 1st Sept - 31st Dec
Outside of these dates current timings remain

Non standard timings. Where the premises intends to use the premises for the performance of live 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.

Recorded Music

Will you be provisioning Recorded Music?

Yes

Monday

Start Time 10:00

End Time 22:00

Tuesday

Start Time 10:00

End Time 22:00

Wednesday

Start Time 10:00

End Time 22:00

Thursday

Start Time 10:00

End Time 22:00

Friday

Start Time 10:00

End Time 22:00

Saturday

Start Time 10:00

End Time 22:00

Sunday

Start Time 10:00

End Time 22:00

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

Indoors and outdoors

Please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

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.

Timings above valid between 1st Sept to 31st Dec

Outside of these dates current timings remain

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

Performances of dance

Will you be provisioning Performances of dance? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Similar to live music, recorded music or performances of dance

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

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Late Night Refreshment

Will you be provisioning any late night refreshment? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Supply of alcohol

Will you be provisioning any alcohol? Yes

Monday

Start Time 10:00

End Time 22:00

Tuesday

Start Time 10:00

End Time 22:00

Wednesday

Start Time 10:00

End Time 22:00

Thursday

Start Time 10:00

End Time 22:00

Friday

Start Time 10:00

End Time 22:00

Saturday

Start Time 10:00

End Time 22:00

Sunday

Start Time 10:00

End Time 22:00

Where will the supplied alcohol be consumed? On the premises

State any seasonal variations : For example (but not exclusively) where the supply of alcohol will occur on additional days during the summer months Above timings valid 1st September to 31st December
 Outside of these dates timings to remain as per current licence

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

Hours premises is open to the public

Monday

Start Time 10:00

End Time 23:00

Tuesday

Start Time 10:00

End Time 23:00

Wednesday

Start Time 10:00

End Time 23:00

Thursday

Start Time 10:00

End Time 23:00

Friday

Start Time 10:00

End Time 23:00

Saturday

Start Time 10:00

End Time 23:00

Sunday

Start Time 10:00

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.

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

Current licence conditions

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking. None

Adult Entertainment

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

Licensing Objectives

General - all four licensing objectives (b,c,d,e): The site is within a large expanse of farm fields as part of Tulleys Farm. Pick your own has been taking place on this site since 1971. Seasonal events have been running since 1998.

Please list here steps you will take to promote all four licensing objectives together. The variation is submitted to reflect the increasing popularity of events which are primarily aimed at families.

When the events are running, there are various catering units, hot drinks, alcohol as well as having low key regulated entertainment. The outlets are only open for event periods; they are not open year-round.

The current conditions require extensive risk assessments involving public safety and security staff. These will be updated accordingly to take account of an increase in attendances.

Pre application consultation has taken place with Sussex Police regarding the Risk Assessments and the variation reflects the discussions that have taken place.

In addition, extensive consultation has taken place with Mid Sussex District Council Environmental Health Dept and a revised and updated Noise Management Plan submitted in support of this application reflects these discussions. We believe the existing condition relating to the submission of a Noise Management Plan is sufficient to accommodate the variation.

We believe that the current Premises Licence conditions ensure the successful promotion of the licensing objectives.

The prevention of crime and disorder:

The events at this site are very low key.

The current Premises Licence conditions and organisational procedures in place are adequate to promote this licensing objective.

The current conditions and operating methods of the organisers have ensured well run and safe events.

Pre application consultation has taken place with Sussex Police regarding the Risk Assessments and the variation reflects the discussions that have taken place.

Public safety:

The events at this site are very low key and with the current conditions and organisational procedures in place are adequate to promote this licensing objective.

The current Premises Licence conditions and organisational procedures in place are adequate to promote this licensing objective.

The current conditions and operating methods of the organisers have ensured well run and safe events.

Pre application consultation has taken place with Sussex Police regarding the Risk Assessments and the variation reflects the discussions that have taken place.

The prevention of public nuisance:

Extensive consultation has taken place with Mid Sussex District Council Environmental Health Dept and a revised and updated Noise Management Plan submitted in support of this application reflects these discussions.

We believe the existing condition relating to the submission of a Noise Management Plan is sufficient to accommodate the variation.

The protection of children from harm:

There are sufficient conditions in place on the current premises licence that ensure this licensing objective is promoted.

We do not feel the variation requires additional conditions.

Submit & Pay

Name Paul Thornton

Address for correspondence associated with this application PT Licensing address redacted

Phone Number redacted

Email email redacted

Payment Ref 1gjhdablp

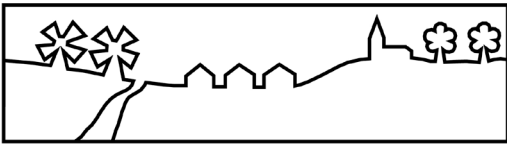
Amount to be paid: GBP 100

Order summary:

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

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MID SUSSEX DISTRICT COUNCIL

Licensing Section
Oaklands
Oaklands Road
HAYWARDS HEATH
West Sussex
RH16 1SS

Licensing Act 2003 Premises Licence PWA0456

Part 1 - Premises Details

Postal address of Premises / Ordnance Survey map reference / Description of site

The Maize Maze

Tulleys Farm
Turners Hill Road
Turners Hill
West Sussex
RH10 4PD

Telephone: 01342 718472

Where the Licence is time limited - the dates

Commences :- 25 September 2020

Licensable Activities authorised by the Licence and the times the Licence authorises the carrying out of Licensable Activities

A performance of live music - Outdoors

Sunday	10:00 - 19:00
Monday to Thursday	10:00 - 18:00
Friday to Saturday	10:00 - 23:00

Any playing of recorded music - Outdoors

Sunday	10:00 - 19:00
Monday to Thursday	10:00 - 18:00
Friday to Saturday	10:00 - 23:00

Sale by retail of alcohol

Friday to Saturday	12:00 - 23:00
Sunday to Thursday	12:00 - 18:00

The opening hours of the Premises

-

Where the Licence authorises supplies of alcohol whether these are On and / or Off supplies

Alcohol is supplied for consumption **on** the Premises

Part 2

Name, (registered) Address, Telephone number and Email (where relevant) of holder of Premises Licence

Mr Stuart Beare
Tulleys Farm
Turners Hill Road
Turners Hill
West Sussex
RH10 4PD

Telephone: 01342 718472

Electronic Mail: [email redacted](#)

Electronic Mail: info@tulleyfarm.com

Registered number of holder of premises licence (if applicable)

Name, Address and telephone number of Designated Premises Supervisor if the Premises Licence authorises the supply of Alcohol

Mr Stuart Beare
Tulleys Farm
Turners Hill Road
Turners Hill
West Sussex
RH10 4PD

Personal Licence number and Issuing Authority of Personal Licence held by Designated Premises Supervisor where the Premises Licence authorises for the supply of Alcohol

Personal Licence Reference: PA0346

Licensing Authority: Mid Sussex District Council

Annex 1 - Mandatory Conditions

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

- | | |
|---|--|
| 1 | <p>No supply of alcohol may be made under this licence:-</p> <ul style="list-style-type: none"> (a) At a time when there is no designated premises supervisor in respect of the premises licence; or (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended. |
| 2 | <p>Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</p> |
| 3 | <ul style="list-style-type: none"> 1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. 2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises. <ul style="list-style-type: none"> a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:- <ul style="list-style-type: none"> (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), (ii) or drink as much alcohol as possible (whether within a time limit or otherwise); b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability). |
| 4 | <p>The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available. <i>(This condition does not apply to premises licensed for the sale of alcohol for consumption OFF the premises only)</i></p> |
| 5 | <ul style="list-style-type: none"> 1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. 2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with |

	<p>the age verification policy.</p> <p>3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-</p> <p>a) A holographic mark or b) An ultraviolet feature</p> <p>The responsible person must ensure that –</p> <p>(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –</p> <p>(i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and</p> <p>(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and</p> <p>(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.</p>
6	<p style="text-align: center;">Minimum Pricing Drinks</p> <p>1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.</p> <p>2) In this condition:–</p> <p>(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979</p> <p>(b) “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where:-</p> <p>(i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty (iii) were charged on the date of the sale or supply of the alcohol, and V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;</p> <p>(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:-</p> <p>(i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, (iii) or the personal licence holder who makes or authorises a supply of alcohol under such a licence; and</p> <p>(d) “relevant person” means in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question and</p> <p>(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.</p>
	7

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.

(2)The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence/Club Premises Certificate allows Exhibition of Films

The admission of persons under the age of 18 to the exhibition of films must be restricted in accordance with any recommendation of the *British Board of Film Classification*, or, where there is no such recommendation or the licensing authority has notified the holder that section 20(3)(b) of the Licensing Act 2003 applies to the film, the recommendation of the licensing authority.

8

If the Premises Licence has conditions in respect of Door Supervisors

- 1) Each individual, who in accordance with a condition on the premises licence, is present at the licensed premises to carry out a security activity must:
 - a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - b) be entitled to carry out that activity by virtue of section 4 of that Act.
- 2) "security activity" means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 applies, and which is licensable conduct for the purposes of that Act).

9

Conditions consistent with the operating schedule

1. 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 three months. 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.
2. 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.

3. A documented risk assessment must be undertaken which identifies all the activities undertaken at the premises and the controls necessary to promote the licensing objectives. This will include but not be restricted to; deployment of SIA trained and licensed door supervisors the use of non-glass vessels both externally and internally, age restriction so as to protect children from harm, ticketing the event preventing off sales. It will include written emendations demonstrating what considerations have been made for any additional special events which may arise during the year. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request
4. The premises will adopt a 'Challenge 25' policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only ID that will be accepted are valid passports and UK driving licences with a photograph or proof of age cards bearing the 'PASS' mark hologram. The list of approved ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the actual licence.
5. A written and maintained policy statement of all lost and found children will be kept to include actions taken by staff. Register to be made available to Sussex Police and/or authorised officers from the local Licensing Authority.

Environmental Health MSDC

1. The noise management plan must be submitted annually to the Environmental Protection Team at Mid Sussex District Council and must be approved by them before any of the live or recorded music can take place. The noise management plan shall be submitted at least one month before the anniversary of the issue of the licence. No regulated entertainment will take place until the noise management plan has been approved by the Council.
2. Any additional external lighting installed for events shall be erected so as not to cause nuisance to residential properties.
3. No clean-up of external sites and marquees shall take place between 2300 and 0800.

Live and Recorded Music

1. The premises may not be used for anymore than 20 days between 1st June and 30th September for the licensable activities of live and recorded music.

Conditions attached after a hearing by the Licensing Committee

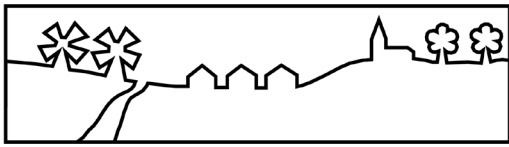
Plan of premises

See attached

Signature of authorised officer



Date of Issue: 20 October 2020
Date printed: 20 October 2020



MID SUSSEX DISTRICT COUNCIL

Licensing Team
Oaklands
Oaklands Road
HAYWARDS HEATH
West Sussex
RH16 1SS

Licensing Act 2003

Premises Licence Summary PWA0456

Premises Details

Postal Address of Premises / Ordnance Survey map reference / Description of site

The Maize Maze

Tulleys Farm
Turners Hill Road
Turners Hill
West Sussex
RH10 4PD

Where the Licence Is time limited - the dates

Commences:- 25 September 2020

Licensable Activities authorised by the Licence and the times the Licence authorises the carrying out of Licensable Activities

A performance of live music - Outdoors

Sunday 10:00 - 19:00
Monday to Thursday 10:00 - 18:00
Friday to Saturday 10:00 - 23:00

Any playing of recorded music - Outdoors

Sunday 10:00 - 19:00
Monday to Thursday 10:00 - 18:00
Friday to Saturday 10:00 - 23:00

Sale by retail of alcohol

Friday to Saturday 12:00 - 23:00
Sunday to Thursday 12:00 - 18:00

The opening hours of the Premises

-

Where the Licence authorises supplies of alcohol whether these are On and / or Off supplies

Alcohol is supplied for consumption **on** the Premises

Name and (registered) address of holder of premises licence

Mr Stuart Beare
Tulleys Farm
Turners Hill Road
Turners Hill
West Sussex
RH10 4PD

Registered number of holder of premises licence (if applicable)

Name of Designated Premises Supervisor where the Premises Licence authorises the supply of alcohol

Mr Stuart Beare

State whether access to the Premises by children is restricted or prohibited

UK POLICE REQUIREMENTS FOR DIGITAL CCTV SYSTEMS

This document offers guidance to potential users of digital CCTV systems, where the pictures are intended to be used by the police or are likely to be used in an investigation. For CCTV recordings to be effective in detecting and investigating crime they must be fit for purpose and easily accessible by police investigators. For digital CCTV there are four main areas that must be considered:

QUALITY - are the pictures good enough?

STORAGE - are the pictures stored appropriately?

EXPORT - can the pictures be easily exported from the system?

PLAYBACK - can the pictures be easily viewed by authorised third parties?

By ensuring that your digital CCTV system is capable of meeting a few simple requirements, the potential evidential value of the pictures can be greatly increased and the time taken by the police to access and process them greatly reduced. Supporting notes are provided on the reverse of this sheet to clarify the requirements.

QUALITY WHAT RESOLUTION? WHAT COMPRESSION? HOW MANY PICTURES PER SECOND?



1. Specify your requirement - decide what you want to see and where, and select a system that will do it.
2. View the recorded pictures or print out, not the live screen, to assess the system performance.
3. The system clock should be set correctly and maintained (taking account of GMT and BST).
4. Picture quality should not be reduced to fit the available storage capacity of the system.
5. Regular maintenance should be conducted on all aspects of the system.

STORAGE WHAT SHOULD I KEEP? HOW SHOULD I KEEP IT?



6. The system should be operated and recorded pictures retained in a secure environment.
7. Electronic access controls, such as passwords or encryption, should not prevent authorised access to the system or recordings.
8. The system should have sufficient storage capacity for 31 days good quality pictures.
9. The system should be capable of securing relevant pictures for review or export at a later date.

EXPORT HOW MUCH VIDEO SHOULD THE SYSTEM EXPORT AND IN WHAT FORMAT?



10. A system operator should be available who is able to replay and export recordings.
11. A simple system operator's manual should be available locally to assist with replay and export.
12. The operator should know the retention period of the system and export time for various amounts of data.
13. The system should be able to quickly export video and stills to a removable storage-medium, with time and date integral to the relevant picture.
14. Export should include any software needed to view or replay the pictures.
15. The system should have an export method proportionate to the storage capacity.
16. Pictures should be exported in the native file format at the same quality that they were stored on the system.

PLAYBACK CAN THE PICTURES BE EASILY VIEWED?



17. The playback software should:
 - have variable speed control including frame by frame, forward and reverse viewing;
 - display single and multiple cameras and maintain aspect ratio i.e. the same relative height and width;
 - display a single camera at full resolution;
 - permit the recording from each camera to be searched by time and date;
 - allow printing and/or saving (e.g. bitmap) of pictures with time and date.
18. The time and date associated with each picture should be legible.
19. Once exported to removable media it should be possible to replay the files immediately.

Supporting Notes:

QUALITY - are the pictures good enough?

1. Before installing a CCTV system you should have a clear idea of what you want the system to do and how it should perform. This should include exactly what you want to see and where, e.g. recognise the face of someone walking through a doorway, read a vehicle registration number or record a particular type of activity, such as walking across a room, exchange of money or an assault. More detailed guidance on how to do this can be found in PSDB publication 17/94 CCTV Operational Requirements Manual. This is available free from the Home Office website. http://www.homeoffice.gov.uk/docs/or_manual.pdf

There are no definitive performance criteria for video to be legally admissible. It is for the court to decide whether the pictures are accepted, and this is done on the grounds of relevance to the case, reliability of the evidence, etc. The appropriate resolution, level of compression and number of pictures per second will be determined by what you wish to see in the recording. If you can't see it then it's not fit for purpose. It should not be expected that enhancement features, such as zoom controls, will provide extra detail.

A good way to ensure that the system is capable of achieving the requirement is to do a subjective test. Set-up a camera and get a volunteer to walk through the door or park a car in the place of interest and record the pictures. This should be done under the conditions that the system is intended to be used - performance of the system may be different when there are a number of cameras being recorded.

2. The quality of the recorded or printed pictures may differ from the live display.
3. Time and date information is often critical to an investigation. If it is incorrect this can drain police time and resources.
4. The quality of the pictures should not be compromised to allow more to be squeezed onto the system. There is some scope however for using a sliding scale of image quality based on time since recording. For example, high quality high frame rate video for the first 24 hours with gradually increasing compression or decreasing frame rate after this, but retaining useful images up to 31 days. This would be dependent on the nature of the installation and the type of recordings being made. Guidance should be sought from your local police force.
5. To ensure continued quality of recording it is essential that regular maintenance of all aspects of the system be conducted - especially camera focus, cleaning of lenses, housings, etc.

STORAGE - are the pictures stored appropriately?

6. Access to the system and recorded images should be controlled to prevent tampering or unauthorised viewing. A record should be kept of who has accessed the system and when. Further information on this can be found in the BSI document 'Code of Practice for Legal Admissibility of Information Stored Electronically' (BIP0008) or from your local Crime Prevention Officer.

7. Electronic protection methods that require proprietary software or hardware will hinder an investigation if they prevent the pictures from being provided to authorised third parties, e.g. police and CPS. Physical methods of access control, e.g. system in a locked room, are just as effective if documented appropriately.
8. It is important that recordings cover a sufficiently long period to assist in investigations. Retention beyond 31 days may be useful in some circumstances, but should not affect the quality of the more recent recordings.
9. It should be possible to protect specific pictures or sequences, identified as relevant to an investigation, to prevent overwriting before an investigator can view or extract them.

EXPORT - can the pictures be easily exported from the system?

10. and 11. It is unlikely that the investigator will be familiar with the operation of your system. To facilitate replay and export a trained operator and simple user guide should be available locally.
12. and 13. Export of medium and large volumes of data can take a substantial period of time. The operator should know the retention period of the system and approximate times to export short (e.g. 15 minutes), medium (e.g. 24 hours), and large (up to all of the system) amounts of data.
14. If the software needed to replay the pictures is not included at export, viewing by authorised third-parties can be hindered. Export of a system event log or audit trail, and any system settings with the pictures will assist with establishing the integrity of the pictures and system.
15. The amount of video that an investigator will need to export will be dependent on the nature of the investigation. For example a shop robbery may only require a few stills or a short sequence, however a more serious incident such as a murder or terrorist related enquiry may require anything up to all the video contained on the system to be exported. It is essential that the system is capable of doing this quickly and to an appropriate medium. An ideal solution for medium-to-large downloads, would be for the system to have the facility to export to a 'plug-and-play' hard drive. Export and recording should be possible at the same time without affecting the performance of the system.
16. The system should not apply any compression to the picture when it is exported from the system as this can reduce the usefulness of the content. Also, the picture should not undergo any format conversion that affects the content or picture quality.

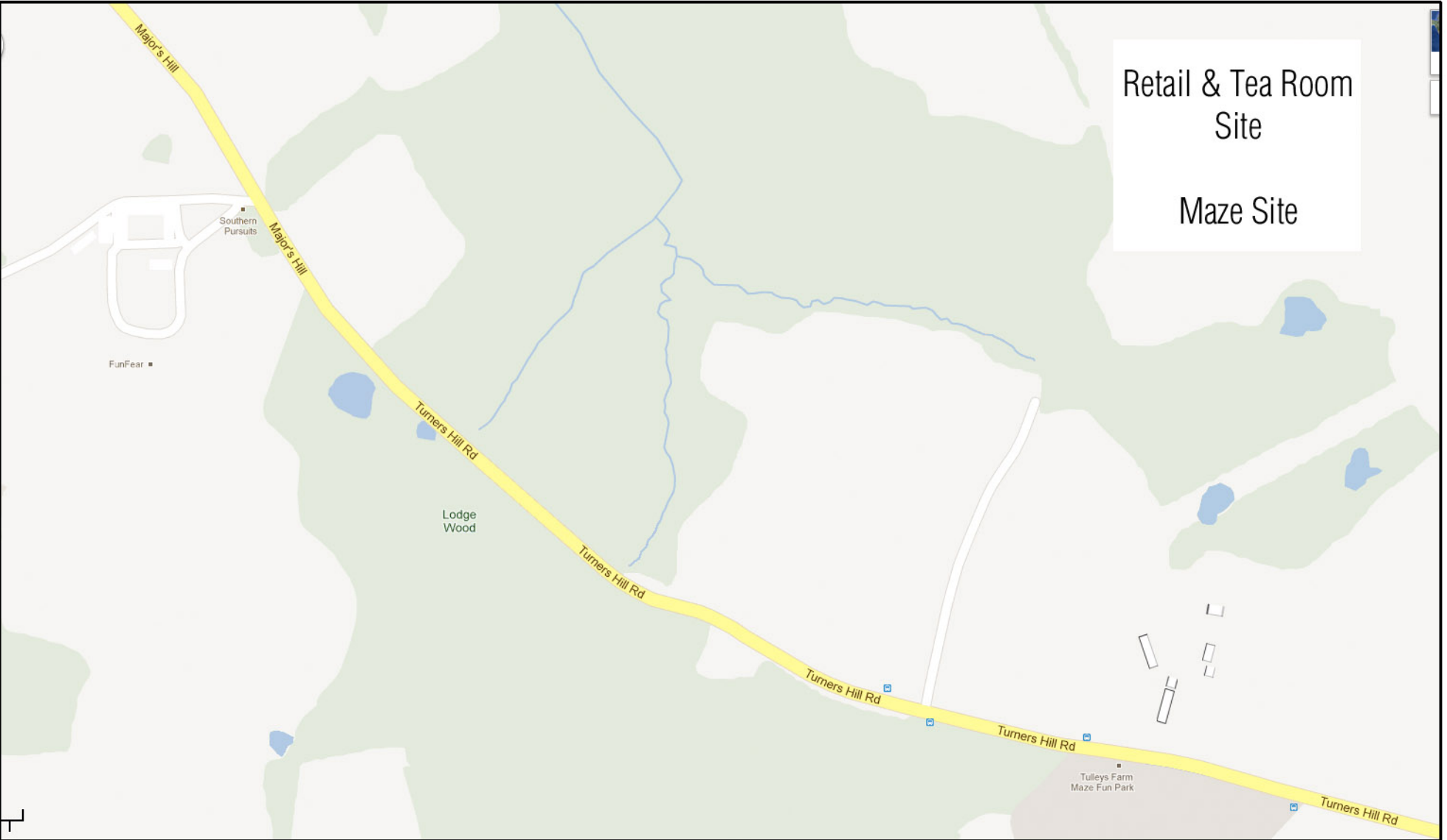
PLAYBACK - can the pictures be easily viewed by authorised third parties?

17. and 18. The replay software must allow the investigator to search the pictures effectively and see all the information contained in the picture and associated with it.
19. It should be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.



Retail & Tea Room
Site

Maze Site



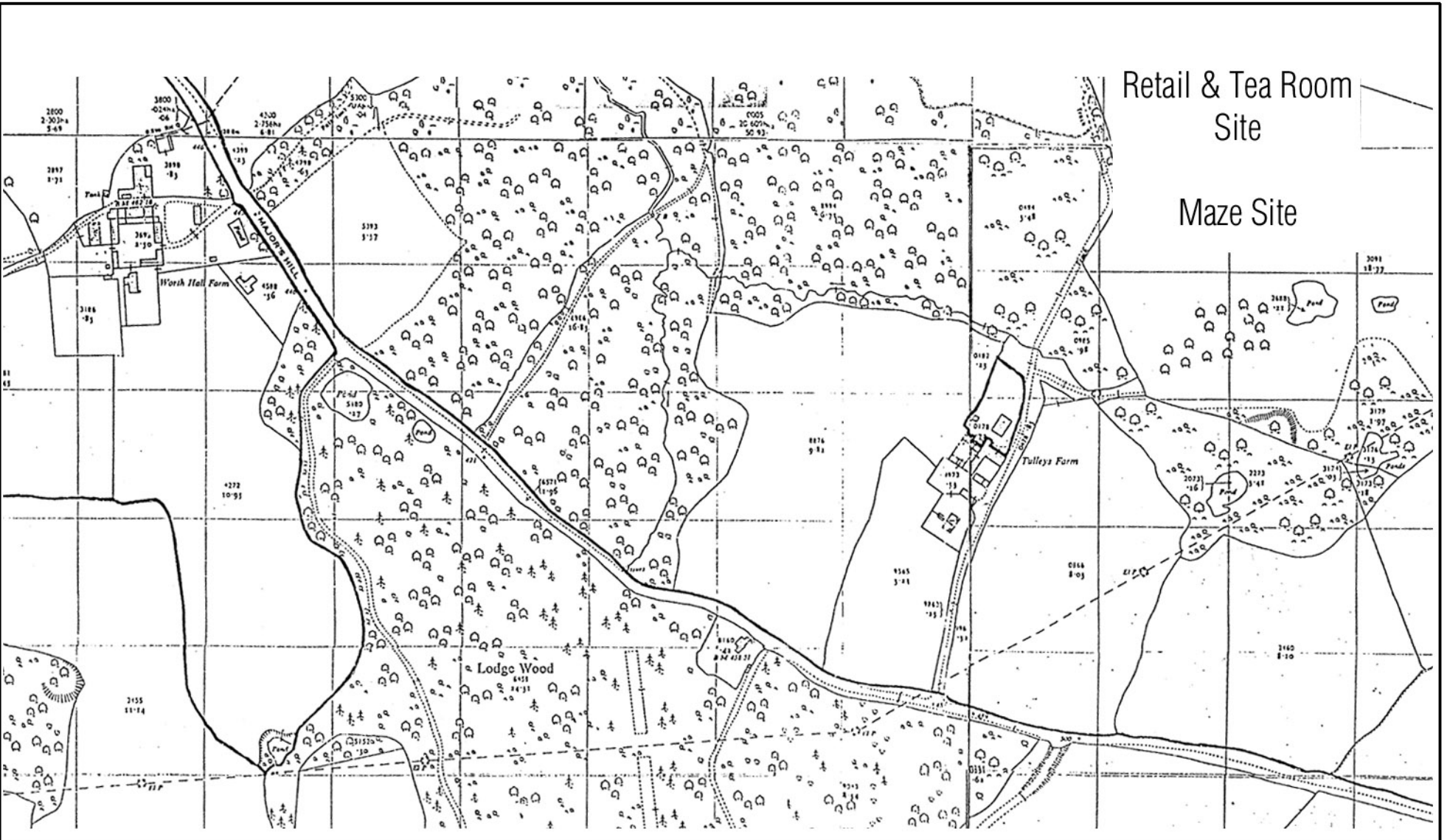


Retail & Tea Room
Site

Maze Site

Retail & Tea Room
Site

Maze Site



Aerial View of site



Closer Aerial Satellite view of site



View of Site from Access to the Western end of the location.



View across Car Park area from Western end of site



View down towards Eastern end of site



View across site



View from Eastern end of site



View from Eastern end towards buildings across area formally containing the Maize Maze



View across site from Eastern entrance



Further view



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I write on behalf of Mid Sussex District Council Environmental Protection to raise a representation against the grant of the above application on the grounds of the licensing objective of the prevention of a public nuisance.

The current licence permits:

Sale of alcohol

Friday to Saturday 12:00 - 23:00

Sunday to Thursday 12:00 -18:00.

Performance of live music outdoors

Sunday 10:00 - 19:00

Monday to Thursday 10:00 -18:00

Friday to Saturday 10:00 - 23:00

Playing of recorded music outdoors

Sunday 10:00 - 19:00

Monday to Thursday 10:00-18:00

Friday to Saturday 10:00-23:00

It should be noted that a condition on the current licence restricts the licensable activities of live and recorded music to no more than 20 days between 1st June and 30th September.

The applicant seeks to vary the timings for the sale of alcohol, for the provision of live and recorded music, and makes a new application for the performance of plays at this site to every day, 10:00 - 22:00, between 1st September and 31st December. Outside of these dates they wish to perform/play live and recorded music at the currently permitted times. This means that they could carry on licensable activities all year round, but with different timings.

Given the location of the premises in a very quiet rural location with nearby residential properties, Environmental Protection has concerns that noise from music will cause disturbance to people living in the vicinity. Environmental Protection therefore objects to this application.

The applicant has submitted a Noise Management Plan (NMP) with the application as required by a condition on the current licence, and claims that music levels will be controlled to ensure that local residents are not adversely affected by noise due to activities on site. They have indicated that the music noise level (MNL) will not exceed the background noise level by more than 15 dB(A) measured as an Leq over a 15 minute period. Environmental Protection use guidance contained in "Code of Practice on Environmental Noise Control at Concerts" produced by the Noise Council which states that a music noise level of up to 15 dB(A) above the background level over a 15 minute period is acceptable, **provided the number of event days does not exceed 12 each year**. The guidance makes it clear that as the number of days on which events are held at a venue increases, then the lower the music noise level should be.

Environmental Protection regularly receive complaints relating to music played outdoors, particularly live music which is difficult to control. While individuals may accept being able to hear music played at a level loud enough to enable them to identify the lyrics of a song inside their homes on 12 days a year, the acceptance of that level generally diminishes quickly as the number of days when music is clearly audible increases. In addition, low frequency noise can be very noticeable inside a residential property, sometimes at considerable distances from a venue. This means that

even if the dB(A) guidance is being met, unreasonable disturbance may still occur due to low frequency noise.

To agree a suitable MNL, Environmental Protection need to know the number of days when music will be performed/played each year however, the applicants have been unwilling to stipulate the number days they require.

The Council allowed some flexibility on the current licence by permitting live and recorded music on 20 days between 1st June and 30th September however, to expose residents to music, predicted to be up to 15 dB(A) above the background noise level, potentially all year round is unreasonable, and very likely to cause Public Nuisance given the quiet, rural location of this venue.

We accept the principal of changing the hours for the sale of alcohol, the performance/playing of live and recorded music, and the new application for performance of plays however, music at the level predicted, all year round, will inevitably have an unacceptable impact on residents. Music and plays will be performed outdoors or in a marquee (a tent provides very little noise reduction). Without the provision of suitable structures on site to contain or shield the music, in Environmental Protection's opinion, the applicant will be unable to ensure that sound from these activities is controlled to a level that would be considered acceptable. The applicant has stated that the regulated entertainment will be "low key" however, these events will involve an audience of more than 500 people, as a music event provided for fewer than 500 people would not be licensable.

Environmental Protection can resolve this representation if an agreement can be reached with the applicant concerning conditions to prevent Public Nuisance. If the applicant wishes to provide regulated entertainment on more than 20 days, we would expect noise to be controlled to a greater degree than is being currently proposed. The level of noise control required will become more stringent as the number of days for regulated entertainment increases. Environmental Protection cannot negotiate an acceptable level for music without knowing the number of days when regulated entertainment will be provided each year. We would like to stress that unlimited days cannot be considered, as the acceptable noise level in this case is likely to be unachievable.

Re: License Application LI/22/1990

Mr Bryant

Thank you for your email and explanations. As I noted in my initial submission I attempted several times to submit my comments online but received a 'system error' message on each occasion. When I was advised to email my comments the only extra item I was advised to include over and above my comments was the application number - hence no other details. I also note your comments in regard to 'relevance', although the Application Comments page makes no reference to this aspect. I was attempting to make a reasoned argument for my objection based on evidence and suggesting that previously imposed conditions have been pretty flagrantly ignored.

However, in an attempt to allow acceptance of the my representations I make amendments as below (and as you suspected this is related to the public nuisance objective):-

I object to this license application on the basis that this is likely to substantially increase the potential of public nuisance.

The application anticipates a material expansion of activities, including late night entertainment which will be problematic to the nearby domestic dwellings. The license is intended to support live and recorded music which is to take place in the open air or within temporary structures, and attempts to prevent noise nuisance in such circumstances will be inadequate. In addition it can be anticipated nuisance arising from the arrival and departure of vehicles in an essentially rural area where no prevention measures are possible, inevitably extending the time span of nuisance.

Licensing to 11pm at any time of the year will require floodlighting with concomitant light nuisance as the site sits above the nearest domestic dwellings and will be clearly visible.

The operation of setting-up and subsequent cleaning-up of the site will again, because of the open-air nature of the site, present noise nuisance and extend the time span of disturbance.

Although the comments above are specifically related to this application, they have been informed by recent experience of effects under the current license.

Philip Tilbury, *address redacted*.

Perhaps you can let me know this meets the relevance criteria and you are able to include them in your deliberations.

Regards

Philip Tilbury

On 12/01/2023 15:53, Jon Bryant wrote:

Dear Mr Tilbury

Thank you for your email making representations regarding the application to vary the current Premises Licence at the Maize Maze location.

Firstly can you confirm that your representations are on the licensing objective of the prevention of a public nuisance.

In respect of Licensing Applications the legislation is prescriptive and I can only take into account “relevant representations”. Within Licensing Applications a representation is only “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. I am not permitted to accept any representations that are not considered to be relevant under the Act.

The four licensing objectives are:

1. The prevention of crime and disorder. This relates to any crime, disorder or anti-social behaviour at the premises or related to the management of the premises. A licence holder/applicant cannot generally be held responsible for the conduct of individuals once they leave the premises;
2. Public safety. This relates to the safety of the public *on* the premises, i.e. fire safety, electrical circuitry, lighting, building safety or capacity, and first aid.
3. Prevention of public nuisance. This can relate to issues such as hours of operation, noise emanating from the premises, vibrations, lighting and litter.
4. Protection of children from harm. This relates to protecting children from the activities carried out on the premises whilst they are there. The law already provides special protections for children under 18 to buy alcohol.

I am unable to accept representations that relate to other matters such as the location of the premises, the planning restrictions in place for the premises, the fact that the hours for the licensable activities vary from the permitted planning hours and areas such as the local road infrastructure, parking etc. The issue of a Premises Licence under the Licensing Act 2003 does not override any other legislation or planning requirements. If a premises is operated in breach of any particular planning consent then this would be dealt with through the planning enforcement process. Misunderstandings occasionally occur because Planning and Licensing are totally separate legislation and it is not a relevant representation to state that the application is for longer hours than what is allowed by the planning. We have many premises throughout the District where their Licensing and Planning permitted hours are different, but they cannot choose which ones they wish to comply with.

For clarity I have copied below an extract from the Statutory Guidance issued under the Licensing Act 2003

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.

Your comments surrounding the expansion of the provision of regulated entertainment, the performance of live and recorded music are potentially relevant however the fact that you say that they differ to the planning opening hours would not be relevant. The comments should address the likely effect of the grant of the variation on the licensing objectives. I would also add that this is not a review or consideration of the current licence just a consideration of the application to vary the current premises licence.

If a relevant representation is made and it cannot be resolved then the application will be determined by the Licensing Sub Committee. All parties who have submitted a representation will be able to address the Sub-Committee. No new grounds of objection may be raised or introduced at this stage and parties are limited to speaking to matters outlined in their original representation although detail provided may be expanded upon. Is there any further detail that you wish to add to your representation, for example your proximity to the location or other details?

Finally, Under the Licensing Act 2003 (Hearings) Regulations 2005 I also require the full address of any persons making representation so I am currently unable to accept your representation at this time as valid. As the consideration of any application is a legal process the details of persons making representations are passed to the applicant.

At present I am unable to accept your representations as being relevant however I look forward to receiving further detail and clarification which may assist me in accepting your comments. Please ensure that any additional comments are sent by 2359 hours on the 13th January 2023.

Kind regards

Jon Bryant

Jon Bryant

Senior Licensing Officer

Mid Sussex District Council

Environmental Health

From: Philip Tilbury

Sent: 12 January 2023 14:09

To: licensing

Subject: License Application LI/22/1990

I attempted several times to make a comment on the above application through your website. On each occasion I received an error message. As a result, following contact with the office, I was advised to email my comments to this address so that you may take them into account.

I am aware that tomorrow is the last day for comments.

Please contact me if you require any further information.

My comments are as follows:-

I object to the granting of the license application on the following:-

Permission to operate the Pick Your Own (PYO) activity given under planning application DM/19/1606 was granted subject to several conditions. The specific conditions relating to the PYO activity (given that this license is sought under the trading name of "Pumpkin Farm") was that it shall only be open to visitors between 10am and 5.30pm. There can be no reason why licensing hours can reasonably exceed the opening hours of the site and anything beyond this time clearly anticipates activity beyond the permissive hours.

During the PYO event in 2022 the hours of opening were advertised, and occurred, as beginning both earlier and extending to later than permission allowed. The current license (LI/20/0997) was utilised to serve alcohol when the PYO should not even have been open to the visitors.

During 2022 live and recorded music took place outside the permitted window of 1 June to 30 September, which is a breach of a condition of the license currently in force.

During 2022 (and earlier) the license condition regarding clean-up of external sites between 2300 and 0800 was regularly breached, more specifically before 0800 in the morning.

During 2022, and following an enquiry to MSDC Environmental Health (EH) regarding excessive noise, a noise meter was installed and recorded for several weeks. Following analysis by EH it was reported that noise inside the house was both intrusive and persistent. I understand that further enquiries by EH discovered that a license condition regarding submission of a noise management plan had not been met.

I submit that several current license conditions are already being breached, and that granting the license application, as it stands, allows a massive expansion in the provision of live and recorded music apparently at any time of the year and up to 11pm on Fridays and Saturdays. This essentially alters the nature of a farming enterprise with ancillary activities to a major entertainment enterprise with year-round potential for use and to late at night. This is completely at odds with the opening hours condition in the planning permission and seeks to materially alter the nature of the use of the land. The license will open the door to further and

increased noise and public nuisance issues and is inappropriate given the location and rural nature of the site.

I request that a license is only granted between 10am and 5:30pm to be strictly in line with the PYO permitted opening hours and period of operation allowed, as there cannot be a valid reason or justification to extend so materially beyond these hours of opening. In addition there have been several, multiple, breaches of the current license which suggests either no comprehension of the obligations attaching to the grant of a license, or no intention to comply, and fear a similar disregard to conditions with such a large increase of licensing availability

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Conditions added and amended with agreement with Police

The premises will adopt a 'Challenge 25' policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only ID that will be accepted are valid passports and UK driving licences with a photograph or proof of age cards bearing the 'PASS' mark hologram. The list of approved ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the actual 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.

A refusals/incident record must be kept at the premises which details all refusals to sell alcohol and incidents of crime and disorder. These records 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.

Proposed additional condition:

All staff must be made aware of proxy sales and be vigilant to adults purchasing and providing alcohol to children.

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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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