
29 March 2023

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

PLEASE NOTE START TIME OF MEETING

Dear Councillor,

A meeting of **LIQUOR LICENSING PANEL** will be held in the **COUNCIL CHAMBER** on **THURSDAY, 6TH APRIL, 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. Application to Vary a Premises Licence - Licensing Act 2003. **3 - 54**

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 B Forbes, J Henwood and C Laband

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: Cuckfield
Key Decision No
Report To: Liquor Licensing Panel 6th April 2023

Purpose of Report

- 1 To provide information in order that the 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 Cuckfield Golf Centre Ltd to vary a Premises Licence at Cuckfield Golf Course, Staplefield Road, Cuckfield, Haywards Heath, RH17 5HY. A representation against the application has been made by an Interested Party on the grounds of a Prevention of Public Nuisance.
 - 3 The substance of the variation application is to vary the plan attached to the Premises Licence. Since the licence was issued the Club house has been remodelled and extended and therefore there is a requirement to amend the plan that forms part of the licence to correctly reflect the licensed area. The applicant does not wish to vary any of the licensable activities or times. The application and revised plan of the premises is at appendix 1. Additional comments from the applicant are at appendix 2. An area map is at appendix 3.
 - 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 Licensing Act 2003, whilst having due regard to the applicant's submissions and the relevant representation.
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Background

- 5 Cuckfield Golf Centre Ltd are the holder of a Premises Licence for the Cuckfield Golf Centre, at Cuckfield Golf Course, Staplefield Road, Cuckfield, Haywards Heath, RH17 5HY. This is issued under Licence number PWA0321. This Licence has been issued since 7th September 2006. There was a premises licence at the Golf Centre in an alternate building issued prior to this date under an earlier premises licence PWA0008.
- 6 The current premises licence and current plan are at appendix 4, with site photos at appendix 5. Cuckfield Golf Centre is currently licensed for the following licensable activities;

Licensable Activity	Timings
A performance of dance - Indoors	Friday to Saturday 18:00 - 01:00 Sunday to Thursday 18:00 - 00:00

A performance of live music - Indoors	Friday to Saturday 18:00 - 00:30 Sunday to Thursday 18:00 - 00:00
Late night refreshment - Indoors	Friday to Saturday 23:00 - 01:30 Sunday to Thursday 23:00 - 00:30
Any playing of recorded music - Indoors	Friday to Saturday 18:00 - 01:00 Sunday to Thursday 18:00 - 00:00
Sale by retail of alcohol For consumption on and off the Premises	Friday to Saturday 07:00 - 01:00 Sunday to Thursday 07:00 - 00:00

Non-Standard Timings

Live/Recorded music, Performance of Dance, Late Night Refreshments, Alcohol Supply and Hours Open:

- New Year's Eve from 0900 hours to the commencement of hours the following day.
- On 12 occasions per year the terminal hour may be extended to 0100 hours by providing a minimum of 10 days clear notice to Police, who will have a reasonable right of veto.

7 The current opening hours of the premises are:

Monday to Thursday 07:00 - 00:30
Friday to Saturday 07:00 - 01:30
Sunday 07:00 - 00:00

8 The additional Conditions that are currently attached to this licence in addition to the Mandatory Conditions are:

- Premises management shall be members of any local Pubwatch Scheme.
- Empty bottles and glasses shall be removed from the trading area to prevent accumulation.
- The placing of refuse into receptacles outside of the premises and re-stocking shall take place at times that will minimise disturbance to nearby premises.
- Customers leaving the premises shall be requested to respect the needs of local residents and to leave the premises quietly.

9 The application before the Panel is to amend the current plan of the licensed premises to reflect the new layout and area of the re-modelled Club House as shown on appendix 1. The variation does not request any changes to the current licensable activities or permitted hours. The applicant has supplied further information regarding the re-modelling of the premises shown at appendix 2.

- 10 It should be noted that no representations have been received from any of the Responsible Authorities.
- 11 One representation has been received from members of the public, referred to as an 'Interested Party' within the Act. The main points raised within the representation that are relevant relate to the licensing objective of the Prevention of a Public Nuisance. This representation has not been resolved.
- 12 The application was correctly advertised at the site between 16th February 2023 to 15th March 2023 and in the Mid Sussex Times on 23rd February 2023.
- 13 The hearing only concerns the likely effect of the variation on the licensing objectives and that the application cannot be used as a method of reviewing the current licence.

Representations

- 14 Interested Party Representation.

Gerard Conway

The representation in full is appended to the report at appendix 6, with the panel procedure attached at appendix 7. The Panel will note that there are a number of issues raised within the representation that are not considered -to be relevant to this application which relate to submissions and reports in connection with previous planning applications and decisions. The Panel acting as the Licensing Authority will disregard comments that are considered by the Panel as not relevant to applications made under the Licensing Act 2003.

Mr Conway makes his representations on the grounds of a public nuisance and in essence concerns the potential for increased public nuisance through the increased size of the club house building and that a larger building will lead to more noise from a greater number of people and vehicles attending the location.

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.

- 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 - (i.e., 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 (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.4

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

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.

9.37

As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38

In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- Guidance issued under Section 182 Licensing Act 2003;
- its own statement of licensing policy.

9.42

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

9.43

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

Other Options Considered

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

Financial Implications

- 23 The final decision made by the 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 and revised plan of premises
Appendix 2 – Applicant additional comments
Appendix 3 – Area Map
Appendix 4 – Current Premises Licence and current plan
Appendix 5 – Site Photos

Representations

Appendix 6 – Gerard Conway
Appendix 7 – Hearing Procedure

service_team_name Licensing Team
service_email_address licensing@midsussex.gov.uk

Your Details

Correspondence

Correspondence Email niki@cuckfieldgolf.co.uk

Confirm Email niki@cuckfieldgolf.co.uk

Name Niki Smyth

Premises licence number PWA0321

Premises

Name of premises cuckfield golf centre

Does your premises have a postal address? Yes

Postal address of premises or, if none, ordnance survey map reference or description
Cuckfield golf centre Staplefield road
Cuckfield West Sussex RH175HY

Tel: (at premises) 01444-459999

Email niki@cuckfieldgolf.co.uk

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

Current Premises Licence

Please describe briefly, the nature of the proposed variation The floor plan has changed due to renovations.

Attach the premises licence (or relevant part of it) https://forms.midsussex.gov.uk/upload_dld.php?fileid=8434ec3c27b5a5ec2d17b76ef514cf7a

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

Applicant Details

Current postal address if different from premises address

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.**

Golf club and restaurant used for events.

Activities

Plays

Will you be provisioning Plays? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Films

Will you be provisioning Films? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Indoor Sports

Will you be provisioning Indoor Sporting events? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Boxing or wrestling

**Will you be provisioning
boxing or wrestling
events?**

No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Live Music

**Will you be provisioning
Live Music?**

No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Monday

Tuesday

Wednesday

Thursday

Sunday

Where will the performance of live music 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.

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.

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? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Where will the playing of recorded music 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.

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.

**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? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Where will the supplied alcohol be consumed?

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 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

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

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): Introducing challenge 25, provide staff training, join a pub watch group, install cctv

Please list here steps you Panel - 6 April 2023

will take to promote all four licensing objectives together.

The prevention of crime and disorder: cctv, refusal register, pub watch

Public safety: cctv, training

The prevention of public nuisance: cctv, pub watch

The protection of children from harm: training and challenge 25

Submit & Pay

Name Niki Smyth

Address for correspondence associated with this application Cuckfield golf centre Staplefield road
cuckfield golf West Sussex RH175HY

Phone REDACTED

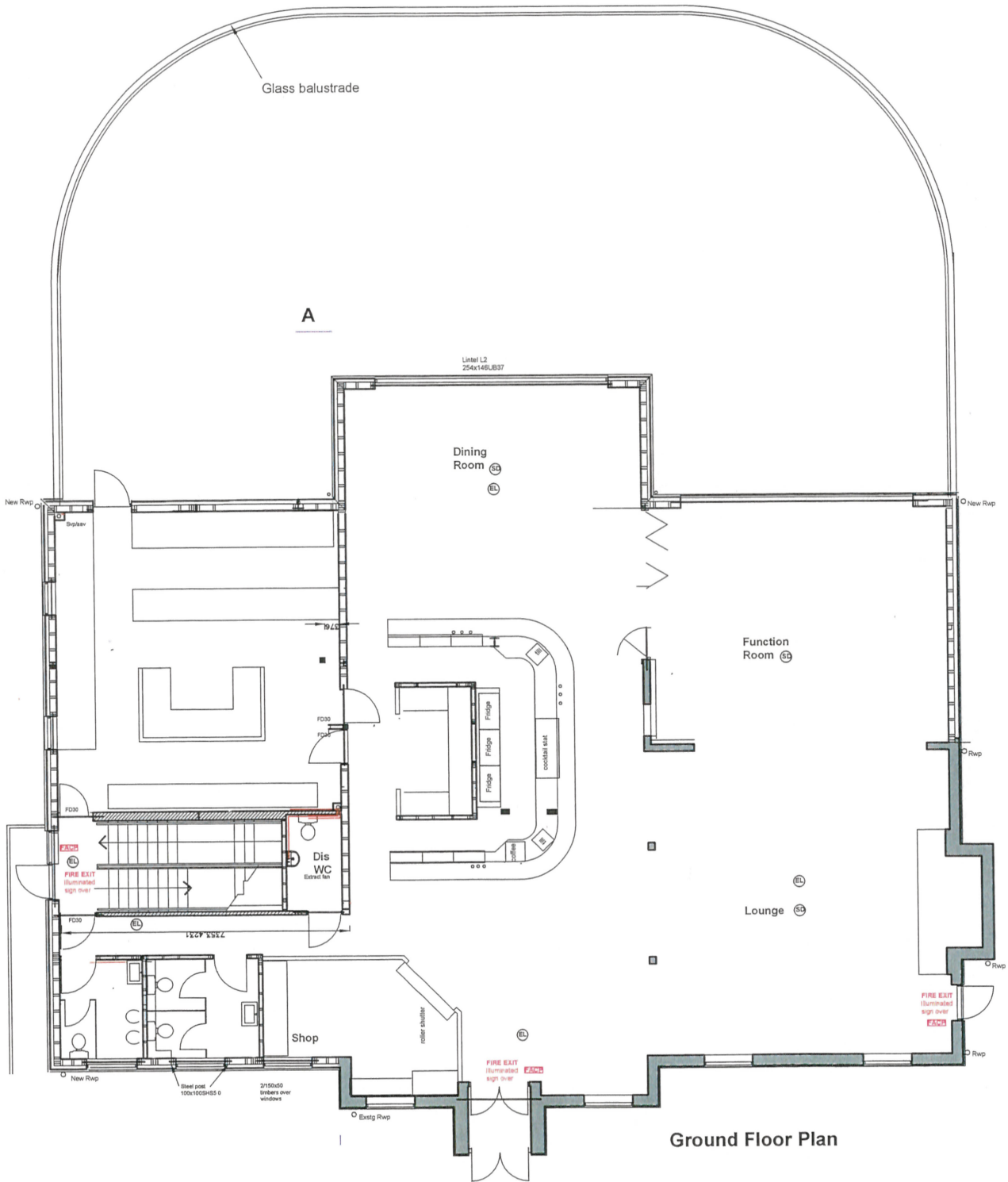
Email niki@cuckfieldgolf.co.uk

Payment Ref 1gor98brt

Amount to be paid: GBP 190

Order summary:

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



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To whom it may concern

The clubhouse was built in 2006 and as I understand there was a licence since even before that, when the golf course was run from the barn at the top.

When we bought the clubhouse in 2018, it was in ill repair with a scruffy marquee attached onto the sides in which functions were held, the sides of which were so insecure they would flap in the wind. The office was being run within the roof with low slanted ceilings and no windows. The kitchen and bar area were very small and unsafe to work in, you had to walk past the toilets to carry food to the customers, which is frowned upon for food hygiene.

Hence, we decided to remodel to provide a better and safer area for both customers and staff. The bar and restaurant now flow as they should, the kitchen now has adequate ventilation and a proper wash up area, we used to have to wash up in a bowl on the bar. With H and S regulations becoming a lot more paramount these days, especially after Covid the area is certainly a lot more compliant.

The actual footprint has yes increased, however the kitchen takes up a quarter of this, as does the bar, we also have a large disabled toilet which we didn't have before and corridors to enable us to send orders without passing the toilets. Also a separate shop for golf, the capacity is no different to when the clubhouse and marquee were full in the past and its of my understanding that the marquee was used during the winter months, as well as the summer for parties with the doors open which were previously bifold then, surely the increased space inside will in fact decrease the public disturbance as we can keep the guests inside more.

During construction we considered many elements to prevent a nuisance to the public- all the windows and bifold doors are treble glazed and hi tech, they are designed to limit noise pollution, we haven't received one noise complaint since we reopened 18 months ago or had any visits from the police due to any such issues with disturbance or public nuisance.

We also used soundproofing in the walls and have had heavy curtains made for all windows, All in consideration of local residents and to promote the licensing objectives.

It is also our policy not to have any younger birthday parties ie 18th or 21st, as these run more risks.

The argument that the recent year and a half of trade have misrepresented the use of the remodelled clubhouse is ludicrous as we have had several member and charity events which have certainly not caused any problems, during both the winter and the summer. Just for the record we have never held a karaoke event either.

With the course and clubhouse being the best it's ever been the membership for golf has grown and thus enabled us to employ up to 30 casual staff, which a real boost for the community.

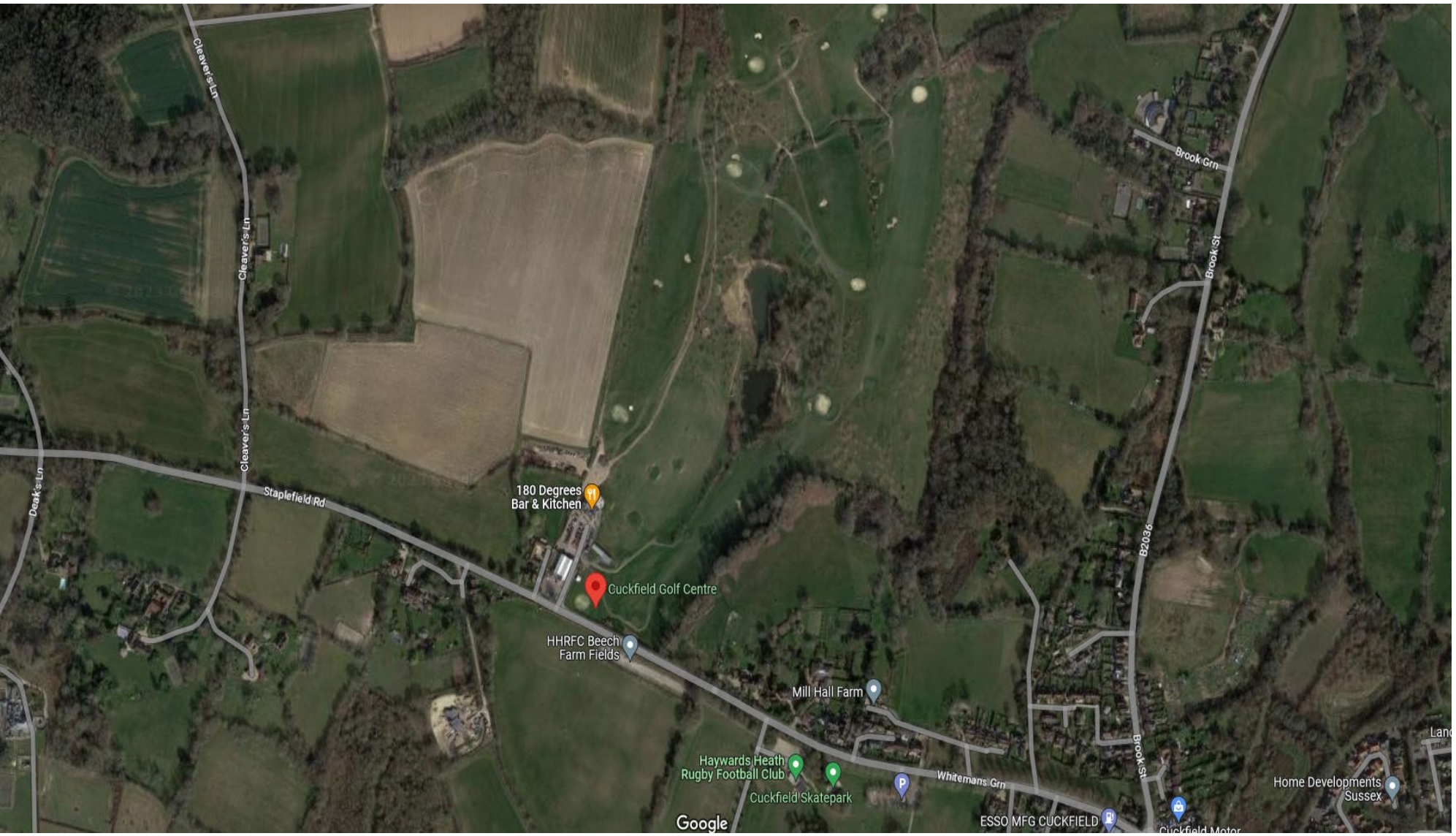
We are prepared to measure our sound with decibel meters regularly during such events to protect the neighbours, or even except additional conditions like a time that all windows and doors are closed during such an event.

Kind Regards,

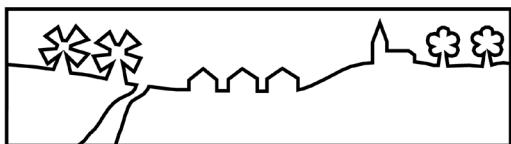
Niki Smyth
Director

Cuckfield Golf Centre, Staplefield Road, Haywards Heath, West Sussex, RH17 5HY

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MID SUSSEX DISTRICT COUNCIL

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

Licensing Act 2003 Premises Licence PWA0321

Part 1 - Premises Details

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

Cuckfield Golf Centre

Staplefield Road
Cuckfield
West Sussex
RH17 5HY

Telephone: 01444 459999

Where the Licence is time limited - the dates

Commences :- 6 March 2019

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

A performance of dance - Indoors

Friday to Saturday 18:00 - 01:00
Sunday to Thursday 18:00 - 00:00
Non Standard Timings-see conditions attached

A performance of live music - Indoors

Friday to Saturday 18:00 - 00:30
Sunday to Thursday 18:00 - 00:00
Non Standard Timings-see conditions attached

Late night refreshment - Indoors

Friday to Saturday 23:00 - 01:30
Sunday to Thursday 23:00 - 00:30
Non Standard Timings-see conditions attached

Any playing of recorded music - Indoors

Friday to Saturday 18:00 - 01:00
Sunday to Thursday 18:00 - 00:00
Non Standard Timings-see conditions attached

Sale by retail of alcohol

Friday to Saturday 07:00 - 01:00
Sunday to Thursday 07:00 - 00:00

Non Standard Timings-see conditions attached

The opening hours of the Premises

Monday to Thursday 07:00 - 00:30

Friday to Saturday 07:00 - 01:30

Sunday 07:00 - 00:00

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

Alcohol is supplied for consumption both **on** and **off** the Premises

Part 2

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

Cuckfield Golf Centre Ltd
Staplefield Road
Cuckfield
West Sussex
RH17 5HY

Telephone: 01444 459999

Electronic Mail: info@cuckfieldgolf.co.uk

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

Nicola Jane Smyth

ADDRESS REDACTED

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: PA1788

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. |

6

- 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 the age verification policy.
- 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:-
 - a) A holographic mark or
 - b) An ultraviolet feature

The responsible person must ensure that –

- (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 –
 - (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
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (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.

7

Minimum Pricing Drinks

- 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.
- 2) In this condition:–
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where:–
 - (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
 - (iv) 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;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:–
 - (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
 - (iv) under such a licence; and
 - (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

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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.

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).

Conditions consistent with the operating schedule

Premises management shall be members of any local Pubwatch Scheme.

Empty bottles and glasses shall be removed from the trading area to prevent accumulation.

The placing of refuse into receptacles outside of the premises and re-stocking shall take place at times that will minimise disturbance to nearby premises.

Customers leaving the premises shall be requested to respect the needs of local residents and to leave the premises quietly.

Non Standard Timing

Live/Recorded music, Performance of Dance, Late Night Refreshments, Alcohol Supply and Hours Open:

- New Year's Eve from 0900 hours to the commencement of hours the following day.
- On 12 occasions per year the terminal hour may be extended to 0100 hours by providing a minimum of 10 days clear notice to Police, who will have a reasonable right of veto.

Conditions attached after a hearing by the Licensing Committee

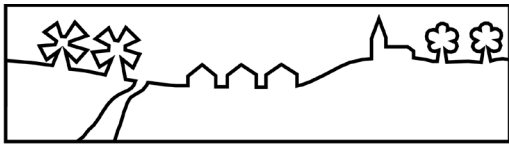
Plan of premises

See attached

Signature of authorised officer



Date of Issue: 28 March 2019
Date printed: 28 March 2019



MID SUSSEX DISTRICT COUNCIL

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

Licensing Act 2003 Premises Licence Summary PWA0321

Premises Details

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

Cuckfield Golf Centre
Staplefield Road
Cuckfield
West Sussex
RH17 5HY

Where the Licence Is time limited - the dates

Commences:- 6 March 2019

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

A performance of dance - Indoors

Friday to Saturday 18:00 - 01:00
Sunday to Thursday 18:00 - 00:00
Non Standard Timings-see conditions attached

A performance of live music - Indoors

Friday to Saturday 18:00 - 00:30
Sunday to Thursday 18:00 - 00:00
Non Standard Timings-see conditions attached

Late night refreshment - Indoors

Friday to Saturday 23:00 - 01:30
Sunday to Thursday 23:00 - 00:30
Non Standard Timings-see conditions attached

Any playing of recorded music - Indoors

Friday to Saturday 18:00 - 01:00
Sunday to Thursday 18:00 - 00:00
Non Standard Timings-see conditions attached

The opening hours of the Premises

Monday to Thursday 07:00 - 00:30
Friday to Saturday 07:00 - 01:30
Sunday 07:00 - 00:00

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

Alcohol is supplied for consumption both **on** and **off** the Premises

Name and (registered) address of holder of premises licence

Cuckfield Golf Centre Ltd
Staplefield Road
Cuckfield
West Sussex
RH17 5HY

Registered number of holder of premises licence (if applicable)

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

Nicola Jane Smyth

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.

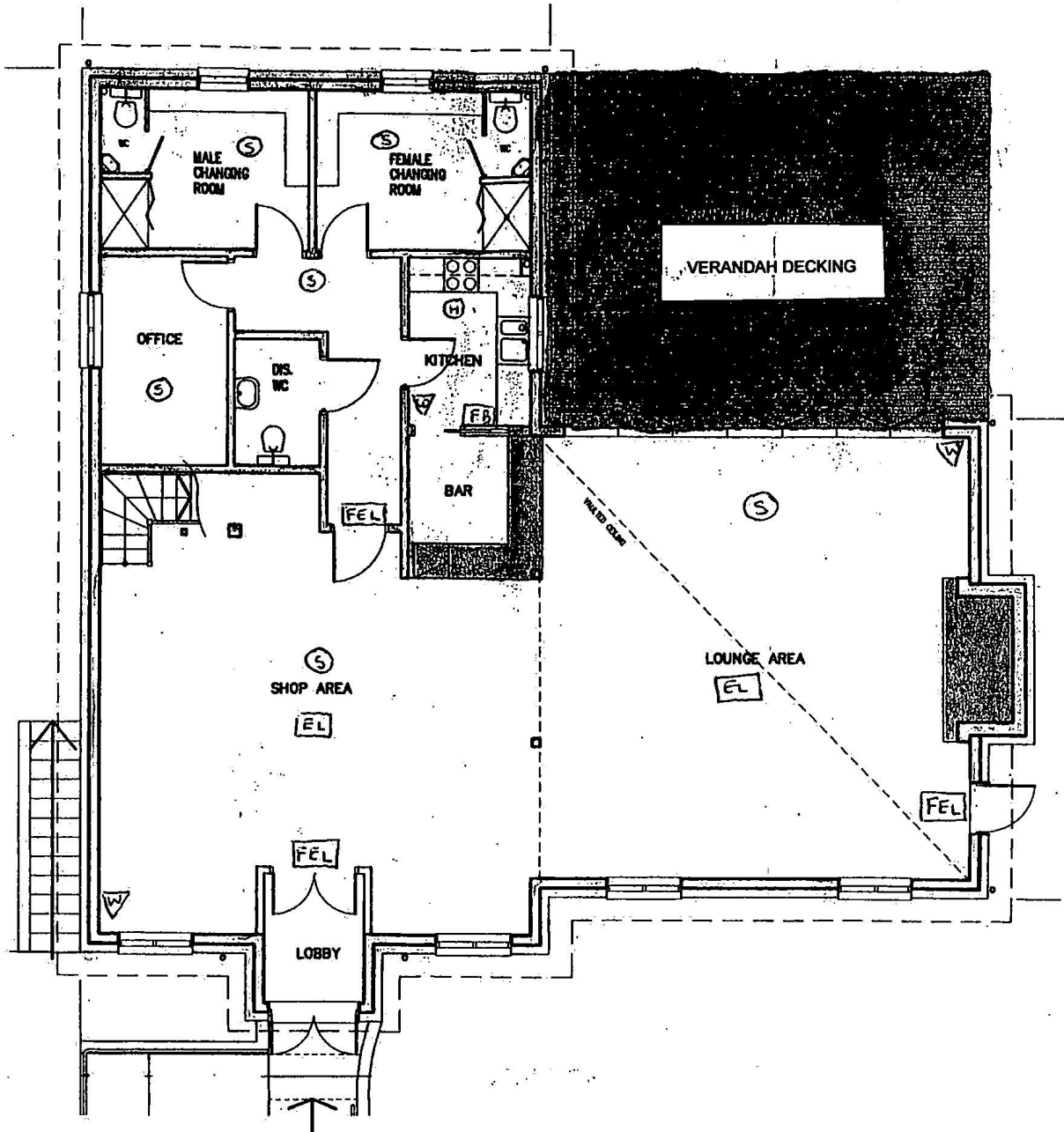
7. Electronic protection methods that require proprietary software or hardware will hinder an investigation if they prevent the pictures from being provided to authorised third parties, e.g. police and CPS. Physical methods of access control, e.g. system in a locked room, are just as effective if documented 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?

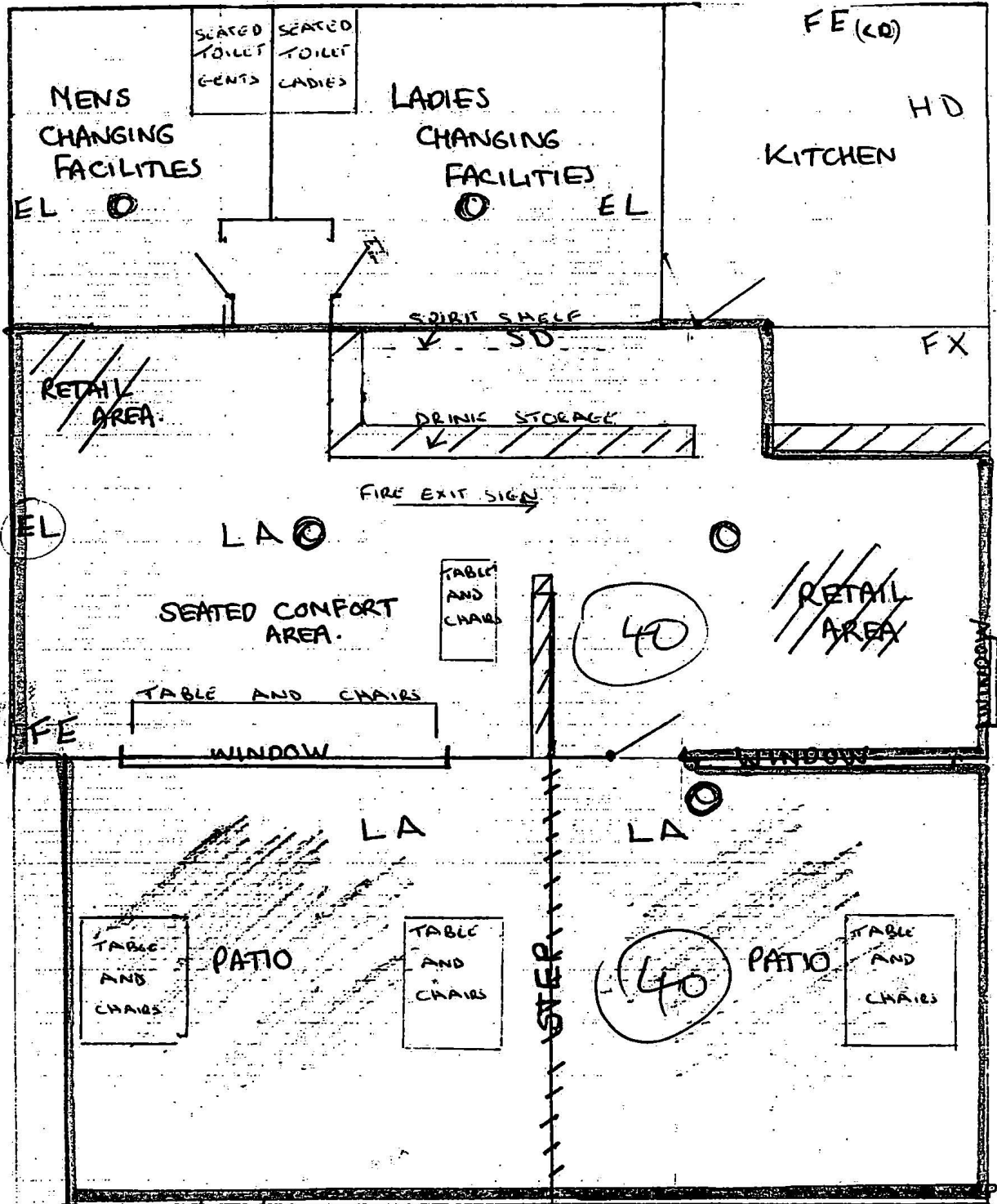
17. and 18. The replay software must allow the investigator to search the pictures effectively and see all the information contained in the picture and associated with it.
19. It should be possible to replay exported files immediately e.g. no re-indexing of files or verification checks.



GROUND FLOOR PLAN

Cuckfield Golf Centre	
	Fire extinguisher water
	Fire extinguisher carbon dioxide
	Fire blanket
	Fire exit sign
	Illuminated fire exit sign
	Heat detector
	Smoke detector
	Emergency lighting
Scale 1 : 100	

Cuckfield Golf Centre



13/05/04

Scale: 1 to 50

FIRE EXIT SIGN →
HEAT DETECTOR HD

FIRE EXTINGUISHER	FE
EMERGENCY LIGHTING	EL
SMOKE DETECTOR	SD
LICENCED AREA	LA

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Front view of building



View from inside entrance doors to left hand side



View from entrance towards bar



View from entrance to right hand side



Further views of seated area to right



View from Bar



Restaurant area



View of terrace





From: Jon Bryant
To: Gerard Conway

Subject: RE: LI/23/0190 - Cuckfield Golf Centre, RH17 5HY
Date: 16 March 2023 10:24:00

Dear Mr Conway

Thank you for your further email.

The Sub Committee will be advised during the meeting by the Council Legal Representative regarding the issues that they are able to consider and which they have to disregard.

Kind regards

Jon Bryant

Jon Bryant
Senior Licensing Officer
Mid Sussex District Council
Environmental Health

From: Gerard Conway
Sent: 16 March 2023 10:17
To: Jon Bryant

Subject: RE: LI/23/0190 - Cuckfield Golf Centre, RH17 5HY

Dear Mr. Bryant,

Thank you for your email and confirmation.
I do not accept that the panel should disregard the logic of MSDC's considerations surrounding planning application 05/00322.

Whilst the areas of licensing and planning may be legislatively separate, the logic of MSDC's arguments presented in relation to the above equally apply to both and are thus relevant.

I have furthermore adopted the logic of MSDC's arguments in my representations on this licencing application.

Accordingly, they should be represented to the panel.

Yours sincerely,

Gerard Conway

From: Jon Bryant
Sent: 16 March 2023 09:58
To: Gerard Conway

Subject: RE: LI/23/0190 - Cuckfield Golf Centre, RH17 5HY

Dear Mr Conway,

Thank you for your further email and detail surrounding your earlier emailed representations. As stated earlier, the Licensing Authority needs as much detail as possible in order to assess the relevance of any representations in respect to the actual application. Representations without substance or evidence cannot be accepted. Your email has provided further information.

I would highlight that, any decisions taken and representations made during planning applications are not relevant in respect of Licensing applications. The two legislative areas have separate and different considerations.

In view of your additional comments, I can now accept your representation as relevant in respect of the Licensing Objective of the Prevention of a Public Nuisance, however the panel will have to disregard issues and comments surrounding any previous planning applications.

Where there are unresolved representations, the decision on the grant of the Variation is made by the Licensing Sub Committee which consists of three District Councillors drawn from the full Licensing Committee. The members would not represent the Ward where the application has been made. The Sub Committee meeting will be arranged for a date in the next 20 working days from today's date, by the 14th April 2023. 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.

We will advise once the date of the meeting has been fixed.

Kind regards

Jon Bryant

Jon Bryant
Senior Licensing Officer
Mid Sussex District Council
Environmental Health

From: Gerard Conway
Sent: 15 March 2023 18:16
To: Jon Bryant

Subject: RE: LI/23/0190 - Cuckfield Golf Centre, RH17 5HY

Dear Mr. Bryant,

Thank you for your email.

As before, I am concerned about public nuisance resulting from this application to vary the premises licence.

1. **Increase in size of clubhouse**
- 2.

MSDC has recognised the likelihood of increased public nuisance resulting from a larger size of this clubhouse elsewhere. Whether or not these specific comments have been made in a planning context is irrelevant – the logic they follow applies equally to the licensing considerations in LI/23/0190. Accordingly, they should be taken into account.

The officer's report (attached – see page 4 for 05/00322) for the original 165m² clubhouse stated: *"the history of the Paxhill course in Lindfield shows that the use the building will be put to is a function of its size and if there is concern about introduction of extraneous uses that must be addressed at this stage. It is considered that if a building is larger than is necessary to provide the required facilities for the golf course, a more intensive use will be made of it than just golf. Conditions limiting use are ineffective once the size of the building has been agreed. In this case there are residential properties in the vicinity which might suffer from an intensified use"*.

MSDC had previously refused a larger 232m² clubhouse for this very reason. Against this, the current licensing application is for a 328m² building (increased from 165m²). Based on MSDC's own pronouncements, the likelihood of public nuisance from the clubhouse is thus

clear:

The intensity of a building's use is a function of its size;
A larger building will lead to a more intensive use;
Residential properties are located close to the clubhouse;
These properties are likely to suffer from the intensified use;
Conditions to limit the use would be ineffective; and Public nuisance would consequently result.

The larger building will lead to more noise from a greater number of people/vehicles etc. attending a given event. Due to its larger size, the building will also be suitable for a greater number of events, increasing event frequency. In this regard, the applicant commented on 20 May 2019 under 19/0964 that the extended clubhouse would provide "*a venue for the use of members and the general public.*" Because the licensed hours will remain as before does not mean that greater frequency of use of the venue will not occur - the clubhouse may not have been utilising the full extent of hours for which it was licensed prior to this proposed variation of the premises licence.

I would again note that the doubling of the building's internal floor space will be accompanied by a five to sixfold extension in its external area as well. This external area has greater interconnectivity to internal areas through the large doors, which have recently been inserted into the building's northern elevation as part of the extension and through which noise will be emitted (see northern elevation in the attached plans). Noise will also arise from the use of the terrace area itself.

2. History of noise and disturbance

You intimate that because there have been no recent complaints to MSDC Environmental Health, no public nuisance could result from this licencing application.

I disagree for the following reasons:

An applicant for a premises licence may moderate its behaviour ahead of making one to increase the likelihood of the licence being granted. Once this occurs, the applicant may change its behaviour;

The recent period is unrepresentative due to COVID; and
Complaints about noise may have been made to the club itself as opposed to MSDC or not at all as neighbours sometimes wish to avoid souring relations.

The above said, noise and disturbance from the clubhouse has in my opinion occurred in the past. In this regard, please follow the link below to a video I took from my property on 29 June 2019 when I believe a private function was occurring at the clubhouse. The audio records karaoke, which continued over a considerable period that day.

<https://1drv.ms/v/s!Ag3ovgMPWA5eh9xNs6dLLvGlnFaAvg?e=4F3EVg>

I furthermore attach a radius around the clubhouse for the same 539m distance to my property, from which I hope you will appreciate (a) the extent of the above noise, given this distance and (b) the number of other properties (some of which are considerably closer) which may have also been affected.

I also note that I am not alone in expressing concerns about public nuisance from the clubhouse, in relation to which I attach the representations of another resident living closer to it on one of the planning applications to extend it.

Mid Sussex District Council, should, with respect, refuse the above application to extend the premises licence for Cuckfield Golf Centre. I would be grateful if you could please send me a copy of your decision.

Yours sincerely,
Gerard Conway

From: Jon Bryant
Sent: 13 March 2023 13:48
To: Gerard Conway

Subject: RE: LI/23/0190 - Cuckfield Golf Centre, RH17 5HY

Dear Mr Conway

Thank you for your email and comments regarding the application to vary the current Premises Licence at Cuckfield Golf Club.

I note your comments below relating to the increase in size of the current building in relation to the previous building plan that forms part of the premises licence. You make your comments in respect of the Licensing Objective of the Prevention of a Public Nuisance.

As outlined in my previous email, for representations in relation to applications to vary a Premises Licence to be relevant, they should be confined to the subject matter of the variation. In Licensing Applications a representation is only “relevant” if it relates to the *likely* effect of the grant of the variation on the promotion of at least one or more of the Licensing Objectives. Comments and representations cannot be considered if they relate to anything else, such as planning, the location of the premises, the need for the premises, trade competition, the effect on house prices, the local road infrastructure, parking etc. In other words, representations should relate to the likely impact of the variation on the licensing objectives. The variation process cannot be used as an opportunity to review a current licence.

You have mentioned in your email that you and your family have in the past been disturbed by noise from the location but do not give any further detail regarding the circumstances or frequency. Have complaints been made to the Environmental Protection Team regarding these issues?

You outline the increase in size of the premises stating that “*much larger premises creates significant scope for public nuisance*” but do not explain why there would be an increase in public nuisance. You need to give as much detail as possible so that the Licensing Authority can assess the relevance of your representation in respect to the actual application. Representations without substance or evidence cannot be accepted.

In addition, the location of the premises and the comment that the current licensing hours are excessive for the purpose of the use of the premises as a golf course are not relevant in respect of this application to vary the licence.

Therefore, at present I cannot accept your comments however I look forward to any clarification or further detail that you can provide in support of your representation. Any further information must be received by 2359 hours on Wednesday 15th March 2023

Kind regards

Jon Bryant
Jon Bryant

Senior Licensing Officer
Mid Sussex District Council
Environmental Health

From: Gerard Conway <EMAIL REDACTED>
Sent: 11 March 2023 10:18
To: Jon Bryant <Jon.Bryant@midsussex.gov.uk>

Subject: LI/23/0190 - Cuckfield Golf Centre, RH17 5HY

Dear Mr. Bryant,

The above licencing application has been made to Mid Sussex District Council for premises at Cuckfield Golf Centre.

I am writing to express my serious concerns about public nuisance from them.

My family and I have in the past been disturbed by noise from them, including late at night. The floor plan in the current licensing application shows a significant increase in the interior licensable floor area from approximately 165m² (under LI/19/0364) to 328 m² (i.e. a doubling). In addition, the external terrace area has increased from approximately 42m² to 225m². These increases have resulted from the recent extension of the clubhouse permitted under planning application DM/20/4123. The building is located on a promontory in a tranquil rural location.

Existing licensing hours are arguably already excessive for the purpose of the use of the premises by a golf course.

The combination of these hours with what are now much larger premises creates significant scope for public nuisance.

Yours sincerely,
Gerard Conway

ADDRESS REDACTED

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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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