

7 September 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, 15TH SEPTEMBER, 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 be Agreed by General Affirmation the Minutes of the Previous Meeting held on 8 August 2023. **3 - 10**
4. Application to vary a Premises Licence - Licensing Act 2003. **11 - 80**

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 L Farren, J Mockford and C Wood

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing Panel
held on Tuesday, 8th August, 2023
from 10.08 am**

Present: Councillors: P Kenny (Chairman)
J Dabell
J Henwood

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

Also in attendance: Mr Karaimuthu, Licence Holder, K & A Enterprises
Mr Kanapathi, Agent for the Licence Holder
Peter Aston, WSCC Trading Standards, Interested Party
Lucinda Joyce, Senior Democratic Services Officer
Ellen Fisher, Democratic Services Officer

Observing Members: Cllr L Farren
Cllr M Miah

The panel and officers were introduced to the applicants and Responsible Authority.

LS.1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from WSCC Public Health and Sussex Police.

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

None.

LS.3 TO BE AGREED BY GENERAL AFFIRMATION THE MINUTES OF THE PREVIOUS MEETINGS HELD ON 6 APRIL AND 5 JUNE 2023.

The minutes of the meetings held on 6 April and 5 June 2023 were agreed as a correct record and were signed by the Chairman.

LS.4 APPLICATION TO REVIEW PREMISES LICENCE - LICENSING ACT 2003.

Introduction and outline of the report

Jon Bryant, Senior Licensing Officer introduced the report to determine an application

submitted by West Sussex Trading Standards to review a Premises Licence at K & A Enterprise, Haywards Heath; the review related to the Prevention of Crime and Disorder, the Promotion of Public Safety, and the Protection of Children from Harm.

The application to review the licence, pursuant to Section 51 Licensing Act follows the sale of underage products, the sale of alcohol to a child during a test purchase conducted by West Sussex Trading Standards on 2nd September 2021 and a further sale of alcohol to a child during a test purchase conducted by Trading Standards on 8th February 2023. Submissions from Responsible Authorities, in support of the review had also been received from Sussex Police and WSCC Public Health.

The Panel were asked to determine the application on the evidence presented at the hearing having regard to the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003.

The Senior Licensing Officer advised K & A Enterprise of 118 South Road have been licenced for the sale of alcohol for consumption off the premises since December 2008, under Licence Number PWA0348. The Designated Premises Supervisor (DPS) at the time of the incidents in the review application was Mr Kandeepan Kandhasamy. The Officer highlighted that on 5th May 2023, during the investigation by Trading Standards and prior to the review application the Premises Licence Holder and DPS was transferred from Mr Kandeepan Kandhasamy to Mr Selvakkumar Karaimuthu, both of 118 South Road. The Officer noted the additional conditions on the current licence, as detailed in the report. The Panel were advised, if appropriate they could update the schedule of conditions to remove duplicates and out of date conditions.

The review was requested as during a test purchase organised by Trading Standards on 8th February 2023 a child was sold alcohol. They were also made aware of the sale of age restricted products, vapes and alcohol to children, confirming the sale of alcohol to a child during a test purchase on 3rd September 2021; a warning letter had been issued to Mr Kandhasamy. Trading Standards stated that prevention advice on the sale of underage products has been given to Mr Kandhasamy previously on a number of occasions. During an inspection in 2019 there were also issues on food safety and the labelling of products. Trading Standards advised there is a failure to consistently uphold the licensing objectives and requested that the Panel review the licence to limit further criminal activity, and act as a deterrent for other licence holders considering illegal activities. As advice on the sale of underage products had been given on several occasions, Trading Standards suggested a revocation was a suitable outcome of the review.

The Officer confirmed that the review of the license had been correctly advertised and the current Premises Licence Holder and DPS was Mr Karaimuthu. During a visit by the Licensing Team on 14th June Mr Karaimuthu advised Mr Kandhasamy was no longer involved with the premises; appendix 6 shows he was detailed on the DPS authorisation form. Mr Karaimuthu stated that he helped out at times. The Officer highlighted that Appendix 6A was obtained during a programmed inspection visit following the failed test purchase in February 2023; the Licensing Team conduct visits to ensure the Licensing Objectives are being upheld.

The Officer confirmed that Mr Kandasamy was the DPS at the time and Mr Karaimuthu had signed the DPS authorisation form for 3rd June and 3rd September 2022. Sussex Police supports the request for a review on the same grounds and the

request to revoke the licence, their submission highlighted sections 11.27 and 11.28 of the statutory guidance. West Sussex County Council Public Health also supported the review, and in their representation they stated that they are deeply concerned over the sale of alcohol to children due to the harm caused by the effects of alcohol. They reiterated that the licence holder had received advice weeks before the failed test purchase; the advice had not been acted upon and there was a disregard for the law.

The determination should be carried out in accordance with the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations. He highlighted sections 51(1) and 52 of the Licensing Act 2003 and sections 11.27 of the Guidance Issued Under Section 182 of the Licensing Act 2003: there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. The Officer advised that any party has 21 days in which to appeal to Brighton Magistrates Court and the revocation takes effect after 21 days after receipt of the notice if no appeal has been received.

The Panel could modify the conditions of the licence, exclude a licensable activity from the scope of the licence, remove the designated premises supervisor, suspend the licence for a period not exceeding three months or revoke the licence.

The Panel were asked to determine the review application, having due regard to all relevant representations for the promotion of the Licensing Objectives: the prevention of crime and disorder, the promotion of public safety, the prevention of public nuisance and the protection of children from harm.

The Officer summarised the appendices and highlighted that the current licence holder was employed at store in 2022.

Questions to the Senior Licensing Officer

There were no questions for the Senior Licensing Officer from Trading Standards. Mr Kanapathi, agent for the Licence Holder advised the licence transfer was received on 5th May 2023 and the review was requested on 3 June, the Officer confirmed the dates were correct.

Mr Peter Aston, WSCC Trading Standards, Team Manager - Responsible Authority

Mr Aston advised Trading Standards had requested a review of the premises licence of K & A Enterprise, 118 South Road, Haywards Heath under Section 51 of the Licensing Act 2003 with a view to a revocation, suspension, additional conditions or removal of the DPS. He highlighted that the current operation of the premises was undermining the Licensing Objectives. The purpose of the review was to bring to the Local Authorities attention the breaches of the licencing laws. He outlined their press release of October 2021 of a zero tolerance to underage sales of alcohol and noted previous cases where licences have been revoked following a review of a licence. Where there is evidence of a breach of licencing laws, Trading Standards will seek a review to get the licence suspended or revoked, this enforcement action is in line with their policy. He noted that K & A Enterprise had received both personal visits and a follow up letter in writing.

He confirmed that intelligence reports in Mid Sussex have risen, in particular relating the sale of vapes. He gave a brief history K & A Enterprise noting K & A Enterprise Ltd was still active, Mr Kandhasamy is the sole director of the business. He noted that in 2019 a visit found items past use their use by date and they requested joint visit with MSDC Environmental Health Team. Age restricted sales were discussed, a till prompt was present and the last entry in the refusal log was for June 2022. A pack of JPS cigarettes was found which contravened the 2018 legislation as it was not in plain packing. A warning letter was issued detailing food and tobacco legislation. More cases were noted from 2021 as well as a test purchase for underage sales. Mr Karaimuthu sold a minor a 4 pack of Carlsberg beer; further warning letters were sent in October 2021. In 2022 further information was received by MSDC Licensing Team from Sussex Police on underage sales of alcohol. On 5th August 2022 by appointment Trading Standards visited, a letter was sent to Mr Kandhasamy, the DPS noting the zero tolerance on underage sales and the consequences. In October 2022 the Citizens Advice Bureau complained that the shop was selling vapes to children in school uniform. On 23rd January 2023 a parent informed Trading Standards that their son had bought a vape there on three occasions whilst wearing school uniform. A further visit by Trading Standards to Mr Kandhasamy on 26th January to provide details of the allegation and give advice regarding underage sales. Mr Kandhasamy said they thought the purchaser was 21 and the staff are trained, an advice letter was emailed to the DPS. Two weeks later 8th February 2023 the shop failed an underage test purchase to a 17-year-old who was sold an alcoholic drink. Their age / ID was not checked, this was confirmed by the officers; the policy was last signed on 3rd June 2023 and the refusals log could not be found. The DPS was interviewed on 28th April 2023 under caution and there was some contradiction with comments made by a member of the staff who was interviewed. At the time Mr Kandhasamy was still the director of the business and worked there, he was listed in document for DPS authorisation and the training records. Trading Standards noted the business is now under new management, breaching the Licensing Objectives of Protecting Children from Harm and breaches regarding the sale of out-of-date food and selling foreign food. In summary Mr Aston advised a licence review can be a deterrent and Home Office guidance advice Local Authorities should give weight to child protection matters.

Questions to the Trading Standards, Responsible Authority

There were no questions for Trading Standards.

Mr Kanapathi, Agent for the Licence Holder

Mr Kanapathi highlighted that Mr Karaimuthu was now the current premises licence holder and owner of the business, since 5th May, and he had documentation to show the transfer, including a lease and letter for business rates. He noted that the Limited Company can still exist, and Mr Kandhasamy can continue to run it. He advised that the previous owner had lived in Wallington, Surrey, and could not manage the business (from Surrey). He noted the number of previous complaints and failures under the previous licence holder and owner of the business. At that time Mr Karaimuthu was living in one of the apartments (above the premises) and working part time in the shop.

He noted since 1st April 2023 the business had been “fully controlled by the new owner”. The previous owner had remained there for a while to support Mr Karaimuthu make sure everyone in the shop was trained. Mr Karaimuthu was there to promote

the full Licensing Objectives and protect children from harm. He highlighted that there had been no objections from Sussex Police during the 14-day consultation period when Mr Karaimuthu became the new licence holder and DPS. Since 1st April there had been no test purchases to fail and no public complaints; there are more children about due to time of the year. He admitted a mistake was made in September 2021 when Mr Karaimuthu had sold underage products to children.

Since taking over Mr Karaimuthu has gone through all the paperwork; in their opinion the business had not been properly managed by the previous owner during 2020 – 2022 and Trading Standards records re the evidence. It would be unfair to punish Mr Karaimuthu for previous offences. He advised additional conditions could be added to the licence, in particular to protect kids from harm. He proposed a till prompt system when scanning products, and advised staff training was already in place; he suggested the condition on staff training every eight-week should be changed to monthly. They had met with the Trading Standards officer before the meeting, from 1st August staff will be trained monthly and all records will be available for inspection by the officers. He noted the other cases and outcomes, and each case should be reviewed on its own. The history of the premises looks bad, the previous licence holder never sold products to underage people as he wasn't there; there was a failure of the old management. Mr Karaimuthu lives upstairs and works there most of the time. He noted a BII (Business Institute of Innkeeping) training course for staff for under-age prevention courses, which would be better than relying on leaflets. He suggested a condition on the license to have external training courses. He noted the area is a good area for families, the shop sells ethnic products and is well kept, there had been no breaches in any other licence conditions. It was confirmed that Challenge 25 had not been used in the shop. If the Committee were concerned, he would be happy to have a condition to exclude the previous licence holder from the premises; it would give Mr Karaimuthu an opportunity to run the business himself. "This is his first time in front of the panel but was not an excuse".

Questions to the Agent of the Licence Holder

Mr Aston advised that Trading Standards did not get an opportunity to object to the licence transfer. He queried the legal status of K & A Enterprise.

Mr Kanapathi advised Mr Karaimuthu is operating K & A Enterprise as a sole trader; before K & A Enterprise was a limited company. He also confirmed he had evidence to support the business was purchased from Mr Kandhasamy.

A Member noted the value of the work by local shop keepers. They asked if Mr Kandhasamy, the previous licence holder was related to Mr Karaimuthu, and who instructed the staff.

Mr Kanapathi advised Mr Karaimuthu, the current licence holder instructs the staff. Mr Kandhasamy was not an employee, and he was there to support the transfer, he is not involved any more. He reiterated that they were happy to have a condition on the licence regarding Mr Kandhasamy. There is no relationship between Mr Kandhasamy and Mr Karaimuthu; previously Mr Karaimuthu was an employee but now he is the owner.

A Member expressed concern as the Panel had been advised that Mr Kandhasamy lived in Wallingdon, but his address was given as 118 South Road. He also asked if any consideration was paid for the transfer of ownership of the business.

Mr Kanapathi confirmed that Mr Kandhasamy had never lived at shop and there was an agreement (for the transfer of the business), but he did not have the business transfer documents at the hearing. The lease had been transferred and the business rates were in Mr Karaimuthu's name.

In response to a question from the Chairman, Mr Karaimuthu advised he had worked at the shop since 2017; he also confirmed in September 2021 he had sold the age restricted product to an underage child.

Summing up by WSCC Trading Standards

Mr Aston reiterated the seriousness of the case which demonstrated a persistent non-compliance over a long time. Trading Standards had no confidence that the licence holder will uphold the Licensing Objectives as no action was taken after advice had been given. They questioned the reason for the transfer of the premises licence, and noted the need to address training as there was ongoing evidence that they were selling age-restricted products to children. Trading Standards suggested a revocation of the premises licence which would act as a deterrent to other business.

Nathan Mountney, Solicitor to the Licensing Panel advised the Panel that the agent had documents relating to the ownership of the business, and suggested these were reviewed by the Panel before retiring to make their decision as they may have further questions. It was agreed that the Licensing Team and Trading Standards could also review the documents.

The Members left the Chamber to review the documents at 11.11 am. The Members returned to the Chamber at 11.33 am.

Further questions to the Licence Holder and his agent.

The Officer asked how many people worked at the shop, and with regard to the licensing records and DPS staff authorisation, why was Mr Kandhasamy still on the list dated 1st July 2023 noting he had also completed the staff training log. He then rephrased his question to ask if Mr Kandhasamy was still working at the shop 1st July 2023 as the documents implied that he was.

Mr Karaimuthu confirmed three people in total, including himself worked at the shop, he also confirmed Mr Kandhasamy was still working at the shop on 1st July but had finished working there at the end of July.

Mr Aston asked the agent to confirm if it was his suggestion to transfer the licence to Mr Karaimuthu; Mr Kanapathi said he had not.

The Solicitor checked whether the further information and questioning of the Licence Holder and agent had affected the Panel's decision, they advised it had not.

The Panel carefully considered the application for review and verbal submissions from West Sussex Trading Standards; the representations made by Sussex Police and West Sussex County Council Public Health; and verbal submissions and evidence regards ownership and management submitted at the hearing by the License Holder and his agent. It has taken into account the Mid Sussex District Council's Statement of Licensing Policy, the revised Home Office guidance issued under section 182 of the Licensing Act 2003, the duties under the Crime and

Disorder Act 1998 and the rights set out in the Human Rights Act 1998. All options for determination have been considered as per section 52 of the Licensing Act 2003.

Resolved

The Panel decided that the Premises Licence no PWA0348 currently held by Mr Selvakkumar Karaimuthu, and previously held by Mr Kandeepan Kandhasamy until 5th May 2023, for K&A Enterprise at 118 South Road, Haywards Heath, RH16 4LT be revoked.

The Solicitor advised all attendees have the right to appeal against the Licensing Authority's Decision. Any appeal must be made to Brighton Magistrates' Court, The Law Courts, Edward Street, Brighton BN2 0LG, 01273 670888 and commenced by Notice of Appeal within 21 days of being notified of the decision, which is the 5th June 2023.

The meeting finished at 11.38 am

Chairman

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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: Pease Pottage and Handcross
Key Decision No
Report To: Liquor Licensing Panel - 15 September 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 of the Licensing Act 2003, has been made by Mr Trevor Steyning on behalf Handcross Social Club to vary a Premises Licence at Handcross Social Club, High Street, Handcross, West Sussex RH17 6BJ. Representations against the application have been made by a Responsible Authority, the Environmental Protection Team at Mid Sussex District Council (MSDC), and five Interested Parties on the grounds of Prevention of Crime and Disorder, Prevention of Public Nuisance, Promotion of Public Safety and the Protection of Children from harm.
 - 3 The substance of the variation application is to amend the name of the site, remove two current licence conditions and extend the times for the Performance of Live Music, the times for the Performance of Recorded Music, the times for the sale by retail of alcohol and the opening hours.
 - 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 Handcross Social Club operate from premises off the High Street, Handcross and are the holders of a Premises Licence issued under Licence number PWA0361. The Licence has been issued since 5th August 2009. Prior to this time the Club was licensed under a Club Premises Certificate which was previously revoked.
- 6 Handcross Social Club is currently licensed for the following licensable activities:

Licensable Activity	Timings
A performance of dance - Indoors	Sunday 12:00 - 22:30
	Monday to Saturday 11:00 - 23:00
A performance of live music - Indoors	Sunday 12:00 - 22:30
	Monday to Thursday 11:00 - 23:00
	Friday to Saturday 19:00 - 23:00

Any playing of recorded music - Indoors	Sunday Monday to Saturday	12:00 - 22:30 11:00 - 23:00
Sale by retail of alcohol - Indoors & Outdoors	Sunday Monday to Saturday	12:00 - 22:30 11:00 - 23:00

There are further non-standard timings for all the activities which are:

Non-Standard Timings

Christmas Eve and New Year's Eve - start of normal licensing hours for the day and end at 01:00 hrs.

7 The current opening hours of the premises are:

Monday – Saturday 11:00 - 23:00
Sunday 12:00 - 22:30

8 There are a number of conditions currently attached to this licence in addition to the Mandatory Conditions. These are:

- The use of "Challenge 25" i.e. if you don't look 25 prove you are over 18 years of age.
- A refusal/incident register to be kept and maintained and to be made available for inspection by Sussex Police as and when required.
- No 18th birthday parties.
- Children under the age of 18 years not to remain on the premises after 21:00 hours.
- If deemed necessary and with good cause then Sussex Police Licensing Unit will require CCTV to be fitted at the premises.
- Existing Club Rules to remain in force.
- All external windows and doors shall be kept closed whenever regulated entertainment takes place, except when used in the event of an emergency or to allow access and egress to the building.
- Signage shall be clearly displayed requesting customers to respect the neighbours and to leave the premises in a quiet and orderly manner. Should any customer fail to comply with this request then all reasonable steps shall be taken to ensure that a public nuisance is not created.
- The premises shall be closed and cleared of customers by 23:30 hours, Monday - Saturday and 23:00 hours on Sundays.
- Customers who go outside to smoke shall not be permitted to take drinks outside.

9 The application before the Panel is to change the name of the site from Handcross Social Club to Handcross Club, to remove two existing conditions and to amend the times for the existing licensable activities and the current opening hours.

10 The applied for variations to the current licence are detailed below:

- a) Amend name of site as follows:
Delete 'Handcross Social Club '
Replace with 'Handcross Club'
- b) Amend timings for Live Music
Tuesday – Thursday 11:00 – 00:30
Friday – Saturday 19:00 – 00:30
- c) Amend timings for Recorded Music
Everyday 11:00 – 00:30
- d) Amend timings for Performance of Dance
Everyday 11:00 – 00:30
- e) Amend timings Sale by retail of alcohol
Monday to Saturday 11:00 – 00:30
Sunday 12:00 – 00:00
- f) Amend Opening Hours
Monday to Saturday 11:00 – 01:00
Sunday 12:00 – 00:00

The application wishes to remove the following conditions:

Existing Club Rules to remain in force.

The premises shall be closed and cleared of customers by 23:30 hours,
Monday - Saturday and 23:00 hours on Sundays.

It should be noted by the Panel that the application also requested the removal of the condition stating *Customers who go outside to smoke shall not be permitted to take drinks outside*. This amendment has been withdrawn by the applicant during the consultation period.

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

- 11 Representations have been received from a Responsible Authority, the Environmental Protection Team at MSDC, and five members of public, referred to as an Interested Parties within the Act. These representations have been made regarding all of the Licensing Objectives: the Prevention of Crime and Disorder, the Prevention of a Public Nuisance, the Promotion of Public Safety and the Protection of Children from Harm.
- 12 Representations made by the Police to some of the amendments to the current licence conditions have been resolved during the consultation period. If the Panel decides to grant the licence variation, either in full or part, I request that in addition to 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 4.

13 The application was advertised at the site between 18th July 2023 to 28th August 2023 and published in the local newspaper on 3rd August 2023.

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.

They state that they have no objection to the principle of varying the hours but have serious concerns regarding the actual hours applied for and make the following comments:

Representations from residents have been received, raising issues including loud talking, laughing and socialising as concerns, particularly if late at night, as well as possible ASB. We know, from having dealt with numerous complaints of this type of noise, that it can be very intrusive, causing annoyance and anxiety and is likely to disturb sleep if at night. It is established that alcohol consumption reduces inhibition, and often leads to louder voices and more boisterous social interaction. Nonetheless, we want to support local businesses where possible and it should be noted that I can find no record of previous noise complaints on the EP database. I understand that there has been one complaint to our Licensing team regarding noise, in April 2023. The club denied that it was their customers that were responsible.

Balancing the rights of neighbours to a reasonable level of peace and quiet, as well as the right to a good night's sleep, against the social and economic benefits of licensed premises is often a complex task, one where both sides are rarely satisfied and often neither are. With regard to the specific changes applied for:

- *Removal of the condition not allowing smokers to take drinks outside – we would object to the condition being removed, but understand that the applicant has confirmed that there is no longer any intention to remove this condition.*
- *Change to allow live music until 00.30 hrs – we object to this change. Live music typically tends to be louder than recorded and by definition the volume is harder to control. Given the proximity of the residential properties, extension of live music hours is not appropriate on any day in our view as it would be likely to cause a public nuisance.*
- *Sale of alcohol till 00.30 hrs Mon – Sat and 00.00 hrs Sun – we object to these hours. Customers will be using the outside area and also leaving the premises in a state of “refreshment”. From experience we know that signage, whilst it can help, is no guarantee of compliance. Customer noise would be likely to cause a public nuisance.*
- *Opening hours – 01.00 hrs Mon – Sat and 00.00 hrs Sun - we object to these hours. Customers will be using the outside area and also leaving the premises in a state of “refreshment”. From experience we know that signage,*

whilst it can help, is no guarantee of compliance. Customer noise would be likely to cause a public nuisance.

- *Change to allow recorded music till 00.30 hrs – we have no objection to this change in principle, but it will need to match the opening hours.*

Those who live near to licensed premises must accept that there will sometimes be an element of noise and disturbance. Nonetheless, these types of premises should not be given free reign to do as they wish - the licensing objectives make it clear that there are limits and there is clearly a responsibility to have due regard to residential neighbours.

The Environmental Protection Team did propose that if the Handcross Club amended the application so that the times for licensable activities between Sunday and Thursday remained as on the existing licence, and the times for licensable activities on Friday, Saturday and any Sunday followed by a bank holiday Monday were amended to recorded music until 00.30 hrs, sale of alcohol until 00.00 hrs and opening until 00.30 hrs, they would be able to resolve and withdraw their representation. This proposal was not accepted.

Their representation in full is attached to the report at Appendix 5.

15 Interested Party Representations

Gail Boustead

Gail Boustead has made representations on the grounds of the Prevention of a Public Nuisance. The representation states:

My property backs on to Handcross Club and I have concerns about the noise that may be generated by the extended hours being requested Monday to Friday and on Sunday. I feel they should keep to "normal" licencing hours of 11am to 11pm certainly on Mondays through to Thursdays and on Sundays. I would be accepting of extended hours on a Friday and Saturday but not during the week. My bedroom is to the rear of the property and I am aware of any noise coming from the Club late at night. I do not feel there is a call for such hours in the village at the moment. I do not understand how they feel the need to make such an application when the hours they are currently open for are limited to normally on a Friday evening, a couple of hours mid-day on Saturday and Sundays and Saturday night; they might be open on other nights during the week but I don't think it is every night.

Basically, my objection is on the grounds of possible excessive noise on leaving late at night.

Gail Boustead's representations are attached at Appendix 6.

Elizabeth Scott

Elizabeth Scott has made representations on the grounds of the Prevention of a Public Nuisance.

The representation states that her rental property is next door to the club. She has lived at the property since April and during that time has twice had cause to complain to the club regarding noise of people outside the club making a

noise smoking, talking and drinking until 1 or 2am. She states that she has also been sworn at when she has asked for the people outside to be quiet.

She states that with the extended hours she feels that she would not be able to get a decent night sleep due to the noise of people smoking and drinking outside late at night.

Elizabeth Scott's representations are attached at Appendix 7.

Marianne Butler

Marianne Butler has made representations under all four of the licensing objectives.

The representations state in general:

This licensed premises has residential houses very close to its perimeter walls on three sides. It has been a noisy site in the past, customers making a noise inside and outside and I have complained to the Council about this several times in the last few years.

More recently since 21st April there have been two incidents of excessive noise at 1am and one at 2am which also involved foul language directed at a resident when they were asked to keep the noise down.

It is concerning that they are seeking to vary their licence to sell alcohol and have live and recorded music until half past midnight every night apart from midnight on a Sunday. This will create noise in a quiet neighbourhood.

The representation then addresses the application in relation to the application of the four licensing objectives. It states in detail that the measures outlined to promote the objectives within the application are confusing and do not address how they will be promoted.

It draws the Panel's attention to the Mid Sussex District Council Licensing Policy in respect of granting permission for the use of outside areas beyond 2300 hours and makes comment that there are no exceptional circumstances outlined within the application.

In respect of the Prevention of a Public Nuisance the representation states:

An increase in the times for Live and Recorded Music until half past midnight when the ambient noise levels in the neighbourhood are very low has the very real potential to cause a public nuisance. This is especially highlighted here as the applicants have not addressed how they intend to prevent a Public Nuisance from taking place let alone preventing noise escape from the site.

The representation concludes with the following:

This application seeks to allow the premises, subject of a number of complaints about it and it's customers behaviour, an extra 90 minutes (60 on Sundays) for the sale of Alcohol and provision of entertainment by Live and Recorded Music.

The application is poorly drafted, confusing and does not offer any detail to indicate how the owners will promote the Licensing Objectives should the variation be granted. This indicates a complete lack of understanding of the Licensing Act and its basic tenet – The Licensing Objectives.

One wonders with this apparent lack of knowledge and understanding whether they are fit to run the premises as it currently exists.

Mid Sussex District Council's Licensing Policy at Section 9.5 states:

Future applicants for licensable activities beyond 23:00 hours will be expected to specifically demonstrate how they intend to address the licensing objectives of Crime and Disorder and Public Nuisance.

This application does not address these points in any way shape or form. It is for this reason, if the variation is granted as applied for, the likely effect will be the Licensing Objectives being compromised as outlined above.

I ask that you do not allow them to extend their opening hours and you ensure they comply with their current licensing conditions as they have clearly not been doing so to date.

Marianne Butler's representations are attached at Appendix 8.

Michael and Sara Atkinson

They have made representations on the grounds of Prevention of a Public Nuisance and the Prevention of Crime and Disorder.

They state that the club is at the bottom of their garden and that over the past few years the club has been well run and hasn't caused them any nuisance or cause to complain.

They are concerned about the extension of the licence to allow activities into the early morning. In particular they state:

As mentioned above, the club has been run well over the last few years and is a good village community amenity, whereas a few years ago when, presumably, it had a late licence, there were numerous problems with noise at late hours and, often, the police had to attend because of public disorder when people were exiting the premises.

It would be a great shame to see the club transformed from a valuable village/local asset to a late night drinking venue/late night music venue probably attracting customers from a greater catchment area.

We consider that we are close enough to the club to be severely disturbed if the licence is changed and therefore wish to lodge an objection, but we do wish to be able to continue to support the club in its current format, which we consider to be appropriate for its present setting in the middle of a number of private houses.

Michael and Sara Atkinson's representations are attached at Appendix 9.

Mandy Cuss

Mandy Cuss has made representations under all four of the licensing objectives. The representation states:

With regard to the application for variation of licensing of the Handcross social club, please know that I object on all fronts.

I have a family of five with three teenagers; we have lived right next door to the premises for nine years. There have been many occasions over the years in which we've been disturbed throughout the evenings and well into the wee hours of the morning with loud people, fighting, drunken behaviour and cars revving.

Handcross is a small village. My husband was born here. We moved here with our Children to provide a safe and wholesome environment in which to grow up. Our neighbourhood houses 16 children under the age of 18. Listening to drunk people fight and carry on whilst smoking and partying outside their bedroom windows late at night all week goes against this and is incredibly disruptive to the resting and sleeping patterns of children and adults alike.

Why does a small village need a social club seven days a week into late hours for drinking, essentially a bar-type environment? It's essentially an application for a nightclub in a small, quiet village. We value the contributions a club can add to a community, but this variation goes against the well-being of the community with the addition of increased alcohol consumption and loud music, general disorder and increased likelihood of disruption to residents.

Mandy Cuss' representations are attached at Appendix 10.

Policy Context

16 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, relevant representations, and the Hearing Procedure under which the panel operates.

17 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).

18 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.

19 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).

20 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

21 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).

22 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.

23 Mid Sussex District Council – Statement of Licensing Policy

9.1

All applications will be considered on their individual merits. It is recognised that flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. The Authority needs to create a balance between the aspirations of the businesses and the concerns of the local community.

9.3

We recognise that businesses may wish to open later and diversify the range of entertainment they offer. The Authority and other Responsible bodies will consider applications for late night regulated entertainment on their merits but

will seek safeguards through licence conditions to ensure the licensing objectives are upheld.

9.5

Future applicants for licensable activities beyond 23:00 hours will be expected to specifically demonstrate how they intend to address the licensing objectives of Crime and Disorder and Public Nuisance.

9.6

The Licensing Authority is not prepared to grant permission for outside patio/garden areas to be used by the public beyond 2300 hours throughout the district other than in exceptional circumstances. We do not consider a record of good management or financial considerations to constitute exceptional circumstances.

Other Options Considered

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

Financial Implications

- 25 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

- 26 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.
- 27 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

- 28 None

Background Papers

Appendix 1 – Application Form
Appendix 2 – Current Premises Licence and plan
Appendix 3 – Site Plan and Site Photos
Appendix 4 – Agreed revised conditions

Representations

Appendix 5 – Representation – Environmental Protection Team
Appendix 6 – Representation – Gail Boustead
Appendix 7 – Representation – Elizabeth Scott
Appendix 8 – Representation – Marianne Butler
Appendix 9 – Representation – Michael and Sara Atkinson
Appendix 10 – Representation – Mandy Cuss

Extract of agreed hearings procedure

service_team_name Licensing Team

service_email_addresses licensing@midsussex.gov.uk

Your Details

Correspondence

Correspondence Email

[REDACTED]

Confirm Email

[REDACTED]

Name trevor stenning

Premises licence number pa1358

Premises

Name of premises handcross club

Does your premises have a postal address? Yes

Postal address of premises or, if none, ordnance survey map reference or description high street handcross
haywards heath west sussex rh176bj

Tel: (at premises) 01444-400328

Email

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

Current Premises Licence

Please describe briefly, the nature of the proposed variation change licensing activity hours
change name of premises
conditions on licence beer garden to close at 2300
conditions taken of licence
6 existing club rules to remain in force
10 customers who go outside to smoke shall not be permitted to take drinks outside

Attach the premises licence (or relevant part of it)

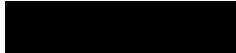
If you have not attached the premises licence or relevant part of it, please give your reasons:

Applicant Details

Current postal address if different from premises address

[REDACTED]

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.

Licensed premises, Handcross village, previously a social club. Several rooms for social activities, outside area with seating

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? Yes

Monday

Start Time

End Time

Tuesday

Start Time 11:00

End Time 00:30

Wednesday

Start Time 11:00

End Time 00:30

Thursday

Start Time 11:00

End Time 00:30

Friday

Start Time 19:00

End Time 00:30

Saturday

Start Time 19:00

End Time 00:30

Sunday

Start Time

End Time

Where will the performance of live music take place? Indoors
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? Yes

Monday

Start Time 11:00

End Time 00:30

Tuesday

Start Time 11:00

End Time 00:30

Wednesday**Start Time** 11:00**End Time** 00:30**Thursday****Start Time** 11:30**End Time** 00:30**Friday****Start Time** 11:30**End Time** 00:30**Saturday****Start Time** 11:30**End Time** 00:30**Sunday****Start Time****End Time**

Where will the playing of recorded music take place? Indoors
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? Yes

Monday**Start Time** 11:00**End Time** 00:30**Tuesday****Start Time** 11:00**End Time** 00:30

Wednesday

Start Time 11:00

End Time 00:30

Thursday

Start Time 11:00

End Time 00:30

Friday

Start Time 11:00

End Time 00:30

Saturday

Start Time 11:00

End Time 00:30

Sunday

Start Time

End Time

Where will the performance of dance take place? Indoors
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 the performance of dance: 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 dance 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.

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 11:00

End Time 00:30

Tuesday

Start Time 11:00

End Time 00:30

Wednesday

Start Time 11:00

End Time 00:30

Thursday

Start Time 11:00

End Time 00:30

Friday

Start Time 11:00

End Time 00:30

Saturday

Start Time 11:00

End Time 00:30

Sunday

Start Time 12:00 Liquor Licensing Panel - 15 September 2023

End Time 00:00

Where will the supplied alcohol be consumed? Both on and off premises

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

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 11:00

End Time 01:00

Tuesday

Start Time 11:00

End Time 01:00

Wednesday

Start Time 11:00

End Time 01:00

Thursday

Start Time 11:00

End Time 01:00

Friday

Start Time 11:00

End Time 01:00

Saturday

Start Time 11:00

End Time 01:00

Sunday

Start Time 12:00

End Time 00:00

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 6. Existing Club rules to remain in force

conditions currently 9. The premises shall be closed and cleared of customers by 23:30 hours

imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Monday- Saturday and 23:00 hours on Sunday
10, Customers who go outside to smoke shall not be permitted to take drinks outside.

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): Please list here steps you will take to promote all four licensing objectives together.

See below

The prevention of crime and disorder:

Staff training

Public safety:

Collect glasses often
Collect litter
No obsticale

The prevention of public nuisance:

Stop customers outside causing a noise
Notices and training of staff to ensure customers are quiet or move inside premises

The protection of children from harm:

With parents at all times
Not allowed on premises after 21:00
Challenge notices displayed

Submit & Pay

Name

trevor stening

Address for correspondence associated with this application

[Redacted]

Phone

[Redacted]

Email

[Redacted]

Payment Ref

1h5kdt6kd

Amount to be paid: GBP 190

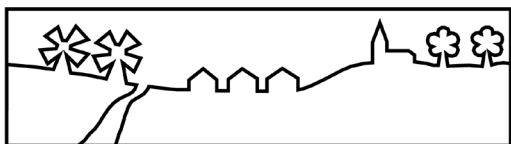
Order summary:

Item	Price	Total
Liquor Licensing Panel - 15 September 2023		33

Non-domestic rateable value of premises. - £4301 £190.00 £190.00
- £33000

TOTAL	£190.00
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The message has been sent from 51.52.80.54 (United Kingdom) at 2023-07-18 13:13:18 on Chrome 114.0.0.0
Entry ID: 30



MID SUSSEX DISTRICT COUNCIL

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

Licensing Act 2003 Premises Licence PWA0361

Part 1 - Premises Details

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

Handcross Sports & Social Club

High Street
Handcross
West Sussex
RH17 6BJ

Telephone: 01444 400328

Where the Licence is time limited - the dates

Commences :- 16 October 2019

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

A performance of dance - Indoors

Sunday 12:00 - 22:30
Monday to Saturday 11:00 - 23:00
Non Standard Timings-see conditions attached

A performance of live music - Indoors

Sunday 12:00 - 22:30
Monday to Thursday 11:00 - 23:00
Friday to Saturday 19:00 - 23:00
Non Standard Timings-see conditions attached

Any playing of recorded music - Indoors

Sunday 12:00 - 22:30
Monday to Saturday 11:00 - 23:00
Non Standard Timings-see conditions attached

Sale by retail of alcohol - Indoors & Outdoors

Sunday 12:00 - 22:30
Monday to Saturday 11:00 - 23:00
Non Standard Timings-see conditions attached

The opening hours of the Premises

Monday - Saturday 11:00 - 23:00

Sunday	12:00 - 22:30
---------------	---------------

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

Handcross Sports & Social Club
High Street
Handcross
West Sussex
RH17 6BJ

Telephone: 01444 400328

Electronic Mail: [REDACTED]

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 Trevor David Stenning

[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: PA1358

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 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

6

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.

Minimum Pricing Drinks

7

- 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.

8 **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.

9 **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

1. The use of "Challenge 25" i.e. if you don't look 25 prove you are over 18 years of age.

2. A refusal/incident register to be kept and maintained and to be made available for inspection by Sussex Police as and when required.

3. No 18th birthday parties.

4. Children under the age of 18 years not to remain on the premises after 21:00 hours.

5. If deemed necessary and with good cause then Sussex Police Licensing Unit will require CCTV to be fitted at the premises.

6. Existing Club Rules to remain in force.

7. All external windows and doors shall be kept closed whenever regulated entertainment takes place, except when used in the event of an emergency or to allow access and egress to the building.
8. Signage shall be clearly displayed requesting customers to respect the neighbours and to leave the premises in a quiet and orderly manner. Should any customer fail to comply with this request then all reasonable steps shall be taken to ensure that a public nuisance is not created.
9. The premises shall be closed and cleared of customers by 23:30 hours, Monday - Saturday and 23:00 hours on Sundays.
10. Customers who go outside to smoke shall not be permitted to take drinks outside.

Non Standard Timings

- Christmas Eve and New Year's Eve - start of normal licensing hours for the day and end at 01:00hrs

Conditions attached after a hearing by the Licensing Committee

Plan of premises

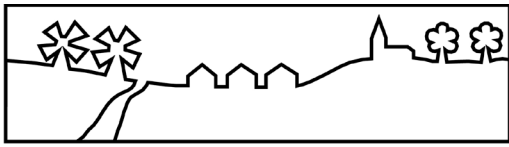
See attached

Signature of authorised officer



Date of Issue: 13 September 2019

Date printed: 16 October 2019



MID SUSSEX DISTRICT COUNCIL

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

Licensing Act 2003

Premises Licence Summary

PWA0361

Premises Details

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

Handcross Sports & Social Club

High Street
Handcross
West Sussex
RH17 6BJ

Where the Licence is time limited - the dates

Commences:- 16 October 2019

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

A performance of dance - Indoors

Sunday 12:00 - 22:30
Monday to Saturday 11:00 - 23:00
Non Standard Timings-see conditions attached

A performance of live music - Indoors

Sunday 12:00 - 22:30
Monday to Thursday 11:00 - 23:00
Friday to Saturday 19:00 - 23:00
Non Standard Timings-see conditions attached

Any playing of recorded music - Indoors

Sunday 12:00 - 22:30
Monday to Saturday 11:00 - 23:00
Non Standard Timings-see conditions attached

Sale by retail of alcohol - Indoors & Outdoors

Sunday 12:00 - 22:30
Monday to Saturday 11:00 - 23:00
Non Standard Timings-see conditions attached

The opening hours of the Premises

Monday - Saturday 11:00 - 23:00
Sunday 12:00 - 22:30

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
Handcross Sports & Social Club
High Street
Handcross
West Sussex
RH17 6BJ

Registered number of holder of premises licence (if applicable)

Name of Designated Premises Supervisor where the Premises Licence authorises the supply of alcohol
Mr Trevor David Stenning

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.

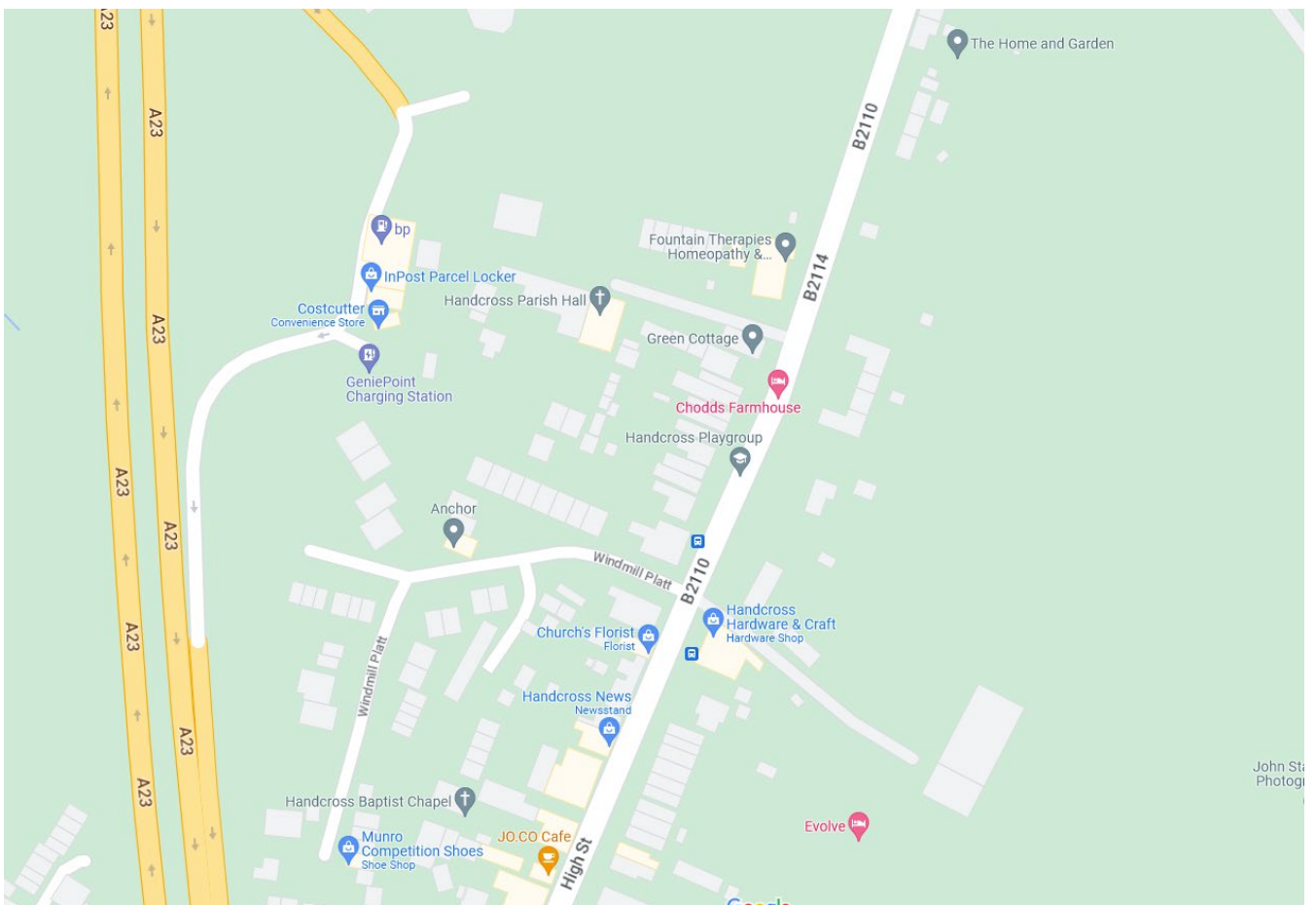
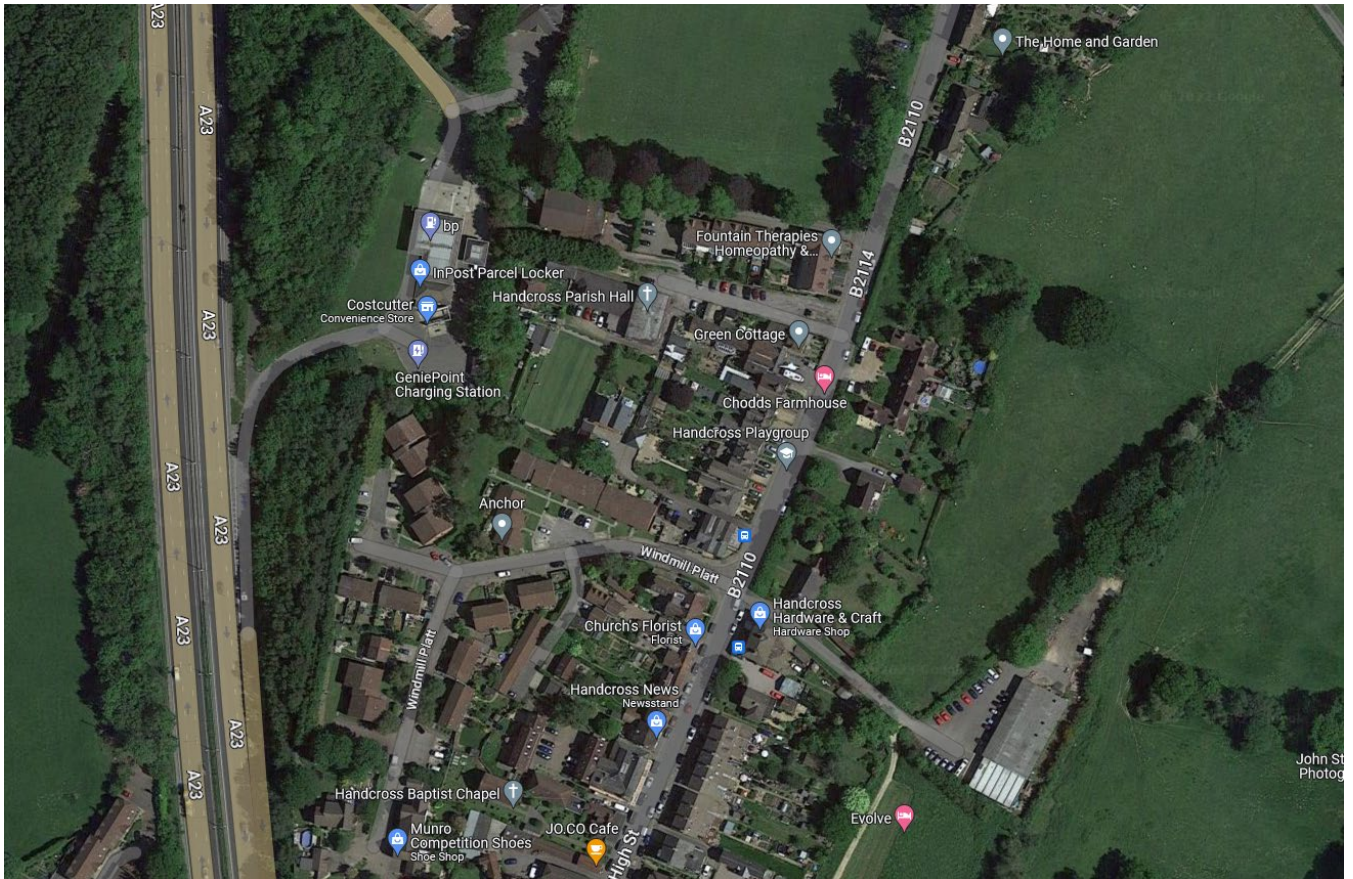
EXPORT - can the pictures be easily exported from the system?

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.

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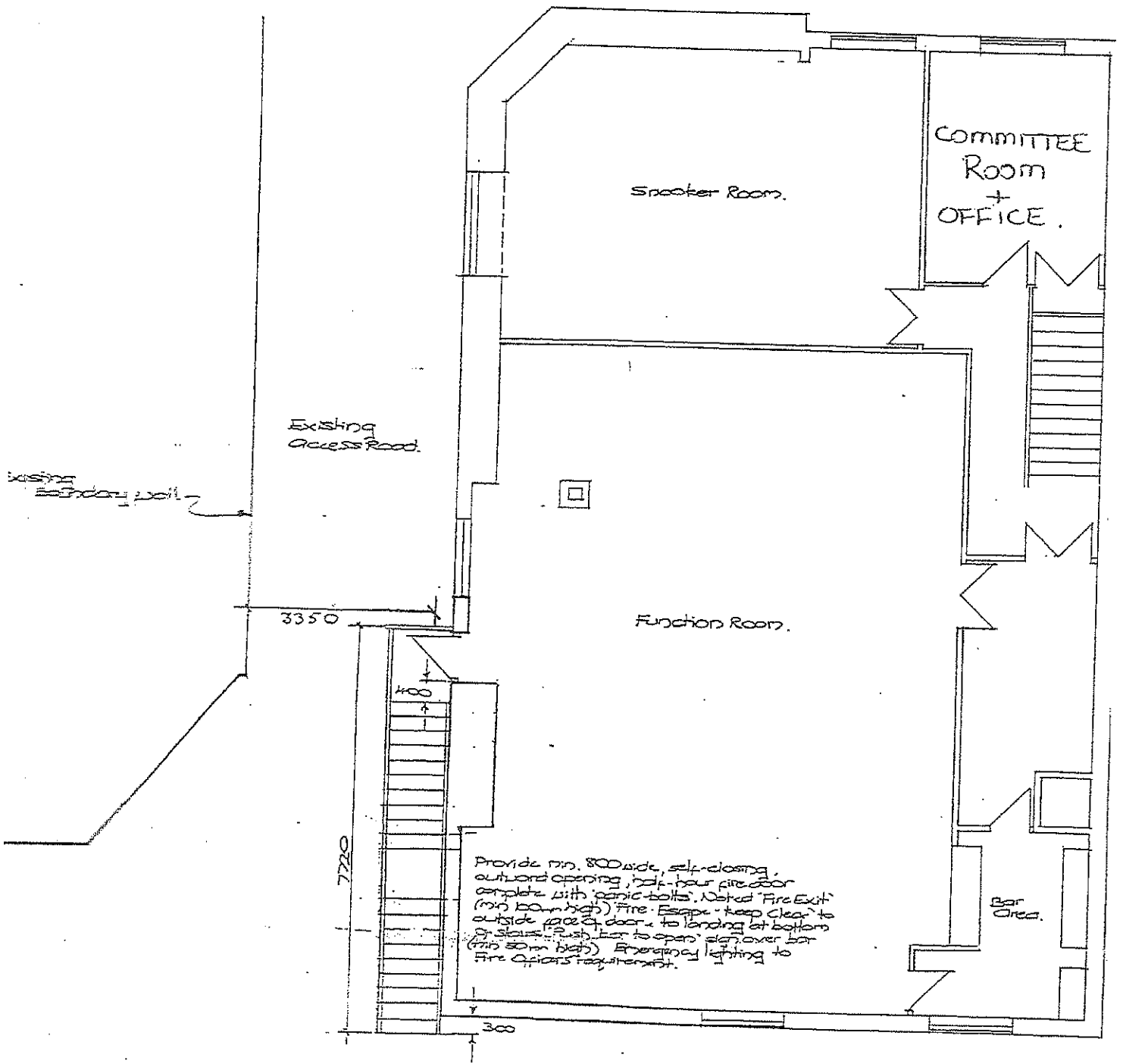
Entrance from High Street







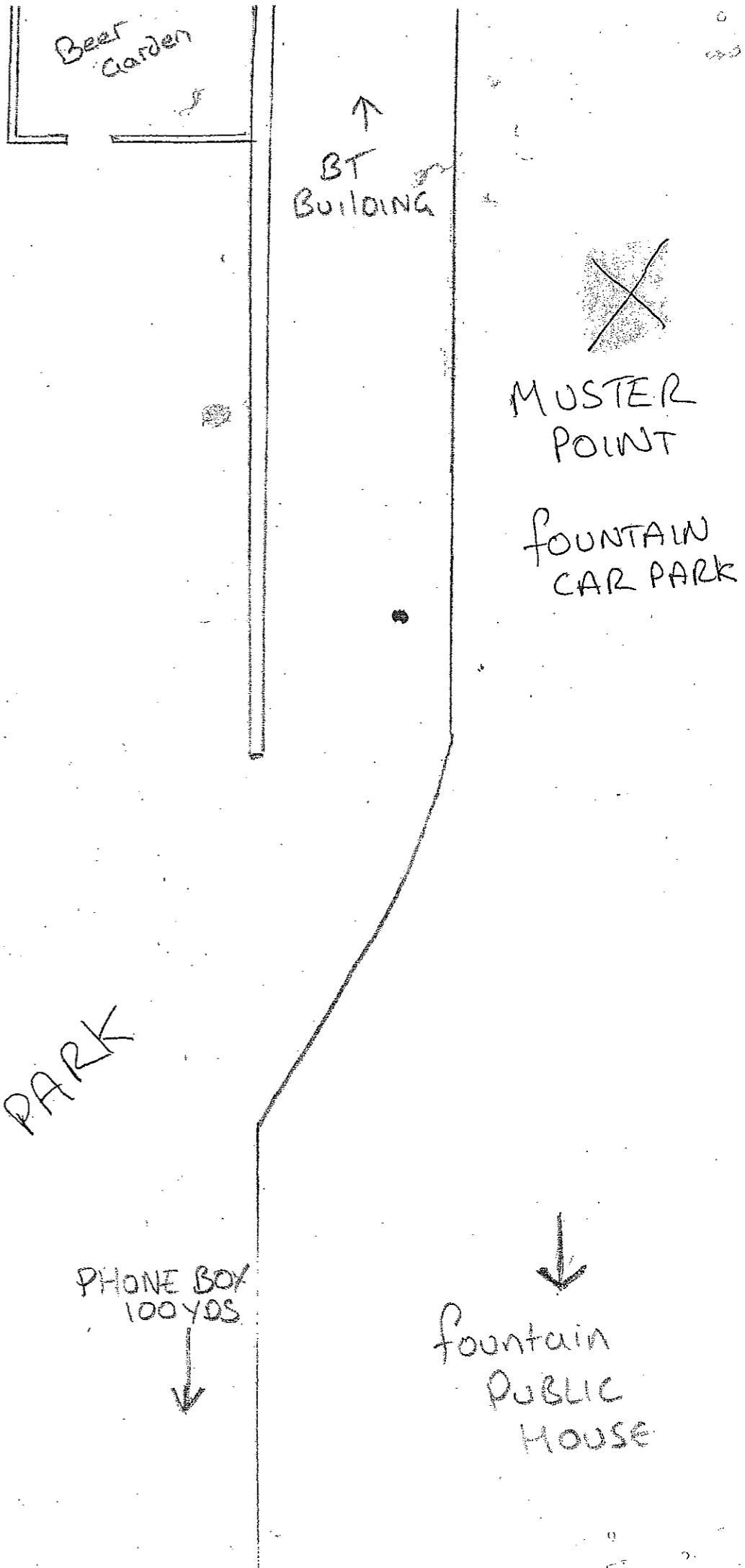
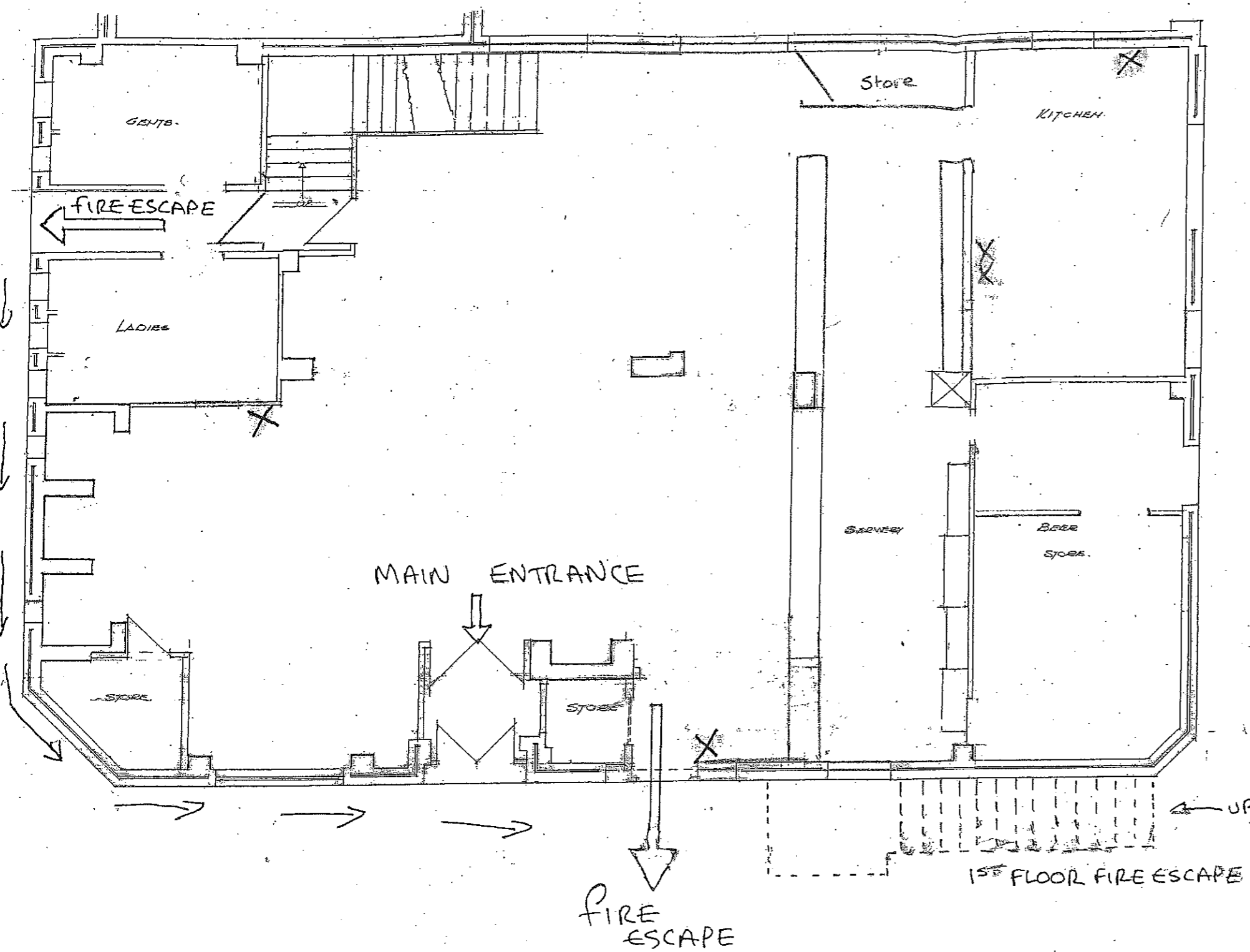




FIRST FLOOR.

UND FLOOR.

Liquor Licensing Panel - 15 September 2023



LEGEND:-
 X = fire extinguishers.
 X = Meeting Point.

GROUND FLOOR PLAN

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Conditions added and amended with agreement with Police

1. The premises will operate a “Challenge 25” policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the “PASS” mark hologram, official photographic identity cards issued by EU states bearing a hologram or ultraviolet feature.
2. Suitable and sufficient signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises, including the point of sale and the area where the alcohol is displayed.
3. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The logbook should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence. The logbook will record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received
 - d) any incidents of disorder
 - e) any faults in the CCTV system
 - f) any refusal of the sale of alcohol and the name of the member of staff
 - g) who refused the sale.
 - h) details of any officer of a responsible authority who visits the premises, including their name, job title and the responsible authority they represent.
 The log will be kept for a minimum of twenty-four (24) months and shall be kept on the premises and made available to officers of any responsible authority upon request.
4. No 18th birthday parties.
5. Children under the age of 18 years not to remain on the premises after 21:00 hours.
6. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including:
 - outside of the premises;
 - the entrance to the premises;
 - The till and bar area;
 The system shall be on and recording at all times the premises licence is in operation. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times. CCTV footage will be stored for a minimum of 31 days.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. Times will be updated promptly when British Summer Time starts and ends.

The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.

Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV and will be able to download selected footage onto a disk. (or other electronic portable device acceptable to Sussex Police), or upload CCTV footage to Sussex Police Digital media systems via the internet for the police without difficulty or delay and without charge to Sussex Police.

Any breakdown or system failure will be notified to the police licensing team immediately (and a receipt or acknowledgement from Sussex Police Licensing obtained and retained) & remedied as soon as practicable.

7. All external windows and doors shall be kept closed whenever regulated entertainment takes place, except when used in the event of an emergency or to allow access and egress to the building.
8. Signage shall be clearly displayed requesting customers to respect the neighbours and to leave the premises in a quiet and orderly manner. Should any customer fail to comply with this request then all reasonable steps shall be taken to ensure that a public nuisance is not created.
9. Customers who go outside to smoke shall not be permitted to take drinks with them.
10. The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:
 - the lawful selling of age restricted products
 - refusing the sale of alcohol to a person who is drunkFurther verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.
11. All off sales will be made in sealed containers.
12. Staff must ensure that all empty glasses and bottles are promptly cleared away from the public area.

13. A documented Risk Assessment must be written, which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. This will include the need for any SIA door supervisors, Polycarbonate drinking vessels for use both externally and internally. Covering: what the hazards are, who could be harmed and how, the mitigations employed and by whom, for example, bar staff only using polycarbonate drinking vessels, door supervisors verifying ticket only events, enforcing entry restrictions and last entry times.
The Risk Assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

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From: [Nicholas Bennett](#)
To:
Cc: [Jon Bryant](#)
Subject: Handcross Club, Licence Variation REF LI/23/1048
Date: 24 August 2023 17:03:43
Attachments: [image001.jpg](#)

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE, HANDCROSS CLUB, HIGH STREET, HANDCROSS, RH17 6BJ

Dear Jon,

I write as a representative of the Environmental Protection team, part of the Council's Environmental Health dept, to **object** to the granting of the above application to vary the premises licence. The objection is on the grounds of the licensing objective of the Prevention of Public Nuisance.

We have no objection to the principle of varying the hours, but have serious concerns regarding the actual hours applied for and the removal of the condition requiring smokers not to take drinks outside.

Handcross is a village setting and the club is set back off the High Street in a cul-de-sac which is predominantly residential. The club is approx. 150m from the A23 trunk road and during daytime traffic noise is clearly audible. However, as would be expected, background noise levels drop significantly at night-time.

Representations from residents have been received, raising issues including loud talking, laughing and socialising as concerns, particularly if late at night, as well as possible ASB. We know, from having dealt with numerous complaints of this type of noise, that it can be very intrusive, causing annoyance and anxiety and is likely to disturb sleep if at night. It is established that alcohol consumption reduces inhibition, and often leads to louder voices and more boisterous social interaction. Nonetheless, we want to support local businesses where possible and it should be noted that I can find no record of previous noise complaints on the EP database. I understand that there has been one complaint to our Licensing team regarding noise, in April 2023. The club denied that it was their customers that were responsible.

Balancing the rights of neighbours to a reasonable level of peace and quiet, as well as the right to a good night's sleep, against the social and economic benefits of licensed premises is often a complex task, one where both sides are rarely satisfied and often neither are. With regard to the specific changes applied for:

- Removal of the condition not allowing smokers to take drinks outside – we would object to the condition being removed, but understand that the applicant has confirmed that there is no longer any intention to remove this condition.

- Change to allow live music until 00.30 hrs – we object to this change. Live music typically tends to be louder than recorded and by definition the volume is harder to control. Given the proximity of the residential properties, extension of live music hours is not appropriate on any day in our view as it would be likely to cause a public nuisance.
- Sale of alcohol till 00.30 hrs Mon – Sat and 00.00 hrs Sun – we object to these hours. Customers will be using the outside area and also leaving the premises in a state of “refreshment”. From experience we know that signage, whilst it can help, is no guarantee of compliance. Customer noise would be likely to cause a public nuisance.
- Opening hours – 01.00 hrs Mon – Sat and 00.00 hrs Sun - we object to these hours. Customers will be using the outside area and also leaving the premises in a state of “refreshment”. From experience we know that signage, whilst it can help, is no guarantee of compliance. Customer noise would be likely to cause a public nuisance.
- Change to allow recorded music till 00.30 hrs – we have no objection to this change in principle, but it will need to match the opening hours.

Those who live near to licensed premises must accept that there will sometimes be an element of noise and disturbance. Nonetheless, these types of premises should not be given free reign to do as they wish - the licensing objectives make it clear that there are limits and there is clearly a responsibility to have due regard to residential neighbours.

On balance, our view is that the application in its current form is not appropriate or acceptable. However, if the applicant were to agree to amend the application so that Sun to Thurs remained as on the existing licence, and Friday, Saturday and any Sunday followed by a bank holiday Monday were recorded music till 00.30 hrs, sale of alcohol till 00.00 hrs and opening until 00.30 hrs, we would feel that this was a fair and reasonable compromise and would support such an application.

In such a case we would request conditions requiring windows and doors to be kept shut, and no drinks outside after 23.00 hrs on any day.

I hope that this is clear, but please contact me if any further details are needed.

Kind regards

Nick Bennett

Senior Environmental Health Officer | Environmental Protection Team | Environmental Health | Mid Sussex District Council | Tel: +44 (0)1444 [REDACTED] | Email: [REDACTED]

From: planninginfo@midsussex.gov.uk
To: [licensing](#)
Subject: Mid Sussex DC - Online Register - Comments for Licensing Application LI/23/1048
Date: 30 July 2023 13:03:31

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 30/07/2023 1:04 PM.

Application Summary

Address:	Handcross Club High Street Handcross Haywards Heath West Sussex RH17 6BJ
Proposal:	Premises Licence
Case Officer:	Fiona Spears

[Click for further information](#)

Customer Details

Address:	[REDACTED] Handcross Haywards Heath
----------	---

Comments Details

Commenter Type:	Neighbour or general public
Stance:	Customer objects to the Licensing Application
Reasons for comment:	- Relates to other issues
Comments:	<p>30/07/2023 1:04 PM My property backs on to Handcross Club and I have concerns about the noise that may be generated by the extended hours being requested Monday to Friday and on Sunday. I feel they should keep to "normal" licencing hours of 11am to 11pm certainly on Mondays through to Thursdays and on Sundays. I would be accepting of extended hours on a Friday and Saturday but not during the week. My bedroom is to the rear of the property and I am aware of any noise coming from the Club late at night. I do not feel there is a call for such hours in the village at the moment. I do not understand how they feel the need to make such an application when the hours they are currently open for are limited to normally on a Friday evening, a couple of hours mid-day on Saturday and Sundays and Saturday night; they might be open on other nights during the week but I don't think it is every night.</p> <p>Basically, my objection is on the grounds of possible excessive noise on leaving late at night.</p> <p>Gail Boustead (Ms)</p>

Kind regards

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Email: -

MID SUSSEX DC

Handcross,
SUSSEX

- 1 AUG 2023

ENV HEALTH

Dear Sir / Madam,

My rental property is right next door to Handcross Social Club. I have only been here since April, I have had to complain twice to the owner. Friday & Saturday nights I have had to endure people outside talking/smoking/drinking until 1 or 2 a.m. I have been sworn at, at 2 a.m. when opening a window to ask them to be quiet. After I complained the owner has addressed the problem sort of.

My main reason for writing is there has been a notice put up by the club requesting extended hours. This fits me with honor. I will never be

able to have a decent nights sleep. I wish to complain strongly against any extended hours.

I don't know why these people who want to smoke/drink outside late at night don't go round to the side of the building where no one would hear them (hopefully). Perhaps they should have a smoking area assigned. I'm also fearful if a cigarette butt was thrown over the wall it would cause a fire. There is a lot of wood there.

Kind Regards

[Redacted Signature]

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From: [Marianne Butler](#)
To: [licensing](#)
Subject: Representation for variation of Licence application for Handcross Sports & Social Club
Date: 05 August 2023 16:48:47

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

Dear Sirs

Representation – Handcross Sports and Social Club - LI/23/01048

Handcross is a small village with a diverse demographic.

This licensed premises has residential houses very close to its perimeter walls on three sides. It has been a noisy site in the past, customers making a noise inside and outside and I have complained to the Council about this several times in the last few years.

More recently since 21st April there have been two incidents of excessive noise at 1am and one at 2am which also involved foul language directed at a resident when they were asked to keep the noise down.

It is concerning that they are seeking to vary their licence to sell alcohol and have live and recorded music until half past midnight every night apart from midnight on a Sunday. This will create noise in a quiet neighbourhood. The application itself is confusing and does not address how the licensing objectives will be promoted.

Prevention of Crime and Disorder.

Their mitigation for an extra 90 minutes drinking six days of the week under this section is 'Staff Training'.

That tells us nothing and is, to be quite frank, worthless.

Public Safety

This section is populated with three more one liners.

'Collect glasses often'

'Collect litter'

'No obsticale'

What on earth do these mean? There is no context or explanation how, with an increase in hours for the sale of alcohol, music and dancing, Public Safety will be promoted.

Prevention of a Public Nuisance.

The application includes proposals to allow patrons to use the outside beer garden

(directly outside residential houses) until 2330 hours.

It also seeks to allow smokers to take their drinks outside at any time, potentially allowing this to happen until 1am when the premises closes.

This is just selfish and inconsiderate in the extreme and is bound to increase the noise generated from customers to the detriment of local residents.

The application seeks to allow this seven days a week. This potential for an increase in noise from customers is not acceptable.

The mitigation in the application under this heading states :

'Stop customers outside causing a noise'

'Notices and training of staff to ensure customers are quiet or move inside premises'

Again, these are meaningless phrases with no context or indication how any of it will be achieved.

Mid Sussex District Councils Licensing Policy at Section 9 States :

9.6 The Licensing Authority is not prepared to grant permission for outside patio/garden areas to be used by the public beyond 2300 hours throughout the district other than in exceptional circumstances. We do not consider a record of good management or financial considerations to constitute exceptional circumstances.

9.7 The Licensing Authority believes that this measure is necessary to address the licensing objective of Public Nuisance

If the Licensing Authority is minded to grant this application it will be going against its own policy. That of course can be done as it is Policy not the law. However, 9.6 above does state permission will not be granted unless there are 'exceptional circumstances'.

Nothing in the application addresses these points and therefore there are no 'exceptional circumstances' for the Licensing Authority to even consider granting permission.

An increase in the times for Live and Recorded Music until half past midnight when the ambient noise levels in the neighbourhood are very low has the very real potential to cause a public nuisance. This is especially highlighted here as the applicants have not addressed how they intend to prevent a Public Nuisance from taking place let alone preventing noise escape from the site.

Protection of Children from Harm

'With parents at all times'
'Not allowed on premises after 21:00'
'Challenge notices displayed'

This section fails to explain how this Licensing Objective will be promoted. The phrases again offer no detail, context or action that will be taken in its promotion. They are simply a set of incomplete sentences offering nothing tangible. No account has been taken of any information provided on this subject in the MSDC Licensing Policy.

Conclusion

This application seeks to allow the premises, subject of a number of complaints about it and its customers behaviour, an extra 90 minutes (60 on Sundays) for the sale of Alcohol and provision of entertainment by Live and Recorded Music.

The application is poorly drafted, confusing and does not offer any detail to indicate how the owners will promote the Licensing Objectives should the variation be granted.

This indicates a complete lack of understanding of the Licensing Act and its basic tenet – The Licensing Objectives. One wonders with this apparent lack of knowledge and understanding whether they are fit to run the premises as it currently exists.

Mid Sussex District Council's Licensing Policy at Section 9.5 states :

Future applicants for licensable activities beyond 23:00 hours will be expected to specifically demonstrate how they intend to address the licensing objectives of Crime and Disorder and Public Nuisance.

This application does not address these points in any way shape or form. It is for this reason, if the variation is granted as applied for, the likely effect will be the Licensing Objectives being compromised as outlined above.

I ask that you do not allow them to extend their opening hours and you ensure they comply with their current licensing conditions as they have clearly not been doing so to date.

Yours faithfully

Marianne Butler

(full address redacted)

Handcross
West Sussex

From: [Marianne Butler](#)
To: [Jon Bryant](#)
Cc: [Fiona Spears](#); [Jon Bryant](#)
Subject: Re: Handcross Club application to vary Premises Licence
Date: 29 August 2023 15:38:03

Dear Mr Bryant

Thank you for giving me sight of the representation by Sussex Police to an application for a variation of the Premises Licence at Handcross Social Club

I do not wish to withdraw my representation.

I note that Sussex Police have suggested a number of conditions for the licence.

I am surprised that they have been able to formulate these from the scarce information provided in the original application by Mr Stenning.

I understand that the onus is on the applicant to provide information in their application about how they intend to promote the licensing objectives.

I will repeat my earlier observation.

The application seeks to increase the terminal hour for Sale of Alcohol every day of the year until half past midnight (bar Sundays - Midnight) and for Regulated entertainment until half past midnight for every Monday to Saturday.

The application provides no information at all as to how they will address the potential increases in Crime and Disorder, Noise Nuisance and potential harm to children and young persons at the site.

Sussex Police have made no comment about this increase in hours or the applicant's complete absence of plans to mitigate the harm to the Licensing Objectives and the surrounding neighbourhood.

Neither have they mentioned that the application does not meet the required standards for applications like these as outlined in Mid Sussex District Council's Licensing Policy.

In my opinion there is nothing in the conditions proposed by Sussex Police that mitigate the potential harm to the Licensing Objectives and therefore I do not wish to withdraw my representation.

I would like these comments to be placed before the Licensing Committee at the forthcoming Hearing.

Yours Sincerely

Marianne Butler.

From: Jon Bryant <Jon.Bryant@midsussex.gov.uk>

Sent: Tuesday, August 22, 2023 9:13:23 AM

Cc: Fiona Spears; Jon Bryant

Subject: Handcross Club application to vary Premises Licence

Dear Interested Party,

As previously mentioned, the consultation period is an opportunity for representations to be resolved prior to a Panel hearing through the addition of conditions to a premises licence or the amendment of an application.

In respect of the application by Handcross Club to vary their current Premises Licence the Police have asked for a number of the current licence conditions to be amended and new conditions to be added to the licence. These conditions would form part of the varied licence and would have to be complied with by the club. I therefore need to update you regarding these agreed conditions to see if they may resolve your representations.

The conditions will operate a "Challenge 25" policy whereby any person attempting to buy

alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram, official photographic identity cards issued by EU states bearing a hologram or ultraviolet feature.

2. *Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises, including the point of sale and the area where the alcohol is displayed.*

3. *An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The logbook should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence. The logbook will record the following:*
 - a. *all crimes reported to the venue*
 - b. *all ejections of patrons*
 - c. *any complaints received*
 - d. *any incidents of disorder*
 - e. *any faults in the CCTV system*
 - f. *any refusal of the sale of alcohol and the name of the member of staff*
 - g. *who refused the sale.*
 - h. *details of any officer of a responsible authority who visits the premises, including their name, job title and the responsible authority they represent.**The log will be kept for a minimum of twenty-four (24) months and shall be kept on the premises and made available to officers of any responsible authority upon request.*

4. *No 18th birthday parties.*

5. *Children under the age of 18 years not to remain on the premises after 21:00 hours*
6. *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including:*

- *outside of the premises;*
- *the entrance to the premises;*
- *The till and bar area;*

The system shall be on and recording at all times the premises licence is in operation. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.

CCTV footage will be stored for a minimum of 31 days.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. Times will be updated promptly when British Summer Time starts and ends

The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.

Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV and will be able to download selected footage onto a disk. (or other electronic portable device acceptable to Sussex Police), or upload CCTV footage to Sussex Police Digital media systems via the internet for the police without difficulty or delay and without charge to Sussex Police.

Any breakdown or system failure will be notified to the police licensing team immediately (and a receipt or acknowledgement from Sussex Police Licensing obtained and retained) & remedied as soon as practicable.

7. *All external windows and doors shall be kept closed whenever regulated entertainment takes place, except when used in the event of an emergency or to allow access and egress to the building.*
8. *Signage shall be clearly displayed requesting customers to respect the neighbours and to leave the premises in a quiet and orderly manner. Should any customer fail to comply with this request then all reasonable steps shall be taken to ensure that a public nuisance is not created.*
9. *Customers who go outside to smoke shall not be permitted to take drinks with them.*
10. *The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:*
- *the lawful selling of age restricted products*
 - *refusing the sale of alcohol to a person who is drunk*

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

11. *All off sales will be made in sealed containers.*
12. *Staff must ensure that all empty glasses and bottles are promptly cleared away from the public area.*
13. *A documented Risk Assessment must be written, which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. This will include the need for any SIA door supervisors, Polycarbonate drinking vessels for use both externally and internally. Covering: what the hazards are, who could be harmed and how, the mitigations employed and by whom, for example, bar staff only using polycarbonate drinking vessels, door supervisors verifying ticket only events, enforcing entry restrictions and last entry times. The Risk Assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.*

There is no update in respect of the proposed terminal hour for licensable activities that have been applied for or the proposed closing time.

Please could you update me if the addition of these conditions to the premises licence would be sufficient to satisfy your representations.

I look forward to hearing from you.

Kind regards

Jon

Jon Bryant
Senior Licensing Officer
Environmental Health
Mid Sussex District Council
Tel +44 (0) 1444 [REDACTED]
[REDACTED]

Email: jon.bryant@midsussex.gov.uk

www.midsussex.gov.uk

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MICHAEL AND SARA ATKINSON

[REDACTED]
 High Street, Handcross
 Haywards Heath
 West Sussex [REDACTED]
 email: [REDACTED]
 tel: [REDACTED]

The Licensing Officer, Mid Sussex District Council
 Oaklands, Oaklands Road
 Haywards Heath, West Sussex RH16 1SS

14th August 2023

Dear licensing officer

L1/19/1515 Change of Premises Licence: Handcross Club

We are writing to make representations regarding the change to the premises licence that has been submitted on behalf of Handcross Club.

We have lived at [REDACTED] for 27years and use the club which is at the bottom of our garden.

Over the last few years, the club has been well run by Trevor and the volunteers and hasn't caused us any nuisance which would cause us to complain.

However, we are concerned about the licence changing to one which would allow extended drinking and exiting hours and live and pre-recorded music to be played into the early hours of the morning.

We therefore make our representations on the basis that we consider that:

- Public nuisance will be created at a late hour by noise emanating from the club
- The possibility of public disorder could be created when people are leaving the premises at a late hour

As mentioned above, the club has been run well over the last few years and is a good village community amenity, whereas a few years ago when, presumably, it had a late licence, there were numerous problems with noise at late hours and, often, the police had to attend because of public disorder when people were exiting the premises.

It would be a great shame to see the club transformed from a valuable village/local asset to a late night drinking venue/late night music venue probably attracting customers from a greater catchment area.

We consider that we are close enough to the club to be severely disturbed if the licence is changed and therefore wish to lodge an objection, but we do wish to be able to continue to support the club in its current format, which we consider to be appropriate for its present setting in the middle of a number of private houses.

Yours sincerely

[REDACTED]

Michael and Sara Atkinson

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From: planninginfo@midsussex.gov.uk
To: [licensing](#)
Subject: Mid Sussex DC - Online Register - Comments for Licensing Application LI/23/1048
Date: 16 August 2023 07:18:11

Comments summary

Dear Sir/Madam,

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

Comments were submitted at 16/08/2023 7:18 AM.

Application Summary

Address:	Handcross Club High Street Handcross Haywards Heath West Sussex RH17 6BJ
Proposal:	Premises Licence
Case Officer:	Fiona Spears

[Click for further information](#)

Customer Details

Address:	██████████ Handcross
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Comments Details

Commenter Type:	Neighbour or general public
Stance:	Customer objects to the Licensing Application
Reasons for comment:	<ul style="list-style-type: none"> - Prevention of Crime & Disorder - Prevention of Public nuisance - Protection of children from harm - Public safety
Comments:	<p>16/08/2023 7:18 AM Dear Council, With regard to the application for variation of licensing of the Handcross social club, please know that I object on all fronts.</p> <p>I have a family of five with three teenagers; we have lived ██████████ to the premises for nine years. There have been many occasions over the years in which we've been disturbed throughout the evenings and well into the wee hours of the morning with loud people, fighting, drunken behaviour and cars revving.</p> <p>Handcross is a small village. My husband was born here. We moved here with our Children to provide a safe and wholesome environment in which to grow up. Our neighbourhood houses 16 children under the age of 18. Listening to drunk people fight and carry on whilst smoking and partying outside their bedroom windows late at night all week goes against this and is incredibly disruptive to the resting and sleeping patterns of children and adults alike.</p> <p>Why does a small village need a social club seven days a week into late hours for drinking, essentially a bar-type environment? It's essentially an application for a nightclub in a small, quiet village. We value the contributions a club can add to a community, but this variation goes against the well-being of the community with the addition of increased alcohol consumption and loud music, general disorder and increased likelihood of disruption to residents.</p> <p>Thank you for your consideration.</p>

Kind regards

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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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