

15 January 2024

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PLEASE NOTE START TIME OF MEETING

Dear Councillor,

A meeting of **LIQUOR LICENSING PANEL** will be held in the at these offices on **TUESDAY, 23RD JANUARY, 2024 at 10.00 am** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

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 November 2023. **3 – 14**
4. Application to vary a Premises Licence - Licensing Act 2003. **15 - 66**

Human Rights Act Implications

Licensing Act 2003

A licensing authority must carry out its function under the Licensing Act 2003 with a view of promoting the licensing objectives.

The Licensing objectives are:-

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

In carrying out its licensing functions a licensing authority must also have regard to:-

- (a) its licensing statement published under Section 5 of the Licensing Act 2003 (this may be viewed on the Mid Sussex District Council website);

and

- (b) any guidance issued by the Secretary of State under Section 182 of the Licensing Act (this may be viewed on the Department for Culture, Media and Sport website).

Members are asked to consider the human rights implications for both the licensee who has rights under Article 1 of the First Protocol, the Right to Property (which includes the licence); and the objectors who have rights under Article 8 to Respect for Private and Family Life, and Article 1 of the First Protocol, their right to enjoy peaceful use of their possessions.

To: **Members of Liquor Licensing Panel:** Councillors K Berggreen, L Farren and J Mockford

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing Panel
held on Wednesday, 8th November, 2023
from 10.00 am**

Present: Councillors: A Eves (Chairman)
P Chapman
P Kenny

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

Also in attendance: Ibrahim Kahraman, Licence Holder
Mehmet Kahraman, Designated Premises Supervisor
Peter Aston, WSCC Trading Standards, Interested Party
Ellen Fisher, Democratic Services Officer
Alison Hammond, Democratic Services Officer

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 MEETING HELD ON 17 OCTOBER 2023.

The Solicitor verified the minutes as accurate representation of the meeting. The minutes were accepted by the Panel 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, namely at London Road Food and Wine, 65 London Road, East Grinstead, RH19 1EQ. The grounds for the review relate to the licensing objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm.

He noted that the review cites the sale of alcohol to a child during a test purchase operation conducted by Trading Standards on the 27th of June 2023 and the subsequent enquiries that were made into the incident. Two further Responsible

Authorities, Sussex Police and WSCC Public Health, have submitted representations in support of the review application.

He noted that the Panel must determine this matter on the evidence presented to it during the hearing having due regard to the Licensing Act 2003, MSDC Licensing Policy, and the Home Office Guidance issued under Section 182 Licensing Act 2003.

To provide background, he confirmed that the premises concerned is at 65 London Road, East Grinstead, RH19 1EQ and is known as London Road Food and Wine. It has been licensed for the sale of alcohol for consumption off the premises since August 2014 under Licence Number PWA0487. The Premises Licence Holder is Mr Ibrahim Kahraman and the Designated Premises Supervisor (DPS) is his brother, Mr Mehmet Kahraman. The current Premises Licence and conditions is attached at Appendix 2 and the premises is currently licensed for the following licensable activities:

Licensable Activity	Timings
Sale by retail of alcohol	Everyday 08:00 - 23:00

The premises operates as a local convenience store in East Grinstead situated in the town centre and there are a number of additional conditions attached to the licence in addition to the mandatory licence conditions. These are comprehensive and include that the premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25 (or the age set by the policy) will be asked for photographic ID to prove their age. It also includes a list of acceptable ID, that signage advertising the 'Challenge' policy will be displayed in prominent locations in the premises and shall include the point of sale as a minimum and that a written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences and shall be made available immediately upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.

In addition, all staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act 2003, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more than six (6) months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS.

He noted that West Sussex Trading Standards have applied for a review of the premises licence based on the sale of alcohol to a child that took place during a test purchasing operation they conducted on the 27th of June 2023.

They cite that they had previously received several complaints, alleging the location was selling e-cigarettes to individuals aged under 18.

On the 2nd of June 2023, a Trading Standards Officer conducted an advice visit in relation to selling age restricted products. The Trading Standards Officer spoke to the Premises Licence Holder, Mr Ibrahim Kahraman, on the phone about the underage sales advice visit. Several points around age restricted products and training were discussed during the advice visit. On the 5th of June 2023, a follow up advice letter,

which reiterated what was discussed from the advice visit, was sent to Mr Kahraman's email address.

On the 27th of June 2023 as part of an underage sales operation a 16-year-old volunteer selected a WKD Blue bottle of alcohol and took it to the till. A female working behind the till area sold the WKD Blue bottle of alcohol to the child volunteer, without asking them for any identification.

Trading Standards Officers immediately returned the shop to explain to the seller about the test purchase. Mr Kahraman was present when Trading Standards Officers entered the shop and listened while Trading Standards officers were talking to the seller, Ms Jankeer. She stated that she did not know the drink she sold to the volunteer was alcohol, she did not remember the volunteer and was unable to say what age they thought the volunteer was. She was aware of the 'Think 25' Policy. There was no till prompt for the alcohol product and the refusal logs could not initially be located. When the seller was asked about any training, she confirmed she has had training and signed something, however there were no records of this when checked.

Trading Standards Officers questioned Mr Kahraman, as to why there was no records for the sellers training. Mr Kahraman explained that the seller usually stacks shelves and that is the reason there were no training record for her.

West Sussex Trading Standards contend they do not believe the licensing objectives are being continually upheld at London Road Food and Wine and deem it both proportionate and necessary to invite the committee to consider a review of the premises licence, to limit further criminal activity by this licence holder and to act as a deterrent to other operators considering such illegal conduct.

As underage age advice had been provided before the sale of alcohol was made to a Trading Standards volunteer, the Responsible Authority suggests an appropriate outcome of the review would be a three-month suspension and further conditions added to the licence. He noted that full details of the Trading Standards investigation are attached to the report at Appendix 4.

Subsequently WSCC Public Health have submitted representations in support of the application on the grounds of the Prevention of Crime and Disorder and the Protection of Children from Harm. These are attached in full at Appendix 5. In their representation they state that sale of alcohol to children is of extreme concern, considering the strong evidence demonstrating the harms caused by alcohol to children and young people. They highlight that the premises had received advice regarding under-age sales a short time prior to the incident and despite this recent advice, alcohol was sold to a child.

They highlight that in Mid Sussex alcohol-specific hospital admissions among under 18s have shown an increase since 2016/17 and the comparable rate for the district is 35.2 admissions per 100,000 under 18s which is also above rates for England overall.

They state that they are concerned by the inadequate staff training procedures at the premises. The apparent lack of training amongst some staff members is putting children at risk of harm from alcohol. The failure to keep adequate training records suggests further still that the premises is not taking seriously their responsibility to uphold the Licencing Objectives.

They further state that from a Public Health perspective, it is disappointing that despite previous advice provided by Trading Standards, alcohol was sold to a child. Given the serious nature of this offence and the harm caused to children by alcohol, West Sussex Public Health are supportive of the recommendations made by Trading Standards which seek to limit further criminal activity and to promote the licencing objectives.

Sussex Police have submitted representations in support of the application to review the premises licence on the grounds of the Prevention of Crime and Disorder and the Protection of Children from Harm. These are attached at Appendix 6.

They detail that Sussex Police are particularly concerned in this case that on the 27th of June 2023, alcohol was sold to a child during a test purchase exercise. Prior to the test purchase exercise carried out by Trading Standards, advice was given to the Management of the premises.

They comment that as a result of receiving details of this review application they attended the premises on the 28th of September 2023 to conduct a licensing visit.

The Designated Premises Supervisor (DPS) was not on site, so a member of staff was spoken to. The following observations were made during the visit:

- The member of staff had very little knowledge of the licensing legislation which was of concern as the member of staff was in a position of the sale of alcohol.
- The member of staff could not locate part A of the Premises Licence and stated that she had never seen the document.
- The member of staff stated that she had no formal training. The member of staff stated the only training that she has had was verbal instructions not to sell age related products to children. The member of staff was aware of challenge 25.
- There were training records for a number of members of staff, but the records were not documented and there were no dates of training or refresher training as per the conditions of the premises licence. It would appear from one document that the last training was conducted on the 24th of October 2021.
- Part B of the premises licence was displayed correctly.
- The member of staff produced a folder with the following documents - DPS authorisation form, Written age verification policy and training records as above.
- Challenge 25 posters were on display, one at the point of sale and one where the alcohol was displayed.
- All spirits were on display behind the counter. All other alcohol products were displayed in a small chiller in view of the till.
- CCTV was working and appeared in good order, the correct time and date displayed.
- A refusals log was produced by the member of staff. There were numerous entries on the log, the last being the 21st of September 2023.
- During the visit a further member of staff returned to the premises after a break. This member of staff had an improved knowledge of the running of the premises and the Licensing legislation.
- It was clearly evident that there was a distinct lack of knowledge at the premises and training by the DPS would improve the situation and prevent any future sales of age restricted products. No other issues identified at the premises.

Sussex Police support the review application and recommend to the Committee that they consider a suspension period of three months is appropriate. In addition to a suspension of the premises licence, Sussex Police invite the Committee to consider updating the premises licence conditions by replacing all the existing conditions in

the operating schedule of the licence with proposed conditions detailed at Appendix 7.

The Senior Licensing Officer noted that the review has been applied for under Section 51(1) of the Licensing Act 2003 and confirmed that Section 52 deals with the determination of the review and the considerations of the committee. He confirmed that the Licensing Act 2003 requires representations to address the four licensing objectives which are:

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

He noted that the panel will be aware of the extensive guidance issued under Section 182 of the Licensing Act 2003 and reiterated a number of key points:

2.34

Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced.

11.16

The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.

11.19

Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20

In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.23

Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working., it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

11.27

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;

11.28

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

The Senior Licencing Officer noted that the final decision made by the Panel in this matter is subject to appeal in the Magistrates' Court by any party to the proceedings. He took the Panel through the background papers noting that there is an addendum to Appendix 7 which includes 2 further conditions that Trading Standards invite the Panel to add to the licence.

Questions to the Senior Licensing Officer

There were no questions for the Senior Licensing Officer.

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

Mr Aston advised that Trading Standards had requested a standard review of the premises licence of London Road Food and Wine, 65 London Road, East Grinstead, RH19 1EQ under Section 51 of the Licensing Act 2003 with a view to a revocation, suspension, inclusion of additional conditions or removal of the DPS.

He highlighted that the current operation of the premises was undermining the Licensing Objectives and 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 warning businesses there would be a county wide crack down on to underage sales of alcohol and noted previous cases where shops had been found to be selling alcohol and tobacco products to children. There has also been significant press coverage of licences across the District that have been revoked. There have also been occasions of other underage sales across the County, but they have involved other criminal activity and are not reported on. As the sale of vapes has continued, Trading Standards took the decision in January 2022 to instigate a zero-tolerance policy to the sale of alcohol to children and where there is sufficient evidence they will seek a review of the business alcohol licence with the aim of having it suspended or revoked unless there are exceptional circumstances. This approach would be following businesses having been fully advised in a personal visit and followed up in writing. This policy reflected in the published enforcement policy on the website.

As part of their policy they agreed that the following steps would be taken: Trading Standards engage with the alcohol licence review process in view of tackling the supply of the restricted items. They conduct intelligence led test purchasing operations with evidence that usually comes from parents, teachers or businesses. All reported instances are followed up. They give robust advice to businesses who are reported as selling age restricted products to children and take appropriate and proportional action. They also utilise zero tolerance messaging and this is reflected in the published enforcement policy.

Unfortunately, incidents in Mid Sussex and the County have escalated which has a significant impact on the resources of both Trading Standards and Mid Sussex District Council. The sale of Vapes are of particular concern and he drew the Panel's attention to a recent Panorama report focussing on the effects on vaping on children. He also cited a press release from Manchester Police noting the link between the sale of prohibited items, grooming gangs and exploitation.

With regards to this particular case, he cited a number of reports from concerned parents regarding the sale of vapes to children. Reports were received on 18 April 2023, 20 April, 2 June, 5 June, 9 June and 26 June illustrating a community concern and a wish for Trading Standards to act and reduce such instances going forward.

On the 27 June 2023, during a controlled Trading Standards Test purchasing exercise, a shop employee at Yowu Limited t/a London Road Food and Wine, 65 London Road, East Grinstead, West Sussex, RH19 1EQ, sold alcohol to a Trading Standards volunteer who was under the age of 18. He outlined that a child selected a bottle of WKD Blue and a female member of staff sold it without asking any questions. After securing it as evidence, Trading Standards Officers returned to explain and instigate an investigation. The Licence Holder was present and listened while they spoke to the seller, therefore she was under supervision. The seller explained that she didn't know it was alcohol and could not remember the volunteer or what age they were. When asked about 'Think 25' she was aware of this. When she scanned a bottle there were no till prompts and she could not locate the refusals log, however another person did find it. She confirmed that she had received training and had signed for it but there were no records of this. Trading Standards questioned the Licence Holder who explained that the seller usually stocked the shelves which is why there were no training records.

Mr Aston noted that the sale of alcohol to an underage person is a breach of the licence in a failure to protect children from harm. The Panel is reminded that the second objective, the prevention of crime and disorder, has also been failed. In view of the sale and subsequent lack of engagement the Officer felt that the Licensing objectives are not continually being upheld so and so it is proportional and necessary to ask the Panel to review the licence with a view to revoking it, to act as a deterrent to other operators considering such illegal activities.

He drew the Panel's attention to the Local Government handbook on the Licencing Act where the primary purpose is to act as deterrent and prevent further breaches and any licensable activities which are causing concern from happening. Referencing the Home Office revised guidance of the Licensing Act which was updated in August 2023 it notes the need to protect children from moral, physiological harm and the wider harms of sexual exploitation. Section 2.28 of the handbook notes that the Government believes it is completely unacceptable to sale to children and specific weight should be given to representations on child protection matters. Section 11.10 notes that where authorised person have concerns, it is good practice to give the Licence Holder early warning of the concerns and advise them of steps to change it. He noted that this took place with a visit by appointment and follow-up by email. Section 11.27 notes that certain criminal activity is to be treaded particular seriously, for example the purchase of alcohol by minors. Section 11.28 notes that it is envisaged that Licencing Authority's, Police, the Home Office and other Responsible Authorities will use review procedures to deter such activities and crime. Where the crime prevention activities are being undermined it is expected that a revocation of licence even in a first instance should be seriously considered.

In view of the above, the Responsible Authority does not believe the licensing objectives are being continually upheld at Yowu Limited t/a London Road Food and Wine, 65 London Road, East Grinstead, West Sussex, RH19 1EQ, and deem it both proportionate and necessary to invite the committee to consider a review of the premises licence, to limit further criminal activity by this licence holder and to act as a deterrent to other operators considering such illegal conduct. As underage age advice had been provided before the sale of alcohol was made to a Trading Standards volunteer the Responsible Authority suggests an appropriate outcome of the review would be a three-month suspension and further conditions added to the licence. These conditions are an addendum to Appendix 7 including that no more than 2 children are allowed in the shop at any one time unless accompanied by an adult and that a till prompt is in place to remind staff to check that the customer is over 18 years old when selling any restricted product. This would send a strong message across the County and District that robust sanctions will be administered.

Questions to the Trading Standards, Responsible Authority

With regards to the reports from parents alleging that the shop is selling vapes, the Licence Holder noted that CCTV camera records are held for 90 days and Trading Standards Officers are welcome to verify the reports by checking the footage. He asked why they had not done so.

Mr Ashton noted that this has been considered, and he has been in contact with the Licensing Officer. Only the Police and the Licensing Authority have the power to seize and view the CCTV footage.

The DPS noted that, whilst not an excuse, the business has been active since 2014 and this is the first instance of alcohol being sold to a minor. He noted that all the earlier reports were related to the sale of vapes, and there are 15 shops in the area

that sell them. He is aware minors often get an adult to buy them and they have CCTV outside to watch out for this. They refuse to sell to the adult if this is suspected and have banned one person for this in the past. They also have a refusal log.

The Panel asked for clarification on the size of the bottle. The DPS confirmed it was a small bottle and provided an example which he had brought with him, alongside a similar small blue bottle of soft drink as the seller had mistakenly thought she was selling a soft drink on that occasion.

Premises Licence Holder: Ibrahim Kahraman, Designated Premises Supervisor Mehmet Kahraman:

The DPS noted that the staff member had been working at the shop for almost a year part time, stacking shelves. She wishes to learn to use the till and has done so under supervision but on this occasion the DPS was not at the store and the License Holder was giving advice to someone so she made a sale when she shouldn't have. The DPS had trained the staff member and apologised that the paperwork is missing. He reiterated the example of the two similar blue bottles to demonstrate how they could be mistaken for a soft drink.

He noted that the shop is the biggest in East Grinstead with a memorable name and if someone wants to make a complaint it is easy to remember that shop whether they made the sale or not. He confirmed that he would not serve vapes to children as he wouldn't want the same to happen to his child.

He offered to demonstrate how people are happy with the service they offer and what they have done for the community. He also confirmed that they have done everything to rectify the situation since the test purchase, reiterating the training, and showing the seller how to identify the percentage alcohol on a bottle if they are unsure. He also confirmed that he has given the seller a second chance as he believed it to be an honest mistake and asked that the panel do the same with this review.

The Licence Holder confirmed that till prompts now identify age restricted items to remind the seller.

Questions to the Licence Holder

The Licensing Officer asked if there was a till prompt for alcohol at the time of the test purchase. The DPS confirmed that the till system had recently changed and as the previous one didn't have the option to offer a warning, it had taken time to add in the hundreds of products and by mistake some had been missed out. He has since checked and is 99.9% sure all items are on the system, and this is checked each time a new item is added.

The Panel noted that the sale took place in June and the Police visited in September at which time the till prompt still was not installed so sought clarification on when the till prompts were active and whether it covers all age restricted items such as vapes, and tobacco. The DPS confirmed that the capacity to have a till prompt had been in place for over a year and new products are added on a daily basis but that it was possible that some items had been missed as they have over 10,000 items of stock. He confirmed that it did cover all age restricted items.

The Panel sought clarification of what other improvements had been made regarding training and records in the interval between the incident and the Police visit. The DPS confirmed that everyone had been retrained, especially the seller and the main focus

had gone into the till prompts to ensure items were added. He confirmed there are 11 staff and in response to a question on whether they have door staff to manage numbers of children he confirmed this was felt to be unnecessary as his experience is that they are not there to steal, and they will not cause issues when in school uniform and surrounded by people they know.

In response to a question on the processes for a new member of staff the DPS confirmed that they are informed of the rules regarding selling items to people under 25 years old and to ask for ID even if they are not sure of the age. They are informed of the types of acceptable ID and to look out for fake ID. He also shares his personal experience of how to spot someone who appears guilty or suspicious. He then goes through the products with the staff including noting that items such as cigarette paper, filter tips and lighters also should not be sold to anyone under 18 years old.

The DPS confirmed that he is at the shop approximately 5 hours per day as he splits his time between two stores that he supervises, and the Licence Holder is usually there from 6.30am until 5pm or 6pm. An experienced senior member of staff is there in the evenings to cover when neither the DPS or Licence Holder are on site. The Panel asked what their training documentation looks like and the DPS was confident that they had done everything right regarding documentation. The Licensing Officer offered to provide them with a copy to consider during the recess and gave an example of what good training documentation should look like. The Panel asked if the DPS was familiar with this example of good practice and he confirmed that he was.

The Panel sought clarification on how many refusals are made in a month noting that the last entry on the log is 17 September. The DPS confirmed that more refusals occur in the summer months and holidays as it relates to an increase of visitors, noting that local people won't try to buy anything underage. Sometimes there can be a number of refusals and sometimes only one or none. Refusals also often relate to drunk people.

The Panel noted that this is the first time that the business has come before them for the failure of a test purchase.

Summing up by WSCC Trading Standards

Mr Aston reiterated that on 2 June a Trading Standards Officer visited and noted that the refusals log hadn't been used since 3 February 23. The Licence Holder countered that he had the logs available to view and is not sure why this was noted.

Mr Ashton asked if the Licence Holder reviewed CCTV footage as part of a compliance check after the Officer had visited. The DPS confirmed that he did look at it, noting that you can't look through it all the time. He gave an example of using CCTV to prove to a complainant that their son hadn't purchase alcohol at the store.

Mr Aston reiterated that he still does not have the confidence that the licensing objectives will be upheld. He felt it was clear there are ongoing shortfalls in training and these need to be fully addressed. Sanctions for selling alcohol to minors was also needed and robust action should be taken as a clear deterrent to other business who continue to sell products to children.

The Solicitor outlined the next steps noting that the Panel would retire to consider the application. If the Panel was unable to come to a decision, it will be communicated to various parties within 5 working days. They may come back with a decision but not

reasons, however these will be made clear. Any appeal of the decision is to be within 21 days. This appeal can be made a Brighton Magistrates Court and details of where to write to will be provided when reasons are given.

The Panel retired at 11.23am and returned at 12.07pm

The Panel noted that the immediate cause of the sale of alcohol to a minor was an untrained person on the till and no till prompts on the bottle of WKD, which indicated ineffective managerial oversight. There also was no supervisor available to correct the person. They also felt that there was an inadequate focus on the licencing objectives as the refusals log showed only 18 refusals in 9 months. They considered removing the DPS however this would not be helpful as the DPS needs to convey his considerable knowledge to the staff. The management needs to give higher priority to the licensing objectives particularly the prevention of crime and disorder and the prevention from harm to children and young persons.

The Panel therefore felt it was reasonable to impose a suspension for 6 weeks and to amend the conditions of the licence as per the Sussex Police recommendations, excluding the additional conditions supplied by West Sussex Trading Standards . The 6-week suspension will allow time to carry out a full review of the till prompts and make sure all staff are adequately trained.

The Solicitor confirmed that the 6 weeks will take effect after the 21 days appeal time. If the Licence Holder does appeal the suspension the decision is held off until the appeal is decided on. He confirmed that in light of all the information provided, the Panel's decision was considered appropriate and asked that the Licence Holder clearly corresponds with the Licencing Officer if they plan to appeal.

RESOLVED

The Panel decided that the Premises Licence held by London Road Food and Wine, 65 London Road, East Grinstead, RH19 1EQ be suspended for 6 weeks and that the conditions of the licence be amended as per the Sussex Police recommendations, excluding the additional conditions supplied by West Sussex Trading Standards (WSTS).

The meeting finished at 12.10 pm

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: Burgess Hill - Victoria
Key Decision No
Report To: Liquor Licensing Panel – 23 January 2024

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 Paul Thornton on behalf of Mr Simon Hancock, the holder of the Premises Licence at The Cricketers Public House, 23 West Street, Burgess Hill, RH15 8NY. Representations against the application have been made by five Interested Parties on the grounds of Prevention of a Public Nuisance.
 - 3 The substance of the variation application is to extend the times for the sale of alcohol by retail, the opening hours, remove outdated licence conditions and update and add new licence conditions.
 - 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 The Cricketers Public House is situated in West Street at the junction with Fairfield Road, Burgess Hill. Mr Simon Hancock is holder of the Premises Licence issued under Licence number PWA0110. The Pub has held a Premises Licence since the introduction of the Licensing Act 2003 and previously under the earlier Act, the Licensing Act 1964.
- 6 The Cricketers is currently licensed for the following licensable activities:

Licensable Activity	Timings
Provision of facilities for dancing - Indoors	Everyday 11:00 - 23:30
The exhibition of a film - Indoors	Everyday 11:00 - 00:30
A performance of live music - Indoors	Everyday 11:00 - 23:30
Late night refreshment - Indoors	Everyday 23:00 - 00:30
Provision of facilities for making music - Indoors	Everyday 11:00 - 23:30
Ent similar to dancing/making music - Indoors	Everyday 11:00 - 23:30

An indoor sporting event - Indoors	Everyday	11:00 - 23:30
Any playing of recorded music - Indoors	Everyday	11:00 - 00:30
Sale by retail of alcohol	Everyday	11:00 - 00:00

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

Non Standard Timings

Sale of Alcohol:

- New Year's Eve - 11:00hrs to 01:00hrs
- Christmas Eve, Boxing Day, Bank Holiday Weekend (Friday, Saturday, Sunday, Monday) - 11:00hrs to 01:00hrs
- Up to 12 other events per annum at licensee discretion - 11:00hrs to 01:00hrs

Regulated Entertainment and Late Night Refreshment:

- When opening hours are extended on Bank Holidays and Event Days these hours follow the opening hours

7 The current opening hours of the premises are:

Everyday 07:00 - 00:30

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

- Windows and doors to be closed at 23:00 hours and recorded music reduced to a background level.
- No outside drinking after 23:00
- No less than 10 days written notice to be given to Police of all event days.
- Management to be members of Local Pubwatch.
- A closed circuit television (CCTV) shall be provided to a specification agreed with Sussex Police.
The precise siting of each camera shall be agreed with the Police.
All cameras & recording equipment shall be maintained in good & efficient working order.
All images created shall be recorded with appropriate media, as agreed with Police and shall be retained for a minimum period of thirty (30) days.

9 The variation seeks to increase the licensing hours for Sale of Alcohol and Late Night Refreshment on three nights of the week- Thursday Friday and Saturday from midnight to 1am, to amend the current opening hours accordingly and to update and amend the current conditions.

10 The details of the variation to the current licence are detailed below:

- a) Amend Timings of Licensable Activities as follows:

Sale of Alcohol

Thursday, Friday, Saturday 1100-0100 hrs.

Late Night Refreshment

Thursday, Friday, Saturday 2300 -0100 hrs

All other timings for all other Licensable Activities will remain the same.

b) Under the Heading of Non Standard Timings:

Delete:

- i. Up to 12 other events per annum at licensee discretion - 11:00hrs to 01:00hrs
- ii. Regulated Entertainment and Late Night Refreshment: When opening hours are extended on Bank Holidays and Event Days, these hours follow the opening hour.

All other timings under this heading to remain.

c) Delete current conditions and replace with new conditions.

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

- 11 Representations have been received from five members of public, referred to as an Interested Parties within the Act. These representations have been made in respect of the Licensing Objectives of the Prevention of a Public Nuisance.
- 12 There are no representations from any Responsible Authority. Concerns have been resolved by minor amendments to the proposed new licence conditions and the agreement with an additional condition with the Environmental Protection Team. 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 proposed by the applicant and agreed with the Police and the Environmental Protection Team be attached to the varied licence. Full details of these conditions are attached in Appendix 4. The comments made by the Environmental Protection Team are attached in Appendix 5.
- 13 The application was advertised at the site between 29th November 2023 and 26th December 2023 and published in the local newspaper on 7th December 2023.
- 14 **Interested Party Representations**
Lucy Chapman

Lucy Chapman has made a representation on the grounds of the Prevention of a Public Nuisance. The representation states:

The noise levels are already bad, especially during summer months. I have concerns about people parking their cars in our close (which is already an issue as there isn't sufficient parking onsite) then driving home at 1.30 and causing a disturbance.

Devon Busby-Kelly

Devon Busby-Kelly has made representations on the grounds of the Prevention of a Public Nuisance.

I feel very concerned about this due to the potential noise of people leaving the pub later than they already do.

This is mostly due to the fact people are unable to mostly park in the car park of the pub due to the 2 parking spots not being able to be used for cars. The front car park is completely full of old cars and the back is mostly full of cut down logs, I'm assuming this is other business ' running in the pubs location. This means that people who visit the pub don't park there as there is only about 8 spaces which some are of course taken up by staff. Instead people park on main rds and in the closes that are nearest. Especially during the summer you always get woken up by cars leaving the pub or drunken people leaving. At least at the moment it's only midnight but the idea that it's going to be later is worrying. The pub is not in a town center or a location with no one around, it is surrounded by residential properties including flats, houses and a old people's home. Also though I appreciate the pub saying it will lower noise and not allow people outside but people will be going in and out as they do now , to smoke or talk and they will be heard as you can not control how loud they are going to be. And when they do open the doors , especially when in very hot weather people will want to go outside to cool down we will hear the music as we do now.

I have nothing against the pub but I know so many of my neighbours and others that live close are very concerned over this change. If something could be done about the car park so people who are visiting do not park by people's houses it would certainly help ease the worry but as it stands we already have enough trouble with people leaving and making noise at midnight please do not make this any later.

Debbie Ann Busby

Debbie Ann Busby has made representations on the grounds of the Prevention of a Public Nuisance.

Firstly I have nothing against the pub at one time my grandad use to serve there, the problem is it is not in the town or in the country ,it's in a residential area . The noise aspect worries me as you cannot stop people shouting ,laughing they have had a good time but unfortunately they park in the roads where we live ,in the summer our windows are open so we will be woken up in the early hours of the morning . Unfortunately there is no other place to park except outside our houses or even by our garages

Linda Steer

Linda Steer has made a representation on the grounds of Prevention of a Public Nuisance.

I can't see the need to be open later. The noise level when people leave is unacceptable especially in the summer when windows are open. We already have to put up with their customers parking outside our houses and leaving at all different times of the day and night.

Jane Davey

Jane Davey has made a representation on the grounds of Prevention of a Public Nuisance. The representation states:

With reference to the above with regard to increase licensing on Thursday Friday Saturday we have had numerous complaints over the years where I have been in touch with the licensing department due to noise and drinking outside every weekend people are drinking outside well after 23 hours even up to about 1230 am and outside in garden and front of pub quite often when I am on a late shift I get dropped in my taxi and people outside shouting and drinking well after 1200 am x as well as the music which can be so loud you have to close the windows if only the landlady would adhere to the rules and customers I would not be sending this email.

With reference to the above I can confirm that the comments I have made are on the grounds of potential public nuisance.

The extended hours will have a detrimental impact in this matter.

We have endured quite a lot of noise and nuisance over the years the only time we had any respite was during the pandemic.

I believe the extended hours would only make matters worse.

- 15 The Panel will note that comments surrounding parking issues in the locality could not be considered as relevant in respect of this application and the consideration of the Panel is in respect of the likely effect of the variation on the licensing objectives and is not a process to review the current licence.

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:

Public nuisance

2.21

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.27

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

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 area. 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.

9.42

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.

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.

Appendix 5 – Application comments - Environmental Protection Team

service_team_name Licensing Team

service_email_addresses licensing@midsussex.gov.uk

Your Details

Correspondence

Correspondence Email

[REDACTED]

Confirm Email

[REDACTED]

Name Simon Hancock

Premises licence number PWA110

Premises

Name of premises The Cricketers

Does your premises have a postal address? Yes

Postal address of premises or, if none, ordnance survey map reference or description 23 West Street
Burgess Hill West Sussex RH12 8NY

Tel: (at premises)

[REDACTED]

Email

[REDACTED]

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

Current Premises Licence

Please describe briefly, the nature of the proposed variation The variation seeks to increase the licensing hours for Sale of Alcohol and Late Night Refreshment on three nights of the week- Thursday Friday and Saturday from midnight to 1am.

At the same time we have taken the opportunity to delete conditions authorising the site to have twelve events a year at the licensee's discretion up to 1am.

The site has never used this condition and consider it to be outdated.

We have submitted re written conditions and added some new ones.

We feel this accurately reflects an up to date licence.

Summary

1. Amend timings for Sale of Alcohol and Late Night Refreshment
2. Delete some current conditions
3. Add new conditions.

Details :

A. Amend Timings of Licensable Activities as follows :

Sale of Alcohol

Thursday Friday Saturday 1100-0100 hrs.

Late Night Refreshment

Thursday Friday Saturday 2300 -0100 hrs

Please note all other timings for Licensable Activities will remain the same.

B. Under the Heading of Non Standard Timings :

a) Delete : 'Up to 12 other events per annum at licensee discretion - 11:00hrs to 01:00hrs'

b) Delete : ' Regulated Entertainment and Late Night Refreshment: When opening hours are extended on Bank Holidays and Event Days these hours follow the opening hours

c) All other timings under this heading to remain.

C. Under the Heading of Conditions consistent with the operating schedule:

Delete all current conditions (with the exception of Paragraph B above)

D. Add the following Conditions :

1. Windows and doors to be closed at 23:00 hours and recorded music reduced to a background level.

2. No outside drinking after 23:00

3. The rear garden/ patio area must be cleared by 2200 hours.

4. No new entry to the premises after 2330 hours.

5. Management to be members of Local Pubwatch.

6. CCTV:

a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.

b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

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

d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

- e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- f) 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) for the police without difficulty or delay and without charge to Sussex Police.
- g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as is practicable.
- h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

7. Training/Authorisation:

- a) The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following 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
- b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 6 months, with the date and time of the verbal reinforcement/refresher training documented.
- c) All such training undertaken by staff members shall be fully documented and recorded and signed by both the employee and the DPS. All training records shall be kept on the premises and made available to Sussex Police and an authorised officer of a Responsible Authority upon request.
- d) A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.

7. Challenge 25:

- a) The premises will operate an age verification policy set at a minimum of 25 years (e.g. "Challenge 25") whereby any person attempting to buy alcohol who appears to be under the specified age e.g. 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.
- b) Signage advertising the age verification or 'Challenge 25' policy will be displayed in prominent locations in the premises.

8. Incident/Refusal Log:

- a) An incident/refusal log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least intervals of no more than four (8) weeks.

inspection at all times the premises are open by and an authorised officer of a Responsible Authority on request An incident will be defined as being one which involves an allegation of a criminal offence.

c) Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.

d) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept at the premises for a minimum of twenty-four (24) months.

Attach the premises licence (or relevant part of it)

https://forms.midsussex.gov.uk/upload_dld.php?fileid=d527e97459dd406380772b54bd80c179

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

Applicant Details

Current postal address if different from premises address

[REDACTED]

Phone

[REDACTED]

Email

[REDACTED]

Operating Schedule

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

Operating Schedule

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

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to 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

Well established Public House in residential area.

its proximity to the premises.

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

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Live Music

Will you be provisioning Live Music? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Recorded Music

Will you be provisioning Recorded Music? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Performances of dance

Will you be provisioning Performances of dance? No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Similar to live music, recorded music or performances of dance

Will you be provisioning anything with a similar description to live music, recorded music or Performances of dance?

No

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday

Late Night Refreshment

Will you be provisioning any late night refreshment?

Yes

Monday

Start Time 23:00

End Time 00:30

Tuesday

Start Time 23:00

End Time 00:30

Wednesday

Start Time 23:00

End Time 00:30

Thursday

Start Time 23:00

End Time 01:00

Friday

Start Time 23:00

End Time 01:00

Saturday

Start Time 23:00

End Time 01:00

Sunday**Start Time** 23:00**End Time** 00:30**Where will the provision of late night refreshment take place? Indoors may include a tent.** Indoors**State any seasonal variations: For example (but not exclusively) where late night refreshment is provided on additional days during the summer months.****Non standard timings. Where the club intends to use the premises for the provision of late night refreshment at different times from those listed above, please list: For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.** New Year's Eve - 11:00hrs to 01:00hrs
Christmas Eve, Boxing Day, Bank Holiday Weekend (Friday, Saturday, Sunday, Monday) - 11:00hrs to 01:00hrs**Supply of alcohol****Will you be provisioning any alcohol?** Yes**Monday****Start Time** 11:00**End Time** 00:00**Tuesday****Start Time** 11:00**End Time** 00:00**Wednesday****Start Time** 11:00**End Time** 00:00**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 11:00

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. New Year's Eve - 11:00hrs to 01:00hrs
Christmas Eve, Boxing Day, Bank Holiday Weekend (Friday, Saturday, Sunday, Monday) - 11:00hrs to 01:00hrs

Hours premises is open to the public

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 01:30

Friday

Start Time 11:00

End Time 01:30

Saturday**Start Time** 11:00**End Time** 01:30**Sunday****Start Time** 11:00**End Time** 00:30**State any seasonal variations : For example (but not exclusively) where the supply of alcohol will occur on additional days during the summer months.****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.**New Year's Eve - 11:00hrs to 01:30hrs
Christmas Eve, Boxing Day, Bank Holiday Weekend (Friday, Saturday, Sunday, Monday) - 11:00hrs to 01:30hrs**Current licence conditions****Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.**

B. Under the Heading of Non Standard Timings :

a) Delete : 'Up to 12 other events per annum at licensee discretion - 11:00hrs to 01:00hrs'

b) Delete : ' Regulated Entertainment and Late Night Refreshment: When opening hours are extended on Bank Holidays and Event Days these hours follow the opening hours

C. Under the Heading of Conditions consistent with the operating schedule:

Delete all current conditions (with the exception of Paragraph B above)

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.**

None

Licensing Objectives**General - all four licensing objectives**

The variation seeks to increase the licensing hours for Sale of Alcohol and Late Night Refreshment on three nights of the week- Thursday Friday and

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

Saturday from midnight to 1am.

At the same time we have taken the opportunity to delete conditions authorising the site to have twelve events a year at the licensees discretion up to 1am.

The site has never used this condition and consider it to be outdated.

We have submitted re written conditions and added some new ones. We feel this accurately reflects an up to date licence.

The increase in authorised hours is driven by demand. The site is in half a miles walk to two other pubs that both enjoy a 1am terminal hour. It is noticeable that our customers leave this site at 2315 hrs to walk to these pubs to enjoy after drinking.

Trading at this time in the hospitality industry is extremely difficult and we would like to have the chance to offer a later terminal hour. The pub has recently undergone an extensive refurbishment and we have noticed a subtle change in the demographics of our clientele. We wish to maximise the potential this is offering.

There will be no regulated entertainment to complement the increase in hours.

We operate a no drinks outside policy after 2200 hours and will not admit new customers after 2330 hours if this application is granted.

The pub has been in Mr Hancocks hands for the past 15 years and the DPS, Mrs Wilson, has been at the site as a Manager and DPS during this time. .

The pub does not come to the attention of the Responsible Authorities. It has a good compliance record.

We believe the proposed new conditions and the current management practices of the business will ensure the Licensing Objectives are properly promoted.

The prevention of crime and disorder:

The site has extensive CCTV.

We have submitted a proposed new CCTV condition in line with the requirements of Sussex Police.

Training Records and Refusal Register are already kept and a new condition is proposed for this, hitherto it has not been a requirement of the licence.

There is no drinking outside after 2300 hours and the patio /garden area to the rear of the site is closed at 2200 hrs.

No new customers will be allowed entry after 2300 hours.

The pub is well run and compliant. It has been managed by the saem team for the last 15 years. They run a tight disciplined business. The site has recently undergone extensive refurbishment that has meant a subtle change in the demographics of its customer base .

We believe the proposed new conditions and the current management practices of the business will ensure the Licensing Objectives are properly promoted.

Public safety: All current safety certificates are up to date.

The site has a compliant track record under this management. We believe the proposed new conditions and the current management practices of the business will ensure the Licensing Objectives are properly promoted.

The prevention of public nuisance:

The site is compliant regarding public nuisance. There is no application to increase licensed hours for Regulated entertainment. We therefore do not foresee any difficulties in preventing a public nuisance for the additional time available to sell alcohol. We close the outside garden and patio area at 2200 hours and do not allow drinks to be taken outside after 2300 hours. We believe the proposed new conditions and the current management practices of the business will ensure the Licensing Objectives are properly promoted.

The protection of children from harm:

There is extensive CCTV at the pub, allowing full surveillance of the site by the Manager. To date there has never been an issue with those who are Under 18 attempting to purchase alcohol. The current management are very strict in their policy around this; identifying those who are purchasing alcohol and around proxy sales. Their Age Verification Policy is currently Challenge 25. They maintain good training for their staff on this subject. A new condition requiring age 25 for the policy , plus staff training and a refusal register is proposed.

We believe the proposed new conditions and the current management practices of the business will ensure the Licensing Objectives are properly promoted.

Submit & Pay

Name	Paul Thornton
Address for correspondence associated with this application	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Payment Ref	1hgaj1r8t

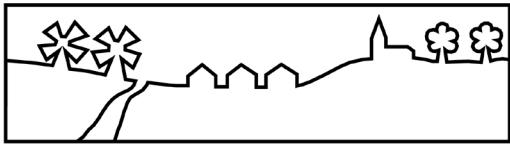
Amount to be paid: GBP 190

Order summary:

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

The message has been sent from 31.120.95.199 (United Kingdom) at 2023-11-28 10:55:45 on
Chrome 119.0.0.0
Entry ID: 36

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MID SUSSEX DISTRICT COUNCIL

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

Licensing Act 2003 Premises Licence PWA0110

Part 1 - Premises Details

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

The Cricketers
23 West Street
Burgess Hill
West Sussex
RH15 8NY

Telephone: 01444 235694

Where the Licence is time limited - the dates

Commences :- 13 April 2016

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

Provision of facilities for dancing - Indoors

Everyday 11:00 - 23:30
Non Standard Timings-see conds attached -

The exhibition of a film - Indoors

Everyday 11:00 - 00:30
Non Standard Timings-see conds attached -

A performance of live music - Indoors

Everyday 11:00 - 23:30
Non Standard Timings-see conds attached -

Late night refreshment - Indoors

Everyday 23:00 - 00:30
Non Standard Timings-see conds attached -

Provision of facilities for making music - Indoors

Everyday 11:00 - 23:30
Non Standard Timings-see conds attached -

Ent similar to dancing/making music - Indoors

Everyday 11:00 - 23:30
Non Standard Timings-see conds attached -

Any playing of recorded music - Indoors

Everyday 11:00 - 00:30
 Non Standard Timings-see conds attached -

Sale by retail of alcohol

Everyday 11:00 - 00:00
 Non Standard Timings-see conds attached -

An indoor sporting event - Indoors

Everyday 11:00 - 23:30
 Non Standard Timings-see conds attached -

The opening hours of the Premises

Everyday 07:00 - 00:30

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

Mr Simon Hancock

[Redacted Address]

Telephone: [Redacted]

Electronic Mail: [Redacted]

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

Sharon Wilson

The Cricketers Public House

23 West Street

Burgess Hill

West Sussex

RH15 8NY

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: PA0219

Licensing Authority: Mid Sussex District Council
--

Annexes

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** No supply of alcohol may be made under this licence:-
- (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** Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
- 3**
- 1) The responsible person must ensure 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.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
 - (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** The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available. *(This condition does not apply to premises licensed for the sale of alcohol for consumption OFF the premises only)*
- 5**
- 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.

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

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

If the Premises Licence has conditions in respect of Door Supervisors

- 9 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

Windows and doors to be closed at 23:00 hours and recorded music reduced to a background level.

Non Standard Timings

Sale of Alcohol:

- New Year's Eve - 11:00hrs to 01:00hrs
- Christmas Eve, Boxing Day, Bank Holiday Weekend (Friday, Saturday, Sunday, Monday) - 11:00hrs to 01:00hrs
- Up to 12 other events per annum at licensee discretion - 11:00hrs to 01:00hrs

Regulated Entertainment and Late Night Refreshment:

- When opening hours are extended on Bank Holidays and Event Days these hours follow the opening hours

Conditions attached after a hearing by the Licensing Committee

No outside drinking after 23:00

No less than 10 days written notice to be given to Police of all event days

Management to be members of Local Pubwatch

CCTV

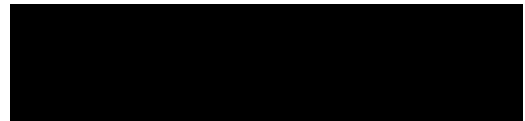
A closed circuit television (CCTV) shall be provided to a specification agreed with Sussex Police.

- The precise siting of each camera shall be agreed with the Police.
- All cameras & recording equipment shall be maintained in good & efficient working order.
- All images created shall be recorded with appropriate media, as agreed with Police and shall be retained for a minimum period of thirty (30) days.

Plan of premises

See attached

Signature of authorised officer

A solid black rectangular box used to redact the signature of the authorised officer.

Date of Issue: 4 August 2016

**Licensing Act 2003
Premises Licence Summary
PWA0110**

Premises Details

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

The Cricketers
23 West Street
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West Sussex
RH15 8NY

Telephone: 01444 235694

Where the Licence is time limited - the dates

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Non Standard Timings-see conds attached -

Any playing of recorded music - Indoors

Everyday	11:00 - 00:30	
Non Standard Timings-see conds attached		-
Sale by retail of alcohol		
Everyday	11:00 - 00:00	
Non Standard Timings-see conds attached		-
An indoor sporting event - Indoors		
Everyday	11:00 - 23:30	
Non Standard Timings-see conds attached		-

The opening hours of the Premises	
Everyday	07:00 - 00:30

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
Mr Simon Hancock 

Registered number of holder of premises licence (if applicable)

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

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.

SCHEDULE OF ADDITIONAL ACCOMMODATION:

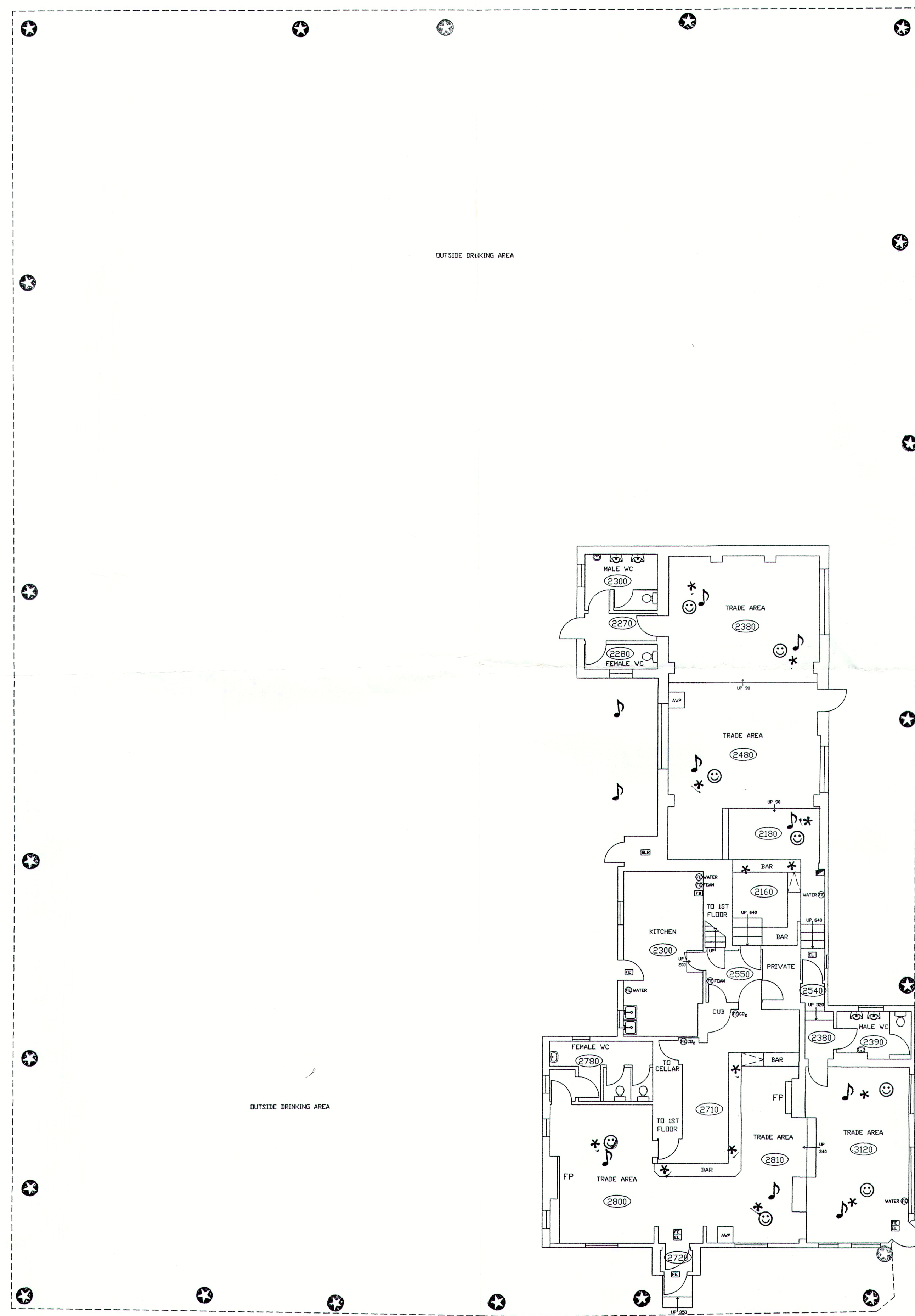
1: Number of storeys of building.	2 storeys + basement
2: Staff accommodation.	2 bedrooms
3: Letting rooms with mini bar.	0 rooms
4: Letting rooms without mini bar.	0 rooms

KEY TO LICENSED AREAS

- * Sale and Supply of Alcohol – on and off sales
- ♪ Regulated entertainment
- ☉ Hot food after 23.00
- ⊙ Areas made available for consumption outside the premises

LEGEND

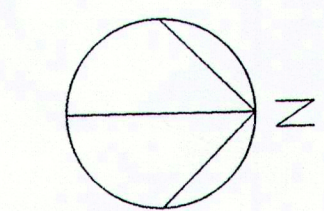
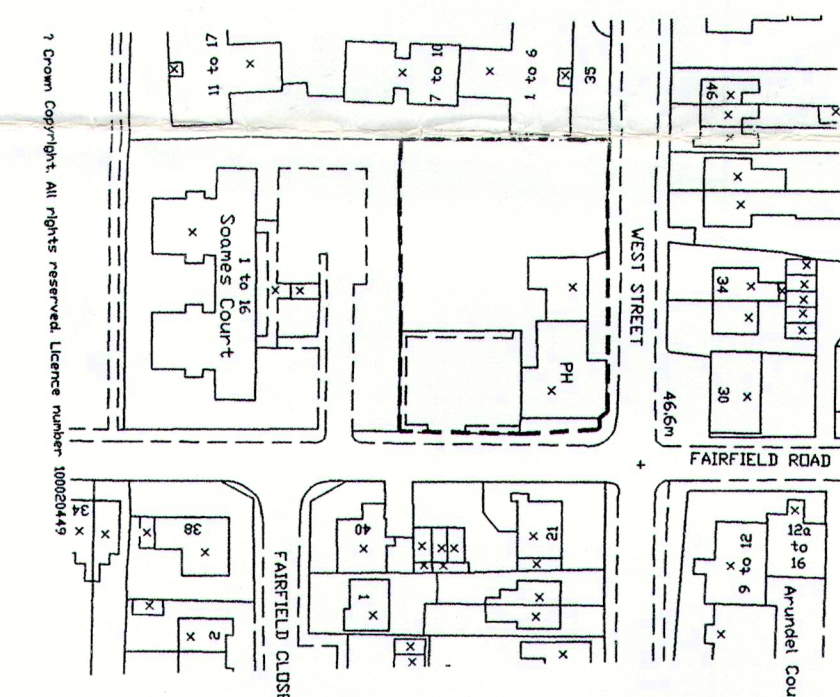
(2600)	CEILING HEIGHT
—	WINDOW
FP	FIRE PLACE
⌋	DOOR
♂	TOILET
♂	URINAL
⊕	WASH HAND BASIN
⊕	BOILER
⊕	FIRE EXIT
⊕	EMERGENCY LIGHT
⊕	DISTRIBUTION BOARD
⊕	SMOKE DETECTOR
⊕	HEAT DETECTOR
⊕	FIRE BLANKET
⊕	FIRE EXTINGUISHER CO ₂
⊕	FIRE EXTINGUISHER FDM
⊕	FIRE EXTINGUISHER WATER
⊕	FIRE EXTINGUISHER POWDER
*	SPRINKLER OUTLETS
⊕	DRY RISER
⊕	WET RISER
⊕	FIRE ALARM CALL POINT
⊕	STEPS
⊕	SINK UNIT
⊕	AMUSEMENT WITH PRIZES
⊕	BAR FLAP



BUILDING SURVEYED AREA = 232.5 SQ. M

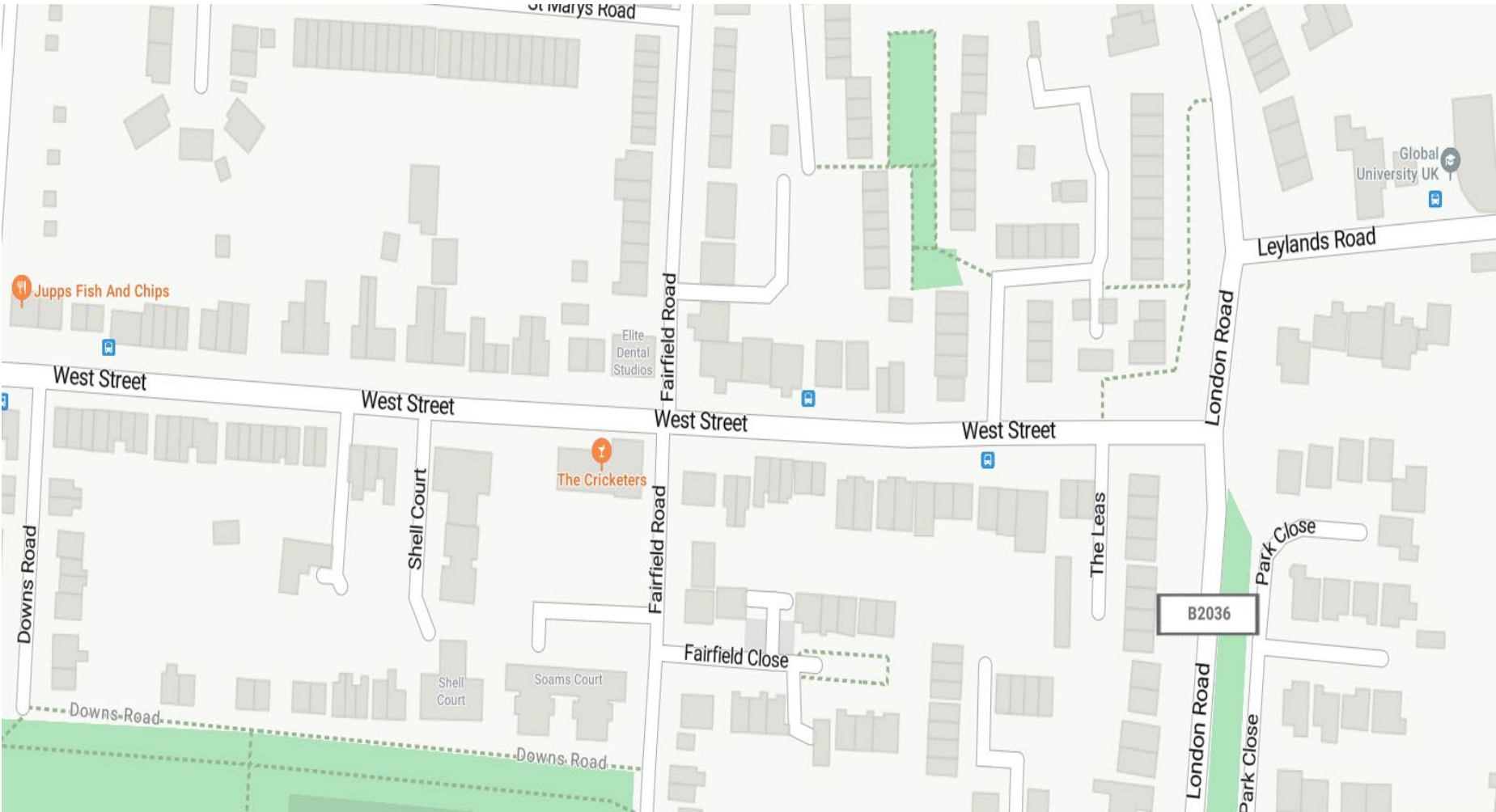
SCALE 1:100
GROUND FLOOR

OUTSIDE DRINKING AREA



INDICATIVE ONLY
SCALE 1:1250

REV.	COMMENT	DATE
Property ID 1332101/231	Property Name The Cricketers Address West Street Burgess Hill RH15 8NY	LICENSING SURVEY PLAN Date of Survey 30/11/04 Dwg. Scale AS SHOWN



Photos of premises from Junction West Street and Fairfield Road





View from West Street





View from Fairfield Road



View along Fairfield Road



View from Fairfield Close





View from direction of Soames Court



Proposed and Agreed Conditions

1. Windows and doors to be closed at 23:00 hours and recorded music reduced to a background level.
2. No outside drinking after 23:00
3. The rear garden/ patio area must be cleared by 2200 hours.
4. No new entry to the premises after 2330 hours.
5. Management to be members of Local Pubwatch.
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 the entrance to the premises. any outside smoking area and/or outside tables and chairs area. The system shall be on and recording at all times the premises licence is in operation. or when customers remain on the premises.
 - The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside 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.
 - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - 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) for the police without difficulty or delay and without charge to Sussex Police.
 - Any breakdown or system failure will be notified to the police immediately & remedied as soon as is practicable. (and a receipt or acknowledgement from police obtained and retained)
 - In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
7. The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following 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 6 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 by both the employee and the DPS. All training records shall be kept on the premises and made available to Sussex Police and an authorised officer of a Responsible Authority upon request.
 - A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences.
8. The premises will operate an age verification policy set at a minimum of 25 years (eg. "Challenge 25") whereby any person attempting to buy alcohol who appears to be under the specified age e.g. 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.
- Signage advertising the age verification, or 'Challenge 25' policy will be displayed in prominent locations in the premises.
9. An incident/refusal log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least intervals of no more than four (8) weeks.
- The logbook should be kept on the premises and be available for inspection at all times the premises are open by and an authorised officer of a Responsible Authority on request an incident will be defined as being one which involves an allegation of a criminal offence.
- Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.
- Any refusals made for alcohol service eg. underage, will also be recorded (either in electronic or written form) and feedback given to staff. as relevant. The log will be kept at the premises for a minimum of twenty-four (24) months.
10. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.

Dear Licensing,

I write as a representative of the Environmental Protection team, part of the Council's Environmental Health dept, to advise that we have **no objection** to the granting of the above application to vary the premises licence. Our interest is with specific regard to the licensing objective of the Prevention of Public Nuisance.

We have no objection to the principle of varying the hours. We do request that a signage **condition** is appended to the Premises Licence as follows (or similar): *Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.*

These premises are in a primarily residential setting. There are houses directly opposite and leaving the area in any direction will necessitate passing residential premises.

Representations from residents have been received, raising issues including loud talking, laughing, car door slamming and engine noise from patrons once they have left the premises. We know, from having dealt with numerous complaints of this type of noise, that it can be intrusive, causing annoyance and anxiety and can 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 relevant noise complaints on the EP database. We have had complaints about noise from the garden (2019) and from the car parking area (2020). These were resolved without the need for formal intervention.

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. 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 rein 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.

Our view is that, on balance, the application is acceptable. The 3 additional late night hours per week could lead to occasional disturbance from noise or anti-social behaviour. However this is by no means certain and it is not predictable with any level of certainty – there are just too many variables and unknowns eg how many customers will utilise the extra hours, by which means of transport will they leave the area, how “refreshed” will they be, how noisy will they be etc. It is also likely that there will be some level of existing traffic and people noise in the area which is unrelated to the Cricketers.

SUMMARY – We understand the concerns of the residents, and suggest that most people, if they were in the same position, would have the same concerns. However, despite the possible increase in disturbances, the scale of the changes applied for and the lack of certainty regarding the consequences are not sufficient, in our view, to justify an objection on the grounds of public nuisance in this instance. As noted above, we do request an additional licence condition (signage) and we would like to remind the applicant that, should regular complaints of noisy patrons be received following these changes (if granted), we may call for the Premises Licence to be reviewed.

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

Kind regards

Nick Bennett

Senior Environmental Health Officer

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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