

ACSC Services Ltd,
Ansty Village
Centre,
Deaks Lane,
Ansty,
West Sussex,
RH17 5AS

Jon Bryant,
Senior Licencing Officer,
Mid Sussex District Council,
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

6th June 2022

Dear Jon,

Application to Vary the Premises Licence Number: PWA0643

Thank you for sharing the comments received from residents in relation to the application for a variation of the above premises licence at Ansty. I am assuming as the deadline for comments has now passed there are no further comments beyond the three submitted.

In response to the comments, it might be helpful if the issues surrounding the use of outside areas were distinguished separately from the noise complaints. It may also help if the experience of the noise complaints were set in context. This letter therefore covers:

- The Use of the Outside Area and the Balcony
- The Noise Complaints Received in the First Year of the Licence
- Our response to those complaints.

Use of Outside Areas and the Balcony

The Centre has been operating under the Premises Licence for 12 months. In that time, we have not received any comments about noise emanating from the use of the balcony or outside areas. We have on two occasions received comments about people being seen on the balcony after 21.00., one via the WhatsApp group and one via the Licencing Team.

The issue reported through WhatsApp was known to us, and staff were in the process of dealing with the people concerned. The one instance that was not drawn directly to our attention occurred when the Designated Premises Supervisor (DPS) was not working, but we took action to review our procedures, improve signage, and reinforce these with staff (see 3) below).

On all three occasions the observations related to people being on the balcony. They were not to our knowledge, or based on the comments from the residents, attributable to noisy behaviour. I continue to consider the following declarations made in the application to be entirely accurate.

In August and September 2021, we were granted five Temporary Event Notices covering Friday and Saturday evenings from 13/14 August 2021 through to 10/11 September 2021 allowing the balcony to be used to 22.00. We received no complaints about noise from residents on any of these evenings.

and

Nor have we received any complaints at other times about noise emanating from the balcony and outside areas since the Clubroom opened.

Noise Complaints Received

We have received two complaints about noise from music events via the WhatsApp group in the last twelve months.

- 1) On the first occasion, on 24 July 2021, we were asked to provide the bar to a private booking of the Village Hall which is on the Ground floor. Here we were fully aware of the impact on neighbours and had intervened with the DJ on keeping the noise down before a comment was received through the WhatsApp group when we were in the process of closing the disco down promptly at 23.00.

We believe this was the first example referred to by the respondent in the letter dated 18 May. See the Incident Log entry is reproduced in **Annex A, Item 1**.

- 2) The second occasion, on Friday 28 January 2022, we received several complaints on throughout the evening about noise related to the live music in the Clubroom. Despite the interventions by the DPS and other trustees present with the band and the DJ to turn the volume down the complaints continued throughout the evening.

This is the second example in the 18 May letter. See **Annex A, Item 2**.

I was not present on site that evening as I was isolating from Covid, but it is fair to say there was a divergence of view between those on site and the residents about the sound levels. The DPS and the trustees toured the premises on several occasions on the evening and reported to me that traffic on the A272 was clearly audible above the music. They also consulted with other neighbours who said that while they were aware of an event taking place the sound levels were not an issue.

Following this incident, a meeting of the Alcohol Committee was called for Monday 31 January to review the issue. We also contacted the Licencing Team and sought advice and through the Senior Licencing Officer (SLO) the Environmental Team. This is considered further below.

Another respondent identified two other complaints made to the Licencing Team last year, one in last July and one October. We believe these relate to 19 July and 22 October 2021.

- 3) The complaint relating to 19 July was relayed to us the following day via the SLO and concerned a group of ladies being seen on the balcony at 21.30. As previously stated, we took this point as a failure to comply with the licence condition on the balcony, rather than noise per se. See **Annex A Item 3**.

The SLO also visited the site on 28 July 2021 as part of a follow up in a meeting with me, as the Licence Holder, and the DPS .

- 4) We are not aware of any complaints being made to the Licencing Team in October but take this to relate to the 'Band of Dads' playing live in the Clubroom on 22 October 2021.

On this occasion we contacted the Licencing Team in advance to seek advice on meeting COVID-19 requirements on the ventilation of the Clubroom, consequently we left the external doors ajar to allow air to circulate.¹ We communicated the steps we were taking to residents in advance through the WhatsApp group. See **Annex A, Item 4**.

There was no further communication through the WhatsApp group on the evening. Nor are we aware of any complaint being made via the Licencing Team after the event.

Other than incidents at 1) and 2) above we received one further complaint concerning noise. This concerned the early morning glass collection on 16 July. This issue was brought to our attention via the SLO and was addressed on the day. (**Annex A, Item 5**)

Response to Noise Complaints

We are keen to ensure that sound levels at live and recorded music events are kept to reasonable levels and that the number and frequency of events is also limited.

All noise complaints are taken very seriously, and all issues and any action taken in response are recorded in the Centre's Incident Log and reported to the Alcohol Committee. As the Incident Log records, we have sought to act where necessary to address issues and improve practice.

The most significant noise issue emerged from the second Band of Dads event on 28 January 2022 which led us to review our procedures. As noted above, we called a meeting of the Alcohol Committee on the 29 January to identify the lessons from the event and consulted with the Licencing Team. We have drawn on the guidance from MSDC to frame the Noise Management Plan for the Centre. Also, considering the differing perspectives on what levels of sound are acceptable or not, we have embarked on an exercise to take readings to determine objectively the sound limits for events in the Clubroom to meet the sound provisions with the lease.

Noise Management Plan

We have updated the Noise Management Plan, which includes the measures we propose to follow for future music from events in the Clubroom and restricting noise from outside areas. These are summarised in **Annex B**.

The fact that we have only hosted a live act in the Clubroom on two occasions in the last 12 months and are committing to limit the number of music events in the Noise Management Plan to no more than 12 in any year (in reality, the number of events will be less than this) is also relevant to any consideration of public nuisance.

¹ Following a subsequent discussion with the SLO on 15 February 2022 as part of a license inspection visit, we now believe that we may have misunderstood the Licencing Team's advice and should have considered the cancellation of the event given that the need to ventilate the Clubroom resulted in an inability to comply with a license condition.

Sound Levels

There have been no live music or DJ events in the Clubroom since January. We have nevertheless carried out sound checks using the Centre's audio system. With the following results with audio system at full volume:

| <u>Location</u> | <u>Average Sound Level</u> |
|------------------------|----------------------------|
| Clubroom | 90db(A) |
| Balcony (doors open) | 70db(A) |
| Balcony (doors closed) | 50db(A) – see note below |

The test was conducted during the day when the ambient sound levels on the balcony were also circa 50db(A) with no music being played through the audio system. Our aim is to conduct regular testing of sound levels in and around the Clubroom at a variety of events and times in the coming months to inform the Noise Management Plan and to ensure that sound levels are reasonable and meet the provisions of the lease.

Other Points Raised

The respondents have made other observations. There may be areas where the comparison with East Grinstead Sports Club may not be wholly relevant, however, we would argue:

- East Grinstead Sports Club on Saints Hill Road is in a semi-rural location whereas the Ansty residents are on a major road, the A272. Furthermore, there are residences in similar proximity to the East Grinstead clubhouse as the complainant's is to ours. The ambient background sound levels based on our readings to date are typically 50db(A).
- East Grinstead Sports Club's licence allows its members and guests to enjoy outside areas up to 23.00 hours whereas members of Ansty Sports Club are obliged to vacate these areas at 21.00 hours. We are not aware of any other licence premises in the Mid Sussex area that have a corresponding restriction on the use of outside areas, including those in rural locations. In this respect, we consider Ansty Sports Club is being unreasonably treated as an outlier.
- Further, we are not seeking to be put on an equal footing with the other licenced premises but to be allowed to use the outside areas until 22.00. We are also committing to a Noise Management Plan that has a material bearing on the overall number, frequency, and future conduct of music events in the Clubroom.
- Whether the Ansty Sports Club is a 'public house' or not is not relevant. While the Club operates for the benefit of its members and their guests, it is not clear why this has any bearing on their ability to enjoy the facilities or supports the case for imposing more restrictions.

In Summary

I hope points above provides a understanding of the impact of the use of the outside areas and balcony and our experience over the last twelve months. We would also draw a distinction between the use of the balcony and the issues pertaining to noise complaints, which are limited in frequency and quite different. At the same time, we wish to reassure all parties that we take these issues seriously and we are committed to operating the Centre in a manner that is reasonable and limits

the nuisance to others. We believe this is evidenced in the way we have sought to respond to incidents reported to us in the past 12 months and in the light of this our commitment to operate within a Noise Management Plan which sets parameters on our forward programme of events and their conduct. This includes working closely with the Licencing Team on its effective implementation.

Yours sincerely

By e-mail

John Thorpe
ACSC Services Limited
REDACTED MOBILE NUMBER

Annex A - Extracts from the Ansty Village Centre – Incident Log

(Note – Not in chronological order)

| Date / Time | Channel | Complainant / Complaint | Response / Action |
|---|-----------------|--|---|
| <p>24/07/2021 22:58</p> <p>23:00</p> <p>23:05</p> | <p>WhatsApp</p> | <p><u>ITEM 1</u> Noise from the Hall Emma Sparham: Sorry to post this so late but the music from the hall is very loud and it's late. I don't have the number to call, does anyone? Emma John Thorpe: Emma we are dealing with it now. Emma Sparham: Many thanks</p> | <p>This was the first event in the Village Hall under the Premises Licence.</p> <p>All windows in the Village Hall were closed and the Clubroom balcony was cleared at 21.00.</p> <p>DPS and Director walked around the throughout the evening to assess the noise levels outside of the Centre. This resulted in the DJ being asked to turn the volume down.</p> <p>The DJ was instructed in advance to stop the music at 23.00 sharp. This was reinforced at the time. Coinciding with the WhatsApp message.</p> <p>DPS spoke to all guests over the PA at the end of the event to remind them to leave the Centre quietly.</p> <p>No further action considered necessary other than communicate the Centre's telephone number to the WhatsApp Group once the BT line is installed.</p> <p>Supporting Events in the Village Hall</p> <p>Following the events on 11 September and other logistical challenges of supporting events in the Village Hall, the Club has decided to restrict the number of events it would support in the Village Hall.</p> |
| <p>27/01/2022 2.29 PM</p> <p>3.26 PM</p> | <p>WhatsApp</p> | <p><u>ITEM 2</u> Live Music – Band of Dads John Thorpe: Dear All, we have a band and DJ on in the Clubroom tomorrow evening. Contrary to the band's publicity the bar will be to 12.00 not 11.00. The band, however, will not be playing to midnight. Could Hayley Beveridge be added to the group, please? Hayley's number is +44 7896 882031.</p> | |

| Date / Time | Channel | Complainant / Complaint | Response / Action |
|---|---------|---|-------------------|
| 3.37 PM 9.19 PM | | <p>Best wishes John</p> <p>Jo Steadman: Hi John who is Hayley please.</p> <p>John Thorpe: Hayley, is a committee member who oversees the bar staff and manages the events calendar. She is onsite daily and at most events.</p> <p>John Thorpe: I would have been there but I am isolating presently.</p> <p>Jo Steadman: Struggling to add her but we can text if there are any issues.</p> <p>John Thorpe: Ok Jo. Thx. I will be monitoring WhatsApp as it is.</p> | |
| 28/01/2021 9.09PM 9.38 PM 9.51 PM 10.31PM 10.36 PM 11.32 PM 11.38 PM 11.44.PM | | <p>Peter Sparham: Whilst I understand that there is a club event on this evening for extended hours should I be able to hear the beat of the music above my own television?</p> <p>John Thorpe: I have relayed this to colleagues and asked them to check it out.</p> <p>Peter Sparham: Thank you John I appreciate that... made no difference but thank you..</p> <p>John Thorpe: We have spoken to the DJ and the band and asked for the music to be turned down without spoiling the experience for those in the room. We have consulted neighbours on the other side of the building and opposite. We will continue to check from outside.</p> <p>Jo Steadman: I can hear it through double glazed windows and have headphones in. Just stopped! Just started again</p> <p>Karen Sedgwick Smith: The music is still being played...and it is very loud! I think this is quite unreasonable</p> <p>John Thorpe: I have relayed the message to those in the Club. The DJ has been asked to wind it down and it will have to stop by midnight.</p> <p>Karen Sedgwick Smith: This sound and beat is excessive. Can you confirm that you have an extension for the noise disruption.</p> | |

| Date / Time | Channel | Complainant / Complaint | Response / Action |
|--|-------------------------------|--|---|
| <p>29/01/2022</p> <p>8.43AM</p> <p>9.36 AM</p> <p>3.35 PM</p> <p>3.51 PM</p> | | <p>John Thorpe: Sorry I missed the last message. The evening was under the existing licence which allows for up to 12 events up to midnight. This was the first time we have used it, bar New Years Eve. It was the second time the BOD have played at Ansty and we didn't have these issues the first time round. My understanding was that the live music from the band was to stop at 11.00 and the DJ would see out the last hour. We would take stock on any event at the Centre and will do the same on this one.</p> <p>Emma Sparham: That would be good John. I had a 12 year old who couldn't sleep as the music was so loud. She could hear every word of each song through closed windows.</p> <p>Jo Steadman: John there were problems last time BOD played too. It doesn't seem to be the band (unless the doors are open) it's the DJ</p> <p>John Thorpe: Ok I will check back. I wasn't there that time either.</p> | <p>Meeting of Director Group / Alcohol Committee called on Monday evening 31 January.</p> <p>Agreed that we should communicate with MSDC SLO to clarify the position regarding the playing of music between 11.00 pm and Midnight. SLO has confirmed that a TEN was required.</p> <p>Agreed that we need an objective assessment (decibel measurement) of the sound levels in the Clubroom and those on the boundary of the property when amplified is played.</p> <p>MSDC SLO should also be consulted as the District Council might be able to advise on the steps, it might expect us to take in any such review. The MSDC Environmental Protection Officer has provided advice which will be considered in the review and updating of the noise policy (noise management plan).</p> |
| <p>20/07/2021</p> <p>14.30</p> | <p>MSDC SLO</p> <p>e-mail</p> | <p>ITEM 3</p> <p>Drinking on balcony at 9.30pm (19 July 2021)</p> <p>Hi John</p> <p>I have had the following information sent through to me yesterday evening</p> <p><i>9.30 pm and there is a group of women drinking on the balcony of the club.</i></p> <p>Would it be easier for me to speak with the DPS about this?</p> <p>Kind regards</p> <p>Jon</p> | <p>John Thorpe to Alcohol Committee (20/07/21 15.29)</p> <p>Shared with SLO.</p> <p>Dear All,</p> <p>I have just received the following message from Jon Bryant, the Senior Licencing Officer at Mid-Sussex. The licence condition is quite clear, we can only use the balcony up to 9.00 pm at which point all customers are required to retire to the Clubroom or leave.</p> <p>Could I please ask that it is strictly enforced?</p> <p>As it happens, we have issued a newsletter today which addresses this issue. Stefano (the DPS) is back in work on Thursday. In the meantime, I suggest those responsible for the bar this evening and tomorrow inform anyone who is making use of the balcony at 8.30 pm that balcony will close in half an hour. We should then go onto the balcony at 9.00 pm and invite anyone remaining to retire to the Clubroom.</p> <p>Stefano / Allie, we prepared notices for each table summarising both the licencing condition for the balcony and the Covid-19</p> |

| Date / Time | Channel | Complainant / Complaint | Response / Action |
|-----------------------|---------|--|---|
| | | | <p>restrictions (at that point to spell out that no standing was allowed). Can we prepare an up to date set of notices to get a similar message across?</p> <p>You will see that Jon Bryant has offered to speak with the DPS, but I have suggested that won't be necessary. However, we are running at one reported breach a week at present. If this continues we can expect a more direct intervention. I am forwarding this e-mail to Jon Bryant.</p> <p>Happy to discuss.</p> <p>Thank you for your help in dealing with this.</p> <p>Best wishes</p> <p>John</p> <p><u>Other Actions</u></p> <p>The DPS has reviewed the CCTV records. These show a group of four women entering the balcony at 21.10. There is no other CCTV recoding from the balcony camera until the bar staff went out to clean tables and organise the furniture.</p> <p><u>Outcome (Status Closed)</u></p> <p>Newsletter already issued reminding members of licence requirements.</p> <p>Bar staff asked to take proactive steps to ensure the balcony is cleared at 9.00pm in accordance with licence condition:</p> <ul style="list-style-type: none"> - Alerting people on the balcony in advance (08.30 – 08.45pm) that the balcony will be closed a 09.00pm - Actively closing the balcony at 09.00pm - Update customer notices to place on tables to communicate licence requirements. <p>SLO meeting with JT and SO on 28 July at the Centre.</p> |
| 22/10/2021 2.18 PM | | <u>ITEM 4</u> Band Of Dads – Live Music | Closed. |

| Date / Time | Channel | Complainant / Complaint | Response / Action |
|---|----------------------------|--|---|
| <p>2.29PM 2.47PM 3.51 PM</p> | | <p>John Thorpe: Dear All, just to let you know that we have a band playing in the Clubroom this evening. We have consulted with the Licencing Officer on the need to keep the windows open to the balcony in order to maintain an adequate air circulation throughout the event and we have been assured that this will be ok. We are talking to the band on the need to moderate the noise level and that the set will need to close at 10.30 sharp.</p> <p>John Thorpe: ...is ok.</p> <p>On another matter Stefano Oliva has left our employment and the DPS responsibility for the bar has reverted to Shaun Janman. Shaun will be on site this evening.</p> <p>Jo Steadman: I thought the building was air conditioned?</p> <p>Karen Sedgwick Smith: Thank you for keeping us informed John. Will Shaun be on this WhatsApp group to..... just in case x</p> <p>Jo Steadman: Thankfully I am out this evening.</p> <p>John Thorpe: Both Allie and I will be in touch with Shaun this evening. So it won't be a problem today. I will come back on members of the group as there are others I might add.</p> <p>Karen Sedgwick Smith: Thanks John.</p> | |
| <p>416/07/2021 12.15</p> | <p>MSDC SLO e-mail</p> | <p><u>ITEM 5</u></p> <p>Early Morning Glass Collection.</p> <p>Hi John,</p> <p>I have had a complaint this morning from one of the residents. They have stated that the bottles were collected from the club at 0530am this morning. Could you look into this for me.</p> <p>Many thanks</p> <p>Kind regards</p> <p>Jon</p> | <p>Action taken:</p> <p><u>Call to waste collection company</u></p> <ol style="list-style-type: none"> 1) Confirmed that 5.30 collection took place. Requested that all future collections after 8.30. 2) Waste collection company called to confirm that glass along with other collections would be after 8.30. <p><u>Communication with Residents</u></p> <p>John Thorpe (13.53): Dear All, MSDC have advised me that there was a glass collection at 5.30 this morning. I am sorry for the inconvenience this will have caused. We have contacted the waste company to inform them that there are to be no collections before 8.30 and to confirm that this will be the case in future. Apologies again. John</p> |

| Date / Time | Channel | Complainant / Complaint | Response / Action |
|-------------|---------|-------------------------|---|
| | | | <p>Karen. St John's (14.29): Thank you John. It was a very loud collection, so I appreciate you sorting that out!</p> <p><u>Outcome (Status Closed)</u></p> <p>Post 8.30pm waste collection confirmed with Cox Recycling. We will continue to monitor compliance.</p> |

Annex B Noise Management Plan (Extracts)

Overview of Measures re Music Event and Outside Areas

The extracts below cover the elements in the Noise Management Plan covering:

- Music from the Clubroom
- Outside Areas (including balcony)
- Dealing with Complaints, and`
- Review and Updating the Plan

Music from events the Clubroom

- Limit the number of events in the Clubroom where live or amplified music is played by a DJ to a maximum of 12 a year.
- Limit the hours for the playing of live music at events to 11.00 pm.
- To limit the sound levels from events in the Clubroom to 90 db(A), as we endeavor to prevent sound levels exceeding 50 db(A)* as measured at the boundary of the Centre between the hours of 07.00 and 23.00 pm.
(* As prescribed in the in the lease with MSDC)
- To require a DJ to have a cooling down period of at least 30 minutes at the end of an event.
- We will seek to establish an effective working relationship with all musicians and DJs who use their own equipment on the provisions of the NMP and the supervision and effective control of live and recorded music.
- In accordance with the License Conditions, to normally keep doors and windows closed after 21.00.
- We will carry out regular checks at the boundary of the nearest noise sensitive properties.
- The sound levels at events in the Clubroom will be regularly measured and on the boundary of the Centre at forthcoming events to assess whether the volume limit is meeting the objective.

Outside Areas (including the balcony)

- Not to play music in outside areas unless it is specially authorised by the licensing authority under a Temporary Event Notice.
- To limit of the use of outside areas to 22.00 hours, as required under the license conditions.²
- Restrict the siting of external furniture to the balcony and outside areas to the North of the Centre.
- The balcony floor is rubber tiled to limit the noise from tables and chairs being moved.
- We will not collect tables and chairs from outside areas late at night.
- All tables and chairs will be removed and stored during the winter months. (October – March).

² This is subject to the Licence Amendment being approved.

- All outside areas will be subject to regular checks to ensure that patrons are not behaving in a rowdy manner.
- Signs will be placed in and at the entrance to outside areas to remind patrons to behave properly and avoid excessive noise.
- There will be no public address or similar systems in outside areas unless specifically authorised.

Dealing with Complaints

The Plan also documents how we will continue to deal with noise complaints, and in particular:

- Our aim to be open and transparent in our approach to noise management with neighbouring residents, the licensing authority, our staff and our members.
- To record and respond to all noise complaints. These are fully recorded in the incident log recording the date, time, name, cause, and action taken.
- All noise complaints are referred to and discussed by the Alcohol Committee as a priority.
- We will liaise with neighbours in advance of special events which might have a greater potential for disturbance via WhatsApp group, this will include the precise timings of events and their scheduled ending.
- A telephone line has been installed to allow complaints to be addressed directly to staff working at the Centre.

Review and Updating the Plan

The Plan will also be reviewed and updated as necessary

- On the identification of an existing un-assessed noise source.
- Prior to launching new entertainment / event at the Centre
- Following a complaint.
- When monitoring procedures identify that the existing procedures and controls are inadequate.

A copy of the amended version of the Noise Management Plan will be forwarded to the Mid Sussex Licensing Team in the event of it being reviewed