

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing Panel
held on Friday, 3rd March, 2023
from 10.00 am**

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

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

Also in attendance: Stuart Beare, Joint Applicant
Sam Beare, Joint Applicant
Paul Thornton, Applicant 's Agent
Jane Cooper Environmental Health Officer,
Environmental Protection
Oliver Benson, Environmental Health Protection Officer
Alexander Austin, Democratic Services Officer
Lucinda Joyce, Senior Democratic Services Officer

LS.1 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Scott Castle, the Applicant 's Sound Engineer.

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

None.

LS.3 TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING HELD ON 10 FEBRUARY 2023.

The minutes are a continuation of the minutes of the meeting held on 10 February 2023 and both sets will be signed off by the Committee at a future date.

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

The Chairman welcomed the Panel, officers and applicants to the meeting, advising it was a continuation of the adjourned meeting held on Friday 10 February. The Chairman invited Jon Bryant, Senior Licensing Officer to provide an update on the application and any amendments since the previous meeting. The Senior Licensing Officer advised that following the adjournment of the meeting from 10 February 2023, the Environmental Protection Team have met with the applicants and agreed conditions to enable them to withdraw their representation before the Panel. He noted the agreed and revised conditions were set out at Appendix 6 of the report as agreed with the Police and Environmental Protection Team. He advised the Environmental Protection Team were present should the Panel have any further questions, however, confirmed the Panel no longer needed to consider their representation as this had been withdrawn. The only outstanding representation was

that of the interested party, Mr Tilbury. He had been notified via email of the adjournment of the Panel and the new time and date for the meeting to be reconvened, the Senior Licensing Officer confirmed Mr Tilbury had not responded and was not in attendance at this meeting. Therefore, Mr Tilbury's representations on the grounds of Prevention of Public Nuisance did remain outstanding to be considered by the Panel and these were summarised to the Panel during the first meeting on 10 February 2023 and as detailed in the report.

Questions to the Senior Licensing Officer

There were no questions to for the Senior Licensing Officer.

The Chairman asked the Environmental Protection Team to provide an update to the Panel following their meeting with the applicants on Friday 24 February 2023. Jane Cooper, Environmental Health Officer, advised that an agreement had been reached with the applicant, and under the revised conditions the premises may only be used for regulated entertainment on no more than a total of 49 days between 1st June and 31st December each year. The Licence Holder must notify the Environmental Protection Team of the exact number of days by the 1st April each year. She confirmed that under the Noise Management Plan (NMP), for events held on up to 30 days, one level of sound would be acceptable, and that for events held on between 30 and 50 days, a lower sound level would be required. A NMP must be approved each year before regulated entertainment can take place. The Chairman asked for clarity on this, and the Environmental Health Officer confirmed sound levels from music would be measured in decibels, relative to background sound levels at the site. The Chairman sought advice that this be documented as part of the conditions. Paul Vickers, Solicitor to the Licensing Panel advised this would not be necessary as the noise levels would be agreed and approved as part of the noise management plan. Jon Bryant, Senior Licensing Officer, agreed advising it makes it difficult to enforce and regulate through conditions, this is better dealt with through the noise management plan rather than an actual condition.

Questions for the Environmental Protection Team

There were no further questions for the Environmental Protection Team.

Paul Thornton, Licensing Consultant for the Applicant

Paul Thornton on behalf of his clients thanked the Panel for agreeing to adjourn the meeting. He emphasised his clients' gratitude for their productive meeting with the Environmental Health Team and the team's decision to withdraw their representations as a result of that meeting and agreeing the revised conditions. He confirmed his clients had agreed the amended conditions and were working with the Environmental Protection Team to produce a NMP and this would be signed off the week commencing 6th March 2023.

The Licensing Consultant advised the only outstanding matter was the representation from Mr Tilbury. In summary, Mr Tilbury had been in contact with Mr Beare following the meeting on 10th February and they had subsequently had a very productive and informative meeting, discussions were ongoing. The Licensing Consultant advised the Panel that Mr Tilbury's representation was factually lacking, and no evidence had been supplied or complaints registered with Environmental Health produced to support it, however, legally the Panel had a duty to consider it. In conclusion, his clients had great expertise in running entertainment events and the measures of the proposed application, amended NMP and new conditions would meet the necessary

licensing criteria and the satisfaction of all regulatory bodies and therefore he asks the Panel to grant the application safe in this knowledge. He thanked the Panel for their time.

Questions for the Applicant

In response to a Member question, Mr Beare confirmed under the agreed and revised conditions 1st September to 31 December had been amended to 1st June to 31st December to include both the summer season and provision for Christmas entertainment. He explained the amended condition provides more flexibility rather than having to apply for a licence each time. Another Member sort clarification as to whether there were plans to hold weeklong activities or longer. Mr Beare confirmed the only weeklong activity currently running was the Pumpkin Farm to coincide with October half term. The Chairman asked what the process would be if a plan for a two-week activity was submitted. The Environmental Health Officer advised they would work with consultants to achieve a suitable outcome. Oliver Benson, Environmental Health Protection Officer, advised the more events that were to take place, the lower the noise levels would be required as part of the conditions.

As there were no further questions the Chairman advised the public participants that the Panel would retire to deliberate and decide. The public meeting finished at 10.15am and the Panel left the Council Chamber. The Panel returned at 10.20am.

RESOLVED

The application to vary a premises licence was approved subject to the following agreed and revised conditions as set out at Appendix 6 of the report and that under the amended conditions agreed by the Environmental Protection Team it reads as follows;

'No licensable activities of live and recorded music are permitted outside the maximum of 49 days between 1st June and 31st December.'

The Solicitor to the Licensing Panel advised the applicants the decision would be confirmed to them in writing. The Chairman commended the officers and applicants for working together to reach a positive resolution and wished the applicants success.

The meeting finished at 10.21 am

Chairman