

## Supplementary Report - Application to vary a Premises Licence

REPORT OF: Tom Clark, Head of Regulatory Services  
Contact Officer: Paul Thornton, Senior Licensing Officer  
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Wards Affected: High Weald  
Key Decision No  
Report To: Liquor Licensing Panel 22<sup>nd</sup> August 2019.

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### Purpose Of Report

1. To provide information in order that the Committee can determine an application to vary a Premises Licence.

### Summary

2. An application, pursuant to Section 34 Licensing Act 2003, has been made on behalf of Hay and Straw Limited to vary a Premises Licence at 16 High Street, East Grinstead, RH19 3AW. Further information has been made available to the Licensing Authority which is material to the hearing.

### Recommendations

3. The Committee is asked to determine the application in accordance with the Licensing Act 2003, MSDC Licensing Policy and the Home Office Guidance issued under Section 182 Licensing Act 2003, whilst having due regard to the applicant's submissions and relevant representations.
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### Background

4. The Committee has been provided with a full report to determine this application.
  - 4.1 One of the representors – Mrs Dominique Cook – is unable to attend the hearing in person and has submitted an e mail with further relevant information and expands on information contained in her original representation.
  - 4.2 She cites noise from customers, music and disturbance outside the premises from customers on 10<sup>th</sup> August 2019 between 2230hrs and midnight.
  - 4.3 Mrs Cook challenges the applicant regarding his statement about few residential properties by stating that most floors above the shops are residential flats.
  - 4.4 The last part of her additional information regarding two ladies drinking on a bench outside the bar can be ignored as there is no evidence provided to suggest the alcohol was purchased from Hay and Straw.
  - 4.5 Mr Jon Bryant , a Licensing Officer for Mid Sussex District Council has provided a statement regarding 9<sup>th</sup> August 2019 between 2300 hours and 23;15 hours where he saw customers entering Hay and Straw and then stand outside it drinking.

- 4.6 The current premises licence for the bar does not permit the sale of alcohol for consumption off the premises.
- 4.7 The Designated Premises Supervisor for the bar Mr Grippa and the Premises Licence Holder, Mr Pilbrow have been spoken to regarding this breach of the licence.
- 4.8 The council has recorded this matter as a complaint. It does not intend to take any further action regarding this, other than advising them to institute managerial procedures to ensure the premises licence is complied with.

### **Background Papers**

E Mail from Mrs Cook  
Statement from Mr Jon Bryant Licensing Officer

**From:** Dominique Cook [<mailto:> ]  
**Sent:** 16 August 2019 15:40  
**To:** Paul Thornton  
**Subject:** Fw: Hay & Straw extension of Licence

Dear Sir,

Your reference: FC/002672

My name is Dominique Cook and I made an objection to the extension of HAY& STRaw licence to dispense alcohol later in the night and have tables outside.

I shall not be able to come to the meeting, however I would like to give you further information regarding what is happening outside this establishment.

Last Saturday, i.e. 10th August 2019, at about 10.30 pm there was a lot of noise coming from just outside the restaurant.

As I live not far, I went out and checked it for myself. At that time, several people were drinking outside the restaurant and being very loud. It went on I would say for about 30 min. There was no crowd control. The fact that, should they be allowed to put tables out, those tables would be taken back in after 10pm will not change the fact that their patrons will be drinking on the pavement after that hour. I'm only mentioning this one time as it is after the 22h00 until which they wish to have tables outside for the consumption of alcohol.

Then around midnight, there was a lot of noise still coming from around that area. I didn't go into the street to check it out as it was late, but there was also music coming out.

As mentioned in my previous objection, the noise level in the high street has gone up tremendously. It is not only at closing time, but while they are open. Indeed, before that establishment opened, there was no disturbance from the nearby pubs or eateries. Now, and particularly Fridays and Saturdays, there are a lot of people in the street making a lot of noise, around that restaurant. again, no crowd control that I am aware of.

This is not mentioning the loud throwing of glass bottles very late at night in the bins at the back. Maybe they should do this at another time.

Note taht in his application, the owner/manager says there are "few if any residential properties locally, residential properties to the rear are some distance away". As you probably know, most floors over the shops in the high street are flats, all of which have at least a room on the front, in my case my lounge. So this is not true. We are not distance away, but right there.

As for not solely drinking but primarily a restaurant, note that I have seen, in the middle of the day a few weeks ago while it was still nice weather, two ladies drinking glasses of alcoholic beverages, on a bench outside their shop, i.e far enough from the restaurant not to be counted as being within its perimeters. Again, no crowd control.

So considering all this, I don't think that this establishment is adding value to the high street, to the contrary, and that those running it know how to control what is happening so it doesn't become a nuisance to the neighbours and the environ.

If you could take into account these comments I would appreciate it, and again sorry for not attending.

Kind regards

Mrs D.Cook

26A High Street

East Grinstead

RH19 3AS

**MID SUSSEX DISTRICT COUNCIL**

**WITNESS STATEMENT**

**(CJ ACT 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; CPR 2013 r.27.1)**

Statement of: Jonathan Bryant

Age if under 18: O.18 (if over 18 insert 'over 18')

Occupation: Licensing Officer

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This statement (consisting of .....1..... page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: Jonathan Bryant

Date 12/08/2019

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I am a Licensing Officer employed by Mid Sussex District Council.

At 23:00 hours on Friday 9<sup>th</sup> August 2019 I was working in the East Grinstead area conducting compliance checks on licensed vehicles accompanied by Sussex Police. I was sitting in the front passenger seat of a marked police carrier.

We stopped in the High Street East Grinstead, parking in the police bay which is situated outside Hay and Straw, 16 High Street. The parking bay is on the same side of the road as Hay and Straw and as I was sitting in the front passenger seat of the police van I had a clear and unobstructed view of the front of the premises and into the premises to the bar area.

We parked outside the premises at 23:00 hours and on arrival I saw that there were approximately 12 customers outside in two groups and I could see that some of the people on both groups were drinking. I saw that the bi-folding windows to the front of the premises, were wide open and the front door was also open. There were up to three members of staff working behind the bar whilst I observed the premises.

I observed the premises for around 15 minutes; during this time I saw two further groups of customers arriving and going into the premises and heading to the bar to be served. I also observed that several customers went outside the premises once they had got their drinks.

I could see around 8 people inside the premises sitting at tables. I could not see if there were further customers to the rear of the premises. The noise from the people standing outside the premises was audible to me in the van. During our time outside the premises a number of the people outside walked off.

We left the premises at 23:15 hours, at this time the premises was still open with the bi-folding windows and doors open and still with customers remained both inside and outside the premises. During this time my view remained clear and unobstructed, my passenger window was fully down and the area is well lit from street lighting and with lighting from within the premises and other premises nearby.