

3. Application for a variation to a Club Premises Certificate.

REPORT OF: Tom Clark, Head of Regulatory Services
Contact Officer: Paul Thornton, Senior Licensing Officer
Email: paul.thornton@midsussex.gov.uk Tel: 01444 4774278
Wards Affected: Haywards Heath
Key Decision No

Purpose Of Report

1. To provide information in order that the Licensing committee can determine an application to vary a Club Premises Certificate.

Summary

2. An application pursuant to Section 84 Licensing Act 2003 has been made on behalf of St Francis Social and Sports Club, Princess Royal Hospital, Lewes Road, Haywards Heath, RH16 4EX to vary their Club Premises Certificate. Representations against the grant have been made by a responsible authority and members of the public.
 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 representation.
-

Background

4. St Francis Social and Sports Club is a long established (since 1959) members club situated in the grounds of the Princess Royal Hospital in Haywards Heath.
 - 4.1 It is run and governed on behalf of the members by a Committee.
 - 4.2 The club has a Club Premises Certificate (CPC) authorising the following qualifying club activities;

Films Live Music Recorded Music Indoor Sporting Event	Sunday 19:00 - 23:00 Monday to Thursday 19:00 - 23:00 Friday and Saturday 19:00 - 00:00
Supply of Alcohol	Sunday 11:00 - 23:00 Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 00:00

- 4.3 The plan of the club for the current CPC does not include outside areas. This means that the activities outlined above are only authorised for the confines of the building itself.
- 4.4 The CPC authorises supply of alcohol for consumption on and off the premises. Significantly however, it does not allow alcohol supplied for consumption off the premises to be provided in an open container. This prohibits alcoholic drinks in glasses (open containers) being taken from the bar to any outside area of the club.

- 4.5 The application seeks to include in its licensed area a small patio area and a larger garden area. It also seeks to extend the supply of alcohol, by 30 minutes from Monday to Saturday. This will mean the terminal hour for the supply and sale of alcohol will extend to 2330 hours Monday to Thursday and to half past midnight on Friday and Saturday.
- 4.6 The Operating Schedule submitted by the club (under the heading 'Licensing Objectives') indicates what measures the club intends to take in support of the application. This includes;
- a. the patio area will not be used after 2000 hours on any day.
 - b. the licensing objectives will be supported through staff training and the use of a Challenge 25 scheme.
 - c. Rubbish and bottles will not be removed from the club outside of 'daytime' hours.
 - d. Children not allowed in the club after 2000 hours (October to March) and 2100 hours (April to September).
- 4.7 In addition the Committee will be aware that the Statement of Licencing Policy for this Council at paragraph 9.6 states;

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

- 4.7 Should the Committee grant the licence I respectfully request that a number of conditions detailed in the appendices to this report be included to take into account the matters mentioned in paragraphs 4.6. and 4.7.

4.8 Representations

Representations have been received from the Ward Manager at Chalkhill Children's Hospital which is adjacent to the club's beer garden, two neighbours of the club, Haywards Heath Town Council and Mid Sussex District Council's Environmental Protection Team (EP).

- a. Chalkhill Hospital – cites noise from the club that prevents the young patients from sleeping
- b. Gilbert Yule – Mr Yule cites a long term problem of noise from the club and his engagement with the EP team. He mentions the outside patio area and the noise emanating from inside the building during functions. He also complains about noise from daytime exercise classes. These are not licensed by the Licensing Act 2003 and therefore the comments are not relevant for the purpose of this application and should be disregarded. Comparisons to other licensed premises times in the area are invalid. Each premises must be dealt with on its own merits.
- c. Kay Barfoot – Ms Barfoot mentions noise from the club at paragraph three of her representation and use of the patio area in paragraph two. Her comments about death statistics for the UK must be considered irrelevant for the purposes of this application simply because there is no link to this club. Vandalism to cars away from the club cannot be attributed to club patrons and should be ignored by the Committee. Ms Barfoot includes a Facebook post from a user called Stuart Campbell whom she alleges is the Chairman at the Club. It includes a picture of a noticeboard and text about customers leaving the club reminding neighbours that the club were in situ before they

moved in. There is no suggestion in the email that this is message was written by Mr Campbell. It appears that the message board was written elsewhere and that Mr Campbell has shared it on his social media page. There is no accompanying comment by Mr Campbell with this post.

- d. Haywards Heath Town Council – their report indicates that some ward councillors have received complaints about noise from the club. They are supportive of the 2000 hours finish for the patio area.
- e. Mid Sussex DC Environmental Protection Team – their representation details a long period of engagement with the club regarding noise complaints, meetings and advice to club management , letters and noise recordings from the site.

- 4.9 The consultation period took place between 30th July and 26th August 2018. It was correctly advertised at the site during this period and in the Mid Sussex Times on 2nd August 2018.

Policy Context

5. Relevant Representations –

The Licensing Act 2003 requires representations to 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

- 5.1 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. Section 85(5)(a) Licensing Act 2003.

- 5.2 The Committee must determine the matter in accordance with Section 85 Licensing Act 2003.

5.3 Section 85 Determination of application under section 84 –

(1)This section applies where the relevant licensing authority—

(a)receives an application, made in accordance with section 84, to vary a club premises certificate, and

(b)is satisfied that the applicant has complied with any requirement imposed by virtue of subsection (4) of that section.

(2)Subject to subsection (3) and section 86(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 certificate;

(b)to reject the whole or part of the application;

and for this purpose the conditions of the certificate 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 are—

(a)that the representations are made by a responsible authority or other person within the period prescribed under section 71(6)(c) by virtue of section 84(4),

(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.

(7)Subsections (2) and (3) are subject to sections 73 to 74 (mandatory conditions relating to alcohol and to exhibition of films).

Financial Implications

6. A decision made by the Committee is subject to appeal at the Magistrates Court by the applicant or those making representations.

Background Papers

Document

Page

Area map of site
Application form and plan of premises

Representations

Vicki Barwood- Chalkhill Hospital
Kay Barfoot
Gilbert Yule
Haywards Heath Town Council

Representations – Responsible Authorities

Mid Sussex District Council Environmental Protection
Team

Other Documents

Conditions from Operating Schedule

Application to vary a club premises certificate to be granted under the Licensing Act 2003

Club premises details

Serial Number:

The Club

The following club applies for a club premises certificate under section 84 of the Licensing Act 2003 for the premises named below.

Club premises certificate number

Name of club:

Postal address of premises or, if none, ordnance survey map reference or description

Postcode:

Tel: (at premises)

Email:

Non-domestic rateable value of premises:

Person performing duties of a secretary to the club:

Name:

Address:

Postcode:

Tel:

Email:

Applicant details

Current postal address if different from premises address:

Postcode:

Tel:

Email:

Variation

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

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 briefly the nature of the proposed variation. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Social Club - To extend the times of the licence

Monday to Thursday from 11:00pm to 11:30pm

Friday and Saturday from 12:00midnight to 12:30am. (Please note the club will generally close at midnight as per current hours but this would enable us to stay open for an extra half hour if there was deemed to be a special event - this would avoid the Club having to apply for TEN).

The Club would like to extend the area where alcohol can be consumed to include the rear beer garden and the patio area in the carpark, both of which are surrounded by fencing. The rear beer garden would be licenced in accordance with the Club's licencing hours.

The patio area would be licenced to 8:00pm all days of the week.

A map showing the beer garden and patio area will be hand delivered to the Council Offices.

Club Activities

Please complete those parts of the Club Operating Schedule which would be subject to change if this application to vary is successful.

What qualifying club activities do you intend to conduct on the club premises which will be affected by your application

Provision of regulated entertainment

- a) plays
- b) films
- c) indoor sporting events
- d) boxing or wrestling entertainments
- e) live music
- f) recorded music
- g) performances of dance
- h) anything of a similar description to that falling within (e), (f) or (g)

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place:

Supply of alcohol

Standard days and timings. Provide times using 24hour clock.

Monday

Start

Finish

Tuesday

Start

Finish

Wednesday

Start

Finish

Thursday

Start

Finish

Friday

Start

Finish

Saturday

Start

Finish

Sunday

Start

Finish

Where will the supplied alcohol be consumed?
Indoors may include a tent.

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 club 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.

The patio area will only be used to consume alcohol until 20:00. There will be clear signage advising members to ensure that noise is kept to a minimum. Staff will be trained to monitor and control noise levels.

Open Hours

Hours club premises are open to the members and guests

Standard days and timings. Provide times using 24hour clock.

Monday

Start 11:00

Finish 00:00

Tuesday

Start 11:00

Finish 00:00

Wednesday

Start 11:00

Finish 00:00

Thursday

Start 11:00

Finish 00:00

Friday

Start 11:00

Finish 01:00

Saturday

Start 11:00

Finish 01:00

Sunday

Start 11:00

Finish 23:30

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 to the members and guests 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.

Adult Entertainment

Please highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the club premises that may give rise to concern in respect of children.

Current Certificate

Please identify those conditions currently imposed on the certificate which you believe could be removed as a consequence of the proposed variation you are seeking (or enter 'none').

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

Licensing Objectives

Describe the steps you intend to take to promote the four licensing objectives

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

As a private members Club, members are required to go through a membership approval process and be over 18. Members entry to the Club is controlled through the use of Membership Cards that are checked by staff and doormen. Non members must be signed into the Club by a Member.

Strong management controls and effective training is provided to all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

a/ no selling of alcohol to underage people

b/ no drunk and disorderly behaviour on the premises area

c/ vigilance in preventing the use and sale of illegal drugs at the retail area

d/ no violent and anti-social behaviour

e/ no harm to children

As a Licensed Club Premises the Club are aware of the purpose of promoting these objectives. We will ensure that we support these objectives through staff training, qualifications, policies, and staff meetings.

The prevention of crime and disorder:

The Club Premises Licence providing the hours of operation and licensable activities will be placed on the Clubs main notice board.

Staff are trained on the Licensing Act, to make or authorise each sale – there will be Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.

There is a CCTV system installed with recording option available inside and outside the Club to assist with detection and prevention of crime.

Not selling of alcohol to drunk or intoxicated customers.

Prevention and vigilance in illegal drug use on the premises. Staff are well trained in asking customers to use premises in an orderly and respectful manner.

Public safety:

Internal and external lighting is installed to promote the public safety objective.

Staff are trained in environmental health requirements.

Training and implementation of underage ID checks.

All parts of the premises and all fittings and apparatus therein,

including door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

The prevention of public nuisance:

Noise reduction measures are in place to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting members and their guests respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time as to prevent nuisance and disturbance to nearby residents.

The Club will ensure that the removal of rubbish and bottles will be undertaken in the day time to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around talking loudly outside the premises.

Lighting outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents. Adequate waste receptacles for use by customers will be provided in the local vicinity.

The protection of children from harm:

Children are not allowed entry to the Club unless accompanied by an adult. Members are required to supervise accompanying children when in the Club. Children are not allowed in the Club after 8:00pm in the winter months (October to March) and 9:00pm in the summer months (April to September).

"Challenge 25" that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

Staff are trained on the requirements of persons' identification, age establishment etc.

The Club have a Safeguarding Policy and Safeguarding Officer.

Submit & Pay

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

I make this application on behalf of the club and have authority to bind the club.

Name:

Capacity:

Address for correspondence associated with this application

Postcode:

Tel:

The email address provided below will receive a copy of this completed application form.

Email:

Payment Amount:

St. Francis Social & Sports Club

LEWIS ROAD HARVARD NEAR WEST SWISS PHILADELPHIA

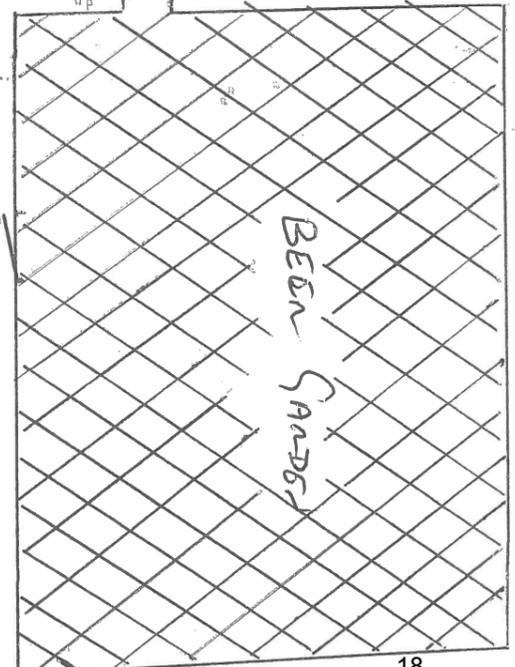
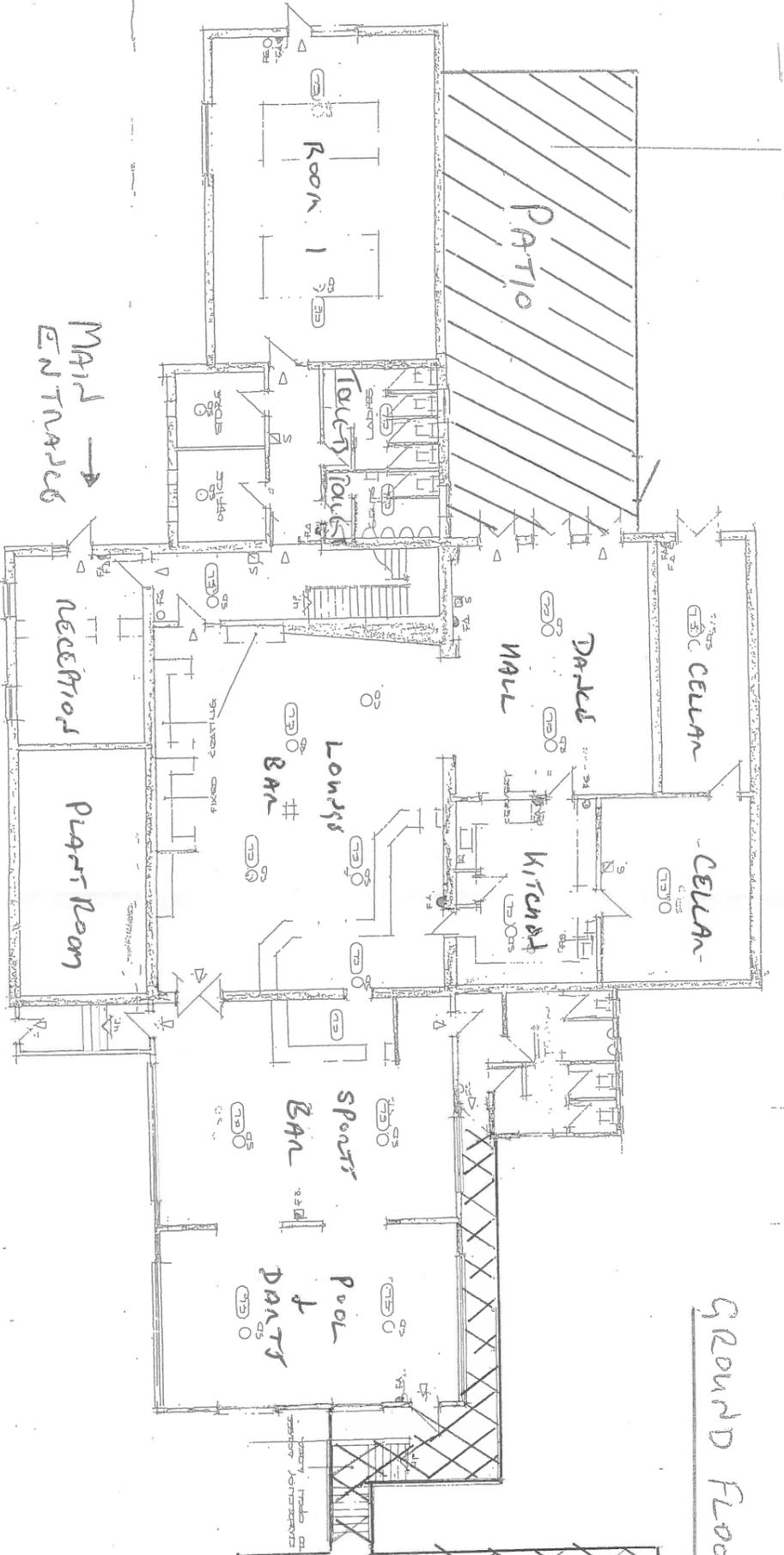
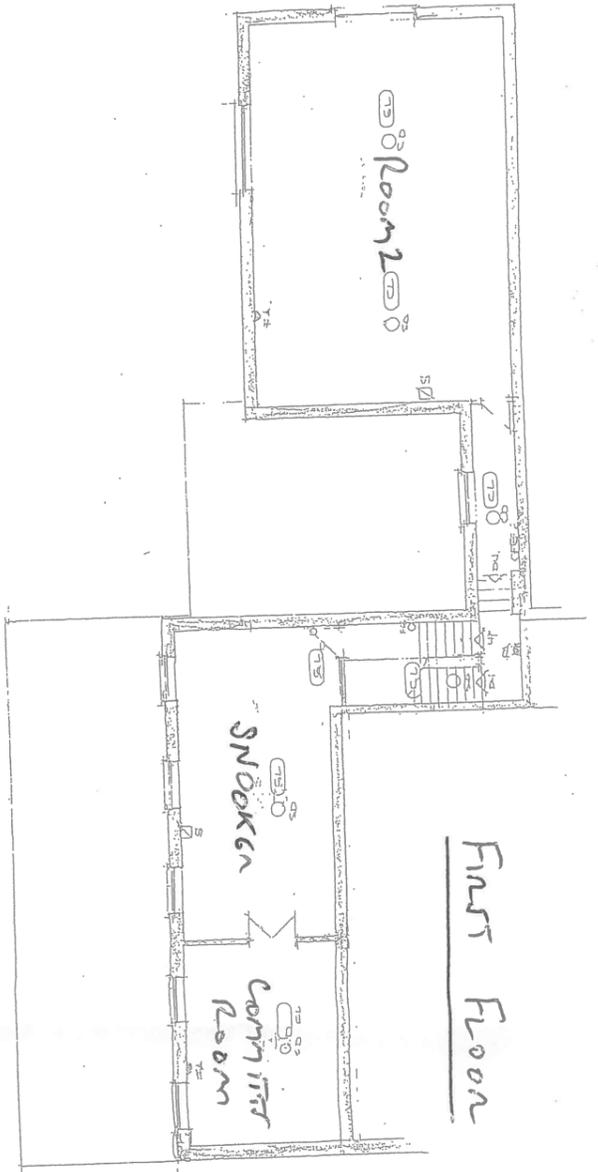
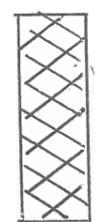
LICENSED AREA INCLUDES MAID BUILDING

AND PATIO AREA AND BEER SANDS

Key - PATIO



BEER SANDS





ST FRANCIS SPORTS CLUB

LEVES ROAD

WEST SUSSEX ROAD

ACCESS ROAD

LICENSED AREA = // // // // //

St Francis Social and Sports Club,
Princess royal hospital
Lewes Road
Haywards Heath

Index to photographs of site

1. Front of Premises including smoking shelter
2. Main Bar
3. Function Room off main bar leading to patio area
4. Patio area from clubhouse towards car park
5. Patio area facing clubhouse and function room
6. Rear bar leading to beer garden Interior – main bar
7. Beer garden towards club
8. Beer garden from Chalkhill Hospital end



1



2



3



4



5



6



7



8

Title: St Francis SSC

Comment: St Francis Social and Sports Club Variation to Club Premises Certificate



© Crown copyright and database right. All rights reserved (100021794) 2018 © Contains Ordnance Survey Data : Crown copyright and database right 2018

From: Barwood Vicki (Sussex Partnership Trust)
To: [licensing](#)
Subject: Objection re: license application
Date: 23 August 2018 14:41:33

Dear Sir / Madam,

I am writing to object about the Licensing Application made by St Francis Social Club.

It's proposals include:

- Changes to the layout to include the addition of 2 outside licensed areas
- To supply alcohol until 23:30 Mon – Thurs, 00:30 Fri-Sat and 23:00 on Sunday

Chalkhill is a hospital ward that provides a service to children aged 12-17 years with emotional and mental health problems. Our children are in acute states of distress on their arrival. We are located adjacent to the social club, with some of their bedrooms overlooking it. Our children remain in their bedroom areas from 21:30 each night and, over the past few months, have been making regular complaints to myself that noise from the social club is disturbing their ability both to get off to sleep and to remain asleep. A healthy sleep pattern is extremely important to their physical and mental wellbeing, and in their recovery. For many of our children night time is the most difficult part of the day and it is vital that we can provide a quiet, calm, and therapeutic environment for them. Our children also have to attend school on site, so a poor night's sleep can also affect their ability to function the next day and can impact on their education.

Noise has been an ongoing problem under existing arrangements and we are concerned that any further changes to their license will have a further impact on noise levels around our hospital, particularly late at night, and sadly need to object to this application from our neighbours.

I look forward to hearing from you,

Vicki

*Vicki Barwood
Ward Manager
Chalkhill Hospital
Princess Royal Hospital Site
Lewes Rd
Haywards heath
Sussex
RH16 4NQ
Tel: 01444 472670*

NB: Working days are Tues – Fri



This message and any attachments contain confidential and privileged information. If you are not the intended recipient please accept our apologies and delete the email after advising the sender of the error. Please do not disclose copy or distribute information in this e- mail or take any action in reliance on its contents: to do so is strictly prohibited and may be unlawful.

The information contained within it may be subject to public disclosure under the Freedom of Information Act (2000), unless it is legally exempt from disclosure.

Save the environment - think before you print

From: Kay Barfoot
To: [Paul Thornton](#)
Subject: Fwd: Variation in Licensing Hours
Date: 16 August 2018 12:18:48
Attachments: [image1.png](#)
[image2.png](#)

Paul

This is to further support my objection to the below application.

Please find full picture of the post that was on Stuart Campbell's Facebook page. Given that he is The Chairman of the St Francis Sports and Social Club I feel that the post is in very poor taste. Especially considering that an application for a further extension to the license, in an area where there have been previous noise complaints from residents, has been made.

(This was posted by Stuart Campbell on 3rd August 2018)



Hoping this is sufficient. I haven't been able to prove where the photo was taken.

Kay

Sent from my iPhone

Begin forwarded message:

From: Kay Barfoot <kaypb33@icloud.com>
Date: 13 August 2018 at 17:26:00 BST
To: licensing@midsussex.gov.uk
Subject: Variation in Licensing Hours

Ref:- L1/18/0690

Variation of Club Premises Licensing Certificate for St Francis Sports and Social Club

I am writing to object to the above variation in licensing hours for St Francis Sports and Social Club. I believe the reasons fit within some of the four headings that I am allowed to object within.

1) Primarily this is supposed to be a "sports" club and I don't feel that extending the hours of licensing is a very good example to set the children and young adults that attend. The stats state:- "alcohol misuse is the biggest risk factor for death, ill health and disability among 15-49 year olds in the UK, and is the fifth biggest risk factor across all ages." Does Mid Sussex District Council really want to be part of making those statistics and potentially making them worse with extended hours?

2) Smokers regularly go outside, often with alcohol, to stand in the smoking area next to the road from Southdowns Park and the Hospital which is not

marked as an area to have the license. Therefore what steps will be taken to prevent this area having alcohol consumed?

- 3) the club has already found it very difficult, especially when there is an event, to keep people within the allowed areas. In the past, especially during events, it has proved impossible to keep people away from the patio area.
- 3) There is already a noise issue as there have been sundry complaints already about the noise that emanates from the club's premises. Extending the hours infringes on the lives and in particularly the sleep hours of surrounding residents.
- 4) the more alcohol that the club sells will cause more vandalism than is present already from the Club members and their visitors. Cars already are broken into and damaged within the surrounding areas.
- 5) the club are not very neighbourly and friendly as notices like the photo attached has been seen at the St Francis Club but also on the Facebook Page. Unfortunately it appears they want decisions all their own way to benefit a few pockets within the Club rather than getting on with neighbours.



Yours,
(not very hopeful that I or anyone else will be listened to)

Kay Barfoot
The Downsvew
23 Cavendish House
Southdowns Park
Haywards Heath
RH16 4SL

Sent from my iPhone



Stuart Campbell shared a post.

3 August at 15:29 · 🌐



Write a comment...



Dear Licencing Team

I would like to object to the variation of a Club Premises Certificate at St Francis Sports & Social Club, Ref LI/180690. For over 3 years we have suffered with them frequently creating noise until 12 midnight and then dealing with their inebriated patrons who then dwell in the carpark of the club shouting and screaming. **For toddlers and young children not to be allowed to sleep in a residential area in Haywards Heath is simply unacceptable.** For the club to then ask for an extension to their current licence is simply rubbing salt into the wounds and clearly demonstrates the clubs attitude to the effect it has on the surrounding residents i.e. "we don't care and can do as we please". The application goes on to talk about how licencing objectives will be reached but as we have learned from painful experience trying to simply get the rear doors shut and not used during events, to rely on the clubs' operational protocols to deliver an outcome is futile so it can only be done by removing the issue altogether.

The club has also requested that it has 2 external areas licenced, which reinforced the "do as we please" attitude because these areas although not licenced have been used as licenced area for years now, hence the club have been acting outside the law, laws that they must feel they have a right to flout at local resident's detriment. The club has shown through council recorded evidence that the music inside is so loud that it 1) has a major audible impact to surrounding residents when the doors are opened, so having an outdoor licence area becomes unthinkable and 2) that the music is so loud that even with the doors shut the noise levels are audibly still over the threshold of acceptability, this again being evidenced by the councils recording equipment.

The club claim that the increased opening hours from 11-11.30 Mon-Thur and 0.00-0.30 Fri-Sat are to "avoid the club having to apply for a TEN", the club need to apply for a TEN on most occasions as it is hired out by non-members hence this is useless reasoning, further demonstrating their disregard for local residents. Furthermore, council personnel have visited the club, ordered alcohol and weren't asked for membership credential, this again laughs in the face of the law and the councils licencing department and further reinforces the "we can do as we please mentality". We must keep control of non-member events via the TEN system as they cause the most noise.

I note that the club have only put two Public Notices outside the front of the club, with no notices facing the residents, I would again say that they are flouting the rules as they think "can do as they please".

It must be noted that the club is constantly causing noise which starts with classes that have loud music and windows / doors open from 8am in the mornings so we frequently have very little rest bit from the club revellers leaving and the classes starting in the morning.

We have been of the opinion that we would not complain about the noise from the classes but we are flabbergasted by the application to extend hours and the clubs recent accusation that noise was recently not coming from their unlicensed patio area but from the children who live nearby. Accordingly, we would like to formally complain about this now and will log all occasions of nuisance going forward with the aim of apply for the **clubs licencing hours to be reduced so children living in a residential area can sleep in peace.** I note that the nearest licence premises, The Heath Tavern is licenced to 11pm, I would presume due to its locality to residents, so it beggars belief how a "Sports and Social Club" is allowed to open in a residential area until 0.00 hrs let alone 0.30 hrs.

I look forward to hearing from you.

Regards

Gilbert Yule, Plum Cottage, Colwell Road, Haywards Heath, RH16 4HB

From: Andrew Sturgeon
To: [Paul Thornton](#)
Subject: RE: APPLICATION NUMBER LI/18/0690 - REPRESENTATION FROM HAYWARDS HEATH TOWN COUNCIL
Date: 17 August 2018 16:06:46

Dear Paul,

Following your email dated 15/8/18, I have consulted with the Chairman of the Town Council's Planning Committee. In the light of your comments, the Town Council's representation has been revised to read as follows (this supersedes the previous submission):

APPLICATION NUMBER LI/18/0690 – (ST. FRANCIS SOCIAL AND SPORTS CLUB, COLWELL ROAD, HAYWARDS HEATH, RH16 4EZ)

Background: Growth of population and density in the area has promoted increasing use of the Club as the most convenient licenced premises for many residents.

Nearby residents have lodged formal complaints regarding instances of noise and disturbance that have originated from the Club under the existing terms of the licence. Additionally, Ward Councillors have had numerous discussions with residents of Southdowns Park and Colwell Gardens, who have expressed their concerns with the ongoing problems of noise and antisocial behaviour. Acknowledging the noise from the premises, which is particularly noticeable on Thursday, Friday and Saturday evenings, a significant lack of management control is evident in and around the external areas. Pedestrians and drivers are in disarray as early as 21:00 on these evenings and later.

Patrons leaving are frequently noisy during the later hours. Security/door staff should ideally manage the external areas from 21:00 until 30 minutes after closure on these three evenings, and at all special events. Reason – to protect nearby residents from noise, nuisance and antisocial behaviour.

The existence of previously lodged complaints, plus the concerns raised directly with Ward Councillors, require a robust Town Council representation to protect resident amenity.

Haywards Heath Town Council therefore submits the following representation in respect of this application:

1. it objects to the extension of the hours of the licence as proposed;
2. it supports licensing of the patio area, restricted to 20:00 on all days of the week to limit the time frame for ongoing external noise;
3. it objects to any licensing of the rear beer garden at any time – to protect nearby residents from noise and antisocial behaviour.

Mid Sussex District Council Licensing Policy states in Section 9.5 "Future applicants for licensable activities beyond 23:00 will be expected to specifically demonstrate how they intend to address the licensing objectives of Crime and Disorder and Public Nuisance." This application does not meet or address that requirement.

Given the existence of formal complaints already recorded for this establishment, we believe extending external use of the premises will increase the existing disturbance of neighbouring residents.

Moreover, we note the application is for use without a specific time limit, therefore if granted without a time limitation, it would breach Policy Sections 9.5/9.6, especially as there are “no exceptional circumstances” or indeed a track record of “good management”, which is undermined by the existing complaints on record.

The Town Council refers to the licensing policies outlined above and believes this representation addresses the policy requirements seeking denial for the ‘prevention of a public nuisance’ licensing objectives. We believe they would be compromised if the application as tendered were to be granted.

It would be appreciated if this representation could be considered when determining the application.

With many thanks and kind regards,

Andrew

Andrew Sturgeon
Responsible Financial Officer

Haywards Heath Town Council

The Town Hall
40 Boltro Road
HAYWARDS HEATH
RH16 1BA

Tel: 01444 455694
Fax: 01444 455075



Save a tree.....please don't print this e-mail unless you really need to

-----Disclaimer-----

The information contained in this email may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained in this email is legally exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this email to a third party making a request for information about the subject matter of this email. This email and any attachments may contain confidential information and is intended only to be seen and used by the named addressees. If you are not the named addressee, any use, disclosure, copying, alteration or forwarding of this email and its attachments is unauthorised. If you have received this email in error please notify the sender immediately by email or by calling +44 (0) 1444 455 694 and remove this email and its attachments from your system. The views expressed within this email and any attachments are not necessarily the views or policies of Haywards Heath Town Council. We have taken precautions to minimise the risk of transmitting software viruses, but we advise you to carry out your own virus checks before accessing this email and any attachments. Except where required by law, we shall not be responsible for any damage, loss or liability of any kind suffered

LI/18/0690 St Francis Sports and Social Club, Princess Royal Hospital, Lewes Road, Haywards Heath. RH16 4EX

Application to vary a club premises certificate, Environmental Protection consultation response.

Environmental Protection objects to this application on the grounds that over the past 10 years, MSDC has received numerous complaints of disturbance to local residents due to loud music emanating from the premises, sometimes late at night, and the anti-social behaviour of some customers using the club.

Complaints received in the past 3 years include:

June 2015: Loud music emanating from the club most weekends interfering with the complainant's sleep.

August 2015: Complaint regarding allegation of music being played after midnight in breach of Licence.

November 2015: Complaint regarding loud music and noise from club customers.

May 2016: Disturbance due to loud music and customers using the patio area.

April 2017: Disturbance due to loud music, customers shouting, children "screaming" and bottle emptying. Disturbance occurs most Fridays and Saturdays, sometimes due to customers using the patio area. Even when the doors to the function room are closed, music can be heard inside neighbouring property.

July 2017: Complaint regarding loud music emanating from the club on a regular basis. Allegations of customers sometimes leaving the club as late as 3am causing disturbance by shouting, swearing, vomiting and urinating in the street.

15 July 2017: Noise monitoring carried out at neighbouring property during an event being held at the club. Recordings were made between 21:00 and 00:45 and revealed loud music/singing with lyrics clearly audible, shouting and bottle bank emptying (recorded at 22:18).

December 2017: Complaint regarding disturbance due to loud music being played between 20:00-23:00 during an event.

July 2018: Complaint received from local resident concerning disturbance in the evenings due to the patio area being regularly used by noisy customers whilst smoking and by children playing in this location. In particular, on 14 July disturbance led to a complaint regarding loud music due to a door to one of the event rooms being wedged open. In addition, allegedly inebriated customers caused disturbance, shouting and swearing whilst congregated outside the club.

11 August 2018: Noise monitoring carried out at a neighbouring property during an event at the club for which a TEN had been applied for. Loud music and singing was recorded in a

bedroom between 21:49 and 22:56. The words of the songs were clearly audible inside the bedroom. At 00:05 a recording was made of customers leaving the club having a loud conversation, swearing and laughing in the car park.

It is therefore evident that use of the patio area by customers can cause disturbance to local residents and controls to limit noise due to customers using the area have been largely ineffective. Environmental Protection therefore objects to the patio area being licensed as to do so would encourage use of the area and therefore risk greater disturbance to neighbouring properties.

The proposed beer garden is approximately 50m from the nearest residential garden, 60m from the façade of the nearest house and very close to Chalkhill Hospital. Given the beer garden's location and concern that the management systems for controlling noise at the club are not sufficiently robust, Environmental Protection objects to the licensing of this area.

With regard to the club's application to extend the times of its license, Environmental Protection objects as liaison with representatives of the club in the past to try to reduce disruption to neighbours due to operation of the facility has been largely ineffective and MSDC continues to receive complaints concerning noise. Officers from MSDC have been in regular and lengthy communication with senior officials from the club. Advice has been given and meetings have been held to discuss ways to minimise disturbance to neighbours and I have provided copies of two letters sent to the club secretary, Mr Donohoe. However, despite repeated assurances from officials at the club, disturbances have continued. Environmental Protection does not believe that instructions from club officials regarding noise mitigation measures are effectively communicated to duty managers/stewards.

Environmental Protection has no confidence that St Francis Sports and Social Club can fulfil its responsibilities to promote the licensing objective of prevention of a public nuisance and believes that granting this variation would compromise this licensing objective. This assertion is supported by the evidence detailed in this report.

24/08/2018
Jane Cooper, EHO
Environmental Protection

Contact: Mr P Thornton
Direct Line: 01444 477428
Email: paul.thornton@midsussex.gov.uk

Our Ref: SR/17/2530

Date: 21 August 2017

The Secretary
St Francis Sports And Social Club
Colwell Road
Haywards Heath
West Sussex
RH16 4EZ

Dear Mr Donohoe

I am writing in confirmation of a meeting held at the Council Offices on 28th July 2017 with Mr Campbell and Mr Loveridge from the Club committee.

The meeting was called by us in response to complaints about music noise from your venue.

Also present at the meeting were Nick Bennett, Senior Environmental Health Officer and Jane Cooper, Environmental Health Officer from the Noise Pollution Team.

You will be aware of a history of complaints about music and people noise from the premises over a couple of years. We have been engaged in dialogue with you about this. On 28th April this year I met with Mr. Campbell and Mr Loveridge about noise breakout. They told me that three stewards were now employed by the Club and all the staff had been made aware of their responsibilities to reduce noise output.

Mr Bennett informed you that noise monitoring equipment had been placed in a neighbouring house during the weekend of 14/15th July 2017.

Mrs Cooper then played a selection of the recordings made during an event at the club on 15/16th July. The recording equipment was placed in a young child's bedroom. Music and the lyrics to songs could clearly be heard until 0045 hours. Communal singing towards the end of the evening and the sound of the DJ simply added to the nuisance being caused. At one stage around 2220hours, someone from the club decided to empty a number of glass bottles into dustbins at the club creating a substantial noise nuisance.

Mr Campbell and Mr Loveridge explained that they'd been to a function on the previous evening. (15th July). Some recordings were made of this event but in the main the noise outbreak was well controlled. Neither of them were at the noisy function on the Saturday night. A discussion ensued about this. It transpired that the committee members present on 15th were closing doors and windows and generally taking precautions to minimise noise outbreak.

They told us that staff were all aware of the need to reduce noise breakout. They did say that one of the Stewards has been off sick for some time so others are deputising. It is clear that the message from yourselves as officers and committee members is not being acted upon by the staff. The fact that two events (14th and 15th July) had vastly different outcomes in terms of noise outbreak proves this. The event with committee members went smoothly, whilst the following evening with a manager in charge has

Working together for a better Mid Sussex

caused a noise problem.

We did offer to speak to your staff to reiterate the serious consequences of continued noncompliance. That offer should you deem it necessary still stands.

The next steps. The Pollution team has the ability to serve a Noise Abatement Notice on the club. This requires it to stop making a noise; the source in your case is music and people. The penalty for breach of this notice is a £20,000 fine.

In addition, you are all aware that one of the Licensing objectives is 'Prevention of a Public Nuisance'. Should sufficient evidence be forthcoming a Licence Review per Licensing Act 2003 could be called. If it determines a nuisance has been caused the Licensing Committee can amend hours for licensable activities, add conditions or Revoke the Club Premises Certificate entirely.

At this time the evidence collected will remain on file. It may be referred to in the event of future complaints. This matter will now be closed with no further action except for this letter and the verbal advice given to your colleagues on 28th July.

If you have any question about matter raised in the meeting or this letter please contact me.

Yours sincerely

Paul Thornton
Senior Licensing Officer

Contact: Mr P Thornton
Direct Line: 01444 477428
Email: paul.thornton@midsussex.gov.uk

Our Ref: 05/12863/CLUB **Date:** 4 May 2017
YourRef:

Mr J Donohue
60A Gower Road
Haywards Heath
West Sussex
RH16 4PN

Dear Mr Donohue

I am writing to you in your capacity as Secretary of St Francis Sports and Social Club. This letter is written in confirmation of a meeting held on Friday 28th April 2017 with Stuart Campbell and Will Loveridge from the club.

In particular we discussed noise complaints from one of your neighbours. These complaints relate to noise from people on the rear patio area and music breakout from the site in general.

You informed me that action had been taken during 2016 when the same problem arose. This action amounted to staff being informed that the area in question wasn't to be used during the evening. You indicated that this instruction appears to have lapsed since then.

You informed me that you now have three stewards employed by the club. One of these is always working when the bar is open. You stated that you will hold a meeting with the staff to inform them the rear patio area will not be used at anytime and that smoking will now take place in a designated area at the front of the site.

We discussed the rear patio area and it's relationship with the premises itself. The plan of the premises submitted when the licence was transitioned from a Justices Licence in 2005 does not show the rear patio area as part of the licensable area. This area is in effect classified as 'off the premises'.

With that in mind Section 73 Licensing Act 2003 prohibits the taking of alcohol in an open container from a premises with a Club Premises Certificate. This means that alcoholic drinks should not be taken in glasses from the clubhouse onto the patio area.

We further discussed an option, which you are considering, of applying for an extra half an hour to sell alcohol (from 2300-2330hrs) on a Wednesday and Thursday evening. During this discussion the question of submitting a variation to include the rear patio area and grassed area to the east of the clubhouse in the licensed area arose. You indicated that the rear patio area would be used during the day only up until 1900 hours.

Working together for a better Mid Sussex



You told me, after a subsequent telephone conversation, that you would wait for four weeks before submitting this application.

If you require any further information or clarity about this letter please contact me.

Yours sincerely

Paul Thornton
Senior Licensing Officer

St Francis Social and Sports Club

Conditions from Operating Schedule

1. The patio area will be closed and not used by patrons of the club after 2000hours every day.
2. Between the hours of 1900 hours and 0800 hours no waste or glass bottles will be moved or deposited the clubhouse building.
3. 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 will be asked for photographic ID to prove their age. Signage advertising the policy will be displayed at the point of sale as a minimum.
4. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs prior to engaging in any sales. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to an officer of a Responsible Authority.
5. The beer garden will be closed and not used by patrons after 2300 hours.