

**Minutes of a meeting of Mid Sussex District Council Liquor Licensing
Committee
held on Thursday, 30th July, 2020
from 10.00 am - 11.23 am**

Present: Councillors:

J Dabell
N Webster
L Gibbs

Officers in attendance:

Franca Currall, Solicitor
Tom Andrews-Faulkner, Paralegal
Jon Bryant, Senior Licensing Officer
Alison Hammond, Democratic Services Officer

Also in attendance:

Applicant (St Francis Social and Sports Club)
Ms Nik Mansfield, Chalkhill Hospital

LS.1 ROLL CALL AND VIRTUAL MEETINGS EXPLANATION.

The Chairman welcomed everyone to the meeting and introduced each member of the Panel to the participants.

Franca Currall, Solicitor explained the virtual meeting procedure. She advised that no decision will be given at the end of this meeting. The decision will be made within 5 working days of the meeting. A letter will be sent to all the participants and any other parties who made written representations but did not attend the meeting. The letter will set out the Members decision with reasons for it and will also contain details of how to make an appeal against that decision.

The Senior Licensing Officer and Paralegal introduced themselves to the participants of the meeting.

LS.2 TO RECEIVE APOLOGIES FOR ABSENCE.

None.

LS.3 TO RECEIVE DECLARATION OF INTERESTS FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

None.

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.

The Solicitor confirmed that the deliberations of the Panel would be held in private.

LS.4 APPLICATION FOR A VARIATION TO A CLUB PREMISES LICENCE.

Introduction and outline of the report:

Jon Bryant, Senior Licencing Officer introduced the report. He noted the application made on behalf of St Francis Social and Sports Club and representations made against the application by Haywards Heath Town Council and Chalkhill Hospital. The Committee were 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.

He confirmed the location of the club within the grounds of the Princess Royal Hospital and when the club was founded. He noted that the club premises certificate was detailed in the report and that the current certificate does not include the outside areas. The plan of the club for the current Club Premises Certificate (CPC) does include outside areas; it does not allow for alcoholic drinks to be taken outside in an open container.

The application sought to include a patio area adjacent to the car park and a garden area to the side of the club premises. The application included: measures to manage the new areas, noted that the outside areas would not be in use after 20:00, the staff training scheme and the use of the "Challenge 25 scheme, updated noise management plan, clear signage for patrons, the hours when children are permitted in the club and monitoring of the outside areas. The members were informed that representations had been received against the application from Chalkhill Hospital and Haywards Heath Town Council. He highlighted appendix 7 the proposed conditions should the licence be permitted.

The Officer highlighted in the representations from Chalkhill Hospital that they provided hospital services for children aged 12 -17 years with emotional and mental issues; who they consider would be affected by increased noise levels and noted that the beer garden would be adjacent to their outside space. The children need a calm and quiet outside space and noise from a drinking establishment may be inappropriate. It was noted that from 6 pm onwards the children suffer more distress and self-harm and a quiet calm space is essential. Some of the children have experienced trauma as their parents have issues with alcohol and the proposed beer garden may trigger unpleasant memories, some children have autism needing a quiet environment and some have eating disorders. The Officer confirmed that the kitchen and dining room are closest to the proposed beer garden.

The representation from Haywards Heath Town Council expressed concern over the location of the beer garden adjacent to Chalkhill Hospital which is one of the leading units in the country specialising in the treatment of children. The Councillors noted the outside area could be noisy and could have an adverse effect on the wellbeing of people with existing mental health challenges. With the beer garden being open till 20.00 it could also be detrimental to people living in the local community. The Officer confirmed the application to vary the licence had been advertised in the local papers and at the site of the club.

The Committee were advised that the application is lawful and relevant representations have been made. The Members should take steps to promote the four licensing objectives of the Council: Prevention of Crime and Disorder; Promotion of Public Safety; Prevention of Public Nuisance and Prevention of Harm to Children and Young People. The Committee can modify conditions or reject the whole or part of the application. They can modify by altering any of the current conditions, omitting

existing conditions or add new ones. He concluded that either party can appeal in the Magistrates Court in respect of these proceedings.

Questions from the Members to the Officer:

In response to a question from the Chairman, the Officer confirmed that the application included the up to date Noise Management Plan and that the applicant could advise other groups that used the club's facilities, but these were not listed in the report.

He also advised the location of the outside area used by the children of Chalkhill Hospital in relation to the proposed beer garden.

Applicant addressed the Committee:

Jon Donohue, Applicant and Honorary General Secretary of the club noted it operated on a not for profit basis and serves the NHS and local community. The application was to extend the licence to include a beer garden and patio to enlarge the area for use by the patrons. The noise management plan was introduced in April 2019 and has been worked on since their last application. He highlighted the changes to the club after contracting a sound and acoustic specialist. Following advice, physical changes were made to the windows, air conditioning and a noise limiter has been installed; amplified sound will be restricted to Fridays and Saturdays once normal operation of the club resumes.

They have introduced a communication and complaint process for noise complaints and members are aware of the plan. It has been distributed to local residents and Chalkhill Hospital. He noted that the beer garden and patio would shut at 8 pm, staff will monitor for excessive noise and the tables nearest the hospital would be non-smoking. He highlighted that no objection had been received from Environmental Health Officers and no noise complaint had been lodged since the September 2018.

He believed the hospital's outside space was far enough away and there was soft landscaping to screen and muffle any noise; the club had recently paid for the repair of the hospital's fence. He noted the current challenging times which reduced trading and hoped this licence would bring back members and increase their financial stability. He referenced the changes in licenses for pubs during the pandemic and reiterated their plan to manage the outside space regarding noise.

Questions to the Applicant:

A Member was concerned with the location of Chalkhill Hospital to the club and asked for details of their terms and conditions or code of conduct for members. The applicant advised they had neither but could include one. However, their constitution stipulated that members should conduct themselves appropriately; there is a disciplinary process and membership can be revoked.

A Member asked if there had been any complaints or problems recently due to lower age limit for membership. The applicant advised that nothing had been reported by Environmental Health for the last two years and no members under 18 were allowed. They did, however, hold events for under 18s, parties, football etc.

In response to a question on the demographics of the club members, the applicant confirmed that a lot of older people use the club and they wanted to get more younger members. Many come after work from the Princess Royal Hospital and the local community.

On the matter of complaints, the applicant reiterated there have been no complaints since September 2018. Previous complaints had related to issues on music bands nights, noisy people leaving the premises, doors opened due to heat and noise carrying to local houses. He highlighted that the noise management plan would rectify that, the air conditioning would stop the doors and fire doors being opened, some were now fitted with alarms, they have repositioned the orientation of the music bands, introduced a noise limiter, installed triple-glazed windows to reduce noise and high-density curtains. The club and staff were now more mindful of noise issues. He confirmed that staff and new members sign up to the noise management plan.

The applicant noted the club had developed the site which was originally an old boiler house for the mental health hospital, it had a long history of connection to the health authority and they had recently bought the land.

Through a thorough examination of the plan and photos and discussions with the applicant and representative from Chalkhill Hospital the Committee determined:

- an estimated size of the proposed beer garden, 15ms by 18ms and the separate patio area of 18ms by 15ms, of which half has tables and chairs and half is covered in an all-weather artificial grass for a children's play area,
- large areas of the garden are taken up by vegetation including a 6ms wide holly bush and the hospital fence is beyond the bush,
- that the bar counter, in the main part of the building, was 20ms from the window facing the hospital,
- that 2 air conditioning units served the main hall and the other 2 served smaller halls where activities took place; keep fit classes etc,
- identified which doors had been fitted with alarms, there was also signage to identify them, these would be operational from 8pm every night,
- the door to the pool and darts area did not have an alarm but one could be fitted.

Interested Party - Representation by Chalkhill Hospital:

Nik Mansell, Matron of Chalkhill Hospital highlighted the services which operate from the hospital including in-patient and community mental health services, day service and an eating disorder service. She apologised for the need to object to the application and appreciated the changes to the schedule of operating hours. However, the location of the club next to the hospital made their functions incompatible and the safety and care of children was paramount. She expressed sympathy for the club in light of the pandemic and their ability to trade. The part of the hospital housing the in-patient unit was closest to the beer garden and it is an acute admission unit for 16 children 12-17 years for assessment and treatment, with most staying about 60 days. They also treat girls with autism and as it shows up differently there are high instances of self-harm. She noted that autistic people are hyper-sensitive to noise, and ear defenders were distributed when testing their fire alarms. They also have patients with psychotic symptoms, emotional dysregulation who express themselves through severe self-harm, some have anxiety, depression or have suffered traumatic episodes and symptoms; some relating to parents who have had alcohol dependencies.

She described the proximity of the hospital to the club and the use of the area immediately behind the proposed beer garden fence as a thoroughfare, waste storage area and loading bay for deliveries to the adjacent kitchens. She noted a raised terrace which has doors into the dining room. It was noted that meals times are stressful for the patients especially if they have eating disorders, and the doors are now open due to Covid-19 restrictions and spacing out the patients. She

confirmed an area of foliage between the hospital and proposed beer garden, but noted that noise does travel. The aim of the hospital is to keep the environment for the patients quiet and calm. This can be achieved internally as they have control. They have made changes to how they work due to Covid-19 as family are now visiting and they use the terraced area, which could be subject to noise, but they acknowledge that they had not made complaints recently. If the patio doors were left open noise would travel into their building and was concerned how the club could expect their members to keep as quiet as the hospital would need.

There was a short pause in the meeting for the agenda pack, including photos to be emailed to the matron; she was a late substitution as the representative for the hospital.

The Committee again discussed at length the plan of the club grounds and photos in relation to the hospital site and determined:

- the buildings immediately behind the proposed beer garden are a sports hall, kitchen for staff use and the patients dining room,
- the staircase from the storage area leads to the kitchen.
- the terraced area is the same height as the proposed beer garden,
- the area on the plan similar in shape to an arrow head is a garden,
- the hospital design has an internal central courtyard,
- the dining room doors open out onto the top end of the long thin area on the plan, with their terrace being to the right of the proposed beer garden,
- the main entrance to the hospital is on the one-way system, the access road which they share with the club.

The Chairman confirmed, with the Senior Licensing Officer, that the representations by the applicant and the interested party were complete.

Summing up by participants:

The applicant advised that he did not wish to make a further statement.

The hospital representative expressed concern that there had been no comments on the public health issue of smoking and asked the applicant if the club planned to have the doors open onto the outside spaces. The applicant advised that they could consider fitting an alarm to the fire door nearest to the garden and hospital. They could also use a door further away as access to the proposed beer garden which was about 15ms away. This would also prevent noise from bar area coming out. He indicated the alternative access to the proposed beer garden on the plan and advised that there would be two sets of doors between the bar and the garden, which should help to contain any noise from the bar. He also reminded the Committee that areas for smokers would be placed well away from the boundary with the hospital.

The Chairman asked the applicant how they would monitor the garden area and if they had CCTV. The applicant advised their CCTV system had recently been upgraded and had 30 cameras; he did not know if it covered the beer garden and patio area but cameras could be added if not. He noted a monitor behind the bar that constantly scrolls through the camera images so it would be easy to monitor. Staff would also know which patrons were going out into the outside area. He confirmed the capacity of the car park was approximately 44 vehicles.

The Chairman advised that the meeting had now closed for the Committee to start their deliberations on the application and reach a decision. The Solicitor reminded those present that they would receive notification of the decision in the post in 5 working days.

The meeting finished at 11.23 am

Chairman