

Crawley Borough Council

Licensing Sub Committee

5 November 2012

Additional Information

- 4. Application for the Grant of a New Premises Licence for 'Marston's Plc – (New Build)', Maidenbower Office Park, Balcombe Road, Crawley**

Following a requested by the following: Applicant 'Marston's Plc' and Senior Environmental Health Practitioner, the Sub Committee is asked to consider additional information, report PES/097 by the Head of Planning and Environmental Services (**Enclosure Z and X respectively**).

NOTE: In the absence of a The Chair of the Licensing Sub Committee, the Head of Legal and Democratic Service has agreed that, although this additional information was not available for at least five clear days before the meeting, there are special circumstances justifying its urgent consideration.



PES/097

MEMO

TO: Licensing Authority
Democratic Services.

Ref: Marstons. Balcombe Road
Licence Application.

Ext: 8210

Date: 02 November 2012

FROM: Responsible Authority for prevention of
public nuisance

**Premises licence application by Marston's - Balcombe Road, Crawley.
Supplementary information for Licensing Authority hearing of 5th November 2012.**

Firstly, some general points of information.

- No pre-application advice was sought from the responsible authority (RA) in respect of prevention of public nuisance.
- The application states (p14) that the applicant has carried out a risk assessment (as advised in guidance) with respect to public nuisance. At p4 and p14(d) the application states that the premises are "away from residential development". In fact the nearest residences are approx 40m distant (see map attached). I have requested a copy of the applicants risk assessment and details of the competency of who carried it out - this has not been provided.
- I have visited the site at night (2330-0100) to take measurements of background noise and familiarise myself with the nighttime acoustic environment. Traffic on the Balcombe Road is the main contributor with background from the motorway and occasional airport and train noise which, as would be expected, dies off significantly towards midnight. The measured background LA90 around 0100 was relatively low at 37.5 dB. The nearby houses (40m) could certainly be disturbed by music and low frequency bass beat if not properly controlled.

In discussions with the applicant following application and the RA's representation the following conditions were agreed :

(1) Prominent, clear and legible signage shall be displayed at all exits which have the effect of requesting patrons to respect the right of local residents to a peaceful night and to leave the premises and the area quietly. Announcements to the same effect shall be made to patrons at appropriate times.

(2) The use of outside drinking facilities shall cease at 2300.

(3) Noise from regulated entertainment shall be inaudible within any noise sensitive premises (this includes any residence which may have one or more windows open to allow for ventilation). A test for fulfillment of this condition shall be that noise from the premises shall be no more than barely audible at the boundary of any nearby noise sensitive premises.

In relation to provision of recorded music outside.

I advise that this should be checked with the applicant at the hearing – but I understand that the applicant's latest position is that they have agreed to remove their application for this. If not the RA would recommend that permission for this is not granted as there would be no noise mitigation.

Matters at issue

For clarity I have provided on separate sheets two sets of conditions - the RA conditions and the latest set proposed by the applicant. Also a map showing residences in the vicinity.

The matter on which we have not come to agreement relates to what I will call "preventative measures" and what triggers them (the RA's conditions 4 to 7 and the applicants proposed condition 2)

The RA position is that the preventative measures it requires - of which there are three:

1. Making a risk assessment of the likely impact of noise in the location and providing appropriate control measures (noise control scheme)
2. Providing a noise limiter to stop noise from live or recorded music going above a level which would disturb residents (noise limiter condition)
3. Testing the sound system and noise control scheme prior to reg. entertainment starting, during which the limiter can be set at the appropriate level and any other noise control measures tested (test condition)

are consistent with the RA's duty and policy of **prevention** of public nuisance (with emphasis on prevention) and are proportionate to the specific case given :

- The close proximity of residences (40m – see map)
- The acoustic environment of the vicinity and relatively quiet background noise (measured by the RA)

And what is applied for, which includes live music, recorded music and dancing after 11pm (see p4 of application – incl. sentences numbered 1,2 at bottom and relevant category sections)

Specifically-

Recorded and live music and dancing, provided inside

till midnight Sun - Thurs

till 0100 Fri and Sat

till 0100 Fri Sat Sun and Monday on bank holiday weekends. (see p4)

The RA is particularly concerned to protect the hours between 11pm and 7am when people are trying to sleep or are sleeping. This is when the sound of music and particularly bass beat can be very disturbing, including in the summer when windows are open to allow ventilation.

In considering this specific application and in recognition of the applicant stating that they initially intend a food led offer and are unlikely to wish to provide regulated entertainment after 11pm - the RA is content in this case that preventative measures should apply only if regulated entertainment is provided after 11pm - and have proposed clear and enforceable wording to achieve - see separate sheet - the RA conditions.

The applicant has proposed its own wording (see separate sheet – applicants proposed conditions) these are the last set proposed by the applicant on 1st November 2012.

The RA position is that the wording in brackets of the first para of its condition 2. renders it unclear and unenforceable. "Recorded music" is licensable by definition in this context - and there is no clear definition of what is "normal" or "unusual" activity.

Leaving aside the issue of live music provided after 11pm to which there is no argument that preventative controls would apply.

The applicant has said that it only wishes a licence for recorded music as it is concerned that incidental or "background music" may at some point be interpreted as "recorded music" and become licensable.

To try and provide comfort for the applicant and come to agreement, the RA proposed the following modification to the applicants wording on 29/10/12.

"However, in an attempt to come to a reasonable agreement - we could modify your proposals incl condition 2 - to trigger the limiter, noise control scheme and test conditions after 11pm (as we agreed is reasonable) remove ambiguity and make the definitions more explicit.

2. Where regulated musical entertainment is to be provided on the premises after 23.00 on any day ("regulated musical entertainment" includes recorded music and live music but does not include background music) then :
 - a. Such entertainment shall not be provided unless the level of all noise due to regulated musical entertainment is controlled by a noise limiting device (NLD) that is satisfactory to the licensing authority. regulated musical entertainment shall not be provided unless the NLD is set to limit noise at a level satisfactory to the licensing authority. The NLD shall be maintained at settings satisfactory to the licensing authority at all times. The NLD shall be secured (to prevent any alteration of its settings) to the satisfaction of the licensing authority. The settings of the NLD shall not be altered in any way, nor shall its function be interfered with in any way without the prior written consent of the licensing Authority.
 - b. Such entertainment shall not be provided until a noise insulation and control scheme (the scheme) has been submitted to and approved in writing by the licensing authority and until the approved scheme is implemented to the satisfaction of the licensing authority. The scheme shall be maintained in accordance with the approved details thereafter and no alterations shall be made to the premises without the prior written consent of the licensing authority.
 - c. Such entertainment shall not be provided until a test of the sound insulation performance of the premises has been carried out to the satisfaction of the licensing authority"

[Excerpt from email of 29/10]

The RA further suggested that the following quantitative differentiation of background from recorded music could be included in the licence:

"I am also happy to state a differentiating test in quantitative terms (the level of noise due to musical entertainment, measured inside the premises at any time, shall not exceed an LAeq (5min) of 75dB).

[Excerpt from email of 29/10]

The applicant has not responded to these suggestions.

It is the RA position that:

1. The application as it stands is clearly for licensable recorded music. If the applicant does not wish to provide recorded music after 11pm it does not have to apply for it and the issue of preventative controls does not arise.
2. The differentiation of incidental non-licensable "background music" from licensable recorded music is, for practical purposes, clear in s182 guidance (see p102 of latest s182 guidance) and in practise would be judged on the facts of each case by competent officers of the RA. For example if a PH advertised dinner and dance nights with DJ till 1am this would clearly not be incidental and, if sensible preventative controls are not in place, the potential for disturbance to nearby residents is clear.
3. It is not reasonable to seek to cover any possibility of future change in a definition that might occur nationally by simply obtaining a licence for recorded music, without accepting basic preventative measures to prevent public nuisance. Applying this logic, all premises could argue that they require the grant of a recorded music licence, till closing time, to cover this eventuality. At my daytime meeting at the Ladybird PH music was being played which was at a level that did not interfere with normal speech, was clearly incidental "background music" and not licensable, the representatives of Marston's were advised as such (see 1.).
4. If, given the hypothetical situation that background music somehow became licensable, it would simply be a matter of applying (along with many other premises) for a minor variation and the LA would act responsibly in managing any such change.
5. In the absence of a competent risk assessment and operating schedule the RA has a clear duty to place conditions that prevent public nuisance and not just to place conditions which can be used reactively to prosecute if a public nuisance is created.

The RA has striven to come to a clear and practical agreement in this case and avoid the cost to the LA and applicant of a contested hearing, which may be significantly higher than the cost of the measures to prevent public nuisance which appear to be at issue.

The RA advises that its proposed wording (the RA conditions) are clear and enforceable, proportionate to what is applied for, the specific location and the aim of prevention of public nuisance.

Robert Burns
Environmental Health

Responsible authority conditions (proposed 19th October 2012)

1. Prominent, clear and legible signage shall be displayed at all exits which have the effect of requesting patrons to respect the right of local residents to a peaceful night and to leave the premises and the area quietly. Announcements to the same effect shall be made to patrons at appropriate times.

2. The use of outside drinking facilities shall cease at 2300.

3. Noise from regulated entertainment shall be inaudible within any noise sensitive premises (this includes any residence which may have one or more windows open to allow for ventilation). A test for fulfillment of this condition shall be that noise from the premises shall be no more than barely audible at the boundary of any nearby noise sensitive premises.

4. Conditions 5, 6 and 7 shall have effect if either live music or recorded music are provided between the hours of 2300 and 0700 the following day.

5. Neither live music nor recorded music shall be provided unless the level of noise due to live music and recorded music is controlled by a noise limiting device (NLD) that is approved by the licensing authority. Neither live music nor recorded music shall be provided unless the NLD is set to limit noise at a level approved by the licensing authority. The NLD shall be maintained at settings that are satisfactory to the licensing authority at all times. The NLD shall be secured (to prevent any alteration of its settings) to the satisfaction of the licensing authority. The settings of the NLD shall not be altered in any way, nor shall its function be interfered with in any way without the prior written consent of the licensing Authority.

6. Neither live music nor recorded music shall be provided until a noise insulation and control scheme (the scheme) has been submitted to and approved in writing by the licensing authority and until the scheme is implemented to the satisfaction of the licensing authority. The scheme shall be maintained in accordance with the approved details thereafter and no alterations shall be made to the premises without the prior written consent of the licensing authority.

7. Neither live music nor recorded music shall be provided until a test of the sound insulation performance of the premises has been carried out to the satisfaction of the licensing authority.

Applicants proposed conditions

MARSTON'S PLC

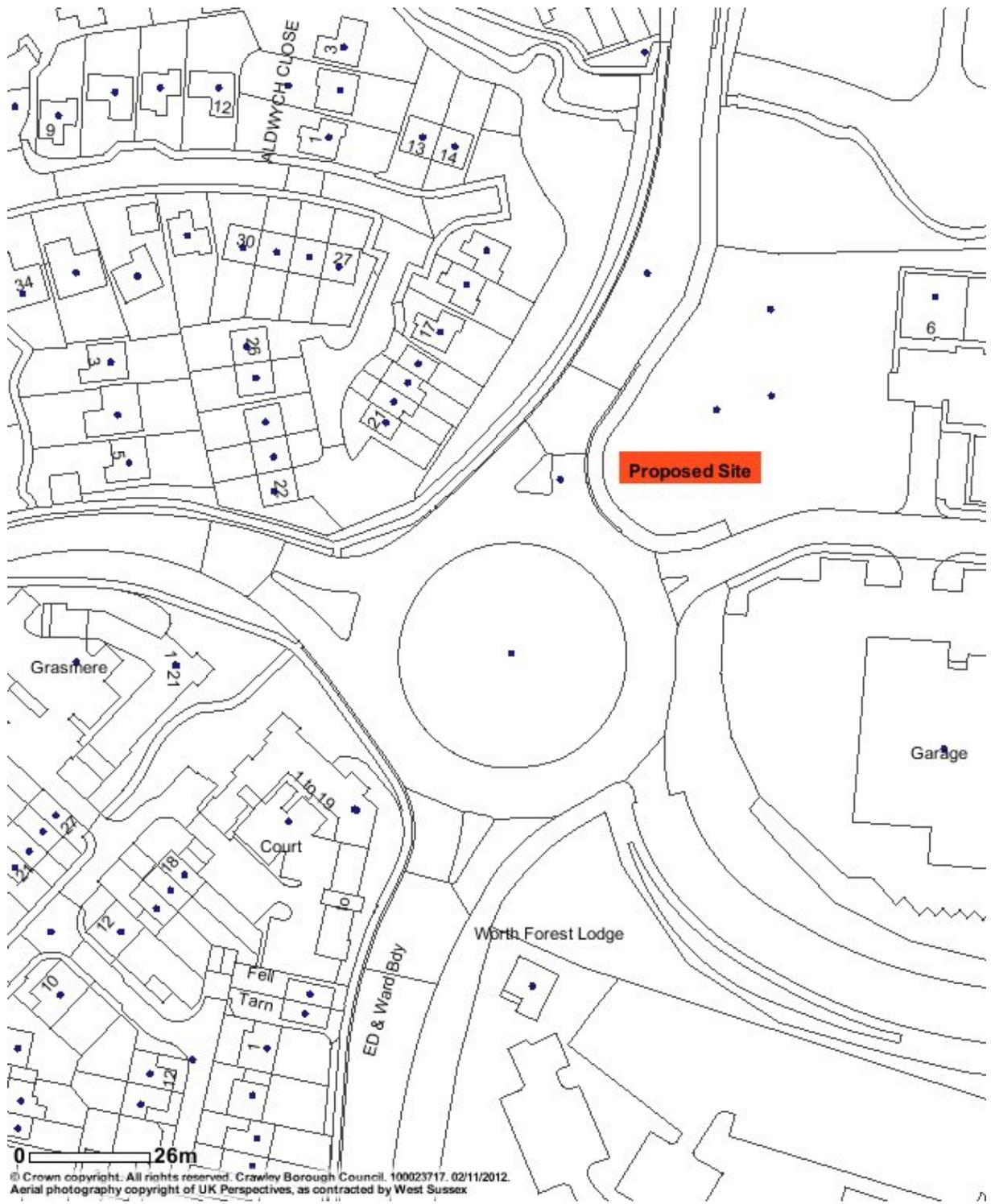
CRAWLEY NEW BUILD

PROPOSED CONDITIONS – EHO REPRESENTATION

In addition to the proposed conditions, it is proposed that the request for outdoor recorded music be deleted from the application.

1. Noise from regulated entertainment shall be inaudible within any noise sensitive premises (this includes any residence which may have one or more windows open to allow for ventilation). A test for fulfilment of this condition shall be that noise from the premises shall be no more than barely audible at the boundary of any nearby noise sensitive premises.
2. Where regulated musical entertainment is to be provided on the premises after 23.00 on any day (and for the avoidance of doubt 'regulated musical entertainment' shall not be deemed to include recorded music which forms part of our normal - as opposed to unusual - trading activity) then
 - a. Such entertainment shall not be provided unless the level of all noise due to regulated entertainment is controlled by a noise limiting device (NLD) that is satisfactory to the licensing authority. Regulated entertainment shall not be provided unless the NLD is set limit noise at a level satisfactory to the licensing authority. The NLD shall be maintained at settings satisfactory to the licensing authority at all times. The NLD shall be secured (to prevent any alteration of its settings) to the satisfaction of the licensing authority. The settings of the NLD shall not be altered in any way, nor shall its function be interfered with in any way without the prior written consent of the licensing Authority.
 - b. The provision of such entertainment shall not take place until a noise insulation and control scheme (the scheme) has been submitted to and approved in writing by the licensing authority and until the approved scheme is implemented to the satisfaction of the licensing authority. The scheme shall be maintained in accordance with the approved details thereafter and no alterations shall be made to the premises without the prior written consent of the licensing authority
 - c. The provision of such entertainment shall not take place until a test of the sound insulation performance of the premises has been carried out to the satisfaction of the licensing authority
3. Prominent, clear and legible signage shall be displayed at all exits which have the effect of requesting patrons to respect the right of local residents to a peaceful night and to leave the premises and the area quietly. Announcements to the same effect shall be made to patrons at appropriate times.
4. The use of outside drinking facilities shall cease at 2300.
5. No recorded music shall be played through loudspeakers situated outside the premises

[RA note - 5. is not clear and is not required if application for recorded music outside is withdrawn]





MARSTON'S

Marston's Inns & Taverns

Family Pub Restaurants



PES/097

Z

Marston's PLC



The Group is a leading Independent brewing and pub retailing business operating a vertically integrated business model

Pub Operator – 2,150 pubs

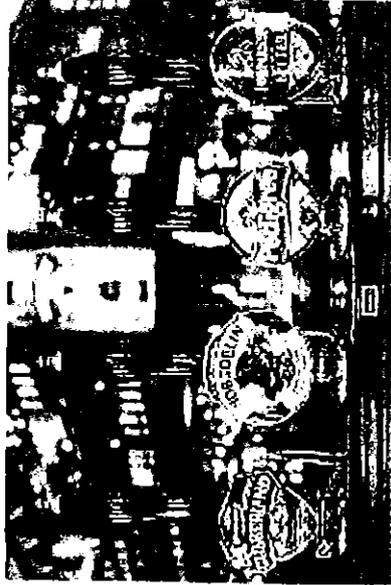
- Nationwide coverage
- In excess of £1bn of Property Assets

Brewer – Marston's Beer Company

- 5 regional breweries, market leading position with premium ale including
- Marston's Pedigree and Hobgoblin

Financials – 2011

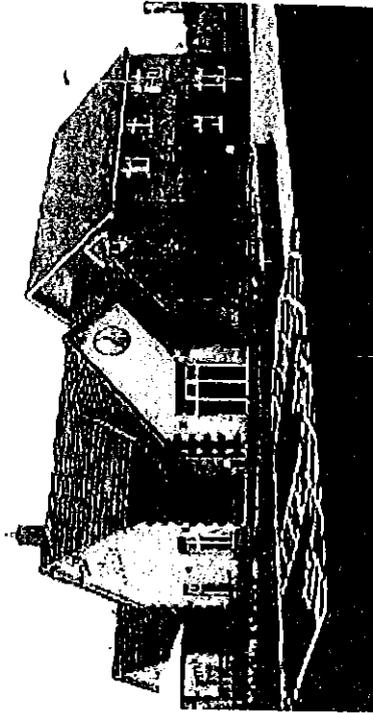
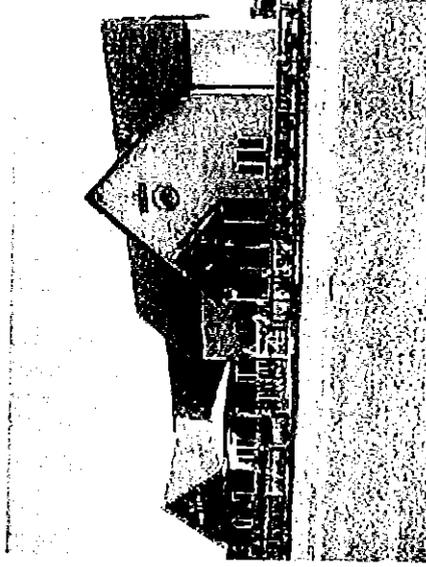
- Revenue £662.2m + 4.6% vs LY
- Operating Profit £154.3m +3.8% vs LY
- Profit Before Tax £80.4m +9% vs LY



Marston's Inns and Taverns

£300m of funding spearheads a drive to build 135 Pub/Restaurants to 2015

- 15 opened in 2010, 20 in 2011 and on target for 25 in 2012.
- Targeted to build 25 sites a year following 2012



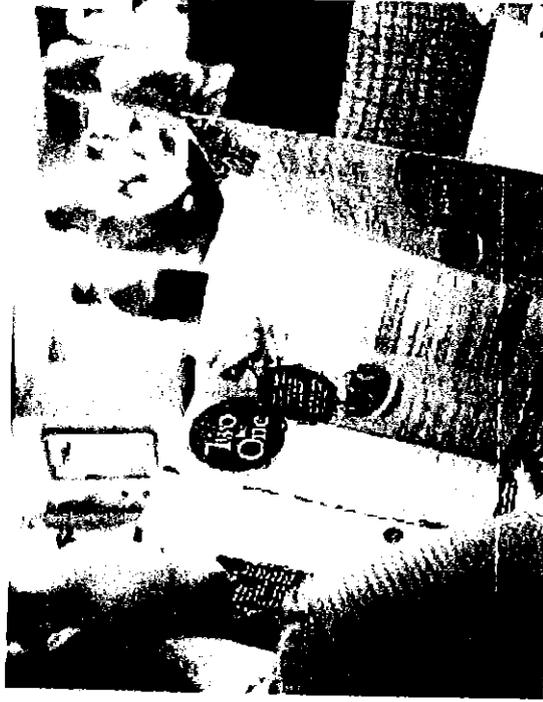
Marston's Inns and Taverns Pub Formats

Target Market - The 'F' Plan - Food, Families, Females, Fifty Somethings

The F-plan underpins Marston's strategy, focusing on the growth areas identified in the pub restaurant market, this can be summed up within the F Plan:

Food

We have focused on becoming market leaders within the pub dining market. We ensure that our food balances our customer's requirement for traditional favorites as well as the opportunity to try something new. Balancing this choice with value is key to allowing customers to dine out on both special occasions, as well as when they simply can't be bothered to cook.

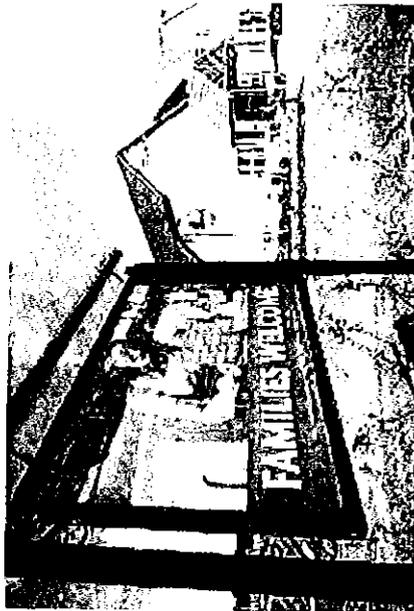


Marston's Inns and Taverns Pub Formats

Target Market - The 'F' Plan

Families

As family life becomes busier and busier and households increasingly rely on dual incomes, we aim to make family life as easy as possible. Creating an environment that welcomes those with children, has been a focus for Marston's. Recent developments include play zones and our award winning children's menu.



Females

Although we ensure our pubs cater to both genders, over time it has been crucial that women see pubs as much as their domain, as the traditional male environment. This manifests itself in cosy, homely spaces, ensuring customers can find a space to suit them, whether that's dining as part of a large group, couple or a family.



Marston's Inns and Taverns Pub Formats

Target Market - The 'F' Plan

Fifty_Something

The continued rise of a wealthy, older generation presents us with new challenges and exciting opportunities. To meet the demands of these customers we offer light bites, smaller portion meals, and all day great value. We never label this group with a stereotypical badge e.g. OAP's or 'Pensioners Specials'; but we retain traditional favorites on the menu, such as scampi and chips, and we always ensure a traditional, welcoming atmosphere.

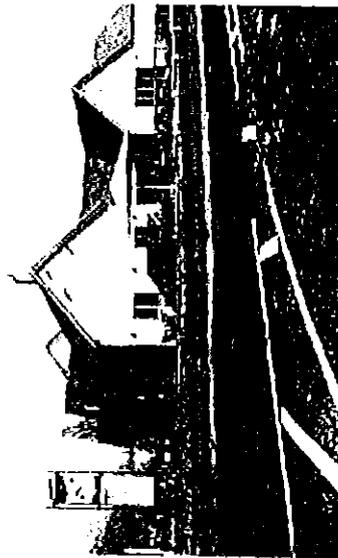


Marston's Inns and Taverns Pub Formats

Creating A High Quality Building serving local communities

Community Facility:

- Creation of 40 – 50 Full and Part Time jobs
- 60% + revenue from Food Sales – Not a traditional wet let pub
- Additional facilities provided – parking, play areas, outdoor terracc
- Customer Base captures visitors, business people and local communities
- Deliberate exclusion of TV & sports coverage, karaoke, dancing etc.



Operating Format – Two for One



Small Pub Group
Specialist Service
All Day Refresh

- Popular at lunchtime with older customers, women and business lunches and then family groups early evening and couples on their own or in groups from early evening onwards. Customers are frequent visitors and become very loyal to their local two for one pub.
- These are not drinking pubs – they are pub restaurants. The main objective is to eat. Usually used as the main meal of the day, customers visit frequently because of the breadth of choice.
- Our food pubs are run by highly experienced managers
- Staff are given extensive training and a career path is open to those wishing to develop a career in the leisure industry





Two for One

When two people each order a main course ... we will give you the 1st priced meal free of charge.

- Excellent, measured customer satisfaction scores; consistently higher than industry average
- Great customer value offer available all day, every day
- Comfortable yet contemporary surroundings
- Traditional favourites with modern twists
- A range of under 500 calorie dishes





Two for One



- A value driven offer: Two for One on all main courses
 - Supported by Sovereign Club (£8 two courses for two people)
 - And Curry Club (£11 Curry and a drink for two)
- Specials – 25 specials always available, all included in the two for one offer
- Family friendly – 500,000 children's meals a year
 - Children's play zones
 - Children's activity bags



Menu

Food



Don't forget to check
the Specials Board
- it's all Two for One too!

Two for One

When two people enter
order a third course,
the lower priced meal is free.



Looking for puddings?

Don't miss our puddings department
- it's all yours for free!

Quick Bites

Wraps
Available in 10 different varieties. All are served fresh.
Coke, 11/25; Sprite, 2.00; Orange,
2.00; Diet Coke, 2.00; Diet Orange,
2.00; Diet Sprite, 2.00; Diet Orange,
2.00; Diet Sprite, 2.00.

Melts

Choose from 10 different varieties. All are served fresh.
Mozzarella, 1.50; Cheddar, 1.50;
Tomato, 1.50; Pepperoni, 1.50;
Bacon, 1.50; Sausage, 1.50.

Jackie Potatoes

Available in 10 different varieties. All are served fresh.
Plain, 1.50; Cheddar, 1.50;
Tomato, 1.50; Pepperoni, 1.50;
Bacon, 1.50; Sausage, 1.50.

Sandwiches

Available in 10 different varieties. All are served fresh.
Coke, 1.50; Sprite, 1.50; Orange,
1.50; Diet Coke, 1.50; Diet Orange,
1.50; Diet Sprite, 1.50.



Don't miss our puddings department
- it's all yours for free!



Menu

Starters

Salad \$2.99
French Onion \$3.99
Caesar \$3.99
Spinach \$3.99
Tomato \$3.99
Avocado \$3.99
Beet \$3.99
Carrot \$3.99
Apple \$3.99
Orange \$3.99
Lemon \$3.99
Lime \$3.99
Pineapple \$3.99
Mango \$3.99
Peach \$3.99
Plum \$3.99
Cherry \$3.99
Raspberry \$3.99
Strawberry \$3.99
Blueberry \$3.99
Blackberry \$3.99
Elderberry \$3.99
Gooseberry \$3.99
Huckleberry \$3.99
Loganberry \$3.99
Nectarine \$3.99
Persimmon \$3.99
Quince \$3.99
Rhubarb \$3.99
Sour cherry \$3.99
Tangerine \$3.99
Ugli fruit \$3.99
Walnut \$3.99
Yuzu \$3.99

Salads

Caesar \$3.99
Spinach \$3.99
Tomato \$3.99
Avocado \$3.99
Beet \$3.99
Carrot \$3.99
Apple \$3.99
Orange \$3.99
Lemon \$3.99
Lime \$3.99
Pineapple \$3.99
Mango \$3.99
Peach \$3.99
Plum \$3.99
Cherry \$3.99
Raspberry \$3.99
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Loganberry \$3.99
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Persimmon \$3.99
Quince \$3.99
Rhubarb \$3.99
Sour cherry \$3.99
Tangerine \$3.99
Ugli fruit \$3.99
Walnut \$3.99
Yuzu \$3.99

Burgers

Beef \$3.99
Chicken \$3.99
Turkey \$3.99
Vegetarian \$3.99
Spicy \$3.99
Smoky \$3.99
BBQ \$3.99
Chili \$3.99
Hot \$3.99
Cheese \$3.99
Mushroom \$3.99
Onion \$3.99
Potato \$3.99
Tomato \$3.99
Avocado \$3.99
Beet \$3.99
Carrot \$3.99
Apple \$3.99
Orange \$3.99
Lemon \$3.99
Lime \$3.99
Pineapple \$3.99
Mango \$3.99
Peach \$3.99
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Rhubarb \$3.99
Sour cherry \$3.99
Tangerine \$3.99
Ugli fruit \$3.99
Walnut \$3.99
Yuzu \$3.99

The Nic's the Family

Beef \$3.99
Chicken \$3.99
Turkey \$3.99
Vegetarian \$3.99
Spicy \$3.99
Smoky \$3.99
BBQ \$3.99
Chili \$3.99
Hot \$3.99
Cheese \$3.99
Mushroom \$3.99
Onion \$3.99
Potato \$3.99
Tomato \$3.99
Avocado \$3.99
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Quince \$3.99
Rhubarb \$3.99
Sour cherry \$3.99
Tangerine \$3.99
Ugli fruit \$3.99
Walnut \$3.99
Yuzu \$3.99

Grills

Beef \$3.99
Chicken \$3.99
Turkey \$3.99
Vegetarian \$3.99
Spicy \$3.99
Smoky \$3.99
BBQ \$3.99
Chili \$3.99
Hot \$3.99
Cheese \$3.99
Mushroom \$3.99
Onion \$3.99
Potato \$3.99
Tomato \$3.99
Avocado \$3.99
Beet \$3.99
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Yuzu \$3.99

Classics

Beef \$3.99
Chicken \$3.99
Turkey \$3.99
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Quince \$3.99
Rhubarb \$3.99
Sour cherry \$3.99
Tangerine \$3.99
Ugli fruit \$3.99
Walnut \$3.99
Yuzu \$3.99

Two for One

When you buy two or more of our signature burgers, we'll give you a second one for free. (Limit one per order.)

Lighten UP

Lighten up your burger with a side of fresh fruit and a glass of water.

Don't forget to take the Specials Board home!

Two for One





Menu

Puddings

Cold Puddings

CLASSIC TRADITIONAL 14.00
 A classic traditional pudding, served with a rich custard sauce and fresh fruit.

CLASSIC TRADITIONAL 14.00
 A classic traditional pudding, served with a rich custard sauce and fresh fruit.

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CLASSIC TRADITIONAL 14.00
 A classic traditional pudding, served with a rich custard sauce and fresh fruit.



Great British Desserts
 Traditional & contemporary British desserts, with modern twists on classic recipes.

Hot Puddings

CLASSIC TRADITIONAL 14.00
 A classic traditional pudding, served with a rich custard sauce and fresh fruit.

CLASSIC TRADITIONAL 14.00
 A classic traditional pudding, served with a rich custard sauce and fresh fruit.

CLASSIC TRADITIONAL 14.00
 A classic traditional pudding, served with a rich custard sauce and fresh fruit.

Ice Creams

CLASSIC TRADITIONAL 14.00
 A classic traditional pudding, served with a rich custard sauce and fresh fruit.

CLASSIC TRADITIONAL 14.00
 A classic traditional pudding, served with a rich custard sauce and fresh fruit.

CLASSIC TRADITIONAL 14.00
 A classic traditional pudding, served with a rich custard sauce and fresh fruit.



Two for One - Summary

Two for One
at any time of the day

40/50s

Females

Food

Families

Two Courses for Two People only £8

Don't get up. Don't get out of the car.

Impressible

Dinner View

BEAN SCALES

MARSTON'S

Two for One

Excellent, measured customer satisfaction scores
Consistently higher than industry average

TEB	Premises Name	Premises Licence Number	Hours of Record Music as of last Licence Gap	Noise Conditions
15414	Bluebird (formerly Brewsters, Crawley)	05/00003/LAPRE	10.00 - 00.30 - Mon - Sun	None
15834	Gatwick Moat House	05/00124/LAPRE	11.00 - 02.00 Mon - Sat 12.00 - 00.00 Sun	Inaudibility condition
16635	Brannigans - Crawley (CLOSED)	05/00047/LAPRE	10.00 - 03.00 Mon - Sun	Inaudibility condition and regular testing
GAT4	Gatwick/Crawley East Premier Inn	05/00148/LAPRE	At any time - alcohol : Mon - Sat 10.00 - 00.00 Sun 12 noon - 23.30	None
GAT5	Gatwick Airport Central Premier Inn	05/00028/LAPRE	At any time - alcohol : Mon - Sat 10.00 - 00.00 Sun 12 noon - 23.30	None
PRE81	Gatwick Manor Royal Premier Inn	08/00524/LAPRE	10.00 - 00.30 Mon - Sun	None
19259	Goffs Park	05/00069/LAPRE	10.00 - 23.30 Mon - Thurs 10.00 - midnight Fri - Sat Sun 10.00 - 23.30 (function rooms Mon - Sun 10.00 - 00.30)	Doors and windows closed - limiter required
Total			7	7

Ref No	Title	Resident	Station	Address	Postcode	Address	Postcode
1	n/a		Marston's	Maldenbower Office Park	Balcombe Road	Crawley	RH10 7NN
2	Ms	Joanne	Aubrey	17 Grayigg Road	Maldenbower		RH10 7AB
3	Rev	Anthony	Ball	Worth Rectory	Church Road	Worth	RH10 7RT
4	Ms	Shana	Beil	6 Buttermere Court	Grayigg Road	Maldenbower	RH10 7PD
5	Mr/Ms	E.G	Bolton	1 Burdett Close	Worth	Crawley	RH10 7GX
6	Mr	Michael	Davies	4 Strand Close	Maldenbower	Crawley	RH10 7HB
7	Ms	Alison	Davis	4 Burdett Close	Crawley		RH10 7HX
8	Mr	Carl	Denifih	15 Shaftesbury Road	Maldenbower	Crawley	RH10 7GX
9	Mr & Mrs	Kenneth	Devenney	16 Weller Close	Maldenbower	West Sussex	RH10 7HD
10	Ms	Kate	Earle	2 Weller Close	Maldenbower	Crawley	RH10 7QE
11	Mr	James	Easton	24 Buttermere Court	Maldenbower	Crawley	RH10 7QE
12	Ms	Pamela	Floyd	5 Burdett Close	Grayigg Road	Maldenbower	RH10 7PD
13	Ms	Kathy	Griffiths	9 Shaftesbury Road	Worth	Crawley	RH10 7GX
14	Mr/Ms	P	Harvey	18 Grayigg Road	Maldenbower	Crawley	RH10 7HD
15	Mr	W	Healy	36 Shaftesbury Road	Maldenbower	Crawley	RH10 7AB
16	Ms	Rebecca	Hills	19 Grayigg Road	Maldenbower	Crawley	RH10 7HD
17	Ms	Jan	James	52 Redgrave Drive	Maldenbower	Crawley	RH10 7AB
18	Ms	Rosalind	Kester	Kesworth	Maldenbower	Crawley	RH10 7WF
19	Ms	Laura	Knowles	4 Saxon Road	Church Road	Worth	RH10 7RS
20	Mr & Mrs		Layton	3 Aldwych Close	Crawley		RH10 7SB
21	Ms		Lewis	1 Strand Close	Maldenbower	Crawley	RH10 7HE
22	Ms	Helen	Lewis	12 Eskdale Way	Maldenbower	Crawley	RH10 7HB
23	Ms	Ann	Mallinson	1 Aldwych Close	Maldenbower	Crawley	RH10 7PN
24	Ms	Susan	Mills	13 Weller Close	Maldenbower	Crawley	RH10 7HE
25	Mr	Keith	Norton	12 Buttermere Court	Maldenbower	Crawley	RH10 7QE
26	Mr	Andy	Oltham	8 Burdett Close	Grayigg Road	Maldenbower	RH10 7PD
27	Mr	Terry	Perfect	15 Grayigg Road	Worth	Crawley	RH10 7GX
28	Mr	Grant	Prosser	19 Buttermere Court	Maldenbower	Crawley	RH10 7AB
29	n/a		Rawison Butler LLP	Griffin House	Grayigg Road	Maldenbower	RH10 7PD
30	Mr/Ms	Chris	Richardson	135 High Street	135 High Street	Crawley	RH10 1DQ
31	Mr/Ms	Sam	Richardson	17 Alvington Way	Worth	West Sussex	RH10 7WA
32	Mr	Andre	Roeleke-Smyth	17 Alvington Way	Worth		RH10 7WA
33	Ms	Sarah	St John	7 Benjamin Road	Maldenbower	Crawley	RH10 7QY
34	Ms	Wilma	Streeter	5 Flint Close	Maldenbower		RH10 7HN
35	Ms	Diane	Taylor	1 Weller Close	Maldenbower	Crawley	RH10 7QE
36	Mr & Mrs	Stephen	Webb	2 Aldwych Close	Maldenbower	Crawley	RH10 7HE
37	Ms	Karen	Wilson	15 Weller Close	Pound Hill	Crawley	RH10 7QE
				23 Grayigg Road	Maldenbower	Crawley	RH10 7AB
Total							37



HIGH STREET
(29)
APPROX 3,250m

- SAXON ROAD (19)
- BURDETT CLOSE (5, 7, 12, 26)
- CHURCH ROAD (3, 18)
- WELLER CLOSE (9, 10, 24, 34, 36)
- ALTYINGTON WAY (30 + 31)
- REGG RAVE DRIVE (17)
- ALDWYLA CLOSE (20, 23, 35)
- STRAND CLOSE (6, 21)
- SWAFFESBURY ROAD (8, 13, 15)

FLINT CLOSE (33)
APPROX 4,000-5,000m

BEN SANDS ROAD (32)

ESLAWAY (22)

WATSON ROAD
(2, 14, 16, 27 + 31)

ROTFERMS GATE, HAMPSHIRE ROAD
(4, 11, 25, 28)

MARSTON'S (1)
MAIDENBOWER OFFICE PARK

Carron Mather

From: Carron Mather on behalf of Katharine Redford
Sent: 01 November 2012 13:44
To: 'Burns, Robert'
Cc: 'Lyons, Michael'
Subject: Crawley New Build - Marston's Plc
Attachments: CONDITIONS - EHO.doc

Rob,

There are a number of strings of e-mails and accordingly, I propose, for clarity, to recite the position as follows.

I hope that the meeting at the Ladybird was useful and has given you the confidence to be aware of my client's proposal for this development. I understand and it has been acknowledged on the telephone that you do not have concerns that that which is proposed by Marston's will present a problem to the residents in terms of noise.

Our position is to suggest conditions that give appropriate comfort in respect of possible future developments. However, those conditions must be proportionate, relevant and must endure in terms of interpretation.

I formally attach the conditions which my clients are prepared to offer to compromise your representation. We believe that these reflect accurately the agreement and your discussions with John at the Ladybird.

Please note that these conditions are not offered by my client on the basis that they are legally required or appropriate for the promotion of the licensing objectives. These conditions are offered due to your representation and in the light of residents concerns in an attempt to show that we wish to allay fears.

On the basis that this matter proceeds to a hearing on Monday, we will raise our offer of these conditions to the Committee as a sensible compromise. However, we will draw the Committee's attention to the Guidance, particularly in accordance with the new Guidance issued 31st October under paragraph 7. 16 that conditions on a Premises Licence

- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by legislation; and

- must be tailored to the individual type location and characteristics of the premises and events concerned;

- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives on an individual case.

You have full awareness of Marston's proposed operation and evidence will be adduced to that style and nature of the premises proposed.

Further, I am in the process of preparing documents for the hearing and if agreement cannot be reached I will request that there is present before the Committee other Licences with which we deal within the Crawley district. I appreciate that this is only a small sample but in all cases they are licensed for recorded music beyond 23.00. The nature of those operations are not dissimilar in terms to that planned by Marston's. As previously discussed, the definition of "background music" and "licensable recorded music" is not clearly defined. What may be colloquially considered background may also be essential to customers attending to dine and might be arguably therefore not background to the purpose of their visit.

Our clients are entitled to the comfort that they are properly licensed and it is expected that the Committee will be consistent in its application of the Law when considering other sites within its jurisdiction.

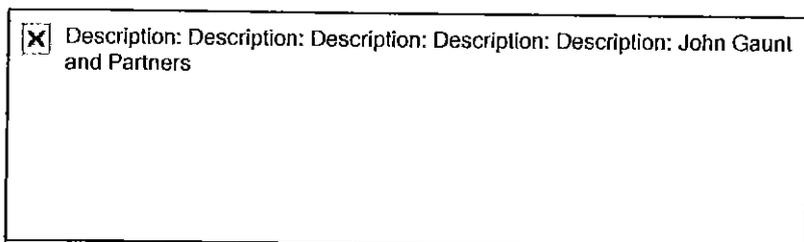
I hope that it will be possible to compromise and I hope that upon reviewing the conditions attached you will consider that these provide the comfort that you require. They include, for the avoidance of doubt, an inaudibility condition at condition 1 which should provide you with the ultimate comfort in this respect.

I have not responded to the various e-mail strings that are running on the conditions and I think it is important that we set out the situation clearly, such that the Committee are aware, for Monday. This e-mail seeks to do that.

It may be that you would like to discuss the position and to this end and if so, I should be grateful if you would telephone me.

Kind Regards
Kate

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Partners: John Gaunt Katharine Redford Tim Shield Michelle Hazlewood
Executive Manager: Jonathan Pupius

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MARSTON'S PLC

CRAWLEY NEW BUILD

PROPOSED CONDITIONS – EHO REPRESENTATION

In addition to the proposed conditions, it is proposed that the request for outdoor recorded music be deleted from the application.

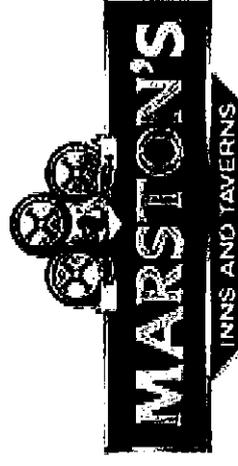
1. Noise from regulated entertainment shall be inaudible within any noise sensitive premises (this includes any residence which may have one or more windows open to allow for ventilation). A test for fulfillment of this condition shall be that noise from the premises shall be no more than barely audible at the boundary of any nearby noise sensitive premises.
2. Where regulated musical entertainment is to be provided on the premises after 23.00 on any day (and for the avoidance of doubt 'regulated musical entertainment' shall not be deemed to include recorded music which forms part of our normal - as opposed to unusual - trading activity) then
3.
 - a. Such entertainment shall not be provided unless the level of all noise due to regulated entertainment is controlled by a noise limiting device (NLD) that is satisfactory to the licensing authority. Regulated entertainment shall not be provided unless the NLD is set limit noise at a level satisfactory to the licensing authority. The NLD shall be maintained at settings satisfactory to the licensing authority at all times. The NLD shall be secured (to prevent any alteration of its settings) to the satisfaction of the licensing authority. The settings of the NLD shall not be altered in any way, nor shall its function be interfered with in any way without the prior written consent of the licensing Authority.
 - b. The provision of such entertainment shall not take place until a noise insulation and control scheme (the scheme) has been submitted to and approved in writing by the licensing authority and until the approved scheme is implemented to the satisfaction of the licensing authority. The scheme shall be maintained in accordance with the approved details thereafter and no alterations shall be made to the premises without the prior written consent of the licensing authority
 - c. The provision of such entertainment shall not take place until a test of the sound insulation performance of the premises has been carried out to the satisfaction of the licensing authority
4. Prominent, clear and legible signage shall be displayed at all exits which have the effect of requesting patrons to respect the right of local residents to a peaceful night and to leave the premises and the area quietly. Announcements to the same effect shall be made to patrons at appropriate times.
5. The use of outside drinking facilities shall cease at 2300.
6. No recorded music shall be played through loudspeakers situated outside the premises

**Marston's Premises Licence Application
for
Crawley, Maidenbower Office Park,
Balcombe Road, Crawley, RH10 7NN**

Z 25

Residents' Meeting 18th October 2012

Solicitors acting **John Gaunt and Partners**
Tel: 0114 266 8664
Web: www.john-gaunt.co.uk
Address: Omega Court
372-374 Cemetery Road
Sheffield
S11 8FT
Katharine Redford kredford@john-gaunt.co.uk
John Gaunt jgaunt@john-gaunt.co.uk



- **FOOD** - focused on becoming market leaders within the pub dining market

Hot Puddings

Our hot puddings are served with either custard, cream or ice cream.

Deep Dish Apple Pie £2.95
A rich & deep dish pudding with an Ouzel® crust and
a sweet apple filling.

Plum Cumble £3.95
A succulent mix of Victoria plums topped with a golden
cumberland sauce.

Milk in the Middle Chocoblat Pudding £3.95
A hot chocolate pudding with a warming milk
cream.

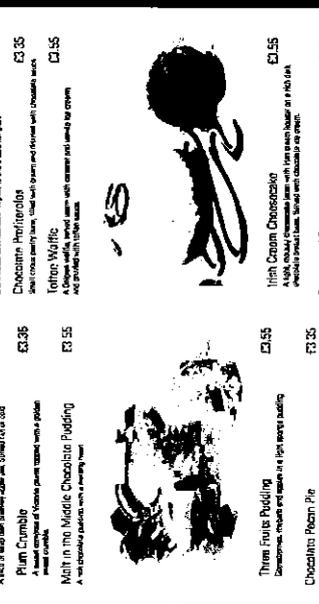


Cold Puddings

Complimented Orange Tart £3.95
A tart with orange slices topped with a light orange cream
and fresh cream. Served with a complimentary hot drink.

Chocoblat Pudding £3.95
A hot chocolate pudding with a warming milk
cream.

Lettop Waffle £3.95
A hot chocolate pudding with a warming milk
cream.



Two for One

On all Main Courses
Specials and Sunday Roasts

Therm Fruits Pudding

Delicious, smooth and made in the light, recipe pudding.

Chocoblat Pudding £3.95
A hot chocolate pudding with a warming milk
cream.



Ice Cream Menu

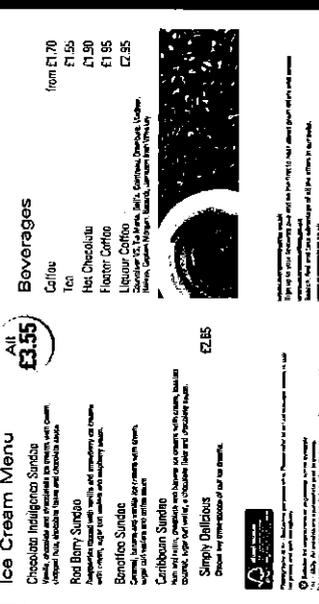
Chocoblat Indulgences Sundae All £3.95
Vanilla, chocolate and strawberry ice cream
with fresh fruit, chocolate sauce and chocolate sauce.

Red Berry Sundae £3.95
Applesauce topped with fresh fruit and strawberry ice cream
with cream, sugar and vanilla and raspberry sauce.

Banoffee Sundae £3.95
Creamy banana and vanilla ice cream with brownie
and banana sauce.

Caribbean Sundae £3.95
Vanilla ice cream topped with mango, kiwi fruit,
tropical sauce and fresh fruit.

Smokey Delicous £3.95
Chocolate ice cream topped with salted
caramel.



Beverages

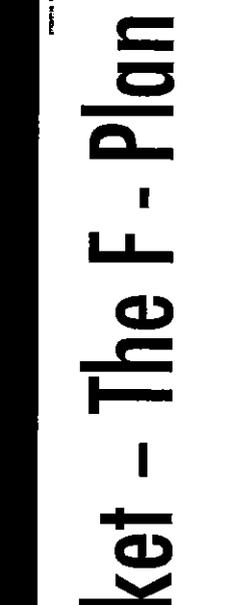
Collin from £1.70

Tea £1.50

Hot Chocolate £1.50

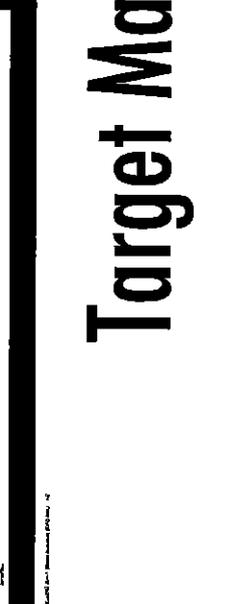
Flavour Coffee £1.95

Liquour Coffee £2.95
Served with 25% V.O. French Brandy, Cognac, Dewar's Scotch
Whisky, Golden Whisky, Malibu, Amaretto and more.



Cheese and Biscuits

£3.95



Target Market - The F - Plan

- **FEMALES** - Women now see pubs as much their domain, as the traditional male environment. Design of cosy, homely spaces, ensure customers can find a space to suit them, dining as part of a large group, couple or a family



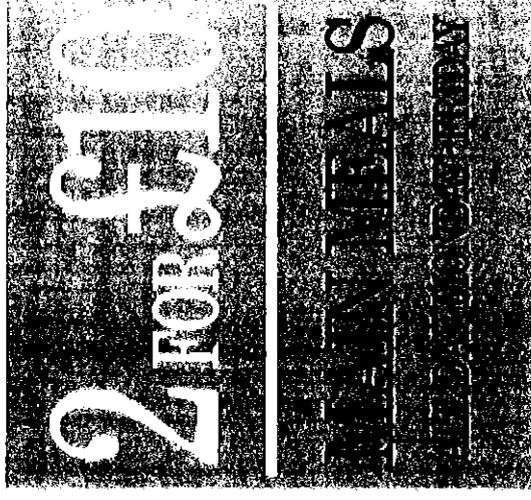
Target Market - The F - Plan

- **FAMILY** - As family life becomes busier and households increasingly rely on dual incomes, creating an environment that welcomes those with children, has been a focus for Marstons. Recent developments include play zones and our award winning children's menu.



Target Market - The F - Plan

- **FIFTY SOMETHING** - The continued rise of a wealthy, older generation presents new challenges and exciting opportunities. To meet the demands of these customers we offer light bites, smaller portion meals, and all day great value.



Target Market - The F - Plan

