

Crawley Borough Council

Minutes of Licensing Sub-Committee

Tuesday, 12 February 2019 at 10.30 am

Councillors Present:

K L Jaggard (Chair)

B J Burgess and R Sharma

Officers Present:

Heather Girling	Democratic Services Officer
Mike Lyons	Senior Licensing Officer
Kareen Plympton	Health, Safety and Licensing Team Leader
Astrid Williams	Senior Lawyer (Solicitor)

Also in Attendance:

Adam Humphrey	Applicant and Lodge Director
Ryan Smith	Lodge Director
John Byng	Interested Party
Jacqueline Smith	Interested Party
Pauline Smith	Interested Party (representing Miss DP)

1. Appointment of Chair

RESOLVED

That Councillor K L Jaggard be appointed Chair for the meeting.

2. Members' Disclosures of Interest

No disclosures of interests were made.

3. Application to Vary the 'Club Premises Certificate' - Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley

The Sub Committee considered an application to vary the Club Premises Certificate in respect of Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley.

Following the introduction of those present at the meeting, the Legal Clerk outlined the procedure for the meeting. The Legal Clerk informed all parties that the Sub Committee had requested a pre-meeting with the Legal Clerk and Democratic Services Officer prior to the commencement of the Sub Committee, to confirm the procedure that would be followed during the meeting. At that pre-meeting the Sub Committee had confirmed receipt of the supplementary agenda documents which had been circulated following publication of the main agenda. It was confirmed that the Sub Committee had not asked for clarification of any aspect of the application or on the representations received from any party.

The Legal Clerk then asked all parties present, if they wished to make any relevant applications, for example to rely upon additional information, an adjournment or to cross-examine any party. No applications were made.

Report HCS/12 of the Council's Head of Community Services was presented by Mr Lyons.

The Application

Mr Lyons, informed the Sub Committee that on 20 December 2018 'Crawley Masonic Club', had submitted an application to the Council as the Licensing Authority for the Borough of Crawley to vary the Club Premises Certificate (CPC) for the premises – Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley in accordance with the provision of the Licensing Act 2003. A copy of the application was set out in Appendix A to the report, which included information provided by the Applicant as to how the four licensing objectives would be promoted.

The application proposed to vary the CPC:

(i) To extend the supply of alcohol as follows:

Mon – Sat 11.00 – 01.00hrs (the existing hours were 11.00 to 23.00)

(The application did not seek to vary the existing hours for the supply of alcohol on Sundays or holidays)

(ii) To extend the opening hours

Mon – Sat 10.00 – 02.00hrs (the existing hours were 10.00 to 01.00)

(The application did not seek to vary the existing opening hours for Sundays or holidays)

It was confirmed that the application had been advertised in accordance with legislation and as a result of the consultation process Sussex Police had submitted a relevant representation in which they proposed additional conditions to the CPC (Appendix E to the report) if the application to vary was granted. The applicant had confirmed to the Council that they agreed to the additional conditions proposed by Sussex Police.

Environmental Services had also submitted a relevant representation in which the officer stated that according to their records, Environmental Health (Pollution Team) had not received any noise complaints concerning the premises and whilst aware some interested parties referred to loud music, Environmental Services had no evidence to support or counter such claims. The representation also stated that as the proposed changes only related to the sale of alcohol and no extension to regulated entertainment, Environmental Health consequently had raised no objection to the application (Appendix C).

West Sussex Fire and Rescue Service also submitted a relevant representation which it stated had no objection to the application (Appendix D).

The Licensing Authority had also received 8 relevant representations raising objections to the application (attached as Appendices F - M to the report).

The Sub Committee was then guided through the remainder of the report which set out the reasons for the Hearing and the matters which the Sub Committee should take into consideration when dealing with the application, including some of the relevant sections of the Guidance issued by Government pursuant of Section 182 of the Licensing Act 2003, and the Council's policy considerations.

It was emphasised that all licensing determinations should be considered on a case-by-case basis, be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate. It was also emphasised that the section 182 guidance issued by the Secretary of State and the Council's own Policy indicated that the Council should look to the Police as the main source of advice in relation to crime and disorder.

The Sub Committee was informed that should problems arise in future it is possible for an application to be made to the Council to undertake a review of the CPC.

Mr Lyons then proceeded to inform the Hearing of the options available to it in respect of the application, and reminded the Sub Committee that any decision must be appropriate for the promotion of the four licensing objectives. The options were to:

1. Modify the conditions of the certificate.
2. Reject the whole or part of the application.

Questions asked by the Sub Committee of the Council's Senior Licensing Officer

The Sub Committee then asked the following questions of the Council's Senior Licensing Officer:

Questions by the Sub Committee	Response (<i>respondent in brackets</i>)
Please can the conditions from the Police be clarified?	<p>Page 33 of the agenda bundle referred to a representation letter from Sussex Police. Sussex Police had imposed additional conditions as referred to on page 34, which the club had indicated they have accepted. If Members decided to grant the application, part of granting the application the conditions would form part of the variation. <i>(Mike Lyons)</i></p> <p>The application sought to vary hours of serving alcohol and also relating to hours opening. However even if the committee was not minded to vary the CPC in those respects the Sub Committee could still impose these conditions or some form of</p>

Questions by the Sub Committee	Response (<i>respondent in brackets</i>)
	these conditions or any other conditions it wished. (Legal Clerk)
Have there been any breaches of licensing objectives in the past?	The Council as Licensing Authority had not had any dealings with the Club and not received any complaints. Environmental Services had indicated similar. (Mike Lyons)
Are there any limits on the number of people allowed on the premises?	That matter comes under the Fire Regulatory Order and is now determined by the Fire Chief. (Mike Lyons)

The Applicant

Mr Ryan Smith, on behalf of the Applicant addressed the Sub Committee and made the following submissions:

- Crawley Masonic Hall is a members' only club. It is not hired out to non-members;
- The bar in the hall is used approximately 60 times per year and the masonic year runs from October until April, avoiding the summer months;
- The extension applied for is to allow members the opportunity to have a drink legally after a meeting should they wish as occasionally meetings run late;
- During the last year, the hall had been hired out twice to members and no complaints were received.
- Residents' representations regarding the parking and smoking have been acknowledged and communications had been issued to all residents notifying how the Club have attempted to tackle the concerns. The Club had:
 - Asked members to be considerate and to park in nearby public car park.
 - Contacted local taxi firms to seek their co-operation to reduce noise when collecting members.
 - Provided a smoking area for members
- There had been no complaints to the local authorities.
- Club contact details would be provided to local residents should they have future concerns regarding the Club in order to resolve issues promptly.
- The Club appreciated it is an emotive topic and wished to work with the local community but feel the areas are being addressed.

As a point of clarification, Mr Lyons, informed those present that whilst nearby parking was a concern raised by the interested parties, it fell outside the remit of the licensing objectives and was therefore the responsibility of other enforcement bodies and not of the Licensing Authority.

Mr Ryan Smith further added that whilst it was acknowledged that parking was not the responsibility of the Licensing Authority, as responsible neighbours the Club would be happy to publish the dates of the Club's meetings so the enforcement officers were aware as the club would discourage their members from parking illegally.

Questions asked by the Sub Committee of the Applicant

The Sub Committee then asked the following questions of the Applicant:

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
<p>How many members usually attend the meetings and what percentage would potentially stay on after the meeting is over?</p>	<p>On average approximately 35 members per meeting, arrive at about 5.30pm in the evening. The events usually go on until around 9.30pm/10.00pm. There are larger meetings however, but never usually more than 20 people staying until 11.00pm. <i>(Adam Humphrey)</i></p> <p>The biggest lodge in Crawley probably has between 6-10 members staying behind after a meeting, maybe sometimes up to 20. The majority of meetings occur midweek so it's unusual for many to stay usually just a few members wish to stay. <i>(Ryan Smith)</i></p>
<p>A point of clarification, if the applicant could please just provide a rough indication of the measurements of the bar area please? (page 27 of the agenda pack) <i>(Mike Lyons)</i></p>	<p>The bar area on the west side of the building is 20ft in length and 18ft in width. There is seating area around the edge. The bar is in the middle. The exit people use is on the west of the building which faces out on to the road. The back of the building on the east of the building backs onto Old Manor Close. The picture of the rear elevation of the building can be found in the supplementary agenda. Fire exits are on the north and south. <i>(Adam Humphrey)</i></p> <p>It would be very difficult to get more than 20 people at the bar at once and if so it would be "standing room only". It is not a drinking club, it's a Masonic Hall and therefore has the facility for people to have a drink and the club does not have a large bar which does not dominate the premises. <i>(Ryan Smith)</i></p>
<p>Is there a maximum number of people allowed in the hall from the fire department certificate?</p>	<p>Believed it is 88 but it's never been an issue as the meetings are never that big. The biggest lodge holds the largest meeting and had 60 people in attendance. There are restrictions owing to members' during meetings and the placement of tables and chairs makes it difficult to get the maximum number within the hall. Clarification would be needed from the Fire Chief for the exact</p>

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
	number. It used to be under the old system, around 100 but it was changed. <i>(Ryan Smith)</i>

Interested Party (Ms Jacqueline Smith)

Ms Jacqueline Smith addressed the Sub Committee objecting to the application and made the following submissions:

- Parking was a concern with Old Manor Close with vehicles arriving mid-afternoon. It was felt this would cause potential access issues for emergency vehicles.
- Whilst acknowledging the Club had requested their members park in other areas she questioned the enforcement of such an approach.
- There were concerns that the future increase in hours would result in an increase in hall rental for functions.
- Ms Jacqueline Smith believed that granting the application would not be conducive for residents' quality of life;
- The applicant mentioned the club hadn't received any complaints, however Miss DP had informed her that she had previously complained to the Brighton branch of the Masonic Club.

As a point of clarification, Mr Lyons informed the Sub Committee that that parking issues were a matter for Sussex Police unless it was a local enforcement matter. It was also emphasised that the application before the Sub Committee was not one for review of the CPC and consequently the Sub Committee could only consider the current application before it.

In response to Ms Jacqueline Smith, Mr Ryan Smith commented that the Brighton centre was not a branch of Crawley Masonic Hall Ltd and unfortunately the Crawley Masonic Hall had received any communication but would be interested to know the relevant dates and details.

Questions by the Sub Committee	Response <i>(respondent in brackets)</i>
People do not appreciate that when there is a complaint, the best procedure to follow is to approach Mr Lyons in the Licensing Department as the Licensing Authority is that correct? (Councillor B J Burgess)	That is correct, if it is a licensing objection or a concern regarding a licensed premises individuals can come to the Licensing department and raise the matter. Again if it is a parking issue it can be referred to the Parking Enforcement Team. <i>(Mike Lyons)</i>

Interested Party (Mr John Byng)

Mr John Byng addressed the Sub Committee in objection to the application and made the following submissions:

- Mr Byng confirmed his correct address for the Sub Committee's records;

- He had concerns that the long hours being requested did not justify the small number of members remaining, nor the wages of the steward;
- He questioned the number of meetings the Club said that they had per year, together with the minimal number of additional events;
- He said he had had previous issues with catering vans parking on pavement but not necessarily with regards to members' parking.
- Mr Byng added that he had no serious complaints against the club and felt they were good neighbours. However he did have concerns that should the licensing hours be extended this would lead to the potential for public nuisance.
- He said that he understood that various similar clubs operated within the town which did not have as late licensing hours (as being requested in the application) and he queried if occasional extensions to the licence could be adopted.

Questions asked by the Sub Committee of Mr John Byng

The Sub Committee confirmed that it did not have any questions for Mr John Byng.

Interested Party (Mrs Pauline Smith representing Miss DP)

Mrs Pauline Smith addressed the Sub Committee in support of Miss DP's written representation made in respect of the application and made the following submissions:

- Mrs Pauline Smith said she lives right next door to the Hall;
- She said that if an event takes place therefore, it usually finishes by 10.00pm;
- She said that if the side door is open, occasionally some noise can be heard from inside.

Questions asked by the Sub Committee of Mrs Pauline Smith

The Sub Committee confirmed that it did not have any questions for Pauline Smith

Questions asked by the Interested Parties of the Applicant (Mr Adam Humphrey)

The interested parties then asked the following questions of the Applicant, (Mr Adam Humphrey)

Questions by the Interested Parties (questioner in brackets)	Response (respondent in brackets)
It was enquired whether the Applicant and the Licensing Authority had considered the option which is a feature of the Emerald Sports and Social Club licence that the licence should remain the same but the possibility of a limited number of extensions per year? (John Byng)	There are a number of different types of clubs in Crawley. The Emerald Club is a "recognised club" as it holds a premises licence which is similar to a pub licence where the public can enter if the members and committee so wish. The Crawley Masonic Club is a private members' club run under a CPC not a licence so they do not have the authority to serve alcohol to the public.

Questions by the Interested Parties <i>(questioner in brackets)</i>	Response <i>(respondent in brackets)</i>
	<p>With regards to the limited number of extensions, although it was possible to apply for this, that is not what the applicant applied for in the application being considered so the Licensing Authority cannot consider that request unless the Sub Committee decide it would be appropriate in this instance.</p> <p>The applicant could apply for a temporary event notice (TEN) for up to 15 events a year for a maximum of 21 days. If it was the Sub Committee's decision not to grant the application today, the Club could submit a TEN. This would be granted unless an objection is raised by Environmental Health or the Police. <i>(Mike Lyons)</i></p> <p>A TEN was considered but it was hard to gauge how many members would turn up for an individual meeting and we don't confirm numbers until 7 days prior. From an administrative point of view, the timescales are not feasible for submitting a TEN. In addition our meetings aren't classed as events. The current licence finishes at 11.00pm and the certificate variation would allow members to have a drink legally. <i>(Ryan Smith)</i></p>
<p>The applicants are referring to their present behaviour and present patterns. But there is concern here about the potential. This licence applied for provides the potential to hire the hall out to members any number of times a year until 2.00am. Currently residents live with the Masonic Hall right next door to residential properties without any problems at present and that's the way it should be left. <i>(John Byng)</i></p>	<p>As indicated in the letter that was issued to local residents, the club is applying for an hour's extension of the premises being open. The hall will not be rented to the public. It has only been hired out twice in the last year. <i>(Adam Humphrey)</i></p> <p>To confirm the Club is a private members' club and for guests and members only. The club does not have a premises licence and cannot issue alcohol to non-members and consequently would need to apply for a TEN. There is also a review mechanism, and Sussex Police or the Licensing Authority should be contacted in the first instance.</p>

Questions by the Interested Parties <i>(questioner in brackets)</i>	Response <i>(respondent in brackets)</i>
	Following the compilation of sufficient evidence a review could be called if the conditions were breached. <i>(Mike Lyons)</i>

Further Questions asked by the Sub Committee of the Applicant

The Sub Committee then asked the following further questions of the applicant:

Questions by the Sub Committee	Response
Does the Club's rules prevent the hiring to the public?	The Club's Byelaws prevent the hiring to the public. We only hire out to Members and a Member must be present for the duration. Irrespective of the Byelaws, the current certificate prevents the supply of alcohol to the public. <i>(Ryan Smith)</i>
Who is responsible for hiring the hall if a TEN is applied for and there is a noise complaint?	Under a temporary event notice, if there is a noise complaint it would be the person responsible for the TEN. <i>(Mike Lyons)</i>
If the Club is hiring the hall to members for other events, would the club consider restricting the hiring times to the "old times"? And is it a fair compromising situation for Mr Byng?	<p>Whilst not committing on behalf of all the members but the events that the club hire are very limited but it is something that could be considered. <i>(Ryan Smith)</i></p> <p>It was not thought possible to grant a licence to sell alcohol until 1.00am and to stay open until 2.00am and then set a restriction on the number of events that can take place there. That needs clarification from the Licensing Officer.</p> <p>Lodge meetings and events need to be looked at together and consideration needs to be given whether it is reasonable to extend the licence and the potential that the number of lodge meetings and the number of events will be higher than at present. <i>(John Byng)</i></p> <p>Mr Byng is correct. The application is for 1.00am and 2.00am respectively for the use of lodge meetings. There are various options available but in terms of restrictions on the number of</p>

Questions by the Sub Committee	Response
	<p>meetings or outside lodge meetings, outside of lodge meetings do not appear to be the current concern due to the limited number. The Sub Committee has before it an application and could restrict the times per the current application or reject the application. <i>(Mike Lyons)</i></p> <p>There is too much reliance upon past good behaviour when dealing here with a licence for the future. The whole purpose of licensing is to restrict potential for problems. The purpose for reviews is to deal with past problems and act upon past problems. I'm not here complaining about past issues we want to prevent the possibility of future problems. Extending this licence to 1.00am for alcohol and 2.00am for the premises in a residential area is potentially damaging to the public nuisance issue but also sets a bad precedent that the Committee might have to deal with for other licensing applications. <i>(John Byng)</i></p>
<p>Please can the applicant confirm that they accept the 7 proposed conditions detailed on page 34 of report HCS/12?</p>	<p>The club had direct contact with Sussex Police and accept all the additional conditions that were imposed. <i>(Adam Humphrey)</i></p>

Closing Statement on behalf of the Applicant (Mr Adam Humphrey)

Mr Ryan Smith made the following points in his closing statement:

- The Club would provide contact details to the local residents committee should they wish to contact the Club about issues or concerns.
- The issues raised by residents regarding parking and smoking had been addressed (contacting local taxi firms and the siting of a smoking area).
- The Club had requested its members to park in a nearby public car park.
- The Club showed a willingness to engage with the local community.

Closing Statement by the Interested Party (Mr John Byng)

Mr John Byng made the following points in his closing statement:

- He acknowledged the past behaviour had been generally good, and he had no serious complaints.
- However he was concerned the granting of the application would create a 'precedent'.
- He said he welcomed the willingness of the club for contact details to be shared and to engage with the community.

Closing Statement by the Interested Party (Ms Jacqueline Smith)

Ms Jacqueline Smith made the following points in her closing statement:

- She expressed concern that the extension in hours would result in the potential for public nuisance.
- She said in her view the more times the Club were able to hire out would result in additional disturbance for residents.

4. Exempt Information - Exclusion of the Public

RESOLVED

In accordance with Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the following part of the Hearing. The Sub Committee considered that the public interest in taking such action outweighed the public interest in the Hearing taking place in public.

5. Application to Vary the Club Premises Certificate - Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley

The Sub Committee gave further consideration to the application and to the matters raised at the meeting. In formulating its decision, the Sub Committee took into account the options that were available to it and considered what was appropriate to ensure that the licensing objectives were promoted.

RESOLVED

The Sub Committee, having considered the application and the relevant representations in detail, resolved to take the actions as detailed in **Appendix A** to these minutes, because it was considered appropriate to promote the licensing objectives.

Re-admission of the Public

The Chair declared the meeting re-open for consideration of business in public session.

6. Application to Vary the Club Premises Certificate - Crawley Masonic Club, St Margaret's Hall, Ifield Green, Crawley

The Legal Clerk, on behalf of the Sub Committee, read out the Sub Committee's decision. It was also announced that all parties would receive a copy of the decision notice (as detailed in **Appendix A** of these minutes) within five days of the Hearing.

Appendix A

Determination of the Licensing Sub-Committee
sitting at Crawley Borough Council

12 February 2019

**Decision and reasons in relation to the application for the variation of a
club premises certificate in respect of the Crawley Masonic Club,
St Margaret's Hall, Ifield Green,
Crawley**

1. The hearing was held to consider the relevant representations made in respect of an application of the Crawley Masonic Club to vary its club premises certificate (CPC). The application sought the following variations to the conditions of the CPC:
 - (1) to extend the current hours of sale of alcohol on Mondays to Saturdays from 11:00pm to 1:00am; and
 - (2) to extend the current hours of opening on Mondays to Saturdays of the premises from 1:00am to 2:00am.

2. The Sub-Committee, in determining the application, carefully considered the following:
 - (1) The application and all the material provided in support of it including submissions made on the applicant's behalf at the hearing.
 - (2) The relevant representations made by the responsible authorities: the Environmental Health department, the Fire Authority and Sussex Police.
 - (3) The relevant representations made by 8 interested parties being local residents, including the submissions made by 2 who attended the hearing in person and the representations of a third interested party who was represented at the hearing.

- (4) The guidance issued by the Secretary of State pursuant to s182 of the Licensing Act 2003 (S182 Guidance).
- (5) The Council's own Statement of Licensing Policy (CBC's Policy).

Decision

3. The decision of the Sub-Committee was that the appropriate step for the promotion of the licensing objectives was to modify the conditions to the CPC as follows:
 - (1) The hours for the supply of alcohol to be extended from 11:00pm to 1:00am on Mondays to Saturdays;
 - (2) The opening hours of the premises to be extended from 1:00am to 2:00am on Mondays to Saturdays; and
 - (3) The 7 proposed conditions as agreed between the applicant and Sussex Police (as set out on page 34 of report HCS/12), shall be added as conditions to the CPC. These are:
 1. The Club 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 "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale and the area where the alcohol is displayed, as a minimum.
 2. Children under the age of 18 must be accompanied by their parent, guardian or other appointed adult at all times when in or around the Club.
 3. New members may not make use of the licensed premises until a period of 48 hours has elapsed since the date of the application.
 4. Club members may sign in a maximum of two guests at any one time.

5. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act 2003, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to engaging in any sale of alcohol. Refresher training (which may be verbal reinforcement) shall be conducted thereafter at intervals of no more than sixteen (16) weeks. All restricted sales training undertaken by members shall be fully documented and signed by those persons involved in the sale/supply of alcohol and a member of the committee. All training records shall be retained at the Club and made available upon request to the Local Authority Licensing Officers and Sussex Police Officers.
6. The Club shall at all times maintain and operate a sales refusals log and an incident log, recording all refusals and incidents of crime or disorder. These shall be reviewed and signed by a committee member at intervals of no more than eight (8) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept at the Club for a minimum of twelve (12) months, and made available upon request to officers of any responsible authority.
7. Children under the age of 18 may not be permitted on the premises after 21:00 hours.

Reasons

4. The Sub-Committee noted that the evidence from the representatives from the applicant included the following:
 - (1) That the Club's byelaws limited the hiring out of the premises to members only and so the current arrangements are that the premises cannot be let to the general public.
 - (2) That the Club's intention in applying for increased hours was primarily to allow members to stay behind longer after their meetings, rather than an intention to increase the number of hirings of the premises for events not associated with non-lodge meetings (i.e. lettings to members for private functions).

5. The Sub-Committee noted that there was no objection to the application from any of the responsible authorities. In particular they noted that Sussex Police said in their representation: *“Sussex Police have no issues whatsoever or any concerns about the premises or this variation application to increase the hours”*. The Sub-Committee was minded to give the relevant representations from the responsible authorities considerable weight bearing in mind paragraph 2.1 of the S182 Guidance and paragraph 2.14 of CBC’s Policy.

6. All of the relevant representations by the 8 interested parties opposed the variation application. The interested parties each raised one or more concerns. Broadly, the concerns raised by the interested parties were that should the hours be extended as applied for, then the following negative impacts would occur or increase:
 - (1) Illegal and inconsiderate parking and the resulting access problems associated with this;
 - (2) Noise causing disturbance from both within the premises and from those leaving the premises;
 - (3) Noise associated with taxis picking up people from the premises;
 - (4) Smoking outside the premises by those attending the premises, in particular at or near the main entrance, and cigarette butts on the ground; and
 - (5) Crime and disorder.

7. The Sub-Committee reminded itself that that parking off the premises on the highway was not a matter which is regulated by the Licensing Act 2003 – it is regulated by other legislation and regulatory bodies – and so the Sub-Committee’s view was that to the extent that any of the representations raised this concern it was not relevant to their determination.

8. In terms of the other concerns raised by the 8 interested parties, the Sub-Committee was mindful that its decision ought to be evidence-based –

taking (bearing in mind paragraph 9.43 of the S182 Guidance), and therefore they considered in detail the relevant representations and submissions made at the hearing by the interested parties.

9. The Sub-Committee found that the evidence relating to actual past noise associated with the premises was very limited, and in summary was as follows:

(1) In Miss DP's written representation she stated that on "a number of occasions" there had been "loud music (including discos)", however she did not specify how many occasions, the period of time during which these occasions occurred or the times of the day during which she heard noise. Miss DP said that she had made complaints. However how many were made, when they were made and the detail of the complaints was not clear. It was clarified at the hearing on her behalf (by Mrs J. Smith) that the complaints had been submitted to the Brighton Masonic centre. In response to this, the applicant's representatives stated any complaints made to the Brighton centre had not been received locally by them. Miss DP's representative at the hearing, Mrs P. Smith spoke of there "sometimes" being noise associated with the premises and "occasionally" the side door being left open and that noise could be heard from inside the premises. Mrs

P. Smith also said that if there is an event on the premises it is usually finished by 10pm.

(2) Mrs J Smith in her written representation said that she has been woken up by cars leaving and that it is disruptive. However, Mrs J Smith did not provide evidence about how often this occurs and at what times, and it was not entirely clear that that the cars she was referring to were in fact driven by those exiting the club. Mrs J Smith also said at the hearing that an increase of hours would mean a potential of more hirings out of the premises. She said that the potential of public nuisance and disturbance (should the extended hours be granted) is what she is most concerned about.

(3) Mr Byng in his written representation stated that "Most events at the hall have been orderly but noise has occurred occasionally". At the

hearing, Mr Byng confirmed that the applicant's (or its members and guests') past behaviour had been generally good, and he had no serious complaints. He also confirmed his objection was based on his concern of potential problems which may arise if the hours were to be extended. Mr Byng also said he was concerned that to allow the extended hours may create a precedent. In relation to this last point, the Sub-Committee reminded itself that the licensing regime under the Licensing Act 2003 requires each application and premises to be considered on its own merits and that a decision to extend the hours in respect of this CPC would not create a 'precedent' which would be subsequently followed in other cases, in the way which Mr Byng feared it might.

(4) Mr Smyth in his written representation stated: *"I am concerned that if the premises are open until the early hours those leaving will make noise as they speak leaving the building. We already experience some noise late at night in the summer from pedestrians in Ifield Green"*. The Sub-Committee found that it was not clear whether the noise Mr Smyth from pedestrians in Ifield Green Mr Smyth referred to was linked in any way to people attending the premises.

10. The Sub-Committee found that the balance of the representations regarding noise to be speculative. Many of the interested parties referred to concerns that if hours were extended they felt this would be likely lead to an increase in noise from the premises or from those exiting the premises or associated with vehicles used by those leaving the premises.
11. The Sub-Committee considered the limited evidence of actual past noise and weighed this against (1) the lack of any evidence of complaints to Environmental Health or any other responsible authority and (2) the steps taken by the applicant to try to reduce any noise associated with people leaving the premises (detailed further below). They concluded that there was inadequate evidence to indicate a likely increase in noise from the premises/those exiting the premises due to any extension of the hours for the supply of alcohol and opening times.

12. In relation to the representations by the interested parties about a potential rise in criminal conduct and disorder, it was noted that these were speculative in nature. Mr Ferguson referred to the *“likely increase risk of crime in same way it does any area late licenses are granted”*, and Mr Weeks’s concern that *“driving whilst under the influence of alcohol may take place”*. However, the Sub- Committee noted that there was no evidence before them from any party, and significantly none from Sussex Police, that there is or has been any criminal activity associated with the premises, or that criminal activity might increase if the hours were to be extended.
13. The Sub-Committee also noted concerns raised by Mr Weeks regarding an increased in “risk to children”, however, this appeared to primarily be linked to his concerns about parking. The Sub-Committee found no evidence in any material before it which indicated that an increase in the hours for the service of alcohol and opening times at the Club might lead to an increased risk of harm to children.
14. The Sub-Committee wished to acknowledge the steps which the applicant has taken to address concerns raised by local residents in the written representations, including:
 - (1) the siting of a smoking area to the north of the building away from the residents in Old Manor Close;
 - (2) contacting its members reminding them that neighbours may be sleeping when they leave the premises and so to leave as quietly as possible and be ready to leave in a taxi as soon as it arrives;
 - (3) contacting local taxi firms to seek their co-operation to reduce noise when collecting patrons; and
 - (4) asking its members to park in a nearby public carpark.

15. The Sub-Committee also appreciated the offer made during the hearing by the applicant's representatives to provide contact details for local residents should they have future concerns or issues regarding the Club.

16. The Sub-Committee felt that the evidence before them showed a willingness on the part of the applicant's members to engage with the local residents regarding concerns which might arise in the future due to the extended hours (and also concerns more generally about the use of the premises), and was of the view that there was good reason to believe that such future concerns might be capable of being quickly resolved between the parties. However, the Sub-Committee also reminded itself that any person can apply to the Council for a review of the CPC should there be evidence in future of any of the licensing objectives being undermined by the use of the premises, and the Sub-Committee was of the view this was the appropriate way to address the residents' concerns and fears should they materialise in the future.