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Horsham District Council

Licensing Sub-Committee

Monday, 3rd August, 2020 at 10.00 am
via Remote Video Link

Councillors:

John Blackall
Karen Burgess
Mike Morgan

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

In line with Government guidance, Horsham District Council's office at Parkside is closed until further notice. Public meetings will proceed with Councillors participating via remote video link and the public via an audio link. The meeting will also be livestreamed on the Council's YouTube Page here

Agenda

Page No.

1. **Election of Chairman for the meeting**

2. **Apologies for absence**

3. **Declarations of Members' Interests**

   To receive any declarations of interest from Members of the Sub-Committee

4. **Announcements**

   To receive any announcements from the Chairman of the Sub-Committee or the Chief Executive

5. **Application for Consideration** 3 - 52

   To consider an application to vary a Premises Licence, under Section 34 of the Licensing Act 2003, in respect of The Frog and Nightgown, Wimland Road, Faygate

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Report to Licensing Sub Committee

Date of Meeting: 3 August 2020
By the Head of Environmental Health & Licensing
DECISION REQUIRED

Not Exempt

Application for the Variation of a Premises Licence under Section 34 of the Licensing Act 2003

Executive Summary

On the 11 June 2020 the applicant, Mr R. Gatt submitted an application to Vary a Premises licence in respect of The Frog and Nightgown, Wimland Road, Faygate, West Sussex, RH12 4SS.
The application seeks to add the following licensable activities to the existing premises licence that was granted on the 13January 2016.

The application proposes to allow the following:

- The sale and supply of alcohol for consumption On and Off the premises, Monday to Sunday, 09:00hrs till 23:00hrs
- Premises open to the public, Monday to Sunday, 09:00hrs till 23:00hrs
- Live music, indoors and outdoors, Monday to Sunday, 09:00hrs till 23:00hrs (Limited to three times per calendar month)
- Recorded music, indoors and outdoors, Monday to Sunday, 09:00hrs till 23:00hrs
- Increase the licensable area to include the garden area.

Recommendations

The Sub-Committee is recommended:

i) To determine the application for the grant of a full variation to a premises licence

Reasons for Recommendations

i) The Sub-Committee is required to make a decision under the Licensing Act 2003

Background Papers

1. Application to vary
2. Current premises licence
3. Site plan
4. Representation from Environmental Health and Licensing
5. Representation from Sussex Police
6. Representations from members of the public

Wards affected:

Colgate & Rusper

Contact: Chris Boyle, Licensing Officer, chris.boyle@horsham.gov.uk

Background Information

1 Introduction and Background

1.1 For the Sub-Committee to determine the application for a grant of a full variation to an existing premises licence

1.2 At present The Frog and Nightgown benefits from a premises licence that was granted on the 13 Jan 2016 which was granted to Mr Ritchie Gatt & Mrs Coral Gatt as the applicants and existing premises licence holders

The granting of the above mentioned premises licence allows the following licensable activities to take place:

Premises open to the public:
Monday to Sunday, 09:00hrs till 23:00hrs

Sale by retail of alcohol
Monday to Sunday, 09:00hrs till 23:00hrs

Regulated entertainment, live and recorded music:
Monday to Sunday, 09:00hrs till 23:00hrs

2 Relevant Council policy

2.1 Statement of Licensing Policy dated December 2018

3 Details

3.1 The Frog and Nightgown is a well-established licensed premises having benefited from a premises licence under both the Licensing Act 1964 and Licensing Act 2003 respectively. Following the death of the previous premises licence holders the licence expired and the premises lay empty for some time
The present premises licence was granted on the 13 January 2016 to the existing premises licence Mr & Mrs Gatt

3.2 On the 11 June 2020 and application was submitted to amend the following licensable activities permitted on the existing premises licence to the following:

- The sale and supply of alcohol for consumption On and Off the premises, Monday to Sunday, 09:00hrs till 23:00hrs
- Premises open to the public, Monday to Sunday, 09:00hrs till 23:00hrs
- Live music, indoors and outdoors, Monday to Sunday, 09:00hrs till 23:00hrs (Limited to three times per calendar month)
- Recorded music, indoors and outdoors, Monday to Sunday, 09:00hrs till 23:00hrs
- Increase the licensable area to include the garden area.

4 Next Steps

The Licensing Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives.

4.2 In making its decision, the Sub-Committee is also required to have regard to Guidance issued under the Section 182 Licensing Act 2003 (as amended) and the Council's own Licensing Policy

4.3 The Sub-Committee must take one of the following steps as it considers necessary for the promotion of the Licensing Objectives:

- To permit the grant of the application
- To reject the grant of the application in whole or in part
- To modify the conditions of the licence as they relate to the application
- To exclude a licensable activity from the licence

4.4 The Sub Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the four licensing objectives.

5 Outcome of Consultations

5.1 The application was advertised in the local newspaper covering the area. Blue A4 Notices were also displayed on site and the application was advertised on Horsham District Council's website in accordance with the Statutory Requirements under the Licensing Act 2003.

5.2 A copy of the application was served on all statutory Consultees in accordance with the provisions contained within the Licensing Act 2003 and its associated regulations.

5.3 **Responsible Authority Representation.**

5.3.1 Local Licensing Authority – Environmental Health & Licensing (Appendix 4)

5.3.2 Sussex Police – No objection

5.3.3 West Sussex Fire & Rescue Service – No objection

5.3.4 Public Health – No objection

5.3.5 Health & Safety Executive – No representation

5.3.6 Trading Standards – No representation

5.3.7 Local Planning Authority – No objection

5.4 Colgate & Rusper Parish Council – No representation

5.5 Representations from Members of the public (Appendix 6) During the twenty eight (28) day consultation period a total of four (4) relevant representations against the grant stating the application had failed to address the four licensing objectives and one (1) representation in favour were received by Horsham Districts Councils Licensing Department

6 Other Courses of Action Considered but Rejected

6.1 None.

7 Resource Consequences

7.1 None.

8 Legal Consequences

8.1 The Council has a duty to determine the application under the Licensing Act 2003

9 Risk Assessment

9.1 This application does not relate to any of the specific risks on the Corporate Risk Register.

10 Other Considerations

10.1 The Sub-Committee are to determine the application under the following four Licensing objectives.

- The prevention of crime and disorder.
- The prevention of public nuisance.
- The protection of children from harm.
- Public Safety.

10.2 The operation of the Licensing Sub-Committee is a quasi-judicial function and as such particular regard is to be had to Article 6 ‘the right to a fair trial’.

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Horsham District Council

Public Health And Licensing

Application to Vary a Premises Licence under Section 34 of the Licensing Act 2003

Applicant Name:
Mr Ritchie Gatt

Name & Address of Premises:

Owlscastle House, Wimland Road, Faygate, West Sussex. RH12 4SS

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes which accompany the various sections. If you need to add more details to this form by hand please USE OR ATTACH ADDITIONAL SHEETS as necessary and write legibly in block capitals in black ink. You may wish to keep a copy of the completed form for your records (note a PDF copy will be sent to your email address). Please return completed application forms to Horsham District Council and any relevant authorities as listed in the Licensing Policy Statement.

Guidance Notes

This application cannot be used to vary the licence so as to extend the period that the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Where taking place in the building or other structure please tick as appropriate. Indoors may include a tent.
2. For example state the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
3. For example (but not exclusively), where the activity will occur on additional days during the summer months.
4. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
5. Please give timings in 24-hour clock format (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
6. If you wish people to be able to consume alcohol on the premises please tick on. If you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish for people to be able to do both please tick both.
7. Please give information about anything intended to occur at the premises or ancillary to the use of the premises that may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi nudity, films of restricted age groups, the presence of gaming machines.
8. Please list here the steps you will take to promote all four licensing objectives together.
9. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
10. Where there is more than one applicant, the applicants or their respective agents must sign the application form.
11. This is the address that we shall use to correspond with you about this application.

Schedule 4 : Application to vary a Premises Licence under Section 34 of the Licensing Act 2003

Full name/s of the Premises Licence holder/s:

1) Ritchie Gatt
2) Coral Gatt
3)
4)

I/We the premises licence holder/s named above, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below/over page

Premises Licence Number: 150566

Part 1 - Premises Details

Premises Name The Frog and Nighgown
Address Wimland Road
Faygate
City / Town Horsham
west sussex
Postcode RH12 4SS

Tel No 01293 852764
Email
Non-Domestic Rateable Value (£)

Applicant Details

Name: Mr Ritchie Gatt

Home Address
(if different from premises address)

Applicant 18 years old or over? Yes

Phone

City / Town

Mobile

County

Postcode

Email

Variation

☒ Do you want the proposed variation to have effect as soon as possible?(If yes please tick)

If not, when do you want the variation to take effect from?

If your proposed variation would mean that 5,000 or more people could be expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation
This application cannot be used to vary the licence so as to extend the period that the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.
In the light of the current situation with Covid-19 affecting how we the business may operate the proposed variation would include:-

1. Off site sales including food and drink.

2. The ability to utilise a bar in the garden, therefore extending our licensed area to include the garden space.

Operating Schedule

What licensable activities do you intend to carry on from the premises? (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment: (tick for yes)

a) Play(s)	☐ (if ticking yes, fill in box A)
b) Film(s)	☐ (if ticking yes, fill in box B)
c) Indoor sporting event(s)	☐ (if ticking yes, fill in box C)
d) Boxing or wrestling entertainment	☐ (if ticking yes, fill in box D)
e) Live music	☒ (if ticking yes, fill in box E)
f) Recorded music	☒ (if ticking yes, fill in box F)
g) Performances of dance	☐ (if ticking yes, fill in box G)
h) Anything of a similar description to that falling within (e), (f) or (g)	☐ (if ticking yes, fill in box H)

Provision of entertainment facilities for: (tick for yes)

i) Making music	☐ (if ticking yes, fill in box I)
j) Dancing	☐ (if ticking yes, fill in box J)
k) Entertainment of a similar description to that falling within (i) or (j)	☐ (if ticking yes, fill in box K)

Provision of late night refreshment	☐ (if ticking yes, fill in box L)
Supply of alcohol	☒ (if ticking yes, fill in box M)

In all cases complete boxes N, O and P (see later pages)

A - Play(s)

Will the performance of a play take place indoors, outdoors or both? Please select. (Read guidance note 2)

Please give further details here (please read guidance note 3)

State any seasonal variations for performing plays (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for the performance of a play at different times to those listed in the column on the left, please list (please read guidance note 5)

Standard timings (read guidance note 6)

Mon		to		Friday		to	
Tues				Sat			
Wed				Sun			
Thur							

B - Film(s)

Will the exhibition of films take place indoors,outdoors or both?
Please select. (Read guidance note 2)
Please give further details here (please read guidance note 3)

State any seasonal variations for exhibition of films (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)

Standard timings (read guidance note 6)

Mon		to		Fri		to	
Tues				Sat			
Wed				Sun			
Thur							

C - Indoor Sports

Please give further details here (please read guidance note 3)

State any seasonal variations for Indoor sporting event(s) (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for Indoor sporting event(s) at different times to those listed in the column below, please list (please read guidance note 5)

Standard timings (read guidance note 6)

Mon		to		Fri		to	
Tues				Sat			
Wed				Sun			
Thur							

D - Boxing or Wrestling

Will the Boxing or wrestling entertainment take place indoors,outdoors or both? Please select. (Read guidance note 2)

Please give further details here (please read guidance note 3)

State any seasonal variations (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for Boxing or wrestling entertainment at different times to those listed in the column below, please list(please read guidance note 5)

Standard timings (read guidance note 6)

Mon		to		Fri		to	
Tues				Sat			
Wed				Sun			
Thur							

E - Live Music

Will the performance of live music take place indoors,outdoors or both? Please select. (Read guidance note 1) Both indoors & outdoors

Please give further details here (please read guidance note 2)

Occasional live amplified and non-amplified music, not more than three times a month. Between the hours of 7pm to 11pm.

State any seasonal variations for performance of live music (please read guidance note 3)

Non-standard timings. Where you intend to use the premises for performance of live music at different times to those listed in the column below, please list (please read guidance note 4)

Standard timings (read guidance note 6)

Mon	09:00	to	23:00	Fri	09:00	to	23:00
Tues	09:00		23:00	Sat	09:00		23:00
Wed	09:00		23:00	Sun	09:00		23:00
Thur	09:00		23:00				

F - Recorded music

Will the playing of recorded music take place indoors, outdoors or both? Please select.
(Read guidance note 1) Both indoors & outdoors

Please give further details here (please read guidance note 2)
Occasional playing of pre-recorded music, between the hours of 7pm to 11pm only.

State any seasonal variations for playing recorded music (please read guidance note 3)

Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 4)

Standard timings (read guidance note 5)

Mon	09:00	to	23:00	Fri	09:00	to	23:00
Tues	09:00		23:00	Sat	09:00		23:00
Wed	09:00		23:00	Sun	09:00		23:00
Thur	09:00		23:00				

G - Performances of dance

Will the performance of dance take place indoors, outdoors or both? Please tick.
(Read guidance note 1)

Please give further details here (please read guidance note 2)

State any seasonal variations for the performance of dance
(please read guidance note 3)

Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 4)

Standard timings (read guidance note 5)

Mon		to		Fri		to	
Tues				Sat			
Wed				Sun			
Thur							

H - Anything of a similar description to that falling within (e), (f) or (g)

Please give a description of the type of entertainment you will be providing

Will this entertainment take place indoors, outdoors or both? Please select. (Read guidance note 1)

Please give further details here (please read guidance note 2)

State any seasonal variations for entertainment (please read guidance note 3)

Non-standard timings. Where you intend to use the premises for the entertainment at different times to those listed in the column on the left, please list (please read guidance note 4)

Standard timings (read guidance note 5)

Mon		to		Thur(Cntd)	
				Fri	
Tues					
				Sat	
Wed					
				Sun	
Thur					

I - Provision of facilities for making music

Please give a description of the facilities for making music you will be providing

Will the facilities for making music be indoors, outdoors or both? Please tick. (Read Guidance note 1)

Please give further details here (please read guidance note 2)

State any seasonal variations for the provision of facilities for making music(read guidance note 3)

Non-standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 4)

Standard timings (read guidance note 6)

Mon		to		Thur(Cntd)	
				Fri	
Tues					
				Sat	
Wed					
				Sun	
Thur					

J - Provision of facilities for dancing

Please give a description of the type of facilities for dancing that the club will be providing

Will the facilities for making music be indoors, outdoors or both? Please tick. (Read Guidance note 1)

Please give further details here (please read guidance note 2)

State any seasonal variations for the provision of facilities for making music (please read guidance note 3)

Non-standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 4)

Standard timings (read guidance note 5)

Mon		to		Fri		to	
Tues				Sat			
Wed				Sun			
Thur							

K - Provision of facilities for entertainment of a similar description to that falling within I orJ

Please give a description of the type of entertainment facility you will be providing

Will the entertainment facility be indoors, outdoors or both? Please select. (Read Guidance note 1)

Please give further details here (please read guidance note 2)

State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or j (please read guidance note 3)

Non-standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or j at different times to those listed in the column on the left, please list (please read guidance note 4)

K - Provision of facilities for entertainment of a similar description to that falling within I orJ (continued)

Standard timings (read guidance note 5)

Mon		to		Fri		to	
Tues				Sat			
Wed				Sun			
Thur							

L - Late Night Refreshment

Please give a description of the type of entertainment facility you will be providing

Will this late night refreshment take place indoors, outdoors or both? Please tick. (Read guidance note 1)

Please give further details here (please read guidance note 2)

State any seasonal variations for late night refreshment (please read guidance note 3)

Non-standard timings. Where you intend to use the premises for late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 4)

Standard timings (read guidance note 5)

Mon		to		Fri		to	
Tues				Sat			
Wed				Sun			
Thur							

M - Supply of Alcohol

Will the sale of alcohol be for consumption on the premises, off the premises or both? Please select. (Read guidance note 6) Both indoors & outdoors

State any seasonal variations for the supply of alcohol (please read guidance note 3)

Non-standard timings. Where you intend to use the premises for the provision of supply of alcohol at different times to those listed in the column below, please list (please read guidance note 4)
Extend opening hours on Xmas Eve and New Years Eve to 00:30

Standard timings (read guidance note 5)

Mon	09:00	to	23:00	Fri	09:00	to	23:00
Tues	09:00		23:00	Sat	09:00		23:00
Wed	09:00		23:00	Sun	09:00		23:00
Thur	09:00		23:00				

N - Adult Entertainment

Specify adult entertainment or services, activities, other entertainment or matters
Please highlight any adult entertainment or services, activities, other entertainment or matter ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 7)

O - Hours Premises are open to public

State any seasonal variations (please read guidance note 3)

Non-standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 4)

Standard timings (read guidance note 5)

Mon	09:00	to	23:00	Fri	09:00	to	23:00
Tues	09:00		23:00	Sat	09:00		23:00
Wed	09:00		23:00	Sun	09:00		23:00
Thur	09:00		23:00				

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

a) General – all four licensing objectives (b,c,d,e) (See guidance note 9)
We aim to provide a safe, pleasant environment for people to enjoy without causing nuisance to others.

b) The prevention of crime and disorder
Any person appearing to be under the age of 25 years will be required to provide photographic proof of their age before being sold or supplied alcohol.
Staff to be trained on when to refuse to sell alcohol to people who appear drunk.

c) Public Safety
To ensure all staff have basic awareness of health & safety, and fire prevention legislation

d) The prevention of public nuisance
Staff to ensure customers respect the environment when outside or leaving the premises. An Noise Management Plan to be implemented when music is being played.

e) The protection of children from harm
Children under 14 will only be admitted to the premise whist under the supervision of an adult.

Checklist (If yes please tick)

☒ I have made or enclosed payment of the fee
☒ I have sent copies of this application and the plan to responsible authorities and others where applicable
☒ I understand that I must now advertise my application
☒ I have enclosed the premises licence or relevant part of it or explanation
☒ I understand that if I do not comply with the above requirements my application will be rejected

Contact name : (where not previously given) and address for correspondence associated with this application. (Please read guidance note 12)

Title Forenames Surname

Address Telephone

Mobile (optional)

Email

City / Town

County

Postcode

Payment

Total Amount Due (£) £100.00

Option 1 - ☒ **Pay online.**

Option 2 - ☐ **Submit cheque in post (make cheques payable to 'Horsham District Council')**

EF-0-139495-F2

Part 5 – Signatures (The application must be signed):

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (please read guidance note 9) **If signing on the behalf of the applicant please state in what capacity.**

Signature..... *Capacity* ..... *Date* .....

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 10) **If signing on behalf of the applicant please state in what capacity.**

Signature..... *Capacity* ..... *Date* .....

Caps Application No.
Licence Number
Renewal Date

Part A
Licensing Act 2003 Premises Licence

Horsham District Council ***working in partnership to secure a better quality of life for all*** **Public Health and Licensing, Parkside, Chart Way,** **Horsham, West Sussex. RH12 1RL** **01403 215578 / 215525**	Horsham District Council

Premises Licence Number	**LI/15/0566/PREM**

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

The Frog and Nightgown
Wimland Road
Faygate
West Sussex
RH12 4SS

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Sale by Retail of Alcohol, Regulated Entertainment

Times the licence authorises the carrying out of licensable activities

Sale By Retail Of Alcohol: Monday to Sunday: 09:00hrs -23:00hrs
Regulated Entertainment: Monday to Sunday 09:00hrs - 23:00hrs

The opening hours of the premises

Monday to Sunday: 09:00hrs - 23:00hrs

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol Sold By Retail For Consumption On The Premises Only

Part 2

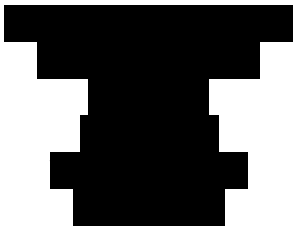
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Ritchie Gatt & Mrs Coral Gatt
The Frog and Nightgown
Wimland Road
Faygate
West Sussex
RH12 4SS

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Lewis Gatt



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: **176/18/1793/PERS**

Licensing Authority: **Horsham District Council**

Note
This licence is issued pursuant to the legislation/regulations specified in it only and does not constitute a licence/approval/consent for any other purpose whatsoever, including other legislation, etc., administered by Horsham District Council.
The recipient of this licence is responsible for ensuring that all necessary licences/ approvals/consents/planning permissions, etc., are obtained and the grant of this licence does not constitute a representation that any necessary licences/approvals/consents/planning permissions, etc., will be granted, because each application must be considered separately.

Mandatory Conditions

All Premises Licence authorising supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence –

(a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

(b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

(a) a holographic mark or

(b) an ultraviolet feature.

6. The responsible person shall ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula –

P = D + (DxV)

Where –

(i)P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

If the Premises Licence allows Exhibition of Films

1.Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2.Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3.Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4.In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos

1.Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2.But nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.

3.For the purposes of this section:

(a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule

General Licensing Objectives

Prevention of crime and disorder objectives

The premises licence holder shall at all times maintain and operate a sales refusals log and an incident log book. These will be kept to record all refusals and incidents of crime or disorder. These records shall be kept for a minimum of twelve months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff

Public safety objectives

All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more than twelve months.

All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS.

All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff.

Prevention of public nuisance objectives

None Relevant

Protection of children from harm

The premises licence holder 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 (or the age set by the policy) will be asked for photographic ID to prove their age.

Signage advertising the policy will be displayed at the point of sale as a minimum.

Children aged 14 years and under will only be admitted to the premises under the supervision of a responsible adult.

Paper certified as sustainable by an independent global forest certification organisation

Annex 3 – <u>Conditions attached after a hearing by the licensing authority :</u>

Signed by Head of Public Health and Licensing	***Date Granted***
29 August 2019	**13th January 2016**

Annex 4 – Plans

ATTACHED

Paper certified as sustainable by an independent global forest certification organisation

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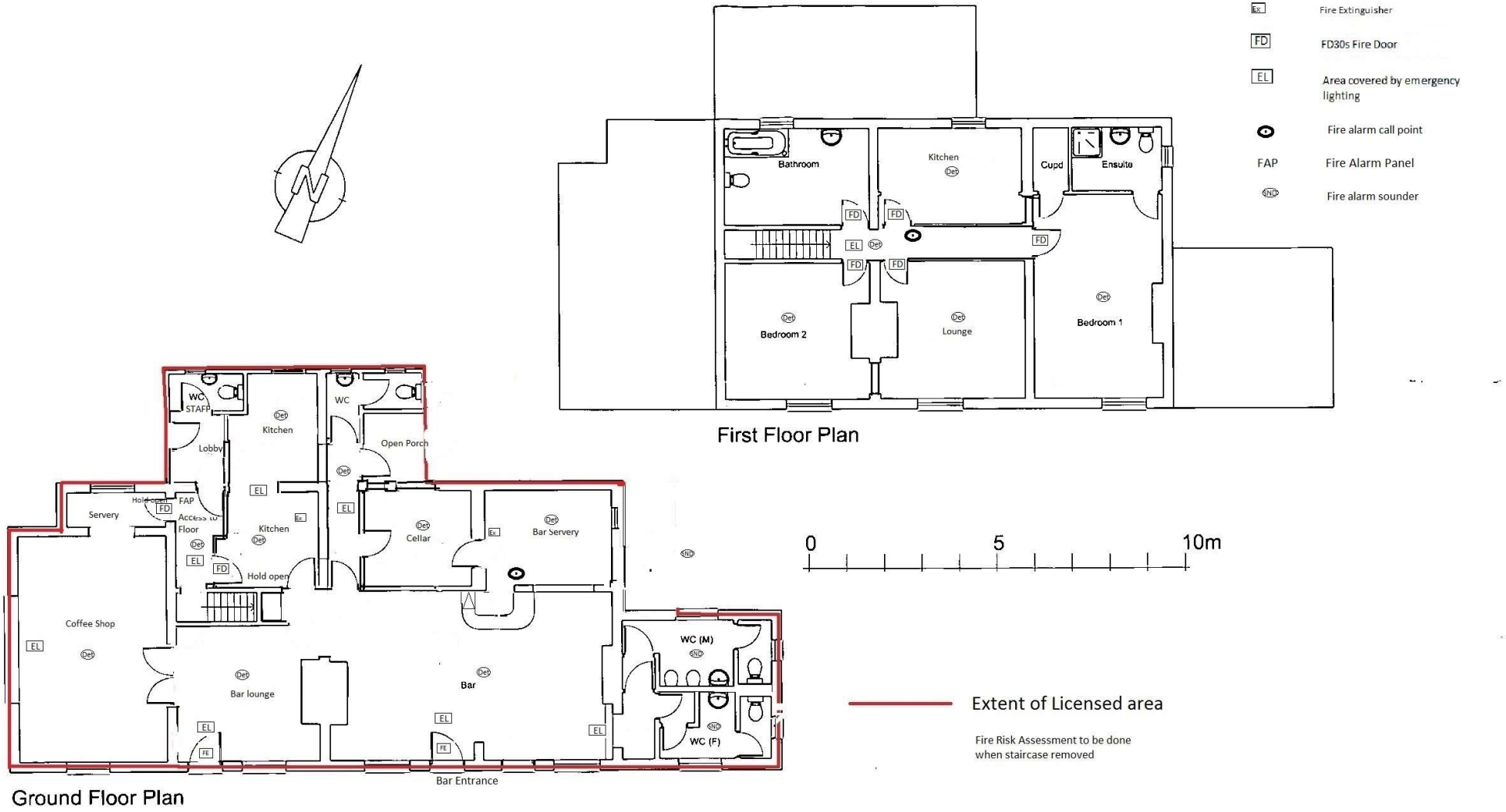

Client	Drawing Title		Scale 1:100 @ A3	Drawing Number
Project The Frog and Nightgown Faygate, West Sussex	Licensing Plan		Date Nov 2015	RJG/FROG/1 SK 2
			Drawn RJG	

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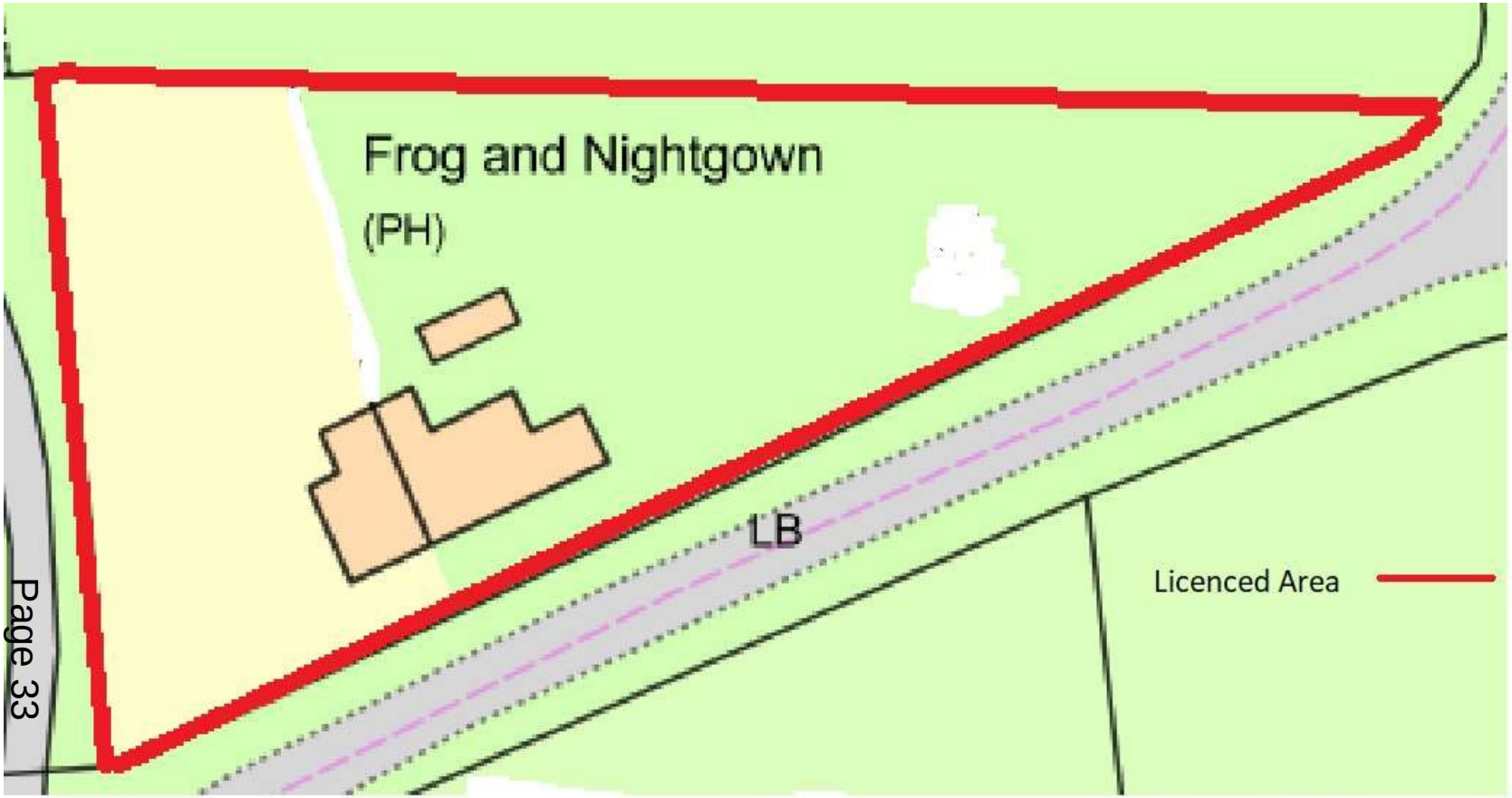

Client Project The Frog and Nightgown Faygate, West Sussex	Drawing Title Licensing Plan 2		Scale NTS Date May 20 Drawn RJG	Drawing Number RJG/FROG/ 2

APPENDIX 4 – RESPONSE FROM HDC ENVIRONMENTAL HEALTH AND LICENSING DEPARTMENT

From: [redacted]
Sent: 23 June 2020 15:42
To: Paul.Hobbs <Paul.Hobbs@horsham.gov.uk>
Cc: Chris.Boyle <Chris.Boyle@horsham.gov.uk>
Subject: RE: Meeting Today

Paul,

Good to meet you also.

I confirm we agree to the conditions you have set below regarding music.

Kind regards

Ritchie Gatt

From: Paul.Hobbs <Paul.Hobbs@horsham.gov.uk>
Sent: 22 June 2020 16:05
To: [redacted]
Cc: Chris.Boyle <Chris.Boyle@horsham.gov.uk>
Subject: Meeting Today

Hi
As promised I am emailing the Conditions agreed:

Music indoors from 09.00 until 23.00
Music outdoors from 09.00 until 22.30 on 2 occasions in every calendar month with external noise monitoring to ensure that noise is barely audible outside the nearest noise sensitive property.

If these Conditions are agreed Environmental Health will not make representations

Kind regards

Paul Hobbs
Principal Environmental Health Officer

Telephone: 01403 215421
Email: Paul.Hobbs@horsham.gov.uk

Horsham District Council

Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL
Telephone: 01403 215100 (calls may be recorded) www.horsham.gov.uk Chief Executive: Glen Chipp

APPENDIX 5

From: David.Bateup@sussex.pnn.police.uk <David.Bateup@sussex.pnn.police.uk>
Sent: 09 June 2020 11:36
To: Chris.Boyle <Chris.Boyle@horsham.gov.uk>
Cc: Warren.jones@sussex.pnn.police.uk; info@thefrogandnightgown.co.uk; Samantha.Ritchie <Samantha.Ritchie@horsham.gov.uk>
Subject: RE: Frog & Nightgown variation application

Chris,

Thank you. Sussex police will not rep on the variation application then on the understanding that live and recorded music (albeit deregulated…) are put on the licence as the regulated entertainment categories licensed/permitted.

Regards,

David

David Bateup
Police Licensing Officer

Direct Dial: 01273 470 101 ext 581 214
Licensing office: 01273 40 40 30
david.bateup@sussex.pnn.police.uk

Neighbourhood Police Licensing Team
West Sussex Division, Centenary House, Durrington Lane,
Worthing, West Sussex, BN13 2PQ

From: Chris.Boyle [mailto:Chris.Boyle@horsham.gov.uk]
Sent: 09 June 2020 10:50
To: Bateup David 63941 <David.Bateup@sussex.pnn.police.uk>
Cc: Jones Warren CJ903 <Warren.jones@sussex.pnn.police.uk>; info@thefrogandnightgown.co.uk; Samantha.Ritchie <Samantha.Ritchie@horsham.gov.uk>
Subject: RE: Frog & Nightgown variation application

External Email - Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found **here**.**
Hi David

No problem but remember live and recorded music has been deregulated between the hours of 08:00hrs and 23:00hrs, less than 500 people etc which this application falls into

Regards
Chris

Chris Boyle
Licensing Officer

Telephone: 01403 215578
Email: Chris.Boyle@horsham.gov.uk

Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL
Telephone: 01403 215100 (calls may be recorded) www.horsham.gov.uk Chief Executive: Glen Chipp

---

From: David.Bateup@sussex.pnn.police.uk <David.Bateup@sussex.pnn.police.uk>
Sent: 09 June 2020 10:13
To: Chris.Boyle <Chris.Boyle@horsham.gov.uk>
Cc: Warren.jones@sussex.pnn.police.uk; info@thefrogandnightgown.co.uk
Subject: Frog & Nightgown variation application

Chris,

We have been looking at the existing premises licence for this premises following receipt of the variation application. In principal we have no objection to the variation to extend the licensed area to the entire pub garden.

It is a very old licence (probably a conversation from Licensing Justices) and we note that the licence just states: Regulated Entertainment and Sale by Retail of Alcohol.

Can we amend the licence so we can see exactly which regulated entertainment is authorised please? We notice on the variation application that live and recorded music are the only regulated entertainment categories specified.

Thanks,

David

David Bateup
Police Licensing Officer

Chris.Boyle

From:
Sent: 09 July 2020 20:01
To: Licensing
Subject: Representation against the licensing application of the Frog and Nightgown Pub RH12 4SS

Dear Sir/Madam,

I write this email correspondence to express my considerable concern regarding the variation of premise license application being made by Mr R Gatt of the Frog and Nightgown Public house, Wimland Road Faygate.

I deem the aforementioned application as deeply concerning on the grounds of both ***Public Safety and Public nuisance***.

The Frog and Nightgown is situated on a single track semi rural lane, the traffic that frequents the lane for the purposes of visiting the Frog and Nightgown is already excessive for the size of the thoroughfare which has no passing bays. The fact that it has no passing bays means that in order for vehicles to pass one another they are forced to use the private driveways of the residents, which have I hasten to add have to be maintained at a cost by the owner. Failing that any vehicles that don't use a residents drive will use the verge instead causing the blockage of the lane side ditches, something which I personally have had to clear including the complete blockage of a culvert running beneath the lane. Make no mistake this lane is not designed for the flow of traffic this Public house already attracts, the idea of extending the hours of the licence will only prove to further exacerbate the problems. The vast majority of patrons that visit the establishment drive the lane in a respectful manner, but then there is at least 10% that don't! These individuals choose to drive the lane (no doubt with at least one alcoholic beverage inside them) at a speed that is wholly unacceptable on the grounds of public safety - firstly, this lane is frequently used by families out for a rural walk and there are no footpaths for people to seek safety, and second I have lost count of the number of times I have heard near misses when a car has had to screech to a halt as to avoid a collision.

Continuing with the vehicular issues. I make an educated guess that the very small car park the establishment has can park no more than 22 vehicles, as such the lane is strewn with parked cars already. What are his plans for accommodating the additional traffic, other than more parking on the verges of the narrow country lane?

The idea of not only extending the hours but to possibly grant approval to play music both live and recorded between 09:00-23:00 7 days a week is in my opinion absurd and shows a distinct lack of respect to the local residents. This establishment is a 'Country Pub and tearoom' not a trendy bar or nightclub. Don't get me wrong I'm all for owners trying to improve their businesses but if his current plans are the direction he wants to take, then I respectfully suggest that he chooses an appropriate location in which to do so.

I'll conclude my correspondence by questioning why Mr R Gatt chose to apply for this application without making any attempt to seek prior consultation with the residents? Maybe an invite to a socially distanced meeting in his beer garden to add some clarity as to exactly what his what his plans are, allay any concerns, or answer questions the residents may have?
Why did he choose not to enter into discussion? Because he knew the resistance he would face? Well it is my opinion that the very fact that he chose to go ahead without doing so speaks volumes in itself! But I guess it's up to you to pass judgement as to what you think his reasons were?

Finally please don't consider that the arrival of my representation so close to the deadline in some way hints at my lack of concern. I am extremely busy at present so the fact that I have taken time out of my schedule to write this proves the exact opposite.

Yours faithfully

Sent from my iPhone

PUBLIC REPRESENTATION: 2

Chris.Boyle

From:
Sent: 08 July 2020 18:55
To: Licensing
Subject: Licensing Application for Full Variation of Premises Licence for The Frog and Nightgown, Faygate, RH12 4SS

From:

To:
Public Health and Licensing Department
Horsham District Council

8 July 2020

Dear Sir

**LICENSING APPLICATION FOR FULL VARIATION OF PREMISES LICENCE
THE FROG & NIGHTGOWN WIMLAND ROAD FAYGATE HORSHAM WEST SUSSEX RH12 4SS**

We are writing in response to your invitation to make representations in relation to the application made by Mr R Gatt for a Full Variation of the premises licence for The Frog & Nightgown pub.

We understand that the application includes the following:

- **A huge increase in opening hours to 14 hours a day (09.00 to 23.00), 7 days a week, 365 days a year.**
- **An enormous increase in permitted hours for the sale and supply of alcohol for consumption on the premises, again to 14 hours a day (09.00 to 23.00), 7 days a week, 365 days a year.**
- **The extension of the licence to introduce for the first time the sale and supply of alcohol for consumption off the premises. Again the application is to allow this for 14 hours a day (09.00 to 23.00), 7 days a week, 365 days a year.**
- **Live Music indoors and outdoors for 14 hours a day (09.00 to 23.00), 7 days a week, 365 days a year. Outdoor Live Music is limited to 3 times a month (ie effectively all day 3 out of every 4 weekends or 36 times a year).**
- **Recorded Music, both indoors and outdoors, to be permitted 14 hours a day (09.00 to 23.00), 7 days a week, 365 days a year.**
- **The expansion of the licensable area from just the pub to the entire site**.

We have lived for 30 years at and, given our location so close to the premises and the prevailing wind direction south westerly from the pub to our home, are the immediate neighbours who would suffer most severely should this application be granted consent.

Having not had a single issue with the previous Landlord of the Frog & Nightgown over a period of more than two decades, since the current licensee took over the premises we have experienced years of

harrowing disturbance including an extended period of unlicensed live music and other events, which have made our lives a misery at times. We were, therefore, horrified to learn of this licensing application as we know from bitter experience the devastating impact that this proposal would have on us.

We strongly object to the application on the following grounds:

PREVENTION OF PUBLIC NUISANCE

Noise

We understand that the existing licence permits live music indoors until 11pm. This already causes us major disturbance as any form of amplification from microphones or speakers inside the pub results in the sound travelling to our home and is clearly audible inside our house even with all the windows and the double glazing shut and is offensively loud outside in our garden. This is compounded by the pub door frequently being left open meaning that on occasions such as "open mic nights", not only can we not escape the throbbing bass reverberating through our house but it is impossible to shut out of our heads every word of every song. Sitting outside in our garden is rendered unendurable. (This is well documented in exchanges of correspondence with HDC over the last three years incl e-mails dated 21/5/18, 12/5/19, 20/5/19, 21/7/19, 24/7/19 and 27/8/19.)

The licence application's proposal to add recorded music indoors and to extend permitted hours for live music indoors to 14 hours a day, 7 days a week, 365 days a year would mean that our home would suffer unremitting noise nuisance every waking hour.

As regards music outside the pub, this makes our house and garden almost uninhabitable. For the first year or so of the pub's operation under the new licensee, a continuous stream of outside music events were held (without any licence approval) and they made life at a nightmare with inescapable and incredibly loud amplified music blasted at us for hour after hour, weekend after weekend, particularly during the summer months (when we most wanted to sit in our garden). Subsequent TEN approved events with outside music or from within a marquee, although thankfully much less frequent, have also been a nightmare for us resulting in our counting the minutes until the noise stopped.

Against that background, the application's proposal to allow the playing of recorded music outside 14 hours a day, 7 days a week, 365 days a year fills us with dread. The further proposal to allow Live Music outside for 14 hours a day 3 times a month (effectively 3 out of every 4 weekends) horrifies us.

We understand that external noise monitoring would be carried out by a "Designated Premises Supervisor", presumably the licensee (who would be marking his own homework). That and bland promises to the effect that noise would be "barely audible" in the nearest noise sensitive property give us no confidence at all that we would be protected from unrelenting noise pollution given the history under this licensee's watch.

is our home and workplace and, unlike the licensee who can retreat to his home a comfortable distance away, we have no escape from this torture.

Disturbance

Under the terms of the existing licence, we already have regular problems accessing or exiting our property due to pub customers blocking our driveway and Wimland Road and frequently have to "run the gauntlet" of squeezing through customers, bikes, coaches and horses and cars spilling out of the pub across the road at busy periods. Extending opening hours and permitting a takeaway, off licence facility would without doubt compound this. The small size of the pub's car park results in customer cars frequently blocking Wimland Road, a narrow country lane, and while we appreciate that this is principally a County Councils Highways issue, the Licensing Sub Committee should bear in mind that these problems would be significantly exacerbated should the licence application be approved.

Other disturbance from which we already suffer is noise from pub customers turning round in our drive, playing loud music in their cars, revving up cars and motorbikes, slamming car doors, shouting and hooting horns, often late at night. All these disturbances would be extended and aggravated by the extra hours of opening and the widening of the licence proposed.

Smells

The proposal to increase hours and allow off sales of food and drink would inevitably lead to an increase in the number of days when pop-up kitchens such as Ginger Rookies or Kwans Thai Kitchen, etc are busy selling their wares in the pub garden. The unpleasant frying smell permeates our garden carried by the prevailing south westerly wind. Correspondence with HDC on this (e-mail dated 23/9/18) indicated that nothing could be done. We are very fearful that extending the pub opening hours as proposed in the application would result in the cooking and serving of food outside for greatly extended hours meaning that we would potentially have disagreeable smells pervading our house and garden all day, every day.

PUBLIC SAFETY

Even under the existing licence arrangements, traffic generated by The Frog & Nightgown Pub along Wimland Road, a narrow country lane with no pavement, and customers parking their cars along it already regularly cause major problems. While it is appreciated that roads are principally the responsibility of the County Council Highways Department, the Licensing Sub Committee must appreciate that approving this application would compound these issues exponentially.

Safety issues include overflowing pub car parking on both sides of the road, often on dangerous corners and opposite entrances, preventing any chance of emergency vehicles such as fire engines or ambulances getting past as well as causing major difficulties to lorries, farm vehicles, refuse carts and any other vehicle bigger than a small car. The quantity of traffic generated by the pub inevitably puts at considerable hazard other users of the lane which include not only cars driving past but dog walkers, cyclists, horse riders and hikers. After a few drinks, a number of pub customers become particularly insensitive driving away roaring up the road at speed which is extremely intimidating and dangerous.

These are regular problems but they are much worse when events are laid on by the pub. Particular horrors were the 2018 Bonfire Night Event and the Classic Car Event on 24/7/19.

Other public safety aspects cover Environmental Health Issues. The pub has used the ditch on our side of the road opposite the pub as a convenient depositary for dog messes collected from the pub garden. We have also witnessed cooking oil used by the pop up kitchens being poured into the ditch. Given the existence of a public footpath indirectly opposite the pub garden, a number of customers go through the gate into our field to relieve themselves rather than using the pub's toilet facilities.
All these practices are clearly extremely unhygienic.

Should the licence variation application be approved, all these Public Safety issues would undoubtedly worsen.

PREVENTION OF CRIME AND DISORDER

It is a well known fact that alcohol is often a factor in crime. In addition to departing customers regularly racing up the lane endangering other road users, we have had first hand experience of this with a pub regular and close friend of the applicant's son (who is the de facto manager of the pub) crashing his souped up BMW through our well established beech hedge into our garden, thereby causing criminal damage in the destruction of the hedge. To achieve this from a standing start outside the pub just 40 yards away, the driver must have been comprehensively drunk. That this was allowed to happen does not reflect well on the arrangements for preventing excessive drinking on the premises.

The other issue to raise under Crime and Disorder is litter. There being no Council funded litter picking service for this narrow rural lane, we pick up the litter on our daily walk and run up Wimland Road. The increase in the amount of rubbish thrown out of vehicles since the lockdown was ended and pub re-opened (100% increase) is witness to the fact that pub customers are responsible for a very large proportion of this.

The proposal to increase the pub's hours and to extend the licence to include the sale of takeaway alcohol and food would be very likely to result in after hours drinking outside the pub with all the attendant risks of disorder and disturbance to local residents. It would also inevitably lead to an exponential increase in littering along Wimland Road.

PROTECTION OF CHILDREN FROM HARM

The publican regularly permits customers who have drunk too much to stay overnight in the pub. First thing in the morning we habitually witness such customers sitting comatose in their cars, the engine often running for warmth in the winter, sometimes for up to an hour. This is disturbing for parents who may well feel nervous allowing their children to wait in the road for the school bus or walk the dog before school. Such incidents would almost certainly increase in frequency should the proposed increase in licensing hours be permitted.

Wimland Road is regularly used by pedestrians and cyclists as a route from the bail hostel in Faygate Lane to Horsham. The proposal to allow the sale of alcohol off the premises may encourage the use of the lane by more people from the hostel. This could change the character of the lane and render it less suitable for children on their bikes. This is against the background of Wimland Road being a designated cycle route.

CONCLUSION

We lived harmoniously as immediate neighbours to The Frog & Nightgown for nearly 25 years. The problems began as soon the current licensee took over since when unrelenting attempts have been made to change its character from a country pub on a quiet country lane into a highly disruptive event venue heavily advertised on social media to attract the maximum numbers possible. The fact that the pub's location and small site make it entirely unsuitable for such a transformation has been completely ignored as has the devastating impact of its activities on local residents. This radical Licence Variation Application is part of this and its acceptance would turn into a nightmare the lives of those living nearby.

We are concerned that the Licence Sub Committee will be advised by the Council's Environmental Health Officer and Licensing Officer, no doubt with perfectly sound motivation to arrive at a compromise, to accept a slightly diluted form of the variation application. For the reasons set out fully above with the existing licence position already causing local residents considerable upset, we would urge the Committee to reject the application in its entirety.

The Licence Sub Committee's decision on this is of huge importance to us as approval of the requested variation would give the licensee carte blanche to blight our and other local residents' lives at will for 14 hours a day every day of the year. Whatever sympathies we all share for the hospitality sector given the short term difficulties experienced during the coronavirus lockdown, this decision is for a permanent licence arrangement and the wrong decision would have devastating long term consequences for The Frog & Nightgown's neighbours.

Yours sincerely

Chris.Boyle

From:
Sent: 19 June 2020 23:58
To: Licensing
Subject: Representation Against the Change of Licensing Request for the Frog & Nightgown, Wimland Road, RH12 4SS

This is my representation against the grant of the premises licence

headed against the 4 licensing objectives:

To our dismay as local residents we see that R Gatt and son Lewis Gatt Publicans have requested extended hours and both internal and external live music 09:00am – 23:00 - 7 days a week, which is completely inappropriate for the rural setting and would seriously undermine the amenity to the local residents.

- **The prevention of crime and disorder**

Local residents reported multiple incidents as recently as **25th November 2019** to the Licensing Officers (Samantha Ritchie) related to people sleeping in their cars (inebriated from the night before) directly outside the Frog & Nightgown. This is an alarming sight in a rural area, especially when walking past with small children. I am sure that Licensees are not meant to facilitate people being so drink that they sleep in their car and imagine this is a licensing violation as the Publican's should not be serving alcohol to people to that level. If I see this ever again I will report them instantly to the police as when these customers drive home they must be still over the limit in the morning and putting everyone at risk, especially local residents and our children and pets.

on **24th November 2019** we reported to Licensing (Chris Boyle) a public disorder and dangerous driving incident (skidding stones up in our driveway) from a Customer leaving the Pub. We were redirected to report the driver to the Police (Operation Crackdown) which I did. The particular incident was distressing to my family Lewis witnessed the driver, his client, drive past the junction of Bensons Lane and Wimland Road, come to an abrupt halt, skid as he reversed his vehicle, a blue BMW, into Bensons Lane, and skid again as he accelerated forward scattering stones towards us and our dog (yards away). Lewis Gatt lied as he denied the customer had driven dangerously.

- **Public safety**

The abandoning of cars has been a regular occurrence especially after recent Open MIC nights (granted TENs for Halloween, Firework Night, Bank Holidays) I have reported to Highways and the Council but if the cars are taxed/MOT been told nothing can be done. Abandoning a car sometimes for days until can return is not a crime but on a rural single track lane sometimes on verges / corners is a major safety concern.

5th November 2018 – Firework Night – This event was so badly managed that was reported to Licensing and the SAG for consideration and logging of any future Tens or Licensing – Prevented 2019 Firework Night!

Sent: 14 November 2018 To: Chris.Boyle Subject: URGENT COMPLAINT: Frog and Nightgown Pub, Wimland Road, Faygate RH12 4SS - Bonfire Night

I rarely complain but on this occasion am forced to write. I am a local resident ( ) and was probably closest to the Bonfire Night held at the Frog & Nightgown Public House. The number of people attending was excessive and far exceeded the allowable limit for a Pub of its size and location. The landlord demonstrated a blatant disregard to local residents and even their customers with regard to Health & Safety as the event descended into utter traffic chaos. I would like you to question the Landlord's planning for first aid, traffic control and adhering to all aspects of holding a firework display (contravening their license).

***Sent:** 09 November 2018 To Chris Boyle; Samantha Ritchie :*

PUBLIC REPRESENTATION: 3

: I am writing further to my previous correspondence with you in relation to the nuisance caused to local residents by events taking place at the Frog and Nightgown pub. The parking issues that took place on November 5th were a direct result from the extraordinary large number of people that responded to the irresponsible advertising by the landlord/owners Lewis Gatt, Coral Gatt and Richie Gatt. Wimland Road was completely impassable to traffic for a couple of hours from 6.30 pm to 8.30pm on 5th November as a result of all the cars coming to the fireworks at the Frog. When I drove home from Horsham at 4.30pm, 5th November, I was amazed to see all the verges on the right hand side of Wimland Road 'roped off' with poles and flags. These were in front of the properties number 2 and 4 Wimland Road, Bensons Farm and Bailiffs Cottage and part of the Frog Pub. These were, I presumed, to prevent parking in front of our neighbours houses, perhaps requested by our neighbours, and provided by the pub. The same ropes were on the verges either side of the entrance of Bensons Lane.

There was a huge response to the advertising (880 likes on facebook acknowledging desire to attend) and I understand the road was at a standstill while hundreds of cars sought to park their cars and attend the firework display. Cars were abandoned, and parked on verges of the single track road, from the A264 to beyond Warren Wood on the right hand side of Wimland Road. I am told cars were even parked on the verges of the A264. Apparently there were around 300 cars, and the pub was attempting to cater for around 1000 customers, including children, that had come to see the firework display. The Landlords were well-aware of the huge number of customers that had responded to their advertising, and the chaos that had ensued. They were seen and heard talking to frustrated customers trying to park on verges at Brook House, and Brook Barn and Sunnybrook Farm.

Should there have been an accident at this firework display, or a fire, there is no way service vehicles would have been able to get through an entire mile of Wimland Road that was adversely affected by this inappropriate management of the public house. I have brought this to your attention, and would like it logged, as I believe we should not wait for an accident/fatality before necessary action is taken.

The owners have displayed scant regard for local residents and clients and this was again displayed at the event on 5th November. I have no doubt that they viewed the event as a commercial success. A person at the event said the landlord was heard saying they might consider a ticket sale next year, not the conversation for someone regretting their miscalculation. The premises and facilities are limited in size and the commercial return that the landlords require is disproportionate. Overcrowding brings its own risks, besides lack of facilities.

- **The prevention of public nuisance**

Complaint of More Broadcasting of electronic music from Frog and Nightgown pub **Bank Holiday Monday 26th August 2019** under a TEN Agreement. All the local residents wrote to Licensing Officers to complain about the loud volume and disturbance caused by Music being played up to and beyond the 23:00 agreed hours. If when the Licensee is violating even the straight-forward demands of the TEN agreement then expanding the license can only add to the nuisance caused to local residents and the wider Public. Neither Lewis Gatt nor his father Ritchie Gatt have demonstrated proper accountability or behaved responsibility to date showing scant concern for disturbing the local community.

Complaint of Live Music event from Marquee from Frog & Nightgown reported to Licensing (Samantha Ritchie) **Saturday 20th July 2019** which violated any TEN or agreements in place as continued on to 23:30. This was a particularly awful afternoon, evening and night for all the local residents who wanted the amenity of their own farms and premises. The volume was intolerable proving again the Gatt's complete disregard for the local community and neighbours. After reported, The Licensing Officer, Mr Chris Boyle and the Environmental Health Officer, Mr Marc Rankin were aware of the issues concerned with the event on 20th July and arranged a meeting with the management (Lewis & Ritchie Gatt) to discuss concerns. Samantha Ritchie also stated that she could assure the local residents no more Temporary Event Licences had been granted for the premises going forward. Samantha Ritchie although sympathetic with our requests for a noise abatement hotline but stated there were no current facilities for an out of hours support line for noise nuisance.

This was our complaint letter at the time that caused the EHO and Licensing Officers to make a home visit. **Please note the agreed TEN violated the hours and continued to 01:30am**

PUBLIC REPRESENTATION: 3

Dear Mr Boyle and Ms Ritchie
I wish to register my complaint about the level of noise I had to endure that came from the event at the Frog and Nightgown Public House on Saturday 20th July 2019, from 7.30pm to 11.30pm. The recorded music played at this event reverberated throughout my house. A marquee had been erected in the garden to the West of the their tea room/restaurant/ café the previous day in preparation for the event.
Our house is from the pub. I have double glazing in every window as well as venetian blinds, but these did not reduce the excessive noise coming from the amplified music. I could hear every word of every line of every song. The base was so loud it resonated through me. There were clearly lots of people at the pub as I could hear them shouting and shrieking over and above the non-stop music. The intensity of this loud reverberating music was all pervasive. For the entire time I was unable to relax, it was as though a loudspeaker had been erected in my garden pointing at my house. I felt invaded, it was so intrusive. I switched the volume up on my TV but this was not comfortable. My pets were too frightened to go outside. Excessive noise in the countryside travels further. I would normally retire at about 10pm, but this was impossible. In fact, I did not attempt to go to bed until 1.30am because I was still aware of activity and saw the lights were still on at the pub as it was still wrapping up.
I understand the Frog and Nightgown were in possession of a Temporary Event Notice for this event and I am very concerned that there may be other requests in place for future events. I have looked at the many entries on their website and they appear to be advertising their facilities for group /party bookings. There are also dates set aside, starting in September, for ' open mike nights', the second Thursday of every month. Are there more Temporary Events planned for the Summer that have been submitted and/or approved?
If so, please could you take into account the concerns of local residents and reconsider grants of any temporary events notifications to Lewis Gatt, the landlord of the Frog and Nightgown.

- **The protection of children from harm**

Children and families are regularly in attendance at the Pub with families walking often with pushchairs and pets from Roffey. The risk to children is from the mix of drivers and pedestrians along the country road with 3 sets of blind bends between the Pub and the A264 Dual-Carriageway. Invariably, with extended hours and marked increases in Live Music and other events there will be more drivers who have been drinking with impaired judgement threatening the safety of the young families. The chaos of the previous stated firework night put the children at terrible risk and believe there was an incident (No emergency access as roads blocked(SAG consultations, Reported to Highways and HDC Licensing).

With increased Music Events (and to date with extremely loud volume levels), the risks for children grow exponentially. Children are often left unattended to play in groups in the Beer Garden which lacks proper security and surveillance with all too easy access to Wimland Road and gaps in the hedge to our shared driveway. As far I'm aware there's no CCTV installed to ensure children's security.

Kind Regards,

Tel:

PUBLIC REPRESENTATION: 4

Chris.Boyle

From:
Sent: 18 June 2020 15:35
To: Licensing
Subject: Representation against the grant of the premises Licensing for Frog and Nightgown Pub RH124SS

This is a representation against the grant of the premises licence.

The prevention of crime and disorder :

The proposed hours of business, 09.00 to 2300 hours seven days a week means alcohol can be consumed 14 hours a day, inside the pub and in the beer garden. Under the current hours of business some customers are unable to drive their vehicles home and will sleep in their cars all night in the car park, or on the layby. This is disconcerting to locals walking their dogs along Wimland Road the following morning. This extension of hours would increase the consumption of alcohol. Users of Wimland Road will be subjected to the risk of meeting customers from the Frog and Nightgown that have consumed alcohol at any time of day, afternoon or evening, either on foot or driving a vehicle. I was subjected to such an incident by a customer leaving the pub last year, who had pulled away from the pub, causing a wheel spin, he had then stopped and reversed into Bensons Lane, where I was walking, stopped again and performed another wheel spin back to the pub. He called out to the manager Lewis Gatt who was watching him from the door of the pub. I protested about his driving and was roundly told off by Lewis Gatt, who denied the car was doing wheel spins and defended the man who he appeared to know. The driver said nothing. I took the licence plate number of the car and reported him. Clearly there was no point reporting this dangerous driving to the manager of the pub.

When the pub runs out of parking spaces, impatient customers tire of parking along the verges on blind bends, and drive up and down doing three point turns, eventually parking in dangerous places. This parking is dangerous for them and leaves insufficient room for emergency vehicles. The owners of the pub make little or no effort to find a solution to this, and customers can be very rude if asked by a resident to park in a safer place.

Over the years we have asked the staff at the pub to ask clients to move their cars when these have been parked on Bensons Lane. On one occasion the car in question actually belonged to Mr R Gatt, although my son and I did not know this. We went into the busy pub and asked Lewis and Ritchie Gatt to find the customer who owned the car to move it to give us access without having to go on the grass. They both looked at the car and simply said there was plenty of room to pass. We went in again and asked them to find the owner to which Mrs Gatt shouted at us to leave the pub, and physically pushed me out of the door, much to the amusement of her customers. This car had actually been parked by her earlier in the evening. It was a neighbour that owned Bensons Lane who kindly put up signs prohibiting cars from parking on the Lane, when he heard about what had happened.

Public safety:

The garden, the bar and the dining room are relatively small. The parking, including the layby on Wimland Road can accommodate 25 cars or so. The pub welcomes dogs and children. The play area for children is between the tables. The numbers of clients already frequently exceeds the facilities. The 14 hour days will not spread the clients evenly over this period, it is more likely to attract from a wider catchment at all hours of the day and evening. Lots of children shouting as they play, dogs barking, extended hours of business in cramped facilities is not a safe environment . There are no pavements for customers that choose to leave their car behind and come on foot, sometimes with pushchairs and children on bicycles. Wimland Road is a single track road with blind bends. These customers have to cross the busy A264 dual carriageway to get to and from Roffey/Horsham.

PUBLIC REPRESENTATION: 4

The prevention of public nuisance :

The proposed recorded music from 9.00 to 2300 hours, 14 hours a day 7 days a week indoors and outside will be a public nuisance for local residents, walkers on Wimland Road and local footpaths. The proposed live music from 9.00 to 2300 hours 14 hours a day 7 days a week limited to 3 days a calendar month indoors and outdoors will be a public nuisance to residents, walkers on Wimland Road and local footpaths. The rural setting of the Frog and Nightgown means that sound carries a long way. This makes it intrusive for those wishing to enjoy their time in the country in their own gardens or taking walks along quiet lanes and footpaths. The proposed hours of 14 hours a day, 7 days a week is excessive and would totally change the peaceful rural setting. It is inappropriate.

The Frog and Nightgown hold many events. When they first introduced recorded and live music to their venues neighbours were driven to ask them to turn the volume down and/or close the doors of the pub. This was not received well by Lewis Gatt, nor his father Ritchie Gatt, they were rude and disrespectful. This, combined with the excessive parking, and the irritated clients looking for safe parking led to the pub limiting some of their venues, and after neighbours complained to the Council. Another example of miss-management by the Frog and Nightgown was Bonfire night. The last bonfire night, in 2018, attracted more than 300 cars parked along Wimland Road. The road was blocked, impassable for emergency access. It was advertised on line and attracted hundreds of supporters. The numbers attending, 500+, were grouped into a small garden and paddock where fireworks were lit by a member of staff. Residents a mile away were complaining of cars abandoned on their lawns. Again, the manager was reported to the Council by neighbours. The fireworks were so loud my windows rattled. Ritchie and Lewis Gatt were asked by neighbours to get the cars removed off lawns and verges during the event. They were unable to do anything.

The protection of children from harm:

The proposed opening hours, 14 hours per day 7 days a week, means that alcohol can be consumed at any hour of the day or evening, with or without food. Meeting up with friends with or without children will extend drinking times. The pub welcomes children and dogs and they play in the beer garden although space can be very limited when it is crowded. There is a footpath that starts beside the beer garden of the Frog and Nightgown Pub, it goes across several paddocks. Children that play in the pub garden often use the paddock behind the pub where they are unsupervised. Children that have brought their bicycles ride these along Bensons Lane and Wimland Road, unsupervised. It is quite dangerous to walk with children, some in pushchairs and some on bicycles, to and from the Frog and Nightgown pub as it has no pavements and is a single track lane with blind bends. Most of the traffic on Wimlamd Road is from the Frog and Nightgown, and this will increase with the proposed hours 14 hours a day 7 days a week. The drivers of these vehicles will be unchecked with regard to excess alcohol and/or recreational drugs. There are residents with young children that live on Wimland Road that will be subjected this additional traffic.

Chris.Boyle

From:
Sent: 23 June 2020 19:14
To: Licensing
Subject: The Frog and Nightgown

Dear Sirs
As near neighbours to the Frog and Nightgown pub, we would like to support their application to vary their license.
We have lived near,and attended the pub for the entire time that Lewis Gatt has been in charge. We have always found that both Lewis and his staff have always been considerate to us and others when they have had events at the pub.
Public safety has always been prioritised at the pub.
We have always taken our young family to the pub and have been very impressed with the standards shown by Lewis and his staff.
For these reasons, and the importance of the pub to the road and it's residents we support the application.

Sent from my iPhone

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