

## Report to Licensing Sub Committee

Wednesday 21 July 2021

By the Head of Environmental Health & Licensing

**DECISION REQUIRED REPORT**



**Horsham  
District  
Council**

Not Exempt

### **Application for the Granting of a Premises Licence under Section 34 of the Licensing Act 2003**

#### **Executive Summary**

On the 08 June 2021 an application was submitted by Doug Simmons FBII Tp, Licensing Consultant on behalf of Clarbow Limited for what is known as The Deer Park, Leonardslee Gardens, Brighton Road, Lower Beeding, West Sussex, RH13 6PP

The application is asking for a new premises licence to allow up to twelve (12) events per calendar year

The application seeks to allow the following licensable activities:

Plays, films, live music, recorded music, performance of plays, anything similar and the retail sale of alcohol for consumption on and off the premises

Monday to Sunday: 12:00hrs till 23:00hrs

Premises Open to the Public

Monday to Sunday: 09:00hrs till 23:45hrs

#### **Recommendations**

The Sub-Committee is recommended:

To determine the application for the grant of a new premises licence.

#### **Reasons for Recommendations**

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

## **Background Papers**

1. Premises Application (Appendix 1)
2. Events Management Plan (Appendix 1)
3. Site plan (Appendix 1)
4. Representation from Environmental Health and Licensing (Appendix 2)
5. Representation from Sussex Police (Appendix 3)
6. Representations from members of the public (Appendix 4)

## **Wards affected:**

Nuthurst and Lower Beeding

## **Contact:**

Chris Boyle, Licensing Officer, extension 5578

## **Background Information**

### **1 Introduction and Background**

1.1 For the Sub-Committee to determine the application for a grant of a new premises licence

1.2 At present The Deer Park does not benefit from a premises licence as it falls outside of the area permitted by the existing premises licence for Leonardslee Gardens which allows the following licensable activities to take place and permitted times:

The exhibition of a film    Everyday    09:00 - 00:00

A performance of live music    Everyday    09:00 - 01:00

Late Night Refreshment    Everyday    23:00 - 01:00

Any playing of recorded music    Everyday    09:00 - 01:00

Sale by Retail of Alcohol    Everyday    09:00 - 00:30

1.2 Clarbow Limited are seeking the following licensable activities to be attached to the premises licence

#### **Premises open to the public**

Monday to Sunday: 09:00hrs till 23:45hrs

#### **Sale and supply of alcohol by retail for consumption on and off the premises**

Monday to Sunday: 12:00hrs till 23:00hrs

#### **Performance of dance**

Monday to Sunday: 12:00hrs till 23:00hrs

#### **Recorded Music**

Monday to Sunday: 12:00hrs till 23:00hrs

#### **Live music**

Monday to Sunday: 12:00hrs till 23:00hrs

#### **Exhibition of Films**

Monday to Sunday: 12:00hrs till 23:00hrs

#### **Performance of plays**

Monday to Sunday: 12:00hrs till 23:00hrs

### **2 Relevant Council policy**

2.1 Statement of Licensing Policy dated December 2018

### **3 Details**

- 3.1 As stated already The Deer Park is situated within the grounds of Leonardslee Gardens which is a privately owned estate and at present mainly consists of forest gardens, footpaths, restaurant and a function premises which already benefits from a premises licence

### **4 Next Steps**

- 4.1 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.
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### **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 Local Licensing Authority – Environmental Health and Licensing (Appendix 2)**

On the 08 June 2021, the Team Leader Environmental Protection with Horsham District Council, submitted representation to the grant of the application on the grounds of the following licensing objective, Prevention of Public Nuisance  
"In order to ensure the licence is properly determined further information on the measures to prevent adverse noise impacts from events, including details of speaker systems and predicted music noise levels, should be provided. (*for future events*)

#### **5.4 Sussex Police – Neighbour Licensing Team (Appendix 3)**

On the 02 June 2021, Darren Middleton, Police Licensing Officer submitted representation on behalf of Sussex Police to the grant of the premises licence in that the applicant stating that should the Licensing Sub Committee grant the premises licence then they ask that the following operating condition is attached to the premises licence:

*Events planned after the grant of the License will be subject to an EMP which must be submitted to the Licensing Authority and Responsible Authorities at least 2 months before the date the event is due to start, and it will be required to be approved by them before the event can be authorised by the Licensing Authority to go ahead. There will be no more than 12 events submitted per calendar year.*

#### **5.5 West Sussex Fire & Rescue Service – No Objection**

#### **5.6 Health & Safety Executive – No Representation**

#### **5.7 Trading Standards – No Representation**

#### **5.8 Local Planning Authority – No Representation**

#### **5.9 Representations from members of the Public (Appendix 4)**

During the twenty eight (28) day consultation period a total of thirty four (34) representations relating to the grant of the application 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 Considerations and Implications**

8.1 None

### **9 Risk Assessment**

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

## Consequences of the Proposed Action

<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>The Sub-Committee are to determine the application under the four licensing objectives. The prevention of crime and disorder is one of the licensing objectives.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>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'.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p>	<p>There are no specific equality issues.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>There are no specific sustainability issues.</p>