

Licensing Subcommittee

28 September 2018 at 10.30 am

Present:- Councillors Clayden, Cooper and Wheal

Glenn James	Licensing Officer
Andrew Burrows	Licensing Officer
Sarah Meeten, Licensing Manager	Applicant, Licensing Authority
Peter Saville	Legal Representative, Licensing Authority
Nick Howard	Responsible Authority, Environmental Health
David Bateup,	Responsible Authority, Police Licensing
Liz Johnson	Out of Hours Officer, Environmental Health
Daniel Slade	Owner and DPS, TAO
James Rankin	Legal Representative of DPS
Luke Noble	Future DPS
Andy Eaton	Lawyer

1. Election of Chairman

Prior to commencement of the meeting it had been agreed that Councillor Cooper would chair the meeting.

2. Declarations of Interest

There were no Declarations of Interest made.

3. Application for a Review of a Premises Licence , TAO, Sladebars Ltd, 41/43 High Street, Bognor Regis

Prior to commencement of consideration of this item, the Chairman requested those in attendance to introduce themselves and stated that a verbatim note of the meeting would not be taken and should anyone wish anything particular to be noted they should indicate accordingly to enable this to be done.

The Licensing Officer presented this report which outlined the detail of a case of an application from the Licensing Authority to review the Premises Licence for TAO, Sladebars Ltd, High Street, Bognor Regis. Representation had also been received in support of the review from the Police Licensing

Team and Environmental Health. The relevant representations had been attached as appendices to the report for consideration by all parties. Additional papers had been circulated by the legal representative for Mr Slade prior to the meeting and it was confirmed that those had been received by all parties.

Following the Council's laid down procedure, detailed representations were heard from those relevant parties in attendance, followed by questions which were responded to at the meeting.

The Council contended that the owner of TAO had had ample time since the last review in May 2018 to put his house in order and show that he was a responsible DPS (Designated Premises Supervisor) but the running of the bar still fell far short of what was acceptable. The modified conditions placed on the licence by the Subcommittee on 2 May 2018, had still not been fully complied with and the fact that information had again been submitted late in the day was totally unsatisfactory as officers were unable to substantiate the claims that work had been carried out to comply with the outstanding issues. There had been a disproportionate amount of officer time spent in dealing with these premises to ensure they met the required standards and the Subcommittee was invited to consider appropriate action to ensure that the conditions were complied with at all times.

Legal representation for the owner acknowledged that his client was at fault and was not the person to take on responsibility for being the DPS. Mr Slade had been persuaded to give up that role and hand over the reins to someone who was far more experienced in dealing with all the issues involved and the Subcommittee received representation from Mr Noble, who stated that he would be signing a contract of employment with Mr Slade on Monday 2 October whereby he would then take over the running of TAO with immediate effect. He stated that he wished to repair the relationship with the Police and Licensing Authority and would ensure that all the outstanding issues resulting in non-compliance with the conditions of the licence would be resolved in a timely manner.

The Police Licensing Team voiced their serious concerns that TAO was persistently failing to adhere to the conditions imposed on the licence and to work in a co-operative way with the Police to address the matters raised. Conditions were put on for a reason, namely to ensure the Licensing Objectives were adhered to and, particularly as the premises was not food led and was in fact a late night bar, it was essential that the conditions had effect to prevent noise and disturbance and anti-social behaviour in the town centre.

Following a verbal presentation from the Out of Hours Officer on behalf of Environmental Health, and with the agreement of the Chairman, CCTV footage provided by Mr Slade was shown of events outside of the bar on one of the nights witnessed by the officer. It was accepted that the timing of the footage as shown in the video was 8 minutes out when compared to the real time.

The Senior Environmental Health Officer was unable to confirm whether the outstanding Noise Management Plan and ventilation and

extraction system was acceptable as the relevant information had come in too late to be verified.

All parties participated in extensive questions and answers prior to the Subcommittee retiring from the meeting, together with the Council's Solicitor, to consider its decision in tangent with the verbal and written representations made.

On reconvening the meeting, the Chairman advised that the Subcommittee had considered all of the material placed before it today and had listened carefully to all of the submissions. The Subcommittee

RESOLVED - That

(1) the license be suspended for a period of 5 days. This will facilitate a new management regime to establish the extent of outstanding conditions and obligations in order to enable the management to move the business forward; and

(2) the current DPS Mr Daniel Slade be replaced.

The Chairman also advised that consideration had been given to the request to remove the condition with regard to promotional drink sales. The Members had given careful consideration to this request but felt that, currently, there were sufficient challenges and outstanding issues that needed to be addressed immediately. The Members suggested that after a period of consolidation and stability for the business, a future application to vary the licence to remove that condition would be more appropriate.

(The hearing concluded at 2.15 a.m.)

Signed.....Chairman