

Licensing Subcommittee

19 August 2016 at 9.30 am

Present:- Councillors Cates, Clayden and Purchase

Licensing Officer	Andrew Burrows, Assistant Licensing Officer
Applicant	Ian Gort, General Manager & DPS Sharon Aldridge, Regional Manager Philip Day, Solicitor Marianna Jarvis, Legal Observer
Interested Parties	Councillor Dendle, Ward Member Peter Marsh Lucy Ashworth
Legal Representative	Kirstie Leighton, Council's Legal Representative

Councillors Dillon, Wheal and Warren were also present as observers.

1. Election of Chairman

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

The Chairman advised the meeting that Agenda Item 4, Application for a Premises License, Butlins, Bognor Regis, had been withdrawn and would not be considered.

2. Declarations of Interest

There were no Declarations of Interest made.

3. Application to Vary a Premises Licence, The Black Rabbit, Mill Road, Offham, Arundel, under Section 34 of the Licensing Act 2003

The Chairman asked if there was any reason to enable the hearing to be dispensed with and was advised by the Assistant Licensing Officer that there was not.

The Chairman then requested those in attendance to introduce themselves and stated that there was a laid down procedure to be followed, a copy of which was before all those speaking at the meeting. He also advised 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.

Prior to commencement of consideration of the item, the Chairman advised that, due to changes to the application which had been agreed prior to the meeting, the variation being sought now only related to a slightly amended internal layout plan; to include the external area within the ambit of the licensed premises; and the removal of conditions that were either unenforceable or irrelevant. The matters relating to the permitting of live and recorded music and late night refreshment outdoors been withdrawn from the application and a condition relating to children under 14 had been agreed with the Police.

The Assistant Licensing Officer presented the report and outlined the detail of the application. He confirmed that the request to permit live and recorded music and late night refreshment outdoors had been withdrawn from the application and that Sussex Police had withdrawn their representation as the applicant had agreed to the following condition:-

“No person under 18 years will remain on the premises after 2100 hours other than when accompanied by a responsible adult at a pre-booked private function or while partaking in a sit down meal”.

In line with the Council’s procedure, written and verbal representations were received and taken due account of from the applicant’s legal representative and local residents. Additional documentation from Mr Day had been circulated to all parties prior to the meeting and hard copies were circulated at the meeting which commented on and addressed the representations made.

In presenting his case, the applicant’s legal representative stressed that what was being sought was a variation to the licence and, providing Members were satisfied that the various requirements had been complied with, the variation must be granted, subject to any conditions that were appropriate and proportionate to the licensing objectives. As per the schedule he had circulated, he advised that a number of the objections received were not relevant to the variation. During the course of discussion, it was acknowledged that communication by management of the Black Rabbit with the local community had not been good and an assurance was given that improvements would be made. An offer was made for local residents to have the contact details of both the Regional Manager and the General Manager so they could get in touch when problems arose.

The interested parties present made verbal representations and, whilst acknowledging that many of their concerns relating to noise had been alleviated and addressed by the applicant by the removal of the variation to have music outdoors as well as indoors, they still had concerns about having the outside area within the license due to noise and disturbance from those drinking at the premises. They therefore sought clarification and reassurance as to how that would be controlled and how the outside area would be adequately staffed as they felt that was not being addressed at the moment.

Following detailed questions and answers from all sides, the Subcommittee, together with the Council's legal representative, then retired from the meeting to consider its decision.

On the meeting being reconvened, the Chairman wished to make it clear that the Subcommittee had only been able to consider the application for a variation to the licence. That meant, specifically, that they had only been able to consider the three remaining areas of proposed variation relating to the internal layout of the premises; the inclusion of the outside area within the ambit of the licensed premises; and the proposed removal of conditions considered to be unenforceable. Other issues that had been raised could more appropriately be addressed at a full review of the licence, rather than at this variation application meeting.

The Chairman stated that the Subcommittee had very carefully considered the licence variation application put forward by the applicant and, having heard representations from all parties, confirmed that the application to vary the premises licence at the Black Rabbit, Mill Road, Offham, be granted. Therefore, the application to include the external area within the ambit of the licensed premises is agreed. This then brings both the internal and external areas within the scope of the Licensing Act 2003 and in particular the outside area within the ambit of the licensed premises.

The Members note that there has been no history of recorded complaints relating to the premises since 2009.

The Members further welcomed and acknowledged the withdrawal of the application to permit live and recorded music and late night refreshment outdoors.

The Members agree and approve the slightly amended internal layout plan of the premises and also agree and approve the removal of conditions that are either unenforceable or irrelevant.

The Members make their decision as they consider appropriate to promote the licensing objectives

The Chairman then commented that the Subcommittee would also like to make a recommendation regarding community engagement. In light of the representations received, although not within the scope of the variation, it would very strongly recommend that the DPS or his representative arrange to meet quarterly with local residents, to discuss issues that have arisen and to pre-empt other issues that might occur.

Reasons for the Decision

- The Members considered all the evidence placed before them, together with the Council's own Licensing Policy and the Guidance issued under S.182 of the Act.
- Members carefully considered the applicant's verbal and written submissions, objections and responses to the objections by the

applicant. They were reassured that there had been no history of complaints recorded in relation to the premises since 2009.

- Importantly, that by including the external area within the ambit of the licence it would provide some control and regulation into the licensable activity of the sale of alcohol outside the public house in the same way as it is internally. This then brings both the internal and external areas within the scope of the Licensing Act 2003 and, in particular, the outside area within the ambit of the licensed premises. Therefore by bringing both areas of the premises within the ambit of the Licensing Act 2003 there is no impact on the licencing objectives, other than to promote them.
- The Members acknowledged the opposition to the requirement for any form of regulated entertainment or late night refreshment outside the premises and that this had been retracted. This had alleviated a lot of the concerns of the objectors.
- Further, they acknowledged the measures set out within the submissions made by the applicant and were satisfied that sufficient controls were in place to prevent any breaches of the Licensing Objectives occurring from the use of the premises both internally and externally.
- The Members were satisfied that the slightly amended internal layout plan and removal of conditions that were unenforceable or irrelevant was appropriate and did not undermine any of the licensing objectives.

(The hearing concluded at 11.54 am)

Signed Chairman