



Committee Manager : Carrie O'Connor (Ext 37614)

10 November 2016

LICENSING COMMITTEE

A meeting of the Committee will be held in the **Council Chamber** at the Arun Civic Centre, Littlehampton on **Wednesday 23 November 2016 at 9.30 a.m.** and you are requested to attend.

Members : Councillors Charles, Clayden and Warren.

A G E N D A

1. ELECTION OF CHAIRMAN

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declaration of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating:

- a) the item you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak under the normal procedure rules applicable to the Committee

You then need to re-declare your prejudicial/pecuniary interest at the commencement of the item or when the interest becomes apparent.

3. URGENT ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

4 LICENSING ACT 2003, S51 APPLICATION FOR REVIEW OF A PREMISES LICENCE - SEAFISH CAFE BAR VENUE LTD, 49 ALDWICK ROAD, BOGNOR REGIS

Arun District Council has submitted an application to review a premises licence for the Seafish Café Bar Venue Ltd, 49 Aldwick Road, Bognor Regis

Note : *Indicates report is attached for Members of the Subcommittee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via www.arun.gov.uk

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant officer in advance of the meeting.

ARUN DISTRICT COUNCIL

LICENSING SUBCOMMITTEE – 23 NOVEMBER 2016

Decision Paper

Subject : Licensing Act 2003, S51 Application for review of a premises licence

Report by : Andrew Burrows, Assistant Licensing Officer. Report date: 07th November 2016

EXECUTIVE SUMMARY

The Authority is in receipt of an application to review a premises licence for a premise known as Seafish Café Bar Venue Ltd, 49 Aldwick Road, Bognor Regis. PO21 2NJ.

The application is from Arun District Council Licensing Authority, a responsible authority, whom contends that the licensing objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance have been seriously undermined.

RECOMMENDATIONS

The Subcommittee should make an evidence based determination, justified as being appropriate for the promotion of the licensing objectives.

The Committee may only consider matters referred to in representations relevant to the promotion of one or more of the four licensing objectives. These must be considered in the context of what is relevant to the review application.

1. BACKGROUND

- 1.1 This is an application for a review of a premises licence which has been received from the Arun District Council, Licensing Authority.
- 1.2 Supporting representations in this matter have been made by Sussex Police and Arun District Council Environmental Health as responsible authorities.
- 1.3 Representations are attached to this paper as **appendices 2 and 3.**

- 1.4 Seafish Café Bar Venue Ltd is a premise situated on the Aldwick Road in a row of mock Tudor style buildings. The premise is licensed as a restaurant, meaning that there are conditions attached to the licence specifying that Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
- 1.5 Directors of Seafish Café Bar Venue Ltd are Sean Parker and Rachel Searle. Seafish Café Bar Venue Ltd is the current licence holder for the business operating at 49 Aldwick Road.
- 1.6 A copy of the premises licence is attached as **appendix 5**.
- 1.7 The current licence holder and management team have been associated with the premises since early 2016, but officially transferred the premises licence into their company name in August 2016. The current DPS (Designated Premises Supervisor) is Rachel Searle. Mrs. Searle was nominated and approved as the DPS at the same time as the premises transfer took place.
- 1.8 Since March 2016 the premises have been the subject of eleven complaints made to the Licensing Authority, a Police warning and a closure notice. Some of the complaints related to noise nuisance and others alleged breaches of the premises licence conditions.
- 1.9 Repeated attempts through pre-arranged meetings, attendances at the premises and warning letters have failed to have Seafish Café Bar Venue Ltd voluntarily comply with their licence conditions.
- 1.10 Several after-hours attendances have been requested by residents as a result of issues with the premises.
- 1.11 On 7th October 2016, Arun District Council Environmental Health served an Abatement Notice under the Environmental Protection Act 1990 on the premises to ensure that they kept the music from the venue to a reasonable level and to prevent a Statutory Nuisance being caused to local residents.

2.0 RELEVANT REPRESENTATIONS

- 2.1 The application for a review by Arun District Council Licensing Authority is at **Appendix 1**. The grounds for seeking the review are the Prevention of Crime and Disorder and the prevention of public nuisance.
- 2.2 Details of the relevant representations from Sussex Police are at **Appendix 2**. The grounds for making representations are the prevention of crime and disorder.

- 2.3 Details of the relevant representations from Arun District Council, Environmental Health are at **Appendix 3**. The grounds for making representations are the prevention of public nuisance.
- 2.4 Relevant representations have also been received from other persons. Those representations are at **Appendix 4**.
- 2.5 A separate evidence bundle has been circulated to Members of the Subcommittee, Council legal representative and respondent. This documentation is of a confidential nature.

3. ARUN DISTRICT COUNCIL POLICY CONSIDERATIONS

- 3.1 Relevant extracts from Arun District Council's Licensing Principles are shown in this section.

(5.1) The main principles of the policy are:-

- to reduce the fear of crime;
- to encourage cultural diversity and lively, safe town centres;
- to reduce the burden of unnecessary regulation on business;
- to contribute to the quality of life;
- to promote public health;
- to ensure that premises are being managed responsibly;
- to ensure the promotion of the licensing objectives

(5.2) The Policy is also intended to ensure that the provision of additional opportunities for licensable activities are matched by appropriate and proportional measures enabling the police and licensing authorities to act promptly to maintain public order and safety.

(5.3) Arun District Council represents the general interests of communities and the views of minorities will be considered. When acting in its capacity as the Licensing Authority, only those views in respect of the licensing objectives will be considered.

(5.11) In the review and delivery of its licensing policy the Licensing Authority aims to work closely with responsible authorities, other statutory agencies, all tiers of local government, community, special interest and trade groups. The Council's aim is to achieve a fair and balanced licensing regime through consultation and partnership working wherever possible.

(6.5) Where substantial alterations to premises are proposed the legislation requires

that new permissions are sought. Where a minor change to a premises is proposed so that the licensing objectives are not challenged a Minor Variation may be sought. Arun District Council suggests that applicants contact the Licensing Authority in advance of submitting a Minor Variation to ensure that the Licensing Authority shares this view that representations are unlikely to be made. Where a minor change to a premises results in significant change in the manner of operation it will be the Licensing Officers decision as to whether a Minor Variation, Variation or a new application is required. Full reasons for this decision will be provided.

(8.3) In attaching conditions the licensing authority will be mindful of their potential impact on live music, dance and or theatre. It will try to avoid measures which deter such activity.

(8.4) The licensing authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement ensuring the promotion of all the licensing objectives. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule. Particularly applicants should explain how the premises will be adequately managed if the designated premises supervisor is not present. The licensing authority expects that the Designated Premises Supervisor will have more than a causal relationship with, and attendance at, the relevant premises and that persons in a supervisory capacity should hold a personal licence in respect to the sale of alcohol. The local authority would view it as best practice for the DPS to nominate and brief a competent, authorised person in charge to act in their absence. The DPS will consent to this in writing providing the local authority and police a point of contact in their absence. It is expected that the nominated person will normally be a personal licence holder and where this is not the case, the reasons for not appointing a personal licence holder are documented. The DPS is ultimately accountable for issues that arise in connection with a licensed premise, even during a period of absence.

(8.7) The licensing authority recognises that the majority of those responsible for licensed premises, clubs or events already attempt to act in a responsible way and to demonstrate their intention of being a good neighbour. Applicants are encouraged to maintain and improve this harmonious working relationship with the community in which they operate both within the licensing approval process and throughout the life of the licence.

(11.1) In each individual case that arises following representation, Arun District Council will consider the potential for nuisance associated with the style, characteristics and activities of the business involved. The licensing authority will examine the potential steps which could be taken to reduce the risk of nuisance, particularly in areas of dense residential accommodation, and will consider restricting the hours of trading where other practical measures of control cannot be applied. In this scenario, the impact of artificially early closing times and the contribution to crime and disorder and anti-social behaviour as a result need to be taken into account.

(11.4) Noise. If the Council receives relevant representations regarding noise escape from premises then it will consider imposing stricter conditions to authorisations (licences or certificates) in order to ensure the prevention of public nuisance or if appropriate, restrict the hours for licensable activities or limit opening hours.

(11.5) The Council may require stricter conditions where the premises are situated in an area primarily of a residential nature.

(Licence Review Guidelines)

The Licensing Committee and any of its Subcommittees, when holding licence review hearings, will follow these guidelines so as to maintain a degree of consistency and transparency when making decisions. The Committee reserves the right to amend and republish these guidelines in light of operational experience and as a separate document to the statement of licensing policy. In reaching a decision the committee will take into account any of the aggravating or mitigating factors below but may also consider other relevant evidence before them. Likewise, they can consider any other proportionate and appropriate action as allowed under the Licensing Act 2003. Section 182 guidance will also be considered in conjunction with this policy.

Relevant representation received regarding The Prevention of Crime and Disorder	
Aggravating Factors	Mitigating Factors
<ul style="list-style-type: none"> • Failure to cooperate with Police • Encouraging or inciting criminal behaviour associated with licensed premises • Serious injury results • Encouraging or inciting • Confidence in management ability to rectify defects • Previous track record • Voluntary anti-social behaviour associated with licensed premises (this might also include incidents in the locality) • High rate of turnover of Licence holder/ designated premises supervisor 	<ul style="list-style-type: none"> • Good controls, practices and training in place • Willingness to attend and cooperate during mediation steps • Previous track record

- | | |
|--|--|
| <ul style="list-style-type: none"> • Incidents not reported to police | |
|--|--|

Relevant representation received regarding The Prevention of Public Nuisance	
Aggravating factors	Mitigating Factors
<ul style="list-style-type: none"> • Noise late at night in breach of condition • Previous warnings ignored • Long and prolonged disturbance • Excessive nuisance during unsocial hours (relating to locally and activity concerned) • Litter problems in breach of condition 	<ul style="list-style-type: none"> • Noise limiting device installed • Appropriate supervisor apologised to those disturbed by nuisance • Complaints • Short-term disturbance • Undertaking/commitment not to repeat activity leading to disturbance • Willingness to attend and cooperate during mediation steps • Voluntary acceptance/proposal of additional conditions

4.0 OBSERVATIONS

4.1 The Subcommittee is obliged to determine this application with a view to promoting the licensing objectives which are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety
- The Protection of Children from Harm

4.2 In making its decision the Subcommittee is also obliged to have regard to national guidance and Arun's Statement of Licensing Policy.

4.3 The Subcommittee must also have regard to all relevant representations and evidence that it hears.

5.0 OPTIONS

5.1 The Subcommittee may:

- a) Revoke the premises licence
- b) Suspend the licence for a period not exceeding three months
- c) Remove the Designated Premises Supervisor
- d) Modify the conditions of the licence

e) Take no further action

APPENDICES:

- 1: Application for a Review by Arun District Council Licensing Authority.
- 2: Representations by Sussex Police.
- 3: Representations by Arun District Council, Environmental Health.
- 4: Representations by other persons.
- 5: Copy of Premises Licence.
- 6: Map of area and Interior Photograph of Premises Stage

Background Papers:

Licensing Act 2003, including Section 182 Guidance

[Licensing Act 2003: statutory guidance - Publications - GOV.UK](#)

[Arun Statement of Licensing Policy](#)

Contact: Andy Burrows. Ext 37749



LICENSING ACT 2003
SECTION 51 and 87

Application for the Review of a Premises Licence or Club
Premises Certificate under the Licensing Act 2003

Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Reference number:

L6607

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Arun District Council Licensing Authority

Apply for the review of a [premises licence under section 51] [club premises certificate under section 87]¹ of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, Ordnance Survey map reference or description Seafish Café Bar Venue Ltd 49 Aldwick Road	
Post town Bognor Regis	Postcode (if known) PO21 2NJ
Telephone number (if any)	

Name of premises licence holder or club holding club premises certificate (if known) Seafish Café Bar Venue Ltd
--

Number of premises licence or club premises certificate (if known) L6607
--

Part 2 – Applicant details

- | | |
|---|---|
| I am | Please tick <input checked="" type="checkbox"/> yes |
| 1) An interested party (please complete section (A) or (B) below) | <input type="checkbox"/> |
| a) A person living in the vicinity of the premises | <input type="checkbox"/> |
| b) A body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) A person involved in business in the vicinity of the premises | <input type="checkbox"/> |

¹ Delete any words in square brackets which do not apply

- d) A body representing persons involved in business in the vicinity of the premises
- Please tick ✓ yes
- 2) A responsible authority (please complete (c) below)
 - 3) A member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname First names

I am 18 years old or over Please tick ✓ yes

Date of birth

Day	Month	Year

Current address

Post town Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Post town Postcode

Date of birth

Day	Month	Year

Telephone number (if any)

E-mail address (optional)

Date 4th October 2016

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Licensing Manager Arun District Council Maltravers Road	
Post town Littlehampton	Postcode BN17 5LF
Telephone number (if any) 01903 737755	
If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional) sarah.meeten@arun.gov.uk	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for review, if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Please address any communications to:

The Licensing Team
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

DATA PROTECTION

The information contained in this form will be used by Arun District Council for the purposes as indicated and will be further used or transferred to other organisations or individuals only as the law permits



**Registering a representation to a Premises Licence Application, Variation or Club Premises Certificate.
Licensing Act 2003**

If you are concerned that the grant of a licence under the terms it has been applied for, is likely to have an adverse effect on one or more of the licensing objectives; you have 28 consecutive days, starting on the after the day on which the application was given to the council, to make a representation. You may also make representations in support of an application using this form.

Date: 31 October 2016

Name & address of person making representation:

Miss Jade Phillips
49a Aldwick Road
Bognor Regis
West Sussex
Po21 2NJ

Email:

Contact Telephone no:

Name & address of premises to which application relates

The SeaFiSh Café Bar Venue Ltd
49 Aldwick Road
Bognor Regis
PO21 2BB

Reference number 6607

The application does meet the requirements of the licensing objectives: The prevention of crime & disorder/Public safety/The prevention of public nuisance/The protection of children from harm because:

The prevention of crime & disorder

Guests are not allowed to consume alcohol on this premises without a meal. There are no cases I am aware of, where guests have been so intoxicated that they cause any trouble, crime or excessive noise. I work in Sea Fish on a part time basis as a competent bar maid / waitress / cook with many years' experience of dealing with the public and dissolving any problems that may arise. When people and alcohol mix, there is always potential for a disorder, however, SeaFish have trained competent staff to be able to deal with this without the escalation into a more serious accusation. I also live above the bar. I have another full time job (with VERY early starts sometimes) and the noise of the bar / music / chatting, is NEVER a problem, nor does it keep me awake past a reasonable time.

Public safety

As mentioned in the previous paragraph, all SeaFish Staff are competent in applying health and safety laws on any activity within the property. Nobody is at risk of injuring themselves or others. No glasses are to be taken outside of the property from 10pm onwards, preventing any risk of injury through altercation (if there was to be one, there has not been).

The prevention of public nuisance

Again, SeaFish want to work alongside their neighbours. They insure they insulate where possible to reduce the noise output. No drinks to be taken outside after 10pm, no drinks to be served without a meal. Anybody causing a disturbance are asked to leave the premises. Every care is taken to make sure there is not a public nuisance.

The protection of children from harm because

As The SeaFiSh is a restaurant, children are entitled to go there provided they are accompanied by adults and do not consume alcohol, there has never been a case where a child has consumed alcohol on the SeaFish premises. All staff are trained to ask for ID for those who look under 25 to eliminate any possible case of underage consumption of alcoholic beverages.



Licensing Act 2003 – Premises Licence

Licence No: **6607**

Licence Valid From: **04/08/2016**

Licence Holder: **SEAFISH CAFE BAR VENUE LTD**

Address of Licence Holder: **49 ALDWICK ROAD
BOGNOR REGIS
PO21 2NJ**

Address of Licensed Premises: **BOGNOR REGIS
PO21 2NJ**

Any Time Restrictions for Activities

Supply of Alcohol

- Monday from 10:00 to 00:00**
- Tuesday from 10:00 to 00:00**
- Wednesday from 10:00 to 00:00**
- Thursday from 10:00 to 00:00**
- Friday from 10:00 to 00:00**
- Saturday from 10:00 to 00:00**
- Sunday from 12:00 to 23:30**

**As per Licensing Act 1964
Standard conditions of Restaurant Licence.**

LICENCE CONDITIONS, UNDERTAKINGS

- 1. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.**
- 2. Suitable beverages other than intoxicating liquor, including drinking water, shall be equally available for consumption with or otherwise ancillary to meals served in the premises.**

PERMITTED HOURS

- On Christmas Day, noon to 23.30.**
- On New Years Eve, except on a Sunday, 10.00 to 00.00.**
- On New Years Eve on a Sunday, noon to 23.30.**
- On New Years Eve from the end of permitted hours on New Years Eve to the start permitted hours on the following day.**

RESTRICTIONS

The above restrictions do not prohibit during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there and

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 -

$$P = D + (D \times V)$$

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.

Conditions Consistent with the Operating Schedule:

General

The Prevention of Crime and Disorder

Public Safety

The Prevention of Public Nuisance

The Protection of Children from Harm

Conditions Attached after a Hearing by the Licensing Authority:

NONE

Plans: See Separate Sheet

INFORMATIVE:

The provision of live or recorded music between 8am and 11pm is not licensable (and so any conditions relating to the provision of live or recorded music do not apply) if;

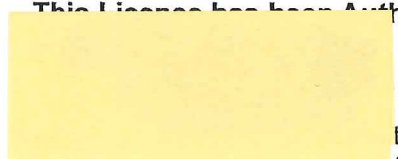
The performance takes place to an audience of no more than 500 persons and;

The performance must take place when the premises are open and licensed for the sale or supply of alcohol for consumption on the premises.

The provision of plays and dance performances between 8am and 11pm to an audience of 500 persons or less is not licensable (any related conditions do not apply within the stipulated hours).

Indoor sporting events other than boxing or wrestling (with or without any martial arts) are not licensable between 8am and 11pm to an audience 1000 persons or less (any related conditions do not apply within the stipulated hours).

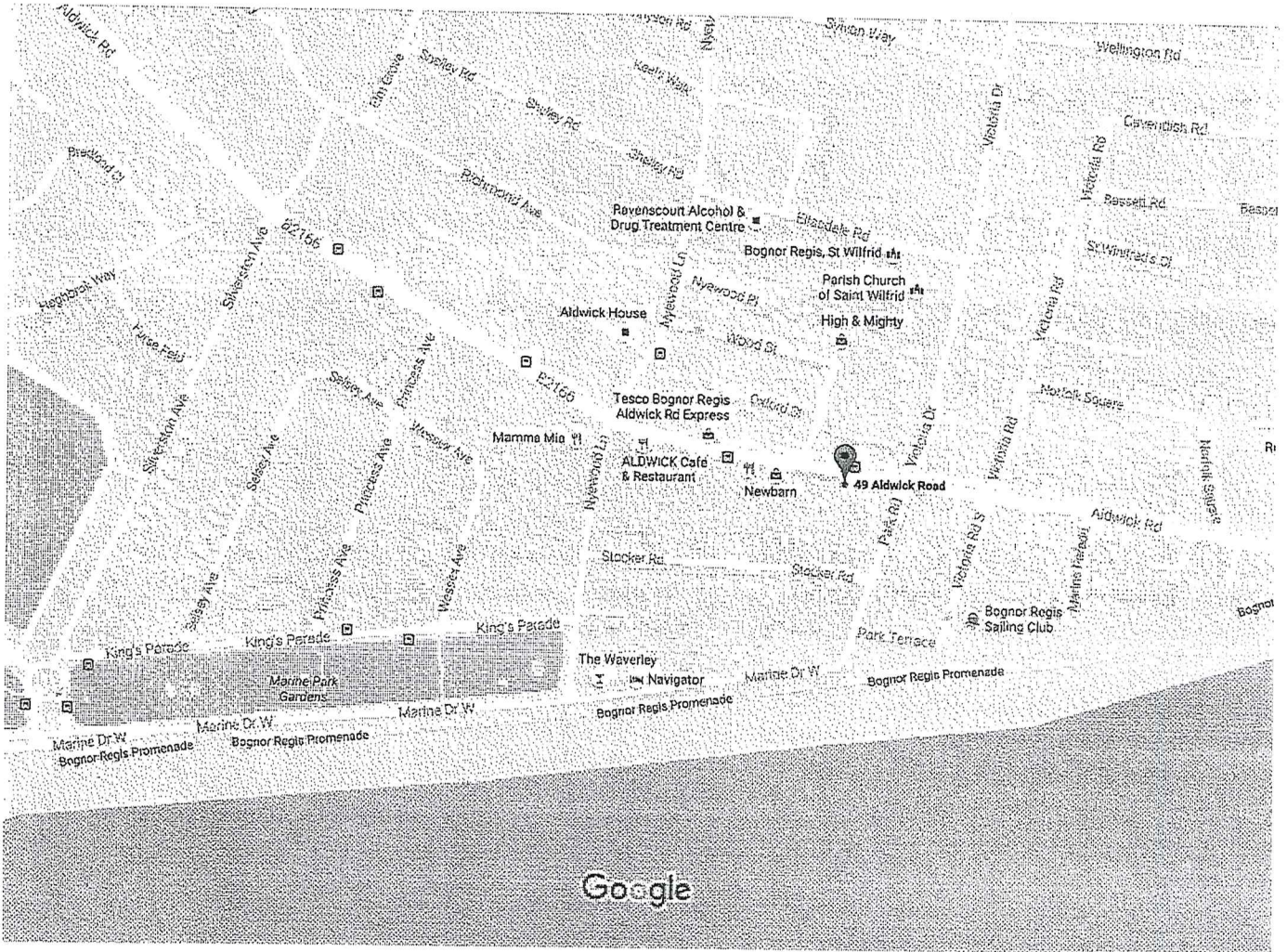
This Licence has been Authorised by:



Sarah L. Meeten
 Authorised Officer
 07 November 2016

Licence is issued by the Arun Licensing Team; all enquiries should be to: Licensing Team Environmental Health Service, Arun District Council, Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF or licensing@arun.gov.uk.

Google Maps 49 Aldwick Rd



Map data ©2016 Google 50 m



49 Aldwick Rd
 Bognor Regis
 PO21 2NJ

