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Committee Manager: Carrie O'Connor (Ext 37614)

5 December 2017

LICENSING SUBCOMMITTEE

A meeting of the Committee will be held in Committee Room 1 (the Pink Room) at the Arun Civic Centre, Littlehampton on **Friday 15 December 2017 at 9.30 a.m.** and you are requested to attend.

Members : Councillors Cooper, Mrs Daniells and Dillon

AGENDA

1. ELECTION OF CHAIRMAN

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating :

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

3. 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 **EXEMPT INFORMATION**

The Committee is asked to consider passing the following resolution:-

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified again the item.

5 HACKNEY CARRIAGE/PRIVATE HIRE DRIVER FAILING TO NOTIFY CONVICTION [Exempt – Paragraph 1 – Information Relating to Individuals]

To consider the attached report.

The meeting will then move back into open business

6 APPLICATION FOR A PREMISES LICENCE SELDEN FARM, PATCHING - LICENSING ACT 2003 S17

This reports requests Members to consider the matter of an application for a premises licence for Selden Farm, 146 Selden Lane, Patching.

Note : *Indicates report is attached for Members of the Licensing 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 SUB-COMMITTEE – 15 DECEMBER 2017

Decision Hearing

Subject: Licensing Act 2003 S17 Application for a premises licence Selden Farm, Patching

Report by: Licensing Officer

Report date: 27th November 2017

EXECUTIVE SUMMARY

This report asks members to consider the matter of an application for a premises licence for the Selden Farm, 146 Selden Lane, Patching BN13 3UL.

The premise is currently licensed for and the owner wishes to continue to operate as a venue for private pre-booked functions and provide bed and breakfast accommodation. The new application essentially seeks to extend the hours the premises is open and an extension of hours to sell alcohol to guests in the guest accommodation.

The application is for the following licensable activities:

- Supply of alcohol
- Provision of Late night refreshment
- Performance of live music
- Anything of a similar description to the above

RECOMMENDATIONS

It is recommended that Members consider the application and any relevant representations and should make an evidence based determination, justified as being appropriate for the promotion of the licensing objectives.

Issues relating to traffic in the local vicinity, speculation as to what might happen or planning matters should not be taken into account when determining this application as such matters are beyond the scope of the Act.

1.0 INTRODUCTION

- 1.1 Mr Val St John Capon has made an application for a premises licence under section 217 of the Licensing Act 2003. The premises are currently licensed, the previous licence being granted 2013. The licence holder wishes to make changes to his existing permissions, and therefore he has applied for a new licence rather than a variation. Officers have advised applying for a new licence and surrendering the existing authorisation at the end of the process if a new licence is granted.
- 1.2 Plans of the local area and the position of the venue in relation to other properties are attached as appendix 1.
- 1.3 The current licence authorises specified licensable activities at the premises, which includes permission to hold pre-booked private functions. A copy of the current licence is attached as appendix 2. The current licence is for the following licensable activities:

Hours the premises are open to the public	09.00 to 24.00 Friday and Saturday
Live music indoors	09.00 to 23.45 Friday and Saturday
Recorded music indoors	09.00 to 23.45 Friday and Saturday
Performance of dance indoors	09.00 to 23.45 Friday and Saturday
Entertainment similar to above indoors	09.00 to 23.45 Friday and Saturday
Provision of facilities for dancing indoors	09.00 to 23.45 Friday and Saturday
Late night refreshment indoors	23.00 to 24.00 Friday and Saturday
Supply of alcohol on premises	09.00 to 23.30 Friday and Saturday

- 1.4 The new application requests the following:

Hours the premises are open to the public	00.00 to 24.00 Monday to Sunday
Live music indoors and outdoors	23.00 to 23.45 Monday to Sunday
Recorded music indoors	23.00 to 23.45 Monday to Sunday
Performance of dance indoors	23.00 to 23.45 Monday to Sunday
Entertainment similar to above indoors	23.00 to 23.45 Monday to Sunday
Provision of facilities for dancing indoors	23.00 to 23.45 Friday and Saturday
Late night refreshment indoors	23.00 to 24.00 Monday to Sunday
Supply of alcohol on premises	09.00 to 23.30 Monday to Sunday 00.00 to 24.00 Monday to Sunday for guests in accommodation

- 1.5 The applicant made application to include the camp site, which is located in fields south of the barn venue, however having discussed the application with officers he has decided to withdraw the camp site from the application and limit the licensable activities to the barn area only. See appendix 1:
- 1.6 The premise is located in the South Downs National Park. The South Downs National Park Authority (SDNPA) has placed planning restrictions on the premises which are:

(i) The premises shall only be used as a social function room for a maximum of three days in any seven day period and only between the hours of 09.00 and midnight and to a maximum capacity of 250 persons.

(ii) The premises shall be used for no more than 100 events in any year.

1.7 Complaints about noise from the premises have been received in 2016; and one complaint has been received in 2017. Mr Capon stated that the premise has a noise limiter which is used when functions are taking place.

2.0 **REPRESENTATIONS**

2.1 Representations have been received from responsible authorities a summary is below:

1. **ADC Environmental Health** – lack of clarity by applicant to show how he would control noise from the premises and prevent public nuisance. Environmental Health have withdrawn the representation regarding use of the camp site and fields as this area has been removed from the application.
2. **Sussex Police** – representations regarding proof of age, training of staff, refusals register, children under 18 years to be accompanied after 21.00, risk assessment for events, notification to the local authority for events where more than 499 people attend, digital CCTV to be installed. At the time of writing the applicant has not confirmed agreement of the conditions
3. **South Downs National Park Authority** - concerns regarding management of noise nuisance, safety of the public from traffic and parking, light nuisance.
4. **Patching Parish Council** – nuisance to local residents due to music noise and provision of alcohol on a 24 hour basis

2.2 Relevant representations made by local residents listed below:

1. Mr Ian Tooth - . Objecting on grounds of public nuisance. Caused by noise.

POLICY CONSIDERATIONS

- 3.1 5.10 Arun District Council acknowledge that licensing law is not a mechanism for the general control of anti-social behaviour by people once they are beyond the direct control of the individual, club or business holding a licence, certificate or relevant permission. However, the Licensing Authority believes a level of responsibility for customer or member behaviour clearly

exists beyond the site boundary. The Licensing Authority will seek compelling evidence linking incidents that occur away from particular premises when making decisions concerning licences, certificates or notices. The control of anti-social behaviour away from licensed premises, qualifying clubs and temporary events is primarily a matter for the Police but the individual, club or business holding a licence, certificate or relevant permission will be expected to work in co-operation with the Police to ensure that, wherever possible, anti-social behaviour away from premises and events is minimised.

- 6.2 This policy shall avoid unnecessary duplication or inefficiencies by properly separating the planning and licensing regimes in operation.
- 8.2 The licensing committee or its subcommittee licensing authority is only able to impose additional conditions that are clearly proportionate and appropriate following relevant representation made to the authority or that are agreed with the applicant. Such conditions will only be imposed if appropriate for the promotion of the licensing objectives. The licensing authority may act in its capacity as a responsible authority and raise representations in relation to an application if it deems it appropriate to do so.
- 11.5 The Council may require stricter (noise) conditions where the premises are situated in an area primarily of a residential nature.

4. OBSERVATIONS

- 4.1 The Committee/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 Committee is also obliged to have regard to national guidance and Arun's Statement of Licensing Policy.
- 4.3 The Committee must also have regard to all relevant representations and evidence that it hears.

5. OPTIONS

5.1 The Subcommittee may:

- a) Grant the licence as amended by the applicant and not include the camp site and fields south of Selden Farm Barns and the field directly behind the venue site.
- b) Grant the licence but add whatsoever conditions it deems are appropriate to promote the licensing objectives.
- c) Grant the licence as applied for including the camp site and fields marked on the plans
- d) Modify the application regarding times and licensable activities.
- e) Refuse the application.

APPENDICES:

1: Maps of area

2: Current premises licence

Background Papers:

Licensing Act 2003.

Section 182 Guidance.

Arun District Council Statement of Licensing Policy

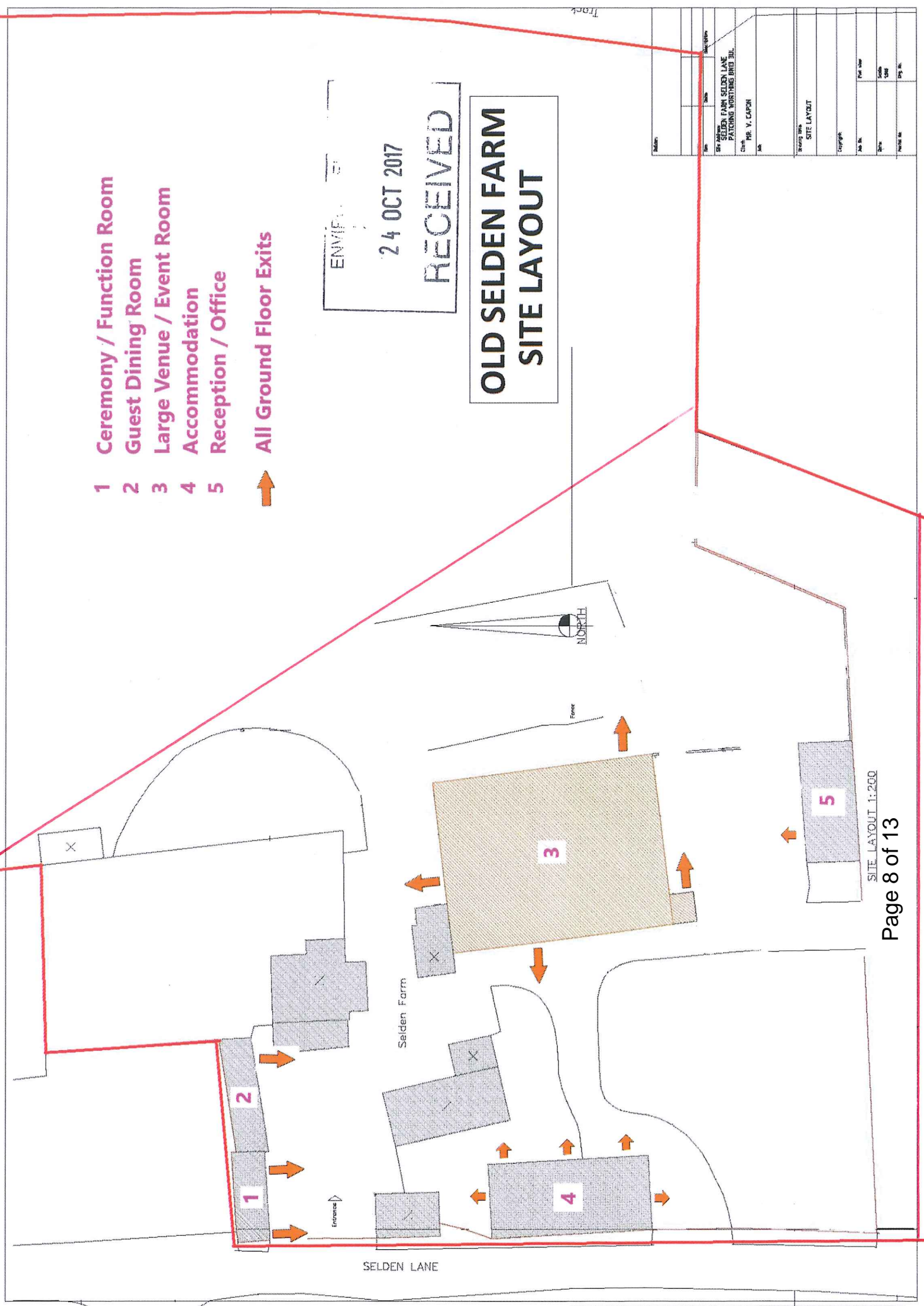
Contact: Glenn James, licensing Officer. Ext 37681

- 1 Ceremony / Function Room
- 2 Guest Dining Room
- 3 Large Venue / Event Room
- 4 Accommodation
- 5 Reception / Office

➔ All Ground Floor Exits

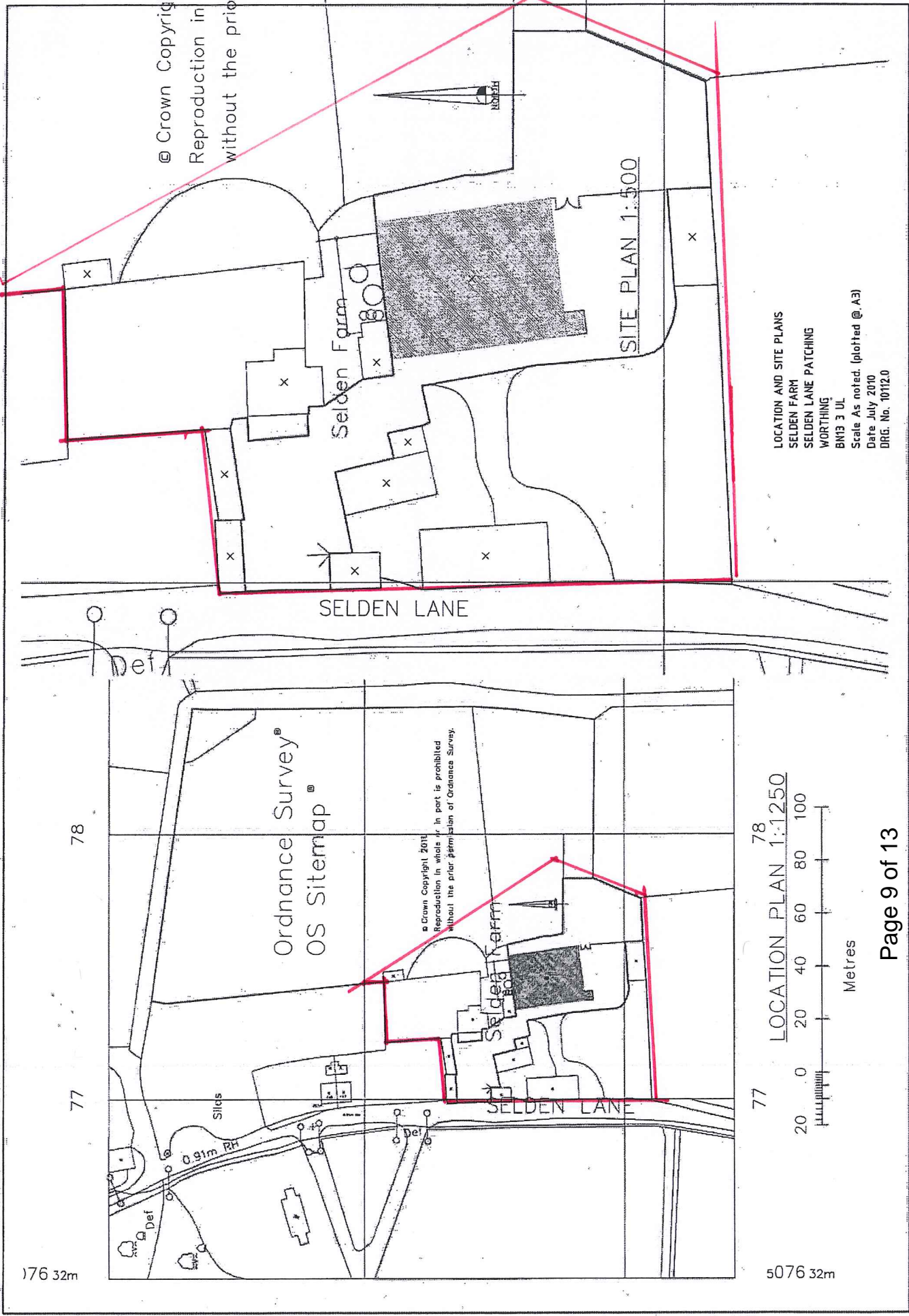
ENVIRONMENTAL
24 OCT 2017
RECEIVED

**OLD SELDEN FARM
SITE LAYOUT**



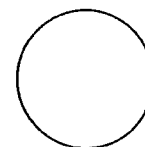
Ref.	Date	Description
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SITE LAYOUT 1:200





Licensing Act 2003 – Premises Licence



Licence No: **10816**

Licence Valid From: **23/09/2013**

Licence Holder: MR V S CAPON

Address of Licence Holder: SELDEN FARM
SELDEN LANE
PATCHING
WORTHING BN13 3UL

Address of Licensed Premises: SELDEN FARM
SELDEN LANE
PATCHING
WORTHING BN13 3UL

Hours Premises Open To the Public

Friday from 09:00 to 00:00
Saturday from 09:00 to 00:00

Any Time Restrictions for Activities

Performance of Live Music

Friday from 09:00 to 23:45
Saturday from 09:00 to 23:45

Performance of Recorded Music

Friday from 09:00 to 23:45
Saturday from 09:00 to 23:45

Performance of Dance

Friday from 09:00 to 23:45
Saturday from 09:00 to 23:45

Entertainment like Live, Recorded Music or Dancing

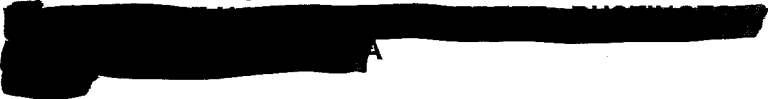
Friday from 09:00 to 23:45
Saturday from 09:00 to 23:45

Provision of Facilities for Dancing

Friday from 09:00 to 23:45
Saturday from 09:00 to 23:45

Late Night Refreshment

Friday from 23:00 to 00:00
Saturday from 23:00 to 00:00

Supply of Alcohol**Friday from 09:00 to 23:30****Saturday from 09:00 to 23:30**Designated Premises Supervisor: **Mr Val St John Capon**Address of DPS: Personal Licence Number: Personal Licence Issuing Authority: **Arun District Council**

The licensable activity of Performance of Live Music is permitted to take place Indoors

The licensable activity of Performance of Recorded Music is permitted to take place Indoors

The licensable activity of Performance of Dance is permitted to take place Indoors

The licensable activity of Entertainment like Live, Recorded Music or Dancing is permitted to take place Indoors

The licensable activity of Provision of Facilities for Dancing is permitted to take place Indoors

The licensable activity of Late Night Refreshment is permitted to take place Indoors

The licensable activity of the supply of alcohol is for consumption On the Premises

Mandatory Conditions:

Supply of Alcohol:-

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.
 - a) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - b) 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 a holographic mark.
4. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children: (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act); (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; (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on: (i) the outcome of a race, competition or other event or process, or (ii) the likelihood of anything occurring or not occurring; (e) 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.

5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. 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) customers are made aware of the availability of these measures.

Conditions Consistent with the Operating Schedule:

General

Training will be given to staff, especially in relation to underage sales and refusals of service.

All training will be recorded and records made available to the officers of the licensing authority and Sussex Police.

The Prevention of Crime and Disorder

The venue is only available for private pre-booked functions and all person attending will do so by invitation only. It is catering mainly for the wedding market.

The outside area is lit at night.

When the premises are not being used under the terms of the premises licence, all alcohol will either be removed or be securely stored away.

Public Safety

The fire risk assessment will be updated and training as required given to all staff.

The Prevention of Public Nuisance

There are no issues identified. However, the DPS or other responsible person in charge will carry out regular checks outside the building to ensure there is no noise escape which is likely to effect nearby residents and record any findings and the actions taken.

The premises will not be used for licensable activities under the terms of the premises licence until an appropriate Noise Management Plan has been approved by the nominated representative for Environmental Health, such approval not to be unreasonably withheld. Thereafter, regulated entertainment events falling within the ambit of the Noise Management Plan must be conducted in accordance with the terms of that plan. Nothing in this condition will prevent Environmental Health and Old Selden Barn Management from agreeing amendments to the Noise Management Plan, from time to time, in order to promote the licensing objectives and, or, due to operational needs of the premises.

A hotline telephone number to the licensee will be available to local residents.

The Protection of Children from Harm

The premises will adopt a Challenge 25 policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID as proof of their age. The only ID that will be accepted are passports, Nation ID cards and driving licences with a photograph or proof of age cards bearing the PASS mark hologram.

A refusal register will be maintained by the staff and all cases of refusing service for age related sales and other offences will be recorded. The register will be inspected and signed by the DPS regularly, and made available for inspection by officers of the licensing authority and the police.

Conditions Attached after a Hearing by the Licensing Authority:

NONE

Plans: See Separate Sheet

INFORMATIVE:

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

the performance is unamplified or;

The performance is amplified and takes place to an audience of no more than 200 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
30 September 2013

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

