

Committee Manager: Carrie O'Connor (Ext 37614)

1 March 2018

LICENSING SUBCOMMITTEE

A meeting of the Subcommittee will be held in the **Council Chamber, Bognor Regis Town Hall, Clarence Road, Bognor Regis** on **Friday 16 March 2018 at 10.00 a.m.** and you are requested to attend.

Members : Councillors Cooper, Hitchins and Patel.

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

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

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 APPLICATION TO VARY A PREMISES LICENCE, BEACHCROFT HOTEL, FELPHAM

An application has been made to the Licensing Authority under section 34 of the Licensing Act 2003 to vary the premises licence (6402) for the Beachcroft Hotel, Clyde Road, Felpham, PO22 7AH.

The variation is made with a view of extending the hours the premises are permitted to have 'Live' and 'Recorded' music indoors.

A large number of representations have been received in respect of the application, and consequently the matter will have to be determined by the Licensing Subcommittee.

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 SUBCOMMITTEE – 16 MARCH 2018

Decision Hearing

Subject: Application to Vary a Premises Licence, Beachcroft Hotel, Felpham.

Report by: Andrew Burrows, Licensing Officer Report date: 28th February 2018

EXECUTIVE SUMMARY

An application has been made to the Licensing Authority under section 34 of the Licensing Act 2003 to vary the premises licence (6402) for the Beachcroft Hotel, Clyde Road, Felpham, PO22 7AH.

The variation is made with a view of extending the hours the premises are permitted to have 'Live' and 'Recorded' music indoors.

A large number of representations have been received in respect of the application, and consequently the matter will have to be determined by the Licensing Subcommittee.

OFFICER COMMENTS

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

1. BACKGROUND

- 1.1 The Beachcroft Hotel is located on the coast, in the village of Felpham. It occupies a large site which runs between Clyde Road to the South and Canning Road to the North. Sea Road is located to the West of the premises with the Bognor Regis Promenade running to the East. The area is a mix of commercial and residential properties. A map and photograph of the area are attached as **appendices 1 and 2.**

- 1.2 An application has been made to:
- Permit the performance of live music between 23:00 and 00:00 on Fridays and Saturdays and 23:00 and 23:30 on Sundays. Additionally for live music between 23:00 and 01:00 on New Year's Eve, and
 - Permit the playing of recorded music every day of the week between 23:00 and 00:00 with a variation for New Year's Eve to 01:00.
- 1.3 A copy of the current premises licence is attached for reference as **appendix 3**.

2. RELEVANT REPRESENTATIONS

- 2.1 A number of relevant representations have been received against the application.
- 2.2 The authority has not received representations from any Responsible Authority.
- 2.3 Other persons making relevant representations on the grounds of 'The Prevention of Public Nuisance' are:
1. Gregg and Hilary Spencer of Clyde Road, Felpham;
 2. Mark Lane of Clyde Road, Felpham;
 3. Susan Pines of Sea Road, Felpham;
 4. Marie Jaeger of Clyde Road, Felpham;
 5. Mark and Jacky Bellamy of Clyde Road, Felpham; and
 6. Gillian Levy of Sea Road, Felpham.

3. ARUN DISTRICT COUNCIL POLICY CONSIDERATIONS

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.

11.3 The licensing authority will take an objective view as to the potential for nuisance and seek to attach appropriate and proportionate conditions to licenses and certificates where necessary in order to prevent it. (Refer to the Risk and Measures listed under the heading 'Public Nuisance' page 35 of the Statement of Licensing Policy)

11.5 The Council may require stricter 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 made and evidence that it hears.

5. OPTIONS

- 5.1 The Committee may:
- a) Grant the variation as applied for.
 - b) Grant the variation as at 5.1.a) but add whatsoever conditions it deems are appropriate to promote the licensing objectives.
 - c) Modify the application.
 - d) Refuse the application.

APPENDICES:

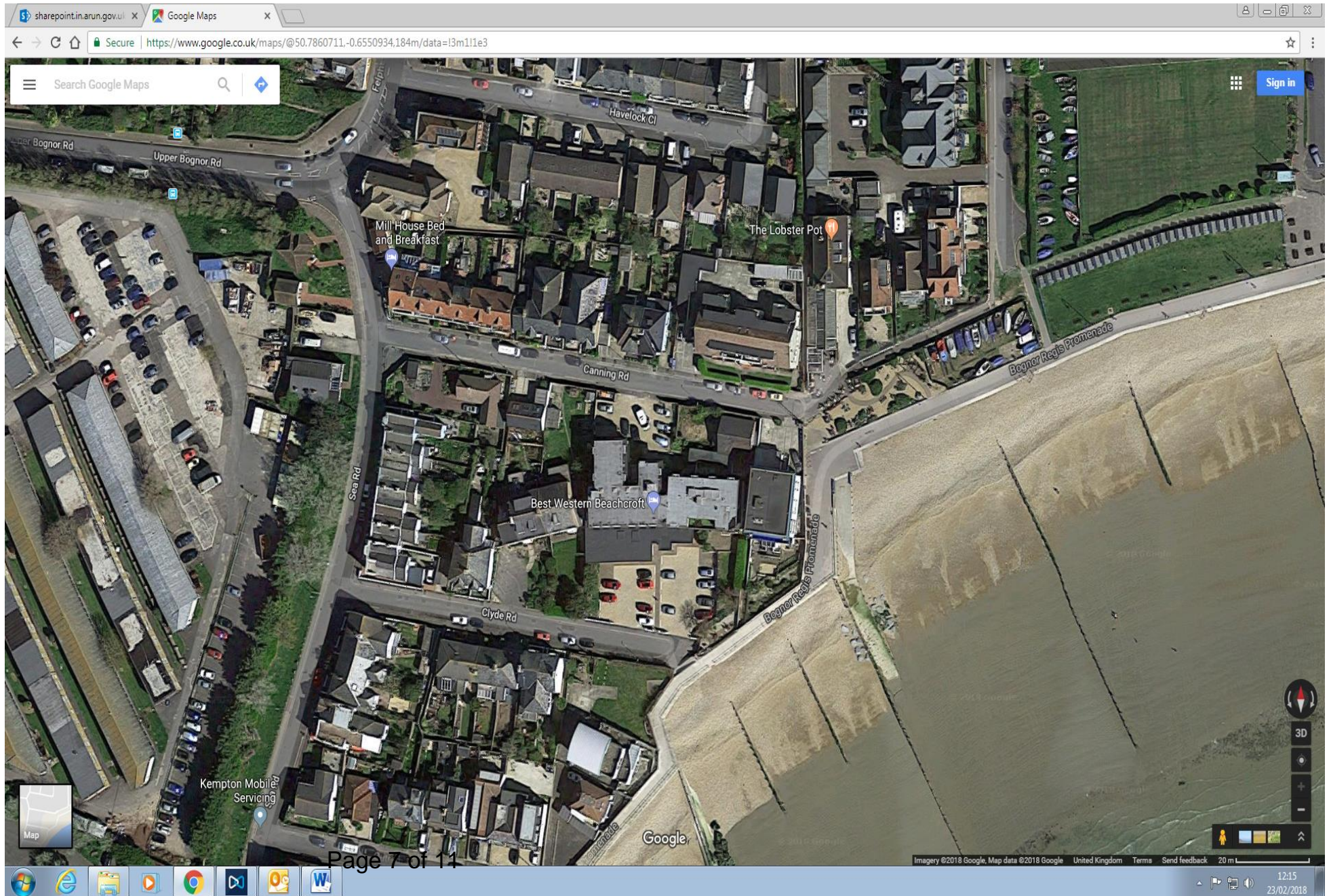
- 1: Map of area**
- 2: Photograph of premise**
- 3: Current premises licence**

Background Papers:

Licensing Act 2003
 Section 182 Guidance (April 2017)
 Arun Statement of Licensing Policy

Contact: Andy Burrows Ext: 37749

The screenshot shows a Google Maps interface in a browser window. The address bar displays the URL: <https://www.google.co.uk/maps/@50.7860711,-0.6550934,19z>. The map shows a residential area with several streets: Upper Bognor Rd, Havelock Cl, Canning Rd, Clyde Rd, and Bognor Regis Promenade. Key locations marked on the map include Mill House Bed and Breakfast, The Lobster Pot, and Best Western Beachcroft. A satellite view thumbnail is visible in the bottom left corner of the map area. The browser's taskbar at the bottom shows various application icons and the system clock indicating 12:17 on 23/02/2018.





Licensing Act 2003 – Premises Licence



Licence No: 6402

Licence Valid From: 02/07/2015

Licence Holder: BEACHCROFT HOTELS LTD

Address of Licence Holder: BEACHCROFT HOTEL
CLYDE ROAD
BOGNOR REGIS
PO22 7AH

Address of Licensed Premises: BEACHCROFT HOTEL
CLYDE ROAD
BOGNOR REGIS
PO22 7AH

Any Time Restrictions for Activities

Supply of Alcohol

- Monday from 00:00 to 00:00
- Tuesday from 00:00 to 00:00
- Wednesday from 00:00 to 00:00
- Thursday from 00:00 to 00:00
- Friday from 00:00 to 00:00
- Saturday from 00:00 to 00:00
- Sunday from 00:00 to 00:00

Subject to licence act 1964

Alcohol shall not be sold or supplied except during permitted hours.

- 1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- 2) On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- 3) On Good Friday, 12 noon to 10.30 p.m.
- 4) On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- 5) On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.
- 6) On New Year's Eve on a Sunday, 12 noon to 10.30 p.m
- 7) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day

Designated Premises Supervisor **Mr Phillip James Roberts**
 Address of DPS:
 Personal Licence Number: **9451**
 Personal Licence Issuing Authority: **Arun District Council**

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

Mandatory Conditions:

Supply of Alcohol:-

Section 19: where the licence authorises the supply of alcohol

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

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. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 (2) 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.
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
 - 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

- a) Suitable beverages other than intoxicating liquor (including drinking water) shall be available for consumption in the premises.
- b) There shall be afforded in the premises for persons provided with board and lodgings for reward adequate sitting accommodation for the service of substantial refreshment or for the supply or consumption of intoxicating liquor.
- c) The embedded restrictions from the Public Entertainment Licence will apply.

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
22 July 2015

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.



The Government Standard