

Licensing Subcommittee

16 March 2018 at 10.00 am

Present:- Councillors Cooper, Hitchins and Patel

Andrew Burrows	Licensing Officer
Philip Roberts	General Manager, Beachcroft Hotel
David Campbell	Counsel for the Applicant
Responsible Authorities	N/A
Mark Bellamy	Local Resident and Objector
Gregg Spencer	Local Resident and Objector
Kirstie Leighton	Solicitor
Sarah Meeten	Licensing Manager and observer
April Heasman	Lawyer and observer

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 to Vary a Premises Licence, Beachcroft Hotel, Felpham under S34 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 Licensing Officer that there was not.

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 set out the detail of an application for a variation to the current Premises Licence at the Beachcroft Hotel, Clyde Road, Felpham, to extend the hours the premises were permitted to have live and recorded music indoors. He advised that a number of representations had been received from local residents objecting to the application on the grounds of Public Nuisance.

The Licensing Officer had circulated prior to the meeting a document entitled "Summary of Representations on Behalf of the Applicant" which had not been available at the time of publication of the agenda.

Mr Campbell, as Counsel for the applicant, outlined the reason for the application as being one to rectify an oversight that had occurred when the Licensing Act 2003 came into force. At that time all premises, having made a timely application, were entitled to have any previous licence replicated in the newly issued one under grandfather rights, provided that no material change to the licence was being made. Unfortunately, due to an oversight, the provision for entertainment after 11.00 p.m. was not evident under the new licence granted in 2015 and this omission had only recently come to light. The application was therefore to vary the licence to extend the hours until midnight for certain events and at specific times of the year.

Mr Campbell specifically addressed the concerns that had been expressed by local residents in their representations and advised that extensive staff training had been undertaken and that a Noise Management Policy was being progressed to alleviate the problems being caused by noise and disturbance by patrons of the hotel. A management contact number would be provided to local residents to enable them to speak to someone at the time of any unacceptable disturbance to ensure the problem would be resolved satisfactorily.

Of the two local residents in attendance, Mr Bellamy had been nominated spokesperson and he outlined that he and his neighbours were of the view that the noise levels emanating from the hotel were now higher than what had been experienced under the previous owners and the sleep disruption people were suffering as a result was unacceptable.

Following a number of questions and answers between the parties present, the Subcommittee retired from the meeting, together with the Council's Solicitor, to deliberate the representations from all parties and then consider its decision.

On reconvening the meeting, the Chairman advised all those in attendance that the Subcommittee had deliberated and carefully listened to the applicant and all the representations made and had decided to grant the variation as at 5.1a of the officer report but add the following condition:-

"A Noise Management Plan to be submitted within 28 days from 19 March 2018, during which time to be discussed and the provisions agreed between the applicant and Arun District Council and the Environmental Health Department and the Licensing Manager. Such a plan to be revisited as necessary to ensure satisfactory compliance is achieved at all times.

Additionally, on the original licence dated 2 July 2015, at the point entitled Conditions Consistent with the Operating Schedule and under General "c) The embedded restrictions from the Public Entertainment Licence will apply" – this to be deleted to aid clarity.

Reason: To promote the Licensing Objectives, namely the Prevention of Public Nuisance in the form of noise which the Subcommittee believe can be duly attenuated by way of a suitably agreed Noise Management Plan.

(The hearing concluded at 11.30am)

Signed.....Chairman