

Committee Manager: Carrie O'Connor (Ext 37614)

19 April 2018

LICENSING SUBCOMMITTEE

A meeting of the Subcommittee will be held in Committee Room 1 (the Pink Room) at the Arun Civic Centre, Littlehampton on **Wednesday 2 May 2018 at 9.30 a.m.** and you are requested to attend.

Members : Councillors Cates, Warren and Wheal

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

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 items.

4 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIERE DRIVER LICENCE
[Exempt – Paragraph 1 – Information Relating to Individuals]

To consider the attached report.

5 LICENSING ACT 2003, S51 APPLICATION FOR REVIEW OF A PREMISES LICENCE - TOA - SLADEBARS LTD, HIGH STREET, BOGNOR REGIS

The Authority is in receipt of an application to review a premises licence for a premise known as Tao – Sladebars Ltd, located at 41/43 High Street, Bognor Regis PO21 1RX. The licence holder for Tao – Sladebars Ltd is Mr. Daniel R Slade.

The application is from Sussex Police, a responsible authority, who contend that the licensing objectives of Prevention of Crime and Disorder and Public Safety have been seriously undermined.

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 – 2 MAY 2018

Decision Paper

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

Report by : Andrew Burrows, Licensing Officer. Report date: 16th April 2018

EXECUTIVE SUMMARY

The Authority is in receipt of an application to review a premises licence for a premise known as Tao – Sladebars Ltd, located at 41/43 High Street, Bognor Regis PO21 1RX. The licence holder for Tao – Sladebars Ltd is Mr. Daniel R Slade.

The application is from Sussex Police, a responsible authority, whom contend that the licensing objectives of the Prevention of Crime and Disorder and Public Safety 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.

1.0 BACKGROUND

- 1.1 This is an application for a review of a premises licence which has been received from Sussex Police.
- 1.2 Representations in this matter have been made by Sussex Police, Arun District Council Licensing Team and Arun District Council Environmental Health as responsible authorities.

- 1.3 Representations from Sussex Police are contained within the application for review **appendix 1**. Representations from Arun District Council Licensing Team and Arun District Council Environmental Health are attached to this paper as **appendices 2 and 3**.
- 1.4 Tao – Sladebars Ltd is a premise situated on the High Street, Bognor Regis. The High Street consists of many business premises including other Alcohol Licensed Premises. The business is the holder of a Premises Licence which was first issued on 3rd June 2016 but the premises did not open for trade until 23rd December 2017. The director of Sladebars Ltd is Daniel Ryan Slade.
- A copy of the premises licence is attached as **appendix 6**.
- 1.5 The current licence holder has been associated with the premises since the premises licence was issued.
- 1.6 The current DPS (Designated Premises Supervisor) is the director of the company, Daniel Slade. Mr. Slade has been the DPS since the premises licence was first issued.
- 1.7 On 31st January 2018 the premises was visited by a Licensing Officer from the Sussex Police Prevention Licensing Team in company with the Arun District Council Licensing Manager, undertaking a joint compliance inspection.
- 1.8 The inspection identified 15 breaches of the premises licence conditions. The breaches are recorded, in detail, within the application for the review. The DPS, Mr. Slade, was not present upon the officers attending the premises but attended a short time later after being advised of their presence.
- 1.9 In addition to the identified breaches of the premises licence it was noted that the staff did not have an awareness of the conditions of the licence, no documentation could be produced, there was no kitchen installed and an alfresco dining area was being used for the purpose of smoking. This area did not comply with the relevant regulations.
- 1.10 Mr. Slade was provided with extensive advice and warned that he was required to comply with the premises licence conditions and other relevant legislation immediately and the consequences of not doing so.
- 1.11 He was advised of the penalties involved should he continue to trade without correcting the identified issues.
- 1.12 On 16th February 2018 police and local authority licensing officers re-visited the premises; again Mr. Slade was not present. A staff member contacted Mr. Slade by telephone and advised him of the officer's presence.

- 1.13 The officers conducted another inspection of the premises and identified that none of the previously identified premises licence breaches had been rectified. Mr. Slade failed to attend the premises and after waiting for him for an hour, the officers left.
- 1.14 On 26th February 2018 the same officers returned to the premises. On this occasion it was observed that some of the previous identified licence breaches had been rectified, however, eleven licence conditions were still not being complied with.
- 1.15 On 4th April 2018 a Senior Environmental Health Officer attended the premises. The officer noted that the kitchen area of the premises was not completed. This was despite several months of advice and assistance being provided to Mr. Slade in an effort to have the premises comply with the Food Hygiene legislation.

Photographs will be circulated at the meeting as **appendix 5 (1)**.

- 1.16 On 13th April 2018 the Premises Licence Holder provided photographs showing changes made to the premises since the EH officer's inspection.

Photographs will be circulated at the meeting as **appendix 5 (2)**.

- 1.17 Since the review application was received, two complaints have been made to Arun District Council regarding noise nuisance emanating from the premises.
- 1.18 Despite regular contact with Environmental Health and the Licensing Team, the licence holder has failed to submit an adequate Noise Management Plan, relevant to the premises, despite this being a condition of the premises licence.
- 1.19 It has been almost 12 Months since the premises licence was issued.

2.0 RELEVANT REPRESENTATIONS

- 2.1 The application for a review by Sussex Police is attached as **Appendix 1**. The grounds for seeking the review are the Prevention of Crime and Disorder and Public Safety and are contained within the application.
- 2.2 Details of the relevant representations from Arun District Council Licensing Team are attached as **appendix 2**. The grounds for making representations are the Protection of Children from Harm, the Prevention of Public Nuisance and Public Safety.
- 2.3 Details of the relevant representations from Arun District Council Environmental Health are attached as **appendix 3**. The grounds for making representations are the Prevention of Public Nuisance and Public Safety.

- 2.4 A representation was also received from the Bognor Regis Town Council and this has been attached as **appendix 4**.

3.0 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.

(Appendix 3 – 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
<p>Failure to cooperate with Police</p> <p>Encouraging or inciting criminal behaviour associated with licensed premises</p> <p>Serious injury results</p> <p>Encouraging or inciting</p> <p>Confidence in management ability to rectify defects</p> <p>Previous track record</p> <p>Voluntary anti-social behaviour associated with licensed premises (this might also include incidents in the locality)</p> <p>High rate of turnover of Licence holder/ designated premises supervisor</p> <p>Incidents not reported to police</p>	<p>Good controls, practices and training in place</p> <p>Willingness to attend and cooperate during mediation steps</p> <p>Previous track record</p>

Relevant representation received regarding Public Safety	
Aggravating Factors	Mitigating Factors
<p>Death or serious injury occurred</p> <p>Substantial risk to public safety, in the view of a responsible authority involved</p> <p>Previous warnings ignored</p> <p>Review arose out of wilful/deliberate disregard of licence conditions</p>	<p>Minor or technical breach of licence condition</p> <p>Confidence in management to rectify defects</p> <p>Confidence in management to avoid repetition of incident</p> <p>Good controls, practices and training in place</p> <p>Voluntary acceptance/proposal of additional conditions</p>

Relevant representation received regarding The Prevention of Public Nuisance	
Aggravating factors	Mitigating Factors
<p>Noise late at night (especially if in breach of any condition)</p> <p>Previous warnings ignored</p> <p>Long and prolonged disturbance</p> <p>Poor procedures and controls for preventing (as far as is reasonably practicable) 'off premises' disturbance from customers leaving the premises/event</p> <p>Excessive nuisance emanating from premises during unsocial hours</p> <p>Litter problems (especially if in breach of any condition)</p>	<p>Noise limiting device installed</p> <p>Appropriate apology given to those disturbed by nuisance and nuisance subsequently ceased</p> <p>Complaints telephone/hotline available and communicated to complainants</p> <p>Short-term disturbance</p> <p>Undertaking/commitment not to repeat activity leading to disturbance</p> <p>Willingness to attend and cooperate during mediation steps</p> <p>Good controls, practices and training in place</p> <p>Voluntary acceptance/proposal of additional conditions by way of formal change to licence/certificate</p>

Relevant representation received regarding Protection of Children from Harm	
Aggravating Factors	Mitigating Factors
Age of Children	Conduct occurred with consent of person with parental responsibility for child
Previous warnings ignored	Short duration of event
Children exposed to physical harm/ danger as opposed to other threats	No physical harm
Activity arose during normal school hours	Short-term disturbance
Deliberate or wilful exploitation of children	Undertaking/commitment not to repeat activity
Large number of children affected	Voluntary acceptance/proposal of additional conditions
Children not allowed on premises as part of operating schedule	Children permitted on the premises as part of operating schedule
Involves under-age exposure to alcohol	Good controls, practices and training in place for preventing harm to children
Inappropriate or inadequate ratio of adults to children	Not involving under-age exposure to alcohol

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 Committee 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 Sussex Police.
- 2: Representations by Arun District Council Licensing Team.
- 3: Representations by Arun District Council Environmental Health.
- 4: Representation by Bognor Regis Town Council.
- 5: Photographs of the premises. (1) 4th April (2) 12th April 2018.
- 6: Copy of Premises Licence.

Background Papers:

Licensing Act 2003
Section 182 Guidance
Arun Statement of Licensing Policy

Contact: Andy Burrows. Ext 37749



**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

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 Sussex Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
TAO – SLADESBARS LTD 41/43 High Street	
Post town: Bognor Regis	Post code (if known) PO21 1RX

Name of premises licence holder or club holding club premises certificate (if known)
Daniel R SLADE

Number of premises licence or club premises certificate (if known)
L14603

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sussex Police Prevention Licensing Team Centenary House Durrington Lane Worthing West Sussex BN13 2PQ
Telephone number (if any) 01273 404030
E-mail address (optional) ws_licensing_wor@sussex.pnn.polic.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

Sussex Police are calling for review of premises licence L14603 on the grounds that the licensing objectives have been seriously undermined due to the responsible person at the premises failing to comply with the terms of the premises licence and operate in accordance with the proposal made at the time of application for a licence.

Please provide as much information as possible to support the application (please read guidance note 3)

The Licensing Authority granted a premises licence (L14603) for a property located at 41/43 High Street, Bognor Regis named TAO in June 2017. The licence application detailed that ‘The premise will be a restaurant/entertainments venue for persons of all ages with an outdoor seating area to the front of the premises.’’TAO will be a modern state of the art, kitchen grill (restaurant) and entertainment lounge. With a full grill menu served up to 10 hours a day, we will also have bar snacks available and a carvery on Sundays.’’TAO will cater for a variety of tastes ranging from those wanting a quiet coffee in the alfresco dining area or a full meal & cocktails in a VIP booth.’

The business opened its doors for the first time on 23rd December 2017.

On 31st January 2018, the police and the council were undertaking joint compliance inspections. It had come to the attention that the premises had opened although they had not been notified of such. The premises licence holder and DPS, Mr Daniel Slade was not present at the time officer’s arrived, the officers requested he was contacted and then Mr Slade arrived at the premises a short time later. The inspection identified 15 breaches of licence conditions:

1. Food will be available for consumption at all times the premises is conducting licensable activities.
2. Signage will be erected at exit points of the premises reminding customers they may not take alcohol away from the premises.
3. There will be no drinks promotions.
4. A documented risk assessment, which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. This will include, but not be restricted to;
5. considering the need for SIA door supervisors, polycarbonate drinking vessels for use both externally and internally. It will include written emendations demonstrating what considerations have been made for any additional special events which may arise during the year. This document shall be immediately available for inspection by the police and the licensing authority, upon request.
6. The premises shall, at all times, maintain and operate a sales refusals log which shall be reviewed and signed by the designated premises supervisor at intervals of no more than four weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept for a minimum of 24 months, and made immediately available, upon request, to the local authority licensing officers and Sussex Police.
7. All staff will receive training on a bi-annual basis which will include sales of alcohol to intoxicated persons, underage sales, proxy sales, compliance with licence conditions and persons under the influence of drugs. Training will be recorded and records will be provided to authorised local authority officers and Sussex Police upon request.
8. All staff will receive training prior to commencing initial duties when employed. Records will be kept for a minimum of 24 months and provided to the licensing authority or police upon request.
9. An incident book will be maintained in which will be recorded all incidents of crime and disorder. Such book will be reviewed and signed regularly (at minimum intervals of once per month) by the Designated Premises Supervisor and will be available to inspection by authorised Officers of the Licensing Authority and Sussex Police.
10. A noise management plan will be produced by the licence holder and approved by the licensing authority prior to any regulated entertainment taking place. This will be reviewed and then submitted for re-approval if requested by the licensing authority.
11. Notice will be displayed asking customers to be respectful and not disturb neighbours when departing.

12. A Challenge 25 scheme will be implemented at the premises at all times to ensure that an adequate measure is in place to prevent underage sales.
13. The scheme will include guidance to staff and customers regarding what types of ID will be accepted as proof of age at the premises. The only suggested acceptable forms of ID are passports, photographic driving licences and PASS cards bearing a hologram. Information to customers will be given via suitable signage at the premises.
14. Staff training will be undertaken prior to any sales and documented. The training will include underage sales prevention and how to competently check identification. Training should be documented and recorded with the date it was undertaken. Records will be made available to authorised local authority officers and police. Refresher training will be provided to all staff serving alcohol on an annual basis.
15. Till prompts should be in use at the store to ensure staff ask for proof of age if required.
The refusals button on EPOS tills will be used to record sales refusals when it cannot be established the customer is 18 or over. All tills at the premises are EPOS tills. The register should be reviewed by the DPS at minimum intervals of four weeks and signed. Feedback to staff should be given and any emerging patterns should be explored. The refusals record will be available for inspections by authorised local authority officers and the police upon request.

During the inspection officers noted that staff did not have awareness of the licence conditions. Mr Slade was unable to produce any paperwork, stating he had lost the key for his filing cabinet. There was no kitchen installed in the premises and none of the relevant signage was erected. The alfresco dining area was being used for the purposes of a smoking area that did not comply with the relevant regulations.

The officers gave extensive advice to Mr Slade and advised him of the offences that were being committed under Section 136 of the Licensing Act and smoke free legislation and the penalties for such. They asserted the importance of him promptly correcting the issues and advised they would return in two weeks to check for compliance.

On 16th February 2018, police and council officers re-visited the premises. Again Mr Slade was not present upon arrival. He was contacted by telephone by a member of staff who was advised he would return within 20 minutes. The officers were at the premises in excess of one hour, Mr Slade failed to appear. Officers established that the same 15 licence conditions were still being breached. They did note that the smoking area had been relocated to the front of the premises. Officers observed that the premises were being operated as what is known as a vertical drinking establishment, which is essentially a bar. This is not consistent with the proposals in the application that the licence holder consulted upon. The risk of operating such an establishment by its nature is much greater than that of operating a restaurant type venue. The officers were extremely concerned about the failure of the responsible person to address the outstanding issues and ensure the safety of public attending the venue. Resultantly Sussex Police served a Section 19 Closure Notice (Police and Criminal Justice Act 2001). The notice advised that full compliance with licence conditions were required or Sussex Police may make application to the courts for closure of the premises. The licence holder was provided a further opportunity for compliance of 7 days.

On 26th February 2018 the same officers returned to the premises. On this occasion 11 breaches of conditions were identified.

Some of the documentation requested has now been provided to the council which has in turn been shared with the police. It fails to address all the requirements of the licence conditions and that of responsibly operated premises.

The management of the premises falls far short of the standards expected by Sussex Police and

The Licensing Act. As of today's date the premises are still operating in breach of conditions and committing offences, this is wholly unacceptable.

Mr Slade has now had a period of some 9 months to ensure he has measures in place to operate responsibly and in accordance with his conditions. He has failed to take his responsibilities seriously despite interventions from officers who have given him more than adequate time to address his failures. Sussex Police see no alternative other than to bring this matter to the attention of the Licensing Subcommittee to consider what measures are appropriate to restore promotion of the licensing objectives. It is believed that it would be proportionate to consider a suspension of the premises licence to provide the licence holder with an opportunity to address the matters of multiple failures to operate within the terms of the licence. Sussex Police also seek a reduction in hours to reduce the risk attached to operating such a premises, it is recommended the premises should terminate the sale of alcohol at 23:00 hours each day. It is also requested that the Subcommittee review the conditions relating to provision of food and SIA door supervisors and consider if further clarifying conditions would be appropriate.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day		Month		Year		
┆	┆	┆	┆	┆	┆	┆

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Di Lewis
INSP Lewis DL770

Date **16/03/2018**

Capacity **Force Prevention Licensing Inspector**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) FAO: PC Matt PHELPS CP491 Prevention Licensing Team Centenary House Durrington Lane	
Post town Worthing	Post Code BN13 2PQ
Telephone number (if any) 01273 404030	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) ws_licensing_wor@sussex.pnn.polic.uk	

Notes for Guidance

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

06 April 2018

FROM: Sarah Meeten
Environmental Health
Ext: 37680

TO: Andrew Burrows, Licensing Officer

Licensing Act 2003 Application for Review of a Premises Licence
Representation from Licensing Authority
TAO, High Street, Bognor Regis

I write on behalf of the Licensing Authority acting as a Responsible Authority.

Premises licences are granted following successful application to the Authority for permission to conduct licensable activities. It is incumbent on responsible persons to ensure that licensable activities are conducted in accordance with the permission granted. This means that all conditions, hours and other terms must be complied with it is a criminal offence not to do so. The Premises Licence Holder and Designated Premises Supervisor (the responsible person) for licence number L14603 is Mr Daniel Slade.

Premises licence L14603 was granted in June 2016 following application being made to the authority by Mr Slade for a licence. The business still required a substantial refit so I advised Mr Slade to contact me prior to opening and I would visit the premises to ensure that he was in a position where all the conditions of the licence could be complied with.

Social Media indicates that TAO opened for business on 23 December 2017, Mr Slade did not make contact with me prior to opening.

Officers have observed that the operation of the premises does not align with the description of the premises made at the time of the licence application. Had the application been made in its true context then it is likely that the relevant Responsible Authorities (and potentially other persons, especially in the vicinity of the premises) would have considered the application differently, possibly making representations to highlight deficiencies in the proposed operating schedule. This may have included restriction of entry to children at certain times due to the business operating as a large vertical drinking establishment (bar).

Since opening, the responsible person has failed to ensure compliance with conditions of the authorisation granted. There has been a repeated failure to adhere to some 15 conditions of the premises licence. Conditions are attached to a licence to ensure promotion of the four licensing objectives. It is an offence to fail to comply with the full terms of a licence. Despite being given advice and guidance on numbers of occasions, the responsible person has actively chosen to ignore most of the advice given to him.

The result of this is that there is an impact on the licensing objectives. The Licence Holder has to date still failed to provide an adequate Noise Management Plan to the Authority. Informal discontented comments about noise from the premises have now resulted formal noise complaints being made.

The other documentation provided to the authority is far from acceptable, even failing to address matters specifically referenced in licence conditions. Officers have provided

feedback, but acceptable documents have not been submitted to date. The purpose of the conditions relating to risk assessments is to ensure that the premises are managed responsibly and that appropriate measures have been considered. This is not something that members of the public would be aware of but is essential to keeping them safe, especially should an incident occur. The risk of an incident occurring in a vertical drinking establishment is much greater than that of a restaurant/entertainment venue setting.

In addition to the remedies being sought by Sussex Police, we would request that the wording of the food condition of the licence is amended to:

'Full meals will be available for consumption at all times the premises is conducting licensable activities.'

This to ensure that the business operates in the manner it was proposed at the time of application.

The committee are also requested to revise the conditions relating to the use of SIA registered door staff and consider if these may need amending to ensure use of staff at key high risk times.

The Subcommittee are asked to consider what steps to take, if any, to ensure promotion of the four licensing objectives. We ask that consideration is given by the Subcommittee to satisfy themselves that the responsible person has the skills and capability to operate large licensed premises in compliance with statutory obligations, and what steps need to be taken to achieve this, as efforts by officers have not been responded to effectively.

From: Nick Howard
Sent: 06 April 2018 12:12
To: Andrew Burrows
Cc: Sarah Meeten; Fiona Fitzgerald; Anna Appleton
Subject: re- EH comments for TAO Licensing review

Dear Licensing

With respect to the upcoming review of the premises licence of TAO, Environmental Health would like to put forward the following representations:

TAO opened just before Christmas 2017 and has been trading ever since.

Under the Prevention of Public Nuisance objective, TAO has the following condition "A noise management plan will be produced by the Licence holder and approved by the Licensing Authority prior to any regulated entertainment taking place. This will be reviewed and then submitted for re-approval if requested by the Licensing Authority."

No Noise Management Plan was submitted before the premises opened despite regular contact with Environmental Health and the Licensing Team. Eventually in March 2018 (3 months after opening) a NMP was submitted. However this looked as though it had been copied and pasted from the internet and was not specific to TAO. There were a number of deficiencies pointed out by Environmental Health but these have not yet been addressed. A second NMP was submitted, this also looked as though it had been copied and pasted from the internet and was not specific to TAO.

Given the amount of time spent by Environmental Health Officers with the owner, we are disappointed that this relatively simple objective has not yet been achieved.

We currently have two ongoing noise complaints about TAO.

Under the General Objectives, TAO has a condition which states "Food will be available for consumption at all times the premises is conducting licensable activities". Environmental Health invited the owner to contact us prior to opening in order that we could offer advice. This was in part to try and ensure that the premises could comply with the relevant legislation at as low a cost as possible. This invitation was not taken up. Despite being open for over 3 months, food has not been available at the premises which is a direct contravention of the above condition. Again, despite considerable time, effort and visits on the part of Environmental Health Officers, the kitchen is still not finished, not operative, and as of 4th April 2018 no food is being served. Photographs of the unfinished kitchen taken on 4th April 2018 are included with this representation. These photographs show unfinished walls, no work surfaces, no cupboards, no drainage or wash-hand-basins – these are all basic requirements of the Food Hygiene legislation.

Overall, despite considerable Environmental Health input (both verbally, in person, and in writing) the above issues have not been resolved and we no longer have the confidence that the owner intends to achieve these.

Kind Regards
Nick Howard
SEHO

Andrew Burrows

From: Joanne Davis
Sent: 12 April 2018 12:55
To: Licensing
Subject: Notice of Review - Reference Number: 14603, TAO Sladebars Ltd, High Street, Bognor Regis

To Whom It May Concern,

Bognor Regis Town Council wish to make the following representation in respect of the review of premises licence for TAO, High Street, Bognor Regis:

Bognor Regis Town Council support the Licensing Team in their bid to uphold the requirements of the existing licence by undertaking the review, and hope they can try to find a way to work with the licensee to become compliant with the conditions of the licence, so that we, as the Town Council, may be satisfied that all breaches have been rectified. Members sincerely hope that the situation can result in no closure of the premises, but it is imperative that the venue is safe and secure for all those who use or work in it, going forward, and that the success of the business goes from strength to strength.

Kind regards,

Jo

Civic and Office Manager
Bognor Regis Town Council
Phone: 01243 867744
Email
Facebook.com/bognorregistowncouncil

*Town Council Office Hours: 9.00am-1.00pm and 2.00pm-5.30pm Mon-Thurs
Please note the office is closed between 1.00pm and 2.00pm Mon-Thurs and all day Friday*



Licensing Act 2003 – Premises Licence

Licence No: **14603**Licence Valid From: **03/06/2016**Licence Holder: **MRDANIELRSLADE**Address of Licence Holder: **TAO - SLADESBARS LTD
41-43 HIGH STREET
BOGNOR REGIS
PO21 1RX**Address of Licensed Premises: **BOGNOR REGIS
PO21 1RX****Hours Premises Open To the Public**

Monday from 08:00 to 23:30
 Tuesday from 08:00 to 23:30
 Wednesday from 08:00 to 23:30
 Thursday from 08:00 to 01:30
 Friday from 08:00 to 01:30
 Saturday from 08:00 to 01:30
 Sunday from 08:00 to 00:00

On Sundays preceeding Bank Holiday Mondays, on Christmas Eve and New Year's Eve the premises is permitted to remain open until 01.30 hours.

Any Time Restrictions for Activities**Exhibition of Films**

Monday from 08:00 to 23:00
 Tuesday from 08:00 to 23:00
 Wednesday from 08:00 to 23:00
 Thursday from 08:00 to 01:00
 Friday from 08:00 to 01:00
 Saturday from 08:00 to 01:00
 Sunday from 08:00 to 23:00

On Sundays preceeding Bank Holiday Mondays, on Christmas Eve and New Year's Eve this activity is permitted until 01:00 hours.

Performance of Live Music

Thursday from 23:00 to 01:00
 Friday from 23:00 to 01:00
 Saturday from 23:00 to 01:00
 Sunday from 23:00 to 00:00

On Sundays preceeding Bank Holiday Mondays, on Christmas Eve and New Year s Eve, this activity is permitted until 01:00 hours.

Performance of Recorded Music

- Thursday from 23:00 to 01:00
- Friday from 23:00 to 01:00
- Saturday from 23:00 to 01:00
- Sunday from 23:00 to 00:00

On Sundays preceeding Bank Holiday Mondays, on Christmas Eve and New Year s Eve, this activity is permitted until 01:00 hours.

Performance of Dance

- Thursday from 23:00 to 01:00
- Friday from 23:00 to 01:00
- Saturday from 23:00 to 01:00
- Sunday from 23:00 to 00:00

On Sundays preceeding Bank Holiday Mondays, on Christmas Eve and New Year s Eve this activity is permitted until 01:00 hours.

Late Night Refreshment

- Thursday from 23:00 to 01:00
- Friday from 23:00 to 01:00
- Saturday from 23:00 to 01:00
- Sunday from 23:00 to 00:00

On Sundays preceeding Bank Holiday Mondays, on Christmas Eve and New Year s Eve, this activity is permitted until 01:00 hours.

Supply of Alcohol

- Monday from 11:00 to 23:00
- Tuesday from 11:00 to 23:00
- Wednesday from 11:00 to 23:00
- Thursday from 11:00 to 01:00
- Friday from 11:00 to 01:00
- Saturday from 11:00 to 01:00
- Sunday from 11:00 to 00:00

On Sundays preceeding Bank Holiday Mondays, on Christmas Eve and New Year s Eve, this activity is permitted until 01:00 hours.

Designated Premises Supervisor:
 Address of DPS:
 Personal Licence Number:
 Personal Licence Issuing Authority:

N

- The licensable activity of Exhibition of Films is permitted to take place Indoors
- 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 Late Night Refreshment is permitted to take place both Indoors and Outdoors
- The licensable activity of the supply of alcohol is for consumption On the Premises

Mandatory Conditions:

Exhibition of Films:-

Section 20 Mandatory condition: exhibition of films.

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section "children" means any person aged under 18; and

"film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

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

Food will be available for consumption at all times the premises is conducting licensable activities.

Signage will be erected at exit points of the premises reminding customers they may not take alcohol away from the premises.

Sufficient staff will be employed on the premises at all times to ensure adequate control and supervision of the premises.

At all times alcohol is being sold at least one personal licence holder will be present at the premises in a working capacity.

Clear and prominent signage will be displayed in the premises every morning stating that alcohol is not available until 11:00am.

The Prevention of Crime and Disorder

There will be no drinks promotions.

Customers consuming alcohol in outdoor areas will be required to be seated after 20:00 hours each day, signage will be displayed in outside areas to this effect.

The chairs and tables will be cleared away and, or secured to ensure that they are not used between 23:00 hours and 08:00 hours each day.

After 22:00 hours the outside area may only be used for patrons partaking in a hot meal.

Staff must ensure that all empty glasses and bottles are promptly cleared away from the public areas and the outside areas will be regularly monitored.

A documented risk assessment, which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. This will include, but not be restricted to:

considering the need for SIA door supervisors, polycarbonate drinking vessels for use both externally and internally. It will include written emendations demonstrating what considerations have been made for any additional special events which may arise during the year. This document shall be immediately available for inspection by the police and the licensing authority, upon request.

On Thursday, Friday and Saturday, between the hours of 20:00 and 00:30 hours, door supervisors shall be employed, at a ratio of 1/100 customers.

The premises shall, at all times, maintain and operate a sales refusals log which shall be reviewed and signed by the designated premises supervisor at intervals of no more than four weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept for a minimum of 24 months, and made immediately available, upon request, to the local authority licensing officers and Sussex Police.

The DPS or a personal licence holder will be present in a working capacity at the premises at all times the premises are hosting private functions.

All staff will receive training on a bi-annual basis which will include sales of alcohol to intoxicated persons, underage sales, proxy sales, compliance with licence conditions and persons under the influence of drugs. Training will be recorded and records will be provided to authorised local authority officers and Sussex Police upon request.

All staff will receive training prior to commencing initial duties when employed. Records will be kept for a minimum of 24 months and provided to the licensing authority or police upon request.

Licensed door supervisors will be used at any time that the licence holders risk assessment shows a need or when required by Sussex Police. A minimum of 48 hours written notice to be given from Sussex Police to the licence holder if they require licensed door supervisors.

When required, door staff will be deployed at a minimum ratio of 1:100 or part thereof plus one at the main entrance.

An incident book will be maintained in which will be recorded all incidents of crime and disorder. Such book will be reviewed and signed regularly (at minimum intervals of once per month) by the Designated Premises Supervisor and will be available to inspection by authorised Officers of the Licensing Authority and Sussex Police.

CCTV will be in operation at all times the premises are open and conducting licensable activities. The system will be capable of being operated at the premises and key members of staff will be trained in its operation.

The CCTV system will cover all inside and outside public areas of the premises including all entrances and exits. Footage will be stored for a minimum of 31 days. The images captured will be of sufficient quality that allows facial recognition of persons in all light conditions inside and outside of the premises. The system will record times and dates against footage and the licence holder or appointed responsible person will ensure that the system is kept operating at the correct times and dates at all times.

Images will be exported from the system and provided to the police promptly if required for purposes of assisting with an investigation.

Any failure with the CCTV system must be reported immediately to the Licensing Authority and Sussex Police and remedied as soon as practically possible.

Public Safety

Public areas will be regularly cleared of used crockery, cutlery and glasses by staff.

The Prevention of Public Nuisance

At all times when regulated entertainment is taking place, a member of staff will regularly monitor the level of sound outside the nearest noise sensitive residences and take measures to immediately alleviate any nuisance identified. Monitoring and remedial actions will be recorded in writing and provided to an authorised Local Authority Officer upon request. The log will be kept for a minimum of one year after the entertainment has taken place.

All regulated amplified entertainment will take place indoors.

A noise management plan will be produced by the licence holder and approved by the licensing authority prior to any regulated entertainment taking place. This will be reviewed and then submitted for re-approval if requested by the licensing authority.

Notice will be displayed asking customers to be respectful and not disturb neighbours when departing.

Staff training will include ensuring all staff remind customers to leave quietly when leaving private functions.

Staff will ensure the immediate vicinity is clear of customers after closing.

The Protection of Children from Harm

A Challenge 25 scheme will be implemented at the premises at all times to ensure that an adequate measure is in place to prevent underage sales.

The scheme will include guidance to staff and customers regarding what types of ID will be accepted as proof of age at the premises. The only suggested acceptable forms of ID are passports, photographic driving licences and PASS cards bearing a hologram. Information to customers will be given via suitable signage at the premises.

Staff training will be undertaken prior to any sales and documented. The training will include underage sales prevention and how to competently check identification. Training should be documented and recorded with the date it was undertaken. Records will be made available to authorised local authority officers and police. Refresher training will be provided to all staff serving alcohol on an annual basis.

Till prompts should be in use at the store to ensure staff ask for proof of age if required.

The refusals button on EPOS tills will be used to record sales refusals when it cannot be established the customer is 18 or over. All tills at the premises are EPOS tills.

The register should be reviewed by the DPS at minimum intervals of four weeks and signed. Feedback to staff should be given and any emerging patterns should be explored. The refusals record will be available for inspections by authorised local authority officers and the police upon request.

Children under the age of 18 will not be permitted into the premises unless accompanied by a responsible adult.

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).

Seen Authorised by:

Sarah L. Meeten
Authorised Officer
04 April 2018

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.

