

LICENSING SUB-COMMITTEE

6 March 2023 at 9.30 am

Present: Councillors Blanchard-Cooper, Daniells and Kelly

Louise Dewberry, Licensing Officer presenting the report
Glenn James, Licensing Officer
Joanne Lewis, Senior Environmental Health Officer representing
Arun District Council Environmental Health Service (Responsible
Authority)
Neil Williamson, Environmental Health Team Manager representing
Arun District Council Licensing Authority (Responsible Authority)
Mr S. Boxall, Licence Holder
Ms S. Murphy, Licence Holder and Designated Premises
Supervisor
Daniel Shing, Council Lawyer
Jane Fulton, Committee Services Manager
Andrew Bishop, Committee Services Officer

52. ELECTION OF CHAIRMAN

Prior to commencement of the meeting, it had been agreed that Councillor Blanchard-Cooper would chair the meeting.

53. DECLARATIONS OF INTEREST

There were no declarations of interest made.

54. 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

The Chair confirmed there were no urgent items.

55. LICENSING ACT 2003 S51 APPLICATION FOR REVIEW OF A PREMISES LICENCE

The Chair asked if any representations had been received to enable the hearing to be dispensed with and was advised by the Licensing Officer that none had been received. The hearing was then formally commenced. Upon the invitation of the Chair, the Licensing Officer presented the report which outlined the detail of the case for an application from Environmental Health (with representation from Arun District Council acting as the Licensing Authority) to review the Premises Licence of the Fox Inn, Arundel Road, Patching, Worthing, West Sussex BN13 3UJ on the basis that the licensing objective 'Prevention of Public Nuisance' within the Licensing Act 2003 had been undermined.

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Following the Council's procedure for Licensing Sub-Committees, detailed representations were heard from the Responsible Authorities in attendance. This was followed by questions from the Sub-Committee and other parties present which were responded to at the meeting. Upon the Chair's request, an audio recording referenced in the Officer report was played to all parties present. The Licence Holders made representations and answered questions from the Sub-Committee and Responsible Authorities. Representations in support of the pub were also circulated to the Panel and all parties present. Following the summing up of the Responsible Authorities and the Licence Holders, the panel retired to consider its decision.

On reconvening the meeting, the Chair advised that the Sub-Committee had taken into account all the representations made before them, both written and oral in respect of this matter, and also had due regard to the Statutory Guidance, the Council's own Licensing Policy and licensing objectives. The decision of the Sub-Committee was then delivered to all present.

The Sub-Committee

RESOLVED That –

1. the Designated Premises Supervisor be removed;
2. the conditions of the licence be modified as proposed by Environmental Health, as follows:
 - i. No live or recorded music or amplified speech shall take place in the marquee or other outside areas until an independent acoustic report has been submitted to and agreed in writing with Arun District Council's Environmental Health Team and the mitigation measures detailed in the acoustic report have been fully implemented.

The acoustic report must include:

- reference to BS 8223:2014 Table 2;
- the noise transmission paths from the marquee;
- the breakout of noise from the marquee via the door(s);
- details of the amplification system and speakers;
- noise insulation measures to be installed in the marquee to prevent noise transmission;
- specific details of the siting of the marquee, including minimum distances from boundaries;
- details of an in-line noise limiter to be installed in the premises which will automatically cut out once the agreed noise level is exceeded;
- before first use of the noise limiter, the system shall be set with a tamper proof seal in the presence of an officer of the Council.

- ii. The noise limiter shall be serviced regularly. A log shall be kept of times when it is tripped, reason for trip and corrective action taken. Records shall be kept for a year. The records must be available at the premises when the premises is open to the public.
- iii. The noise limiter shall be installed using a dedicated tamper proof socket or be wired in directly.
- iv. Once operational the site (and any visiting DJs/bands/musicians) shall only use the amplification system that forms part of the acoustic report and no other. Use of the system will cease by 22.00hrs each day or 21.30hrs on Sundays and bank holidays.
- v. Amplified music and any amplified voices in outdoor areas (including a marquee) shall only take place during the following hours:

12.00 - 22.00hrs Monday to Saturday
12.00 - 21.30hrs on Sundays and bank holidays.
- vi. No live or recorded music shall take place at the premises until a Noise Management Plan has been submitted in writing to, and been agreed in writing by, Arun District Council's Environmental Health Team. Once agreed it shall be fully implemented thereafter. The Noise Management Plan shall include:
 - supervision and management of the noise limiter
 - control of patron noise outside
 - procedure for dealing with complaints of noise and corrective action taken
 - procedure for proactive monitoring
- vii. The details of all the locations, directions and sizes of the speakers on the premises must be submitted in writing for written approval by Arun District Council's Environmental Health Team, no speakers will be permitted outside other than those forming part of the approved system. No alterations to the location, direction or type of speaker shall occur, until written approval has been submitted and agreed by Arun District Council's Environmental Health Team.
- viii. A Designated Premises Supervisor or nominated representative shall be on the premises at all times the premises is open to the public to ensure conditions i - vi are complied with and to take action to resolve any non-compliances with conditions i - vi. If

Subject to approval at the next Licensing Sub-Committee meeting

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there is no personal licence holder at the premises then no music or amplified speech shall be played in the premises.

..... Chair

(The meeting concluded at 11.25 am)