

LICENSING SUB-COMMITTEE

5 April 2019 at 10.00 am

Present: Councillors Cates, Cooper and Hitchins

Glenn James Andrew Burrows	Licensing Officers
Marilyn Moore	Applicant for the Review
Sarah Meeten, Licensing Manager	Responsible Authority - Licensing Authority and representing Environmental Health
David Bateup,	Responsible Authority, Police Licensing
Vincent Mulhern Duncan Craig	Premises Licence Holder Legal Representative of PLH
Andy Easton	Legal Advisor

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 FOR A REVIEW OF A PREMISES LICENCE, THE UNICORN, 76 HIGH STREET, BOGNOR REGIS

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 Chairman also asked if any further information had been provided to enable the matter to be dispensed with. The Licensing Officer advised that lengthy video footage had been submitted by the applicant as evidence to collaborate that nuisance and anti social behaviour had been caused by patrons of The Unicorn. Following discussion held between the applicant and the legal representative of the PLH prior to the hearing, confirmation was sought from all parties that the watching of that footage

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could be dispensed with providing it was accepted that it did indeed collaborate that some of the nuisance did come from customers of The Unicorn but that there was also an element which came from the migration of people through the town centre late at night. It was agreed that the video footage would not be shown.

In line with the Council's laid down procedure, detailed representations were heard from those relevant parties in attendance, followed by comprehensive questions between all parties, which were responded to at the meeting, a summary of which is set out below:-

The applicant for the review, Mrs Moore, presented her case and advised the hearing that she had been subjected to constant late night disturbance up until December 2018 and could not take any more. She did not want to see the premises closed but felt that steps must be taken to address the issues she had raised in her submission relating to noise nuisance caused by music and noise from customers inside the premises; public order issues relating to persons leaving the premises; and staff not taking control or management of customers' behaviour.

The Licensing Authority and the Police also gave detailed presentations around the reasons why the Licensing Objectives of Crime & Disorder, Prevention of Public Nuisance and Public Safety were being undermined.

In presenting the case for the Premises Licence Holder, Mr Craig (Legal Representative) commended all parties for the fair, proportionate and stepped approach that had been taken in trying to resolve this matter. It was acknowledged that dispersal of patrons and smoking areas needed to be addressed and that the Designated Premises Supervisor had to be a responsible person who would not obstruct the officers of the Licensing Team and the Police. An offer was made to remove off sales from the licence to mitigate the concerns about people drinking outside the premises and that a dispersals policy would be made available for inspection when required.

In the course of discussion on the management of a dispersal policy, the Chairman called a short adjournment to the proceedings to enable some discussion to be undertaken between the relevant parties on this matter as it was felt to be a critical aspect in consideration of this application.

On the meeting being reconvened, Mr Craig advised that the PLH had offered to reduce the hours of regulated entertainment and late night refreshment to 12.45 a.m; there would be no entry for anyone after 12.30 a.m Monday to Saturday; and door staff would make an announcement that the premises would be closing in 15 minutes and ask people to leave quietly.

The Subcommittee then retired from the meeting, together with the Council's Solicitor, to consider its decision in tangent with the verbal and written representations made.

On reconvening the meeting, the Chairman read out the following statement:-

“The Subcommittee has given this a great deal of consideration. We are satisfied that it would inappropriate at this stage to consider revocation, suspension or any significant reduction in the operating hours. We are, however, mindful of the concerns raised by the applicant together with ADC and Sussex police. We feel, therefore, it would be appropriate to make the following alterations and conditions to the existing premises licence:-

The current DPS, Mr Slaughter, will be removed from the licence and arrangements to be put in place to replace him.

Regulated entertainment and late night refreshment will be reduced to Monday to Saturday 11.00 am to 00.45 am. And Sunday 12 noon to 11pm

There will be no off sales of alcohol after 2100 hours Monday to Sunday

The following conditions will be added to the licence :-

A suitable and comprehensive dispersal policy to be submitted to ADC and Sussex Police within 14 days. Such policy not to be implemented without the approval of ADC and Sussex Police.

There shall be no egress from the front of the premise after 1.00 am except in the case of an emergency.

The Subcommittee also note that the operating procedure 2019 has set out 43 proposals for improvement of management of the premises. The Members openly encourage the Premises Licence Holder to achieve all of these proposals in order to avoid inclusion as conditions at this particular stage.

(The hearing concluded at 1.15 p.m.)

Signed.....Chairman