

ARUN DISTRICT COUNCIL

LICENSING SUBCOMMITTEE – 5 AUGUST 2020

PART A : REPORT

SUBJECT: Application to Vary a Premises Licence – Section 34 Licensing Act 2003

REPORT AUTHOR: Andrew Burrows, Licensing Officer

DATE: 24th July 2020

EXTN: 37749

PORTFOLIO AREA: Place

EXECUTIVE SUMMARY: The Authority is in receipt of an application to vary premises licence number 6543, held by Star Pubs & Bars Ltd of 3-4 Broadway Park, Edinburgh, Scotland, EH12 9JZ; for premises trading as the William Hardwicke, located at 12 High Street, Bognor Regis PO21 1SR.

Sussex Police, as a Responsible Authority, have made representations with regards to this application under the licensing objectives of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

RECOMMENDATIONS:

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

Only matters referred to in representations, relevant to the four licensing objectives, may be considered. They must be considered in the context of what is relevant to the application.

1. BACKGROUND:

1.0 Introduction

1.1 This is an application to vary premises licence number 6543 held for the William Hardwicke located at 12 High Street, Bognor Regis, PO21 1SR. (**See Appendix 1**).

1.2 The requested changes sought include to:

- Extend the terminal hour for the sale of alcohol and recorded music on Monday to Thursday until 2am the following day
- Extend the opening hours to allow the premises to close on Monday to Thursday at 02.30am the following day
- Permit the provision of live music on Monday to Saturday from 9am to 2am the following day; and on Sunday from 9am to midnight

- Permit the sale of alcohol for consumption off the premises, i.e. off sales
- Remove the existing non-standard timings for all licensable activities and add new non-standard timings
- Extend the terminal hour for late night refreshment on Monday to Saturday until 2am the following day
- Remove all existing Annex 2 conditions (conditions consistent with the operating schedule) and replace with new conditions, and
- Amend the licensing plan in accordance with drawing number E500 dated 4th March 2020 which accompanies the application. **(Appendix 2)**

1.5 A copy of the existing licence is attached and marked as **appendix 3**.

1.5 The Sussex Police representation is attached to this paper as **appendix 4**.

1.6 The William Hardwicke is a large licensed premise situated at 12 High Street, Bognor Regis, West Sussex, PO21 1SR.

1.7 The premises are licensed by Star Pubs & Bars Ltd of 3-4 Broadway Park, Edinburgh, Scotland, EH12 9JZ.

1.8 Sussex Police Neighbourhood Licensing Team supplied the following information to the applicant in support of their representation:

Daytime visits to the premises to discuss matters at The Hardwicke have taken place on: 20th August 2019, 29th August 2019, 4th October 2019 (Evening visit with Mr Burrows from the District Council licensing department) and on 20th January 2020. These have not been the only times police officers have been in contact with the premises; there are approximately 12 additional occasions where police officers have attended over a variety of matters.

Clearly Mr Marshal (The DPS) is aware of these interactions and will be able to provide any details which have not been previously shared. As part of these contained advice re applying to extend the footprint of the premises, it would seem this part of the discussion was conveyed to the PLH. There were particular concerns regarding the failure to provide CCTV pertaining to an incident which took place in August, adjacent to the premises and involved patrons of the premises.

While not a condition of the current licence is anticipated that an incident log will have been maintained and hopefully the following dates may assist.

16th August
 17th August
 24th August
 31st August
 8th September
 21st September
 30th November
 8th December
 8th December
 18th January

6th March.

Since opening, following to the relaxation of the Covid-19 restrictions, there have been two reports from members of the public regarding breaches of social distancing and a failure to take contact details. A further incident has been reported to the police over this weekend and is currently under investigation.

1.9 Policy Considerations

The Subcommittee are referred to Item 4 of the Main Principles of the Arun District Council Licensing Policy:

4.1 Whilst the Guidance issued under S182 of the Act makes it clear that the promotion of the licensing objectives is of paramount importance, the Licensing Authority identifies other key aims and principles which should be achieved. The main principles of the Policy are:

- To give licensing authorities and police powers they need to effectively manage the night-time economy and act against those premises causing problems;
- To recognise the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible operators of premises;
- To provide a regulatory framework for alcohol and entertainments and late-night refreshment which reflects the needs of local communities and empowers the Authority to make and enforce decisions about the most appropriate licensing strategies for their local area;
- To encourage greater community involvement in licensing decisions and ensuring local residents are given a proper opportunity to have their say regarding licensing decisions that may affect them;
- To promote public health;
- To protect the public including local residents from crime, anti-social behaviour and noise nuisance associated with licensed premises.

2. RELEVANT REPRESENTATIONS:

2.1 A representation has been received and accepted from Sussex Police, as a Responsible Authority (**See Appendix 4**).

2.3 Sussex Police have suggested several conditions, that if accepted by the applicant, would result in their representation being withdrawn.

3. OPTIONS

The subcommittee may:

- a) Grant the licence variation as requested
- b) Grant the licence variation with appropriate and proportionate conditions
- c) Grant the licence variation but reduce the scope of the application.
- d) Reject the application in full.

Any party to the proceedings has a right of appeal to the Magistrates Court.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		
Relevant District Ward Councillors		
Other groups/persons (please specify)	✓	
As per Licensing Act Requirements		
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		x
Legal	✓	
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

6. IMPLICATIONS: The applicant has a right of appeal to a Magistrates' Court

7. REASON FOR THE DECISION: The Council has a statutory duty to determine the application.

8. BACKGROUND PAPERS: None