

**Minutes of a Meeting of the
Licensing Committee of Adur District Council
Queen Elizabeth II Room, Shoreham Centre
11 December 2017**

Councillor James Butcher (Chairman)
Councillor David Simmons (Vice-Chairman)

Councillor Les Alden	Councillor Emma Evans
*Councillor Ann Bridges	Councillor Robin Monk
Councillor Stephen Chipp	Councillor Lyn Philips
Councillor Brian Coomber	Councillor Ben Stride

* Absent

LC/17-18/07 Declarations of Interest

There were no declaration of interests

LC/17-18/08 Confirmation of Minutes

Resolved: that the minutes of the Licensing Committee meeting of held on 19 June 2017 be confirmed as the correct record

LC/17-18/09 Questions and Statements by the Public

There were no questions from the public

LC/17-18/10 Items Raised Under Urgency Provisions

There were no items.

LC/17-18/11 Licensing Act 2003 - Application for a new Premises Licence at Millers Cafe and Pantry

Before the Committee was a report by the Director for Communities, copies of which had been circulated to all Members and a copy of which is attached to the signed copy of these Minutes as Item 5. The application before members had been the subject of formal representation from a responsible authority and three local residents and it therefore fell to this committee to determine.

The Licensing Officer introduced the report to the Committee and set out the background to the application.

M Member asked questions about the scope of the information that was relevant, conditions recommended by police, the legislation regarding recorded entertainment and the role of West Sussex Fire and Rescue in the Licensing process. It was confirmed that the patio area in the plan was within the licensable area applied for.

The applicant made their representation which is summarised as follows:

- The applicant was experienced within the hospitality industry;
- The business would struggle to compete in the current economic climate with other businesses that had an alcohol licence;
- The applicant explained that they wanted to diversify and provide an evening bistro service;
- Staff would be trained to keep people loitering at the front of the shop;
- There would be low level music played in the premises and the doors would be closed;
- Residents who lived on the High Street should expect noise;
- The premises had measures in place to promote the licensing objectives; Prevention of Crime and disorder and the Protection of Children from Harm;
- The business model was food led and not alcohol led

A Member asked if the applicant had considered soundproofing. The applicant told Members that they were not expecting to create a considerable amount of noise and were anticipating 35 people in an evening.

A Member asked why the licence had been applied from 8am. The applicant told Members that on occasion someone might want a 'Bloody Mary' with their breakfasts or perhaps Mulled Wine over the Christmas period.

A Member asked if the applicant would allow smoking on the patio and was told that if the Committee approved it then they would.

A Member asked if alcohol would only be served with a meal and the applicant told members that the intention was to serve alcohol with food.

Member asked if the applicant was intending to sell their business. The applicant told members that there was an eventual plan to sell but they wanted to push on with plans to maximise the business in the interim.

Upon answering a question the applicant confirmed that there were no plans to pump music onto the patio. The applicant was also asked about ventilation of the premises.

A Member of the public made a representation and told the committee that the application did not promote the licensing objectives particularly prevention of public nuisance and the prevention of crime and disorder. Members were told that there were many licensed premises in the near vicinity and there was a cumulative effect that caused disturbance.

A Member of the public made a representation and purported that the granting of the licence would cause a public nuisance. The resident's window was 2ft above the cafe and the noise from the high street was already loud. The resident had already had occasion to call the police four times and claimed that another premises serving alcohol would increase crime and disorder.

A Member of the public made a representation. Members were told patio area of the premises presented a security risk to his premises as well as acting like a funnel that carries noise and smell into his property.

There were no questions for those making representations.

A Member asked a question for clarity concerning the vertical drinking areas in the premises. She asked if vertical drinking could be removed considering the intention was that drink would only be served with food. The Licensing Officer told the Committee that it was within their gift.

In summing up the applicant stated that their intention was to remain as a food business, they wanted to compete and increase their turnover.

In summing up a member of the public stated that the intentions of the owners might not be followed through with future buyers of the business, the cumulative impact of another licensed premises would cause anti social behaviour and the committee should take this into consideration.

In summing up a member of the public remained concerned about the appropriateness of the application and added that she had further concerns about the late hour of termination

In summing up the member of the public told members that he was concerned about use of the courtyard. He currently enjoyed relative peace and feared that this would be disturbed.

The meeting adjourned at 7:49pm

The meeting reconvened at 8:42pm

The meeting was told that In reaching its decision the Licensing Committee gave due regard to the following: The statutory licensing objectives; Adur Borough Councils Statement of Licensing Policy; Guidance under section 182 by the Home Secretary and Licensing Act 2003. Human Rights legislation and the rules of natural justice. The application and both written and oral relevant representations from the Police and all residents objections and the written and oral representations and testimony and relevant information supplied by the applicant licence holder.

In discharging its functions the Committee did so with a view to promoting the Licensing objectives, the relevant objectives here were the prevention of crime and disorder and public nuisance.

Resolved: that the premises licence be granted as requested with additional conditions.

Reasons for Decision: The Committee has taken into account the concerns of the Police and the Applicant Licensee and residents and have concluded that the mediated conditions entered into by the Police and Applicant premise licence holder will satisfy the Crime & Disorder and public nuisance objectives as fully

outlined in clauses 8 through to 8.4 as amended. This is proportionate to ensure the licensing objectives are maintained and promoted

The Conditions in addition to the mediated conditions are:

1. To exclude the patio from the licensable activities
2. Alcohol only served to patrons dining sitting down with no vertical drinking
3. The hours in relation to sale of alcohol and opening times be restricted to 8am to 10.30pm Monday to Saturday and Sunday 9am to 10pm
4. The patio door must remain closed whilst background music is playing in the premises.

The meeting ended at 8.08pm it having commenced at 7.00pm

Chairman