

Minutes of a meeting of the
Adur Licensing Committee
13 September 2021
at 7.00 pm

Councillor Paul Mansfield (Chairman)
Councillor Andy McGregor (Vice-Chairman)

Councillor Catherine Arnold
Councillor Vee Barton
Councillor Mandy Buxton
Councillor Jim Funnell

Councillor Joss Loader
Councillor Steve Neocleous
Councillor Carol O'Neal
Councillor Rob Wilkinson

ADC - LC/11/21-22 Declaration of Interests / Substitute Members

There were no declarations of interest

ADC - LC/12/21-22 Public Question Time

There were no questions from the public

ADC - LC/13/21-22 Minutes

Resolved: That the minutes of the meeting of the 12 August 2021 be approved as the correct record

ADC - LC/14/21-22 Items Raised Under Urgency Provisions

There were no urgent items

ADC - LC/15/21-22 Licensing Act 2003 – Section 29 - Application for a Provisional Statement - Shoreham Beachbox

Before the Committee was a report by the Director for Communities, a copy of which had been circulated to all members, a copy of which is attached to the signed copy of these minutes as item 5. The application had been the subject of formal representation by a responsible authority and members of the public and it therefore falls to the committee to determine.

Introduction of the report by the Senior Licensing Officer

The Senior Licensing Officer introduced the report to the Committee. Members were given a summary of the report, details of mediation between the applicant and the police and were advised of matters that could and couldn't be considered by the Committee. The applicant confirmed that the Licensing Officer had given an accurate outline of the application.

Questions for the Senior Licensing Officer by Members of the Committee

The Senior Licensing Officer was asked questions about submissions by Responsible Authorities. Members were told that the only responsible authority to make a submission

was the Police authority and that all Authorities were automatically sent copies of the application when it had been submitted.

In responding to a question the Senior Licensing Officer gave the Committee opening and sale hours of other local premises, although Members were told that the application should be considered on its own merits.

A Member asked about CCTV and condition/safety of a local car park and was told that this was not part of the licensable area or the responsibility of the licensee and was not relevant to the hearing taking place.

A Member asked if a representation about potential noise was relevant and was told that the Environmental Health department (responsible authority) had not made a representation on this and that they were the responsible authority regarding noise pollution.

Representation of the applicant

The applicant's representative made the following representation which is summarised as follows:

- Member's attention was pointed at documents provided by the applicant which included a statement and skeleton argument;
- It was contended that there had been significant attempts at mediation with local residents which included two Zoom meetings and an event on Shoreham Beach Green;
- The new facility would provide significant inward investment;
- The facility would provide a new community space;
- The applicant took nothing for granted;
- There had been extensive post application consultation;
- A number of conditions had been volunteered as a result of consultation;
- The key responsible authority in relation to public nuisance (Environmental Health) had not made a representation in relation to claims made by residents making representation;
- Concerns were not evidence of problems;
- Conditions added to the Planning Application were significant;
- A dispersal policy would need to be included at a later date which would be made available to responsible authorities;
- The licence would provide for CCTV, Training and Age verification;

The applicant made a representation as follows:

- In all the times the company had made applications there had never been such opposition, which was indicative that the application had not been handled in the best possible way;
- There had been misinformation spread about the application although some concerns were valid;
- Adur and Worthing had asked the company to submit an application in keeping with the neighbourhood plan. The company had delivered on what had been asked;

- Beachbox development Ltd would not be operating the site, this would be done by another operator;
- the last thing that Beachbox wanted was an operator who caused a nuisance and lose the licence for the premises this would cause the business to lose significant value;
- The company had been inspired by the Perch in Lancing. Local businesses had been contacted about the operation of the Beachbox;
- With regards to mediation and consultation, members were told that 5000 letters had been delivered to local residents about the application, there had been two webinar sessions to talk about issues surrounding the licence;
- The company had signed up to a no noise nuisance policy. Noise that came from the operator would not be raised above the level of ambient noise.
- The idea that the development would be noisy was ludicrous as a lost licence would decrease the value of the property;
- The Local council was being lobbied for the car park to be resurfaced, have CCTV and the latest pay system;
- Off sales had been removed from the licence, local concerns had been listened to and a change to the licence had been volunteered;
- The company was looking to invest £2m in Shoreham Beach. The property needed an alcohol licence to be financially viable;

Members questions for the Applicant

A Member asked a question in relation to the proposed opening hours of the premises. Members were told that the hours were not unreasonable and they were less than others close to the proposed site.

A Member noted that there was not an approved neighbourhood plan for the area. The applicant told the Committee that he had been led to believe that there had been extensive consultation and that there was identified a place for a beachfront café and restaurant on that site.

Answering a question the applicant told members that there were anti-social issues associated with the toilet blocks at the current site.

Those who have made representations questions for the applicant

A Member of the public asked about anti-social behaviour issues cited by the applicant and was told that there had been issues by the Local Authority

The applicant was asked about a restrictive covenant on the green where the premises was to be located. The applicant told the committee that they were unaware of any such covenant.

The applicant answered questions about the noise policy and management plan.

Representations from the Public

A Member of the public representing a number of those making representations made a representation which is summarised as follows:

- Those making representations had not been misinformed;
- The draft local plan had called for a small community café;
- There had been no attempt to engage local residents there had been no response to representations and or a proper discussion;
- The company was inappropriate;
- The structure of the licence applied for would mean that when the final licence is submitted then there would be no ability to raise objection unless there were significant difference to the provisional statement;
- The most important aspects of the licence were not available, these being the noise policy and the dispersal policy;
- The applicant had not demonstrated that they had addressed prevention of public nuisance;
- The area was very quiet and was not a suitable place for the night time economy;
- The premises would bring noise to the area of people arriving and leaving the premises;
- The location of the premises was near a nature reserve which would be at risk;
- The premises would create light pollution for premises only 50 m away;
- The application would put children at risk;
- Families needing to use toilets would have to pass through an area with alcohol;
- This could cause children psychological and physical harm;
- The proposed venue was in a residential area;
- The application granted the right to hold large events on a regular basis;
- 500 people on Shoreham Beach green was a large number of people;
- The issue was a complex one and this had not been considered;
- The area at night would be dark and not well lit;
- Increased traffic would create dangers to cyclists on surrounding roads;
- Cyclists using the national cycle routes would encounter more pedestrians pushed onto the route from patrons of the premises;
- There had no indication that fire safety requirements had been met;
- If the application was granted there would be no guarantee that a log of complaints or concerns would be accessible;
- There should be no alcohol sales whatsoever;
- The green should be for children, activities and family and not for alcohol;
- The area was unique and should be protected;
- There had been some anti-social behaviour in the past at the area although there had not been any seen recently;
- The safeguarding of children was everybody's responsibility;
- Conversation had been had with the police who had no idea that public toilets were integral to the premises;
- The removal of off sales from the application had been noted;
- Anti social behaviour was linked to alcohol use;
- Youths in the area had caused damage to local beach huts, police were called but did not respond;
- There had been no meaningful public consultation and IT had failed to work when registering objections to the licence;
- There were issues with the electronic nature of the meeting;
- There was already a vibrant café culture in a more suitable part of the beach (east street);
- The idea of the licence was wrong and it would irrevocably change the nature of the beach;

- If it had to go ahead there should be safeguarding of toilet access (i.e the toilets should be segregated from the premises;
- The applicants showed a lack of understanding of local residents;
- The existence of a covenant on the prohibition of selling alcohol should be relevant to the issuing of the licence

Members questions for residents making representations

A Member asked a resident if they wanted any sort of alcohol licence and was told that the site was not viable without an alcohol licence of the type being applied for.

Summing up of residents making representations

Residents were invited sum up which is summarised as follows

- The residents could challenge a decision at a future date;
- There had been an under representation of safeguarding of children issue;

The applicant was invited sum up

The applicant summed up which is summarised as follows:

- The Committee was not able to consider covenants on land;
- The licence was in place to control licensable activities of the premises;
- It was not true that there had been no local engagement, there had been zoom meetings a letter and an engagement event;
- Statutory bodies had not made a representations;
- The premises would bring investment and culture to the area
- Representations had tried to show fear where no fear existed;
- There was no evidence to support claims;
- The planning application was relevant as there had been conditions as part of the planning approval which effected licensing objectives directing how the premises should operate, these included a travel plan and noise management plan;

The Committee adjourned at 10:30pm to consider its decision

In reaching its decision the Licensing Sub-Committee has given due regard to the following:

- The statutory licensing objectives
- Worthing Borough Councils Statement of Licensing Policy
- Guidance under section 182 by the Home Secretary and Licensing Act 2003.
- The application, written/oral representations made at the hearing and in writing.
- The Committee also gave regard to human rights legislation and the rules of natural justice.

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, the prevention of public nuisance, public safety and protection of children from harm.

Resolved: that the provisional statement be granted.

The reason for the decision is:

The Applicant has taken into account the concerns of the local residents. The Council received 195 representations from local residents. Concerns raised included parking issues, loss of green space, no requirement or demand for a licensed premise, damage to the beach and nature reserve and viability those concerns are irrelevant to this application and have been disregarded by the Committee. The residents also raised concerns about increased anti-social behaviour, noise pollution, litter and concerns over the impact that an alcohol licence would have on children and unaccompanied children using the toilets within the building those concerns are relevant to this application and have been considered.

The licencing committee has considered those representations but is satisfied with the additional conditions agreed by the applicant and the Police the provisional statement would not undermine the licencing objectives

Advice to parties:

Those who have made representations in connection with this application are reminded that they may appeal against this decision within 21 days by giving notice to the Magistrates Court.

Interested parties are reminded that they may apply for a review of this licence "after a reasonable interval" pursuant to Section 51 of the Licensing Act.

Any licence granted under the Licencing Act 2003 does not override any planning restrictions on the premises nor any restrictions that may be attached to the lease of these premises.

The applicant is reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises when you do not have a licence in place and you may be prosecuted.

The meeting ended at 10.30 pm