



## Licensing Act 2003 – Section 29

### Application for a Provisional Statement

#### Shoreham Beachbox Beach Green, Shoreham-by-Sea, West Sussex

#### Report by the Interim Director for Communities

#### 1. Recommendation

- 1.1 That the Licensing Committee considers and determines the application made on behalf of :

#### **Beachbox Development Ltd.**

for a new Provisional Statement to authorise in principle the sale of alcohol and the provision of regulated entertainment at a proposed new café/restaurant prior to construction.

#### 2. Reasons for Hearing

- 2.1 The application has been the subject of formal representation by a responsible authority and 195 members of the public and it therefore falls to this committee to determine.

#### 3. Background

- 3.1 An application was made on behalf of Beachbox Development Ltd. to the Licensing Authority, Adur District Council, on the 2 July 2021 for the grant of a provisional statement.
- 3.2 A Provisional Statement is applied for when a premises are being, or are about to be constructed, extended or otherwise altered for the purpose of being used for one or more licensable activities. A Provisional Statement offers investors some assurance,

before they commit substantial funds, that a premises licence covering the desired licensable activities would be granted for the premises when the building work is completed.

- 3.3 A Provisional Statement is not time limited, but the longer the delay before an application for a premises licence is made, the more likely it is that there will be material changes and that the licensing authority may accept representations.
- 3.4 At hearing the licensing authority must decide whether, if the premises were constructed (or altered) in the way proposed in the schedule of works and if a premises licence was sought for those premises, it would consider it appropriate for the promotion of the licensing objectives to:
- attach conditions to the licence;
  - rule out any of the licensable activities applied for;
  - reject the application.

It will then issue the applicant with a provisional statement setting out the details of that decision together with its reasons.

- 3.5 When an application is subsequently made for a premises licence in respect of the premises for which a provisional statement has been made, representations by responsible authorities and other persons will be excluded in certain circumstances. These are where:
- the application for a licence is in the same form as the licence described in the provisional statement;
  - the work in the schedule of works has been satisfactorily completed;
  - given the information provided in the application for a provisional statement, the responsible authority or other person could have made the same, or substantially the same, representations about the application then but failed to do so without reasonable excuse; and
  - there has been no material change in the circumstances relating either to the premises or to the area in the proximity of those premises since the provisional statement was made.

- 3.6 Beachbox Development Ltd.'s application was made after the applicant secured in principle the use of the site and agreed the leasing terms in March 2019 and then obtained planning permission to construct an all year round seafront café/restaurant and community space in October 2019.

- 3.7 Shoreham Beach Green is situated on 'Shoreham Beach' with the green running from the sea to the south to the River Adur to the north. Dissected by the 'Beach Green' road, the main road into the western half of Shoreham Beach. The green contains a play area, an outdoor fitness area, grass recreation area and 110 space pay & display car park in the northern section and a toilet block and lawns in the smaller southern portion.

- 3.8 The site for the proposed café/restaurant and community hub is in this southern section which currently contains a toilet block which is open in the summer 9am to

9pm and in the winter 9am to 5pm. Under the proposed new scheme this toilet block is to be demolished and the new building constructed on the site. This new building would contain new public toilets and other facilities.

3.9 The surrounding area is mainly residential. The nearest residential dwelling is approx. 75m from the proposed building. The nearest retail centre is approx. 500m away in Ferry Road where there are shops, a large public house, cafes/takeaways & restaurants and other commercial properties.

3.10 Attached to the report are:

- A plan & photos of the area (Appendix A)
- A plan & images of the proposed café & community hub (Appendix B)
- A copy of the application (Appendix C)
- The representation made by a Responsible Authority (Appendix D)
- The mediation conducted with Sussex Police (Appendix E)
- The representations received from the public (Appendix F)
- The applicant's proposed amendments offered as a result of public representations (Appendix G)
- The applicant's skeleton argument & director's statement (Appendix H)

#### 4. **The Application**

4.1 The Application is attached at **Appendix C**. However, in summary, the application was seeking a provisional statement granting authorisation for:

- Sale of Alcohol for consumption on & off the premises:
  - On Sales: 10:00hrs to 23:00hrs Monday – Sunday incl.
  - Off Sales: 10:00hrs to 21:00hrs Monday – Sunday incl.
- Provision of Regulated Entertainment in the form of Recorded Music, Live Music, Dance and anything of a similar description :
  - 10:00hrs to 23:00hrs Monday – Sunday incl.
- Opening to the Public:
  - 07:00hrs to 23:00hrs Monday – Sunday incl.
- Non-standard timings:
  - Bank Holidays: 07:00hrs to 22:00hrs.
  - Christmas Eve & New Year's Eve: 07:00hrs to 00:30hrs (of the following morning).

4.2 As recommended by the Guidance issued under section 182 of the Licensing Act 2003 the applicant has completed an operating schedule as to how it is intended to address the Licensing Objectives if this application were granted. These conditions would then be transferred to any premises licence subsequently granted.

4.3 This application was due to be considered at a hearing scheduled for 19 August 2021. The 2005 Hearings Regulations set strict time limits on licence applications but do permit licensing authorities to extend a time limit provided for by the regulations for a specified period but only where it considers this to be necessary in the public interest or the parties agree. In this instance requests from some of those that had made representation and the applicant for a postponement were received and the Licensing

Authority considered it in the public interest for all parties to be given more time to properly assess the representations and consider the mediation that had been successfully completed between the applicant and Sussex Police.

## 5. Promotion of the Licensing Objectives

5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 In carrying out its licensing functions, the licensing authority must also have regard to the Guidance issued by the Secretary of State and its own Statement of Licensing Policy. Members are advised that the following sections of the Adur District Council's Policy may be particularly relevant to consideration of this matter, though of course the Policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the Policy itself:

### ***Prevention of Crime & Disorder***

4.9 *The Licensing Authority is committed to further reducing crime and disorder within the Adur District and to helping people feel safe.*

4.10 *Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the District Council, Sussex Police, West Sussex County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 complements this duty for Licensing Authorities*

4.11 *The promotion of the Licensing Objective to prevent crime and disorder places a responsibility on licence holders to work together in partnership to achieve this objective, and are strongly recommended to become members of any relevant Pubwatch scheme. Applicants will be expected to demonstrate, in their Operating Schedule, that suitable and sufficient measures have been identified and will be implemented and maintained to minimise or prevent crime and disorder in and around the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.*

4.12 *When addressing the issue of crime and disorder, an applicant must demonstrate that those factors that impact on crime and disorder have been considered. These specifically include:-*

- *Underage drinking*
- *Drunkenness on premises*
- *Public drunkenness*
- *Drugs (especially through an agreed Venue Drugs Policy)*
- *Violent behaviour*
- *Anti-social behaviour*

- *Lewd and offensive behaviour*

### **Prevention of Public Nuisance**

- 4.16 *Licensed premises have a significant potential to impact adversely on communities through public nuisances which can arise from their operation. The Licensing Authority recognises the need to maintain and protect the amenity of residents, visitors and other businesses from the potential consequence of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.*
- 4.17 *The Licensing Authority understands 'public nuisance' to include such issues as noise and disturbance, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.*
- 4.18 *Applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing public nuisance, relevant to the individual style and characteristics of their premises and events.*
- 4.20 *When addressing the issue of prevention of public nuisance, an applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These will include:-*
- *location of premises and proximity to residential and other noise sensitive premises (e.g. hospitals, hospices, places of worship etc.);*
  - *effective and responsible management and supervision of the premises and associated open areas;*
  - *the hours of opening;*
  - *the nature of activities to be provided, the customer profile, whether the activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;*
  - *the design and layout of premises and in particular the presence of noise limiting and/or noise insulating features;*
  - *the number of people attending the premises;*
  - *the availability of public transport;*
  - *a 'wind down' period between the end of the licensable activities and closure of the premises;*
  - *last admission time.*
- 4.21 *The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an Operating Schedule, having regard to their particular type of premises and/or activities:-*
- *Effective and responsible management and supervision of premises and associated open areas;*
  - *Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance;*

- *Control of opening hours for all or part (e.g. garden areas) of the premises and the operation of noise generating plant and equipment;*
- *Adoption of existing and future best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics);*
- *Where appropriate, the installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and sound insulation or sound limiting devices;*
- *Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises;*
- *Liaison with public transport providers;*
- *Siting of external lighting, including security lighting;*
- *Management arrangements for collection and disposal of litter;*

### **Protection of Children from Harm**

- 4.22 *Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children. No statement of policy can anticipate every issue of concern that could arise in respect of children and individual premises. Because of this, general rules will be avoided. Consideration of the individual merits of each application remains the best mechanism for judging such matters.*
- 4.23 *The protection of children is a most important issue. It is hoped that family friendly premises will thrive, but the prevention of harm to children remains of paramount importance when determining applications.*

### **DEMAND, SATURATION & HOURS**

- 6.1 *In accordance with the Government's guidance the Council recognises that demand is not a relevant criterion in considering an application under the Act.*

### **SPECIFIC CONSIDERATIONS**

#### **Alcohol – On & Off Sales**

- 7.1 *It is now a mandatory condition that all licence holders selling alcohol put in place an age verification policy for the premises. In some circumstances the Licensing Authority will impose, where necessary to promote the Licensing Objectives, implicit conditions on the checking of the age of those who appear under 21 or 25 to ensure that alcohol is not sold to those under 18 years of age.*
- 7.2 *Licence holders need to have sufficient day to day control of operations at their premises. They will be held responsible for breaches of the licence and ensuring there is adequate staffing and training. The authorities will continue to use young people for the 'test purchasing' of alcohol and CCTV evidence, which has proved its usefulness in prosecutions for unlawful sales of alcohol. The likely consequences of a Review of licence for underage sales include the imposition of additional conditions such as the attendance of a personal*

*licence holder, licence suspensions and in some cases revocation to act as deterrence.*

## **Alcohol**

### **Public Houses and Bars – On Sales**

- 7.14 *Adur contains a wide variety of pubs and bars, licensed for the consumption of alcohol on the premises that contribute to the area's appeal and its character. They provide food and refreshment for residents and for people working in and visiting the district. They also provide venues for live music which, aside from its cultural benefits and its enjoyment by customers, often has a positive effect on the Licensing Objectives. However, premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly where there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. In addition pubs and bars present opportunities for crime and they can also give rise to disorder.*
- 7.15 *The 2003 Act details a number of mandatory conditions relating to the supply of alcohol covering the requirement for a designated premises supervisor , door supervisors to be SIA registered, no irresponsible alcoholic drink promotions, free tap water to be available, set measures for the sale of alcohol and age verification measures*
- 7.16 *The Licensing Authority regards these as the minimum required and will expect applicants to have regard to additional measures appropriate for their premise, area and character of business to demonstrate his/her promotion of the Licensing Objectives. If the proposals are inadequate and representation has been received the council may impose conditions as it deems appropriate or even refuse an application.*

## **6. Consultation**

- 6.1 The application has been subject to the statutory consultation and statutory public advertisement arrangements in accordance with the provisions of the Act, in respect of which relevant representations were received from the following:
- Responsible Authorities – 1 X Representation (Sussex Police)
  - Other Persons - 195 X Representations

## **7. Relevant Representations**

- 7.1 Detail of the relevant representation received is reproduced at **Appendices D and F**. The representations are considered to relate to the statutory licensing objectives as follows:
- **Prevention of Crime & Disorder**
  - **Prevention of Public Nuisance**
  - **Public Safety**
  - **Protection of Children from Harm**

- 7.2 Sussex Police made a number of comments and listed a number of conditions that they consider are required to enable this premise to meet the licensing objectives if members were of a mind to grant a provisional statement.
- 7.3 One hundred and ninety five letters were received from the public. Some of which have expressed concerns regarding possible crime & disorder, anti-social behaviour, public nuisance and safety implications that can be associated with alcohol sales and entertainment. Some support the application.
- 7.4 Some of the information included in the representations, whilst highlighting serious issues, should be regarded as not relevant to a licensing application under the Licensing Act 2003 and should not be considered. These include:
- Parking issues
  - Loss of green space
  - No requirement or demand for a further licensed premise
  - Damage to the beach and nature reserve
  - Viability

However, the representations have been reproduced in their entirety and it is for members to carefully decide how much weight, if any, should be attached to some of the points made and information included.

- 7.5 The applicant and all those that made relevant representations have been formally notified of this re-scheduled hearing and invited to attend.

## **8. Mediation**

- 8.1 The Licensing Act 2003 encourages mediation.
- 8.2 Sussex Police expressed some concerns regarding the application and sought some modification to the timings and amendment to the conditions to address the licensing objectives. These have now been successfully mediated with the applicant, Beachbox Development Ltd., agreeing that if a provisional statement were to be granted the following timings & conditions would be placed on any subsequent premises licence as enforceable conditions of licence in addition to those included in the operating schedule.

The following amended hours agreed:

*The changes to the permitted hours for the sale of alcohol have been amended to allow for a 20 minute drinking up time*

- *Sale of Alcohol:*
  - *On Sales:*
    - *10:00hrs to 22:40hrs Monday - Saturday*
    - *10:00hrs to 21:40hrs Sunday & Bank Holidays*
    - *10:00hrs to 00:10hrs Christmas Eve & New Year's Eve*
  - *Off Sales:*
    - *10:00hrs to 21:00hrs Monday – Sunday incl.*
- *Provision of regulated Entertainment:*

- 10:00hrs to 23:00hrs Monday – Saturday
  - 10:00hrs to 22:00hrs Sundays & Bank Holidays
  - 10:00hrs to 00:30hrs Christmas Eve & New Year’s Eve
- Late Night Refreshment:
  - 23:00hrs to 00:30hrs Christmas Eve & New Year’s Eve
- Opening to the Public:
  - 07:00hrs to 23:00hrs Monday to Saturday
  - 07:00hrs to 22:00hrs Sunday & Bank Holidays
  - 07:00hrs to 00:30hrs Christmas Eve & New Year’s Eve

The following enforceable conditions have been agreed:

**CCTV:**

1. *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance and exit to the premises. This includes any areas designated for tables and chairs and the designated smoking area. The system shall be on and recording at all times the premises licence is in operation. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.*
  - *CCTV footage will be stored for a minimum of 31 days.*
  - *The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.*
  - *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
  - *Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.*
  - *At least one member of staff on the premises at any time during operating hours shall be trained to access and download material from the CCTV system.*
  - *Any breakdown or system failure will be notified to the police immediately & remedied as soon as is practicable.*
  - *In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.*
2. *Signs shall be placed in prominent positions on the premises notifying customers that CCTV is in operation.*

**Age Verification:**

3. *The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under the specified age will be asked for photographic ID to prove their age.*

4. *Signage advertising the "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale and the area where the alcohol is displayed, as a minimum.*
5. *The only form of ID that will be accepted are passports, driving licences with a photograph or Citizen card or validated proof of age cards bearing the "PASS" mark hologram. The list of approved ID may be amended or revised subject to prior written agreement with Sussex Police.*

**Refusals and Incident Log:**

6. *The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept at the premises to record all refusals and incidents of crime or disorder.*
7. *These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.*
8. *These records shall be kept for a minimum of twelve (12) months, and made immediately available upon request to the Local Authority Licensing Officers, Sussex Police Officers or Licensing staff.*
9. *The following will be recorded:*
  - *All crimes reported.*
  - *All ejections of patrons.*
  - *Any complaints received.*
  - *Any incidents of disorder.*
  - *Seizure of drugs or offensive weapons.*
  - *Any faults in the CCTV system.*
  - *Any refusal of the sale of alcohol.*
  - *Any visit by a relevant authority or emergency service.*

**Training:**

10. *All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to engaging in any sale of alcohol.*
11. *Refresher training shall be conducted thereafter at intervals of no more than six (6) months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff*
12. *When the first floor restaurant and/ or roof terrace are open for the sale of alcohol, substantial refreshment in the form of food shall be available up to 60 minutes before the premises close.*

**Door supervisors:**

13. *The provision of SIA door security on the premises shall be risk assessed. A copy of the risk assessment shall be kept on site and made available to the police and representatives from the responsible authorities on request. The risk assessment shall be reviewed every 12 months.*
14. *Where door supervisors are employed, the licensee/management shall record the following details of each door supervisor;*
  - *full name,*
  - *home address and contact telephone number,*
  - *SIA registration number, and*
  - *time/date of employment of any door supervisor(s) employed at the premises.*
15. *Where door supervisor(s) are provided by an agency the name, business address and contact telephone number will also be recorded. These records are to be maintained for no less than 6 months.*

**Dispersal Policy and Noise:**

16. *A dispersal policy ("the policy") will be drawn up and implemented by the premises licence holder or manager to ensure that customers leaving the premises, especially at closing, are properly managed to ensure that they do not cause a public nuisance. The policy will be made available to the responsible authorities on reasonable request.*
17. *A complaints log ("the log") will be maintained at the premises and any complaints made by local residents in relation to noise nuisance will be recorded therein.*
18. *The log will record the date and time of the complaint, the nature of the complaint, the name of the complainant (if known) and any remedial action taken to mitigate/investigate the complaint.*
19. *Signs will be prominently displayed at all exit points reminding customers to leave quietly and respect local residents.*
20. *The premises licence holder or manager nominated to act on their behalf will take all reasonable steps to ensure that noise from the premises is maintained at such a level as to not cause a public nuisance.*
21. *The premises licence holder or manager nominated to act on their behalf will take all reasonable steps to ensure that customers attending the premises or leaving the premises do so quietly and in a manner that will not cause a public nuisance.*

**First Aid:**

22. *An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.*
23. *Members of management at the premises will be suitably qualified first aiders.*
24. *The premises licence holder will install and maintain a defibrillator within the premises.*

**General:**

25. *The premises will operate zero tolerance policy to drugs and comply with Sussex Police and Council Community safety unit drugs and weapons policy where appropriate.*
26. *Save for New Year's Eve, the roof terrace shall be cleared of patrons no later than 21:30hrs*
27. *Children under 18 years shall not be permitted on the site after 21:00 hours unless attending a pre-booked function (booked no later than 24 hours in advance) or part of a sit down meal in the restaurant.*
28. *No open vessels shall be allowed off the premises.*
29. *Staff must ensure that all empty glasses and bottles are promptly cleared away from the public areas. Regular patrols are to be conducted, at least hourly, both inside and outside the premises.*
30. *The supply of alcohol will cease 20 minutes prior to the closure of the premises.*
31. *On occasions when a requirement is identified by the licence holder's risk assessment or upon the reasonable request by Sussex Police, glass vessels shall not be used in any area of the premises open to the public.*

Subject to these amendments Sussex Police have withdrawn their objections.

**(Appendix E)**

In addition, one member of the public withdrew their representation as a result of these conditions being agreed.

8.3 Mediation between the applicant and those members of the public that made representation objecting to a provisional statement was considered impractical because of the number and diverse nature of the representations received.

8.4 However, the applicant has carefully considered all the representations made regarding the application and has offered a number of amendments to try to address some of the concerns expressed by residents and has offered the following amendments to the application:

- *Removal of the request for authorisation for alcohol off sales.*
- *Amendment of the proposed start time for the provision of licensable activities to 12:00hrs (midday) each day.*

and has included a 'Schedule of proposed opening hours, hours for the provision of licensable activities and conditions'.

**(Appendix G)**

8.5 In addition the applicant's solicitor, Mr Ewen Macgregor, has provided documentation to support the application in the form of a 'Skeleton Argument on behalf of the Applicant' and a statement made by Mr Roger Wade, director of Beachbox Development Ltd.

8.6 These documents detail, among other points; the processes, the engagement with the responsible authorities and the comprehensive consultation of residents that the

applicant has completed as part of the planning process and details the Planning Committee's decision. It also highlights the Planning Committee's consideration of some of the serious issues raised by residents in their representations regarding this application that are not relevant to a Licensing Committee's consideration under the Licensing Act.

**(Appendix H)**

## **9. Consideration**

9.1 Members must take into consideration the following when determining this application:

- The four statutory licensing objectives.
- Adur District Council's Statement of Licensing Policy
- Guidance issued by the Home Secretary
- The relevant representations from all parties, the amendments made to the application and the mediated agreement reached.

9.2 These are the only matters to be addressed by the authority when considering this application. The statutory Licensing objectives are the only grounds on which representations can be made, and the only grounds on which an authority will be able to refuse an application or impose conditions in addition to statutory conditions and those proposed by the applicant in the Operating Schedule.

9.3 When considering this application for a premises licence the following options are available to the Committee:

- Grant the amended provisional statement as requested,
- Grant the provisional statement, as requested, with additional conditions appropriate to the promotion of the specific licensing objectives on which relevant representations have been received.
- Reject the whole or part of the application.

Members may also:

- Grant the provisional statement but exclude certain licensable activities,
- Approve different parts of the premises for different activities.

9.4 Members are required to give reasons for their decision.

## **10. Legal Implications**

10.1 Under Section 181 and Schedule 5 of the Act, the following rights of appeal to the

Magistrates' Court in respect of applications for a premises licence includes:

- The applicant may appeal against any decision to modify the conditions of the licence.
- The applicant may appeal against a rejection in whole or part of an application.

- A person who has made relevant representations may appeal against a provisional statement being granted, or against the modification or lack of modification of any conditions.

10.2 The Act allows for the local licensing authority to undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police or the fire authority, or any other party, such as a resident living in the vicinity of the premises. The government's guidance states:

*"The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with licensing objectives are occurring after the grant or variation of a premises licence.*

*At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.*

10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.

10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.

10.5 All applications, before the Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.

10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from interested parties and the responsible authorities particularly the Police.

## **11. Other Implications**

11.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account. There are no significant direct race relations or equal opportunity implications that have been identified.

## **12. Recommendation**

- 12.1 Members are requested to determine the application for a Provisional Statement made on behalf Beachbox Development Ltd. for their proposed café, restaurant & community hub to be known as 'Beachbox' situated on Beach Green, Shoreham-by-Sea and give reasons for that determination.**

**Interim Director for Communities**

**Tina Favier**

### **Principal Author and Contact Officer:**

Simon Jones

Senior Licensing Officer - Tel: 01273 263191 or [simon.jones@adur-worthing.gov.uk](mailto:simon.jones@adur-worthing.gov.uk)

### **Background Papers:**

- Licensing Act 2003  
<https://www.legislation.gov.uk/ukpga/2003/17/contents>
- Guidance issued under section 182 of the Licensing Act 2003  
<https://www.gov.uk/government/publications/licensing-act-2003-amended-guidance-is-sued-under-section-182>
- Adur District Council's Statement of Licensing Policy  
<http://www.adur-worthing.gov.uk/licensing-and-permits/consultations-policy-forum/policy-and-forum/>
- Beachbox Brochure  
[https://issuu.com/boxparkuk/docs/big\\_beachbox\\_sales\\_pack\\_v7](https://issuu.com/boxparkuk/docs/big_beachbox_sales_pack_v7)

### **Appendices:**

- Appendix A - Plan & photos of the area
- Appendix B - Plan & images of the proposed site.
- Appendix C - The Application Form.
- Appendix D - Representation received from a Responsible Authority
- Appendix E – Mediation conducted with Police
- Appendix F - Representations received from the public
- Appendix G - Amendments to application offered as a result of public representation
- Appendix H - Applicant's skeleton argument and director's statement.

Portland House, Worthing

Ref: SJ/Lic.U/LA03/NEWPROV S. – Beachbox

Date: 1 Sept 2021

