



Communities Directorate

11 July 2016

<b>Licensing Committee</b>	
<b>Date:</b>	<b>19 July 2016</b>
<b>Time:</b>	<b>7:00pm</b>
<b>Venue:</b>	<b>Queen Elizabeth II Room, The Shoreham Centre, Pond Road</b>

**Committee Membership:** Councillors; Brian Coomber(Chairman), David Simmons, Emma Evans, Stephen Chipp, James Butcher, Peter Metcalfe, Lyn Phillips, David Lambourne, Liz Haywood & Ben Stride

## **Agenda**

### **Part A**

#### **1. Declarations of Interest / Substitute Members**

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

#### **2. Confirmation of Minutes**

To approve the minutes of the Licensing Committee meeting of held on 7 March 2016 and the Licensing Regulatory Sub-Committee meeting held on the 6 June 2016, copies of which have been previously circulated.

### 3. Public Question Time

To receive any questions from Members of the public in accordance with Standing Order 11.2

*(Note: Public Question Time will operate for a maximum of 30 minutes.)*

### 4. Items Raised Under Urgency Provisions

To consider any items the Chairman of the meeting considers to be urgent

### 5. Procedure

To approve the procedure, a copy of which is attached as item 5.

## Part B - Licensing Act 2003 and Gambling Act 2005 Applications

### 6. Licensing Act 2003 – Determination of an Application for a Variation of a Premises Licence at: Mulberrys, 38-46 South Street, Lancing

To consider a report by the Director for Communities, copy attached as item 6.

## Part C - Not for publication - Exempt Information Reports

None.

**Recording of this meeting:** The Council will be voice recording the meeting including public question time. The recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Chris Cadman-Dando Democratic Services Officer 01903 221364 <a href="mailto:chris.cadman-dando@adur-worthing.gov.uk">chris.cadman-dando@adur-worthing.gov.uk</a>	Michele Wilkinson Solicitor 01903 221030 <a href="mailto:michele.wilkinson@adur-worthing.gov.uk">michele.wilkinson@adur-worthing.gov.uk</a>

**Duration of the Meeting:** Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

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## Licensing Committee Pursuant to the Licensing Act 2003 Variation Hearing Procedure

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### PROTOCOL

The four licensing objectives, as prescribed by the Licensing Act 2003, are:

- Prevention of crime and disorder;
- Public safety;
- Prevention public nuisance; and
- Protection of children from harm.

Each application that comes before this Committee will be treated on its own merits, and this licensing authority will take its decision based upon;

- The merits of the application
- Promotion of the four licensing objectives
- Adur District Council's Statement of Licensing Policy.
- Amended Guidance issued under Section 182 of the Licensing Act 2003. (March 2015)

Applicant & Licence Holder need not attend, but it is advisable that they do so, or they may be represented by another person if they wish.

### PROCEDURE AT HEARING

1. **Chair** opens the meeting, introducing Members of the Committee and Officers present, explains the nature of the decision to be taken, and the procedure to be followed.
2. **Licensing Officer** outlines the application, any relevant representations and relevancies to the local authority licensing policy statement and statutory guidance.
3. **Licensing Officer** introduces the Applicant and the Licence holder and invites the applicant to confirm that his outline of the application is accurate. (*Applicant's submissions to be made at 5 below, and not at this stage*).
4. **Chair** to invite **Members** to ask any relevant questions of the Licensing Officer.
5. **Licensing Officer** to invite **the applicant** to briefly address the Committee on the evidence supporting the review application if they wish
6. **Chair** to invite **Members** to ask any relevant questions of the Applicant.
7. **Chair** to invite Licence holder to ask any relevant questions of the applicant.
8. **Licensing Officer** to invite **those who have made representations** to briefly address the Committee on those representations if they wish.

*(maximum 20 minutes per party, all comments to be focused and relevant, repetition to be avoided).*

9. *(If necessary, **Members** will consider requests to allow other parties invited by the applicant to address the Committee.)*
10. **Chair** to invite **Members** to ask any relevant questions of **those who have made representations**.
11. **Chair** to invite Licence holder to ask any relevant questions of **those who have made representations**.
12. **Licensing Officer** to invite **Licence Holder** to make oral submissions to the Committee if they wish. *(Maximum 20 minutes, all comments to be focused and relevant, repetition to be avoided)*
13. **Chair** to invite **Members** to ask any relevant questions of the Licence Holder.
14. **Chair** to invite the **applicant and parties who made representations** to ask any relevant questions of the Licence holder.
15. **Chair** to invite **applicant, parties making representations and Licence Holder**, to make a very brief closing speech/ summing up if they wish. *NB: No new information may be introduced at this stage.*
16. **Chair** to ask all parties if they are satisfied they have said all they wish to.
17. **Chair** to invite **Members** to go into closed session to make their decision.
18. **Members** return to open session. **Chair** announces the decision, giving reasons, and any conditions placed upon the licence and the licensing objective that they relate to.

**Please note**

- *Changes to Membership are not allowed for the Licensing Committee.*
- *Decisions will generally be taken regardless of whether the applicant is present. All notices and representations received from absent parties will be considered.*
- *Late representations and evidence will only be considered with agreement of all parties present.*
- *The applicant will be notified in writing of the decision within 5 working days.*
- *Applicants, Licence holders and others have rights to appeal, details of which can be obtained from the licensing officer.*
- *This Council is committed to taking decisions in an honest, accountable and transparent fashion but on occasion may find it necessary to exclude members of the press and public based upon the legal framework given by the Local Government Act 1972 Schedule 12a and/or local policy. In these occasions decisions based on the above framework will be given. Similarly, this authority generally will allow all parties to ask questions of another party present, but this decision will be taken on a case by case basis and in some exceptional circumstances (a reason will be given) cross examination may be prohibited.*
- *The authority has the right to exclude any parties disrupting this hearing.*
- *This licensing authority grants a maximum of 20 minutes per party to make all relevant submissions, but respectfully request that all parties keep points pertinent and the discussion moving in the interests of cost and efficiency.*
- *A copy of Adur District Council's Statement of Licensing Policy is available from the Licensing Unit.*

Ward:

**Determination of an Application for a Variation of a Premises Licence at:  
Mulberrys, 38-46 South Street, Lancing**

**Report by the Director for Communities.**

## **1.0 Summary**

1.1 An application for a Variation to a Premises Licence (LN/200500242) has been made by the licence holder:

**M & O Trading Ltd.**

The existing premises licence authorises the sale of alcohol at the above store.

1.2 The application is for authorisation to extend the hours for the sale of alcohol.

1.3 The application has been the subject of formal representation by a Responsible Authority and a member of the public and it therefore falls to members to determine.

## **2.0 Background**

2.1 An application was made on behalf of M & O Trading Ltd. to the Licensing Authority, Adur District Council, on the 26 May 2016 for the grant of a variation of a premises licence at their store situated in South Street, Lancing. The business operates as a convenience store and off licence occupying a triple fronted shop unit with residential flats above and public off street parking spaces directly outside. The shop is at end of a parade of shops in a mixed commercial/residential area with the 'Farmers' Public House opposite.

2.2 A copy of the application and a location plan are shown in appendix 1. The application is for authorisation to extend the hours for the sale of alcohol for the consumption off the premise. The application seeks:

- Alcohol Sales between the hours of:  
00.00hrs to 23.59hrs Monday – Sundays (24hrs a day)
- Opening to the Public between the hours:  
00.00hrs to 23.59hrs Monday – Sundays (24hrs a day)

- 2.3 A copy of the current premises licence is shown in appendix 2. The current premises licence authorises:
- Alcohol Sales between the hours of:  
08.00hrs to 22.30hrs Monday – Saturday  
10.00hrs to 22.30hrs Sunday
- With restrictions carried over from the old Justices' liquor licence further limiting the hours on Good Friday & Christmas Day.

### **3.0 Consultation**

- 3.1 The application has been subject to the statutory consultation and statutory public advertisement arrangements in accordance with the provisions of the Act.
- 3.2 As a result two relevant representations were received. One from a responsible authority, Sussex Police, and one from a local resident Miss Winslade.
- 3.3 The representations received are reproduced in full at appendix 3.

### **4.0 Representation & Mediation**

- 4.1 The representations are considered to fall under the licensing objectives:

Prevention of Crime and Disorder  
Prevention of Public Nuisance

- 4.2 Two representations were originally received, as stated, but as a result of mediation one has now been withdrawn.
- 4.3 The representation from Sussex Police has been withdrawn, following the applicant's agreement to the following conditions being added to the licence if members were of a mind to grant the variation:
- *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). CCTV needs to be operated and maintained throughout the premises internally and externally to cover all areas, including the entrance to the premises. 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. The CCTV images will record and display dates and times and these times will be checked regularly to ensure their accuracy. 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. Subject to Data Protection 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 for the police without difficulty or delay and without charge to Sussex Police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.*

- *Those performing the role of SIA Door Supervisor will not perform any other role when engaged for the purpose of Door Supervision activities*
- *SIA trained and licensed door supervisor(s) shall be employed on occasions when a requirement is identified by the licence holder's risk assessment or requested by Sussex Police. (A minimum of 48 hours written notice required from the Police Licensing Team).*
- *SIA trained and licensed door supervisor(s) shall wear body worn video on occasions when a requirement is identified by the licence holder's risk assessment or requested by Sussex Police. (A minimum of 48 hours written notice required from the Police Licensing Team).*
- *SIA door supervisors shall complete incident logs prior to the end of their shift.*
- *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 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 and refresher training thereafter at intervals of no more than eight (8) weeks. 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*
- *A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. This shall be made available immediately upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff*
- *Patrons shall be requested not to congregate outside the premises or in the immediate vicinity. Notices to this effect must be prominently displayed at the entrances/exits of the premises*

These would become fully enforceable conditions of licence. Sussex Police have confirmed these would address their concerns.

4.4 Mediation has been attempted between the applicant and the member of the public that made representation, Miss Winslade. However, at the time of drafting this report no agreement had been reached. The applicant has offered some assurances to address her concerns which are detailed at appendix 3d and members will be informed of any developments.

4.5 Notices of Hearing have been served on the applicant and those making representation.

## **5.0 Legislation**

5.1 The Licensing Act 2003 (Hearings) Regulations 2005 require licensing authorities to disregard any information given by a party or other persons permitted to speak which is not relevant:

- (i) To their application, representation or notice and
- (ii) The promotion of the licensing objectives.

5.2 Section 4 of the Licensing Act 2003 requires licensing authorities to carry out its functions with a view to promoting the following licensing objectives.

- (i) the prevention of crime and disorder;

- (ii) public safety
- (iii) the prevention of public nuisance; and
- (iv) the protection of children from harm.

5.2 The authority must also have regard to its own statement of licensing policy and any guidance issued by the Secretary of State.

## **6.0 Council Policy Statement**

6.1 The Council, as licensing authority, has adopted a policy on the determination of applications under the Licensing Act 2003. Members will already have a copy of the Policy Statement.

6.2 The policy will be relevant in almost its entirety to this application. However, the following sections (re-produced in full below) are regarded as particularly relevant:

*6.3 The policy is also intended to ensure that the provision of additional opportunities for licensable activities are matched by additional measures enabling the police and licensing authorities to act promptly to maintain public order and safety.*

*6.4 The policy sets out a general approach to the making of licensing decisions and underpins the provisions of the Licensing Act. It does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.*

*6.5 Similarly, this policy does not override the right of any person to make representations on an application or seek a review of a licence or certificate, where provision has been made for them to do so under the Act.*

*6.6 Licensing is about control of licensed premises, qualifying clubs and temporary events, within the terms of the Act and the terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.*

*6.7 The Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises and how these may affect members of the public living, working or engaged in normal activity in the area concerned. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding a licence, certificate or relevant permission.*

*7.3 In respect of each of the four Licensing Objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their Operating Schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made as to whether*



*additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which may pose additional risks that need to be controlled.*

- 10.1 *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.*
- 10.2 *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.*
- 10.3 *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.*
- 10.4 *The Licensing Authority recognises the intention of the legislation in seeking to achieve a more flexible licensing regime with the concept of greater diversity of operating hours than previously existed. Conversely, it must be appreciated that premises seeking to provide late or unrestricted hours of operation can present a greater potential for public nuisance and adversely affect residential amenities. As such, there will be occasions when proposals for extended or unrestricted hours of operation will be unsuitable.*
- 10.5 *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:-*
- the 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;*
  - a last admission time.*
- 10.6 *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;*
- *Effective ventilation systems to prevent nuisance from odour.*

## **7.0 Conditions**

- 7.1 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representation and it has been satisfied that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Such conditions must be unequivocal and unambiguous.
- 7.2 The Act specifies certain mandatory conditions that are present on all premises licences and the applicant has detailed a number of conditions in the operating schedule contained in the application. In addition the applicant has volunteered a number of conditions in mediation with the Police. All would become enforceable conditions of licence if members are of a mind to grant the variation.

## **8.0 Decision**

- 8.1 Section 35 of the Act requires authorities to grant an application unless relevant representations have been made. If representations have been made, the Act requires the licensing authority to have regard to them and take such steps as it considers necessary for the promotion of the licensing objectives.
- 8.2 As defined the "steps" are:-
- a. To modify the conditions of the licence
  - b. To reject the whole or part of the application.

The conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

## 9.0 Safeguards

9.1 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:

- (1) The applicant may appeal against any decision to modify the conditions of the licence.
- (2) The applicant may appeal against a rejection in whole or part of an application.
- (3) A person who has made relevant representations may appeal against a licence being granted, or against the modification or lack of modification of any conditions.

9.2 The Act also 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. Legal Implications

10.1 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.

10.2 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.

10.3 All applications, before 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.

10.4 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. Recommendation**

- 11.1 **Members are requested to determine the application for a Variation to the Premises Licence, made on behalf of M & O Trading Ltd., for the convenience store/off licence known as 'Mulberrys' situated at 38-46 South Street, Lancing and give reasons for that determination.**

**Tina Favier  
(Interim) Director for Communities**

### **Local Government Act 1972**

#### **Background Papers:**

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003 (July 2009)  
<http://webarchive.nationalarchives.gov.uk/+http://www.homeoffice.gov.uk/publications/alcohol/guidance-section-182-licensing?view=Binary>
- Adur District Council's Statement of Licensing Policy  
<http://adcweb/intranet/docs/env-health/licensing-policy-statement.pdf>

#### **Principle Author & Contact Officer:**

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Public Health & Regulation Team  
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#### **Appendices:**

- Appendix 1 – Application & Map of area.
- Appendix 2 – Current Premises Licence & Plan
- Appendix 3 – Representations & Mediation.

**Appendix 1**  
**A. Application**

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We M&O Trading Ltd

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/200500242
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Mulberrys 38 – 46 South Street Lancing West Sussex			
Post town	Lancing	Postcode	BN15 8AG
Telephone number at premises (if any)	01903763775		
Non-domestic rateable value of premises	£11,300.00		



**Part 2 – Applicant details**

Daytime contact telephone number	01444 871810		
E-mail address (optional)	paul@hartleyswines.com		
Current postal address if different from premises address	The Willows, 1 Wilderness Road		
Post town	Hurstpierpoint	Postcode	BN6 9XD

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?     Yes                     No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see guidance note 1)     Yes                     No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)  
To vary the hour's alcohol is available for sale for consumption off of the premises.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

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#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick all that apply

- |  |                          |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A)   | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)   | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E)  | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)  | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)   | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/> |

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J) X

**In all cases complete boxes K, L and M**



**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5) None: Times to apply to everyday of the year to include all Bank holidays, Easter Sunday, Christmas Day, Boxing Day, New Year’s Day.		
Mon	00:00 -----	23:59 -----			
Tue	00:00 -----	23:59 -----			
Wed	00:00 -----	23:59 -----			
Thur	00:00 -----	23:59 -----			
Fri	00:00 -----	23:59 -----			
Sat	00:00 -----	23:59 -----			
Sun	00:00 -----	23:59 -----			
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE



L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variations</b> (please read guidance note 5) None: Times to apply to everyday of the year to include all Bank holidays, Easter Sunday, Christmas Day, Boxing Day, New Year's Day.  <b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
Day	Start	Finish	
Mon	00:00	23:59	
Tue	00:00	23:59	
Wed	00:00	23:59	
Thur	00:00	23:59	
Fri	00:00	23:59	
Sat	00:00	23:59	
Sun	00:00	23:59	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

ALL (except embedded conditions) to be removed and replaced with the conditions listed below

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.  
N/A

## M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

### a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

- Digital CCTV of an acceptable standard (agreed with Sussex Police) with image storage for at least 28 days to be installed and maintained. Images to be made available to Police, PCSO's, Licensing Authority Officers & trading Standards Officers on request. Images will have time and date recorded.
- The employees working the shifts between 23:00hrs – 08:00hrs will be a minimum of 21 yrs of age.

### b) The prevention of crime and disorder

- A refusals recording mechanism, book or computer based, with all refusal entries maintained and made available to the same persons as above upon request. The DPS will review the records at intervals of no less than 4 weeks and feedback given to all store staff.
- All Staff are to be subject to training and regular retraining at 8 week intervals regarding their responsibilities regarding the sale of alcohol. Records of this training are to be formally maintained and similarly made available.

### c) Public safety

- All Spirits to be stored behind the servery.
- After the hour of 23:00hrs until 08:00 hrs the area designated for displaying alcohol for sale (marked in red in the plans) will be closed to the public and all alcohol sales will be via counter service.
- A SIA registered door supervisor will be present whilst the shop is selling alcohol during the hours of 23:00hrs – 08:00hrs on Thursday, Friday and Saturday nights.

### d) The prevention of public nuisance

- The premises will operate and enforce a 'Challenge 25' proof of age policy where by all persons appearing to be under the age of 25 will be required to provide proof of age. The only forms of ID accepted will be Passports and photographic ID cards such as Driving Licenses and validated and approved hologram ID cards. Signage advertising the scheme must be prominently displayed.

### e) The protection of children from harm

- A minimum of two people will be present on the shop floor during the hours or 23:00hrs – 08:00hrs inclusive when the shop is open.

**Checklist:**


**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

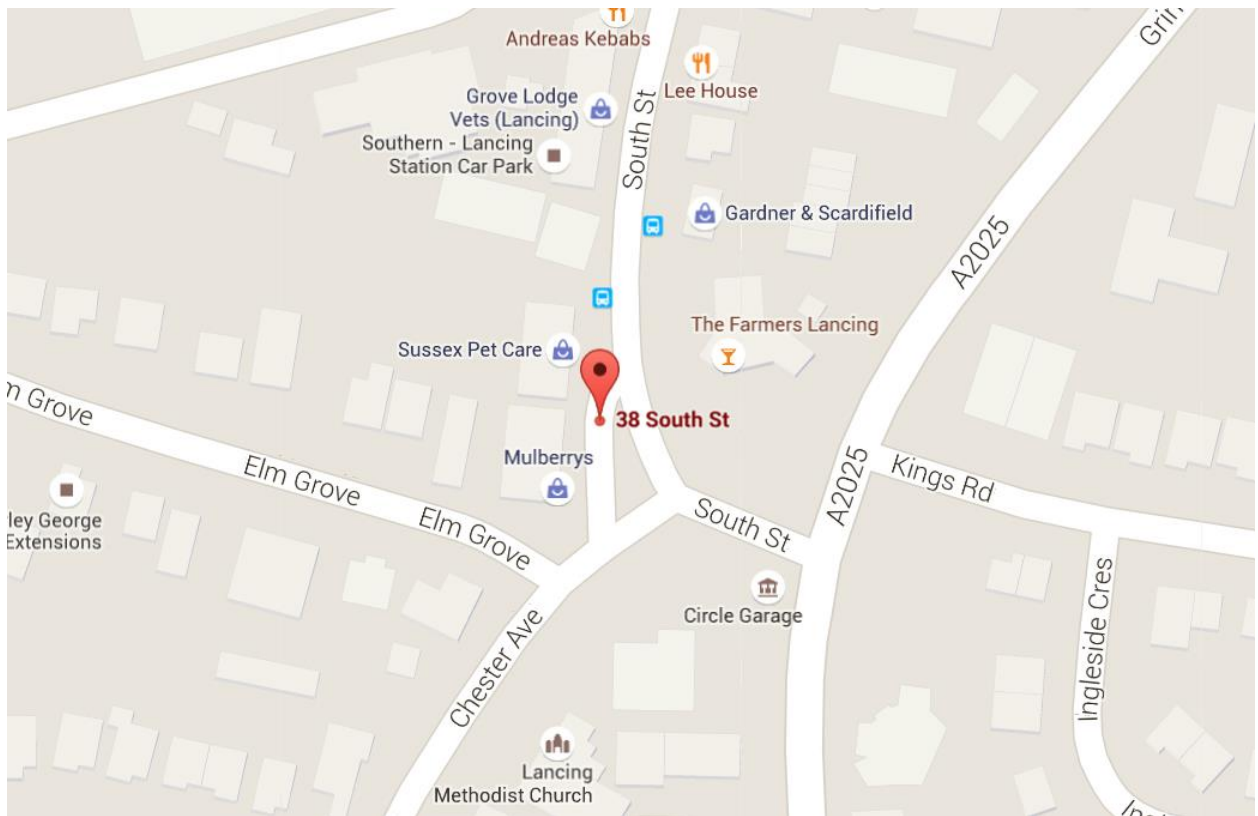
**Part 5 – Signatures** (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	25 <sup>th</sup> May 2016
Capacity	Company Agent

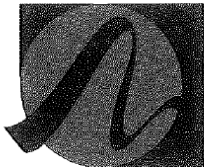


**B. Store & Location**



**Appendix 2  
Current Premises Licence**

**ADUR**  
DISTRICT COUNCIL



Licensing Act 2003  
Schedule 12 Part A  
Regulation 33,34

Premises Licence

Premises Licence Number: LN/200500242

**Part 1 – Premises Details**

Postal address of premises, or if none. ordnance survey map reference or description

Mulberrys  
38 – 46 South Street  
Lancing  
West Sussex  
BN15 8AG

Telephone Number

Dates where the licence is time limited: None

Licensable activities authorised by the licence

See Schedule One

Times the licence authorises the carrying out of licensable activities

See Schedule One

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off Premises

## Part 2 - Premises Licence Holder Details

Name
M & O Trading Ltd

Registered Address
Delmon House 36-38 Church Road Burgess Hill RH15 9AE
Telephone Number:            Home Work    01444 871810            Mobile
Email

Registered number of holder, for example company number, charity number (where applicable):    6423048
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### Designated Premises Supervisor Details (where the premises licence authorises for the supply of alcohol)

Name
Mrs Carol Powell



Registered Address
30 Upper Brighton Road Lancing West Sussex BN15 0JE
Telephone Number:            Home Work                                Mobile    07812 200256

Details of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol
Licence Number:    LN/200500159
Issuing Authority:    Adur District Council

### Schedule One – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of licensable activities

Location: Shop		
Activities: Alcohol Sales (M)		
Day	Start	Finish
Sunday	10:00	22:30
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00
Non Standard Timings & Seasonal Variations:		
Good Friday	08.00 - 22.30	
Christmas Day	12noon - 15.00 & 19.00 - 22.30	

Signed 	Date 2nd March 2010
Head of Housing Need & Environmental Health	

Housing Need & Environmental Health  
Adur District Council  
Ham Road  
Shoreham-by-Sea  
West Sussex  
BN43 6PR

## **The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010**

The order, made on 16<sup>th</sup> March 2010 came into force on 6<sup>th</sup> April with the exception of paragraphs 4 & 5 of the Schedule which will come into force on 1<sup>st</sup> October 2010.

The conditions in paragraphs 1 to 3 and 5 of the Schedule applying to existing and future premise licences and club premises certificates where the licence or certificate authorises the supply of alcohol but NOT where the licence or certificate authorises the sale by retail or supply of alcohol ONLY FOR CONSUMPTION OFF THE PREMISES.

### **MANDATORY LICENSING CONDITIONS (ADDITIONAL)**

1.

(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children –

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to –

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or  
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where the provision is dependent on –

(i) the outcome of a race, competition or other event or process, or  
(ii) the likelihood of anything occurring or not occurring;



(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can be reasonably be considered to condone, encourage or glamourise anti-social behaviour or to refer to the effect of drunkenness in any favourable manner.

2.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3.

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5.

The responsible person shall ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka, whisky: 25ml or 35ml; and

(iii) still wine in a glass: 125ml; and

(b) customers are made aware of the availability of these measures.

## **Annex 1**

### **Mandatory conditions**

#### **Supply of Alcohol**

1. No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor for the premises. Or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Embedded Restrictions**

#### ***Off licence***

#### **Restrictions**

The restrictions in schedule 1 do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

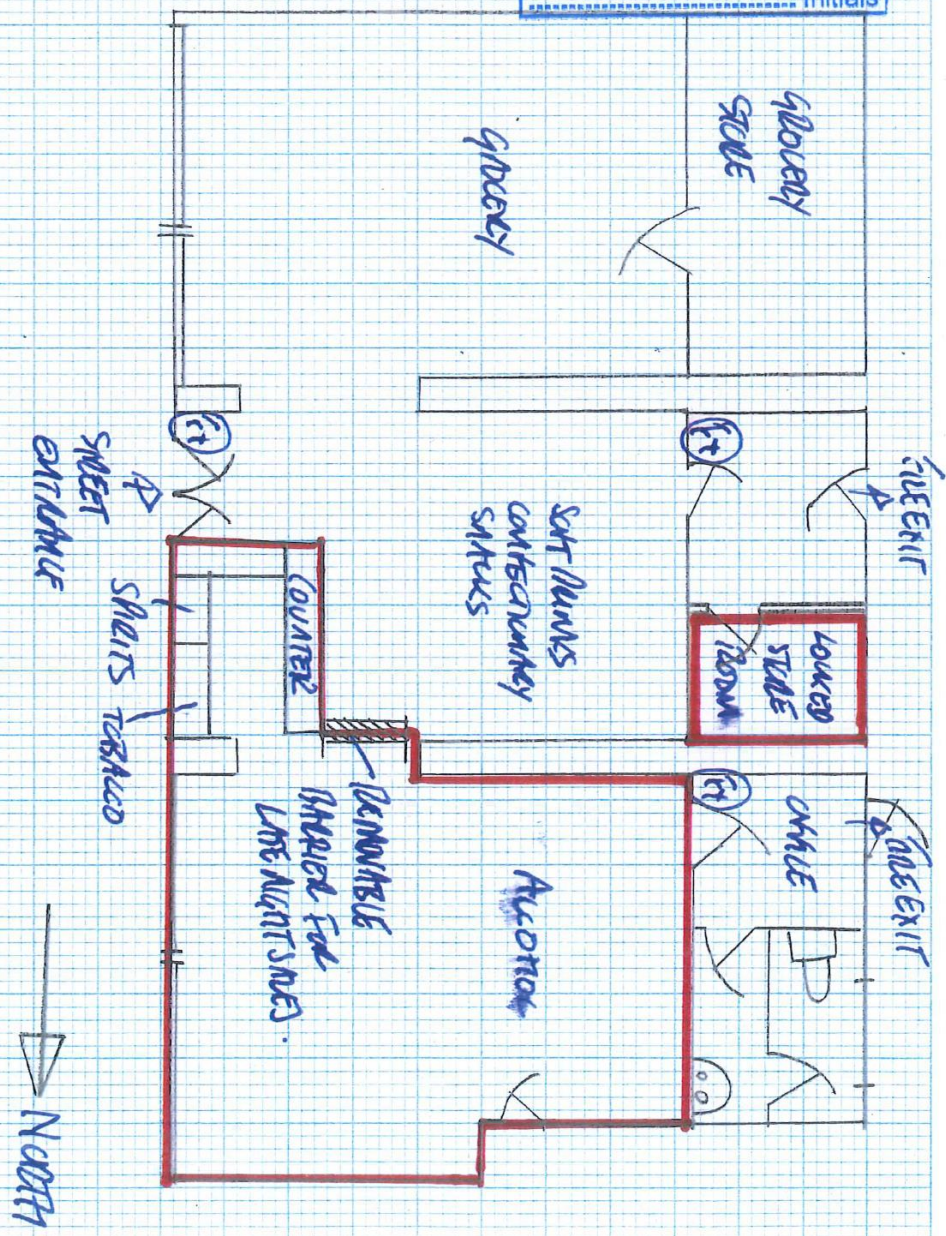
Alcohol shall not be sold in an open container or be consumed on the licensed premises.

#### **Recorded Music**

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

#### **Plans – copy attached**

Mrs BODDYS  
 38-46 SOUM  
 LANCING  
 WEST SUSSEX  
 BA15 8AG  
 SUNE 1:10D  
 TX: FILE EXCHANGE  
 Adur & Worthing Councils  
 Licensing Unit  
 RECEIVED  
 26 MAY 2016  
 Initials





## Appendix 3 A. Police Representation



Licensing Unit,  
Adur and Worthing Councils  
Portland House,  
Richmond Road,  
Worthing,  
BN11 1LF

### West Sussex Division Neighbourhood Licensing Team

Dear Mr Jones

9<sup>th</sup> June 2016

#### **APPLICATION FOR A PREMISES LICENCE VARIATION TO BE GRANTED UNDER THE LICENSING ACT 2003 FOR MULBERRYS 38 SOUTH STREET LANCING BN15 8AG**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of the following Licensing Objectives:

- i) Prevention of crime and disorder;
- ii) Prevention of public nuisance

Sussex Police have some concerns in relation to this application regarding the location of the premises and the continuous availability of alcohol. The operating schedule provided identifies a number of steps intended to promote the licensing objectives. However, Sussex police are concerned that should this variation to the premises licence be granted, the premises shall become the only location in this residential area facilitating the purchase of alcohol for 24 hours a day, 7 days a week. The premises is located within walking distance of a railway station and two public houses.

It is noted that a condition has been proffered identifying the use of a single SIA door supervisor on Thursday, Friday, and Saturday night from 23:00 hours until 08:00 hours. Sussex police have concerns that there are occasions where either additional SIA door staff may be necessary (i.e. an increase in number) or on additional days other than those specified e.g. New Year's Eve and other Bank Holiday. There are also a number of emendations to the wording of the conditions provided in the operating schedule.

Sussex Police therefore propose the following conditions be attached to the premises licence in order that the licensing objectives may be promoted;

- 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). CCTV needs to be operated and maintained throughout the premises internally and externally to cover all areas, including the entrance to the premises. 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. The CCTV images will record and display dates and times and these times will be checked regularly to ensure their accuracy. CCTV footage will be stored for a minimum of

Sussex Police, Neighbourhood Licensing Team  
Centenary House, Durrington Lane, Worthing,  
West Sussex. BN13 2PQ  
Telephone: 01273 404030

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. Subject to Data Protection 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 for the police without difficulty or delay and without charge to Sussex Police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

- Those performing the role of SIA Door Supervisor will not perform any other role when engaged for the purpose of Door Supervision activities
- SIA trained and licensed door supervisor(s) shall be employed on occasions when a requirement is identified by the licence holder's risk assessment or requested by Sussex Police. (A minimum of 48 hours written notice required from the Police Licensing Team).
- SIA trained and licensed door supervisor(s) shall wear body worn video on occasions when a requirement is identified by the licence holder's risk assessment or requested by Sussex Police. (A minimum of 48 hours written notice required from the Police Licensing Team).
- SIA door supervisors shall complete incident logs prior to the end of their shift.
- 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 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 and refresher training thereafter at intervals of no more than eight (8) weeks. 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
- A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. This shall be made available immediately upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff
- Patrons shall be requested not to congregate outside the premises or in the immediate vicinity. Notices to this effect must be prominently displayed at the entrances/exits of the premises

If the applicant is agreeable to the proposed conditions, Sussex Police may be able resolve this representation, subject to the conditions being attached to the premises licence.

Please do not hesitate to contact this office on the number below or via email to [ws\\_licensing\\_wor@sussex.pnn.police.uk](mailto:ws_licensing_wor@sussex.pnn.police.uk) should you wish to discuss anything referred to in this communication.

Yours sincerely



Chief Inspector Howard Hodges  
District Commander

**Sussex Police, Neighbourhood Licensing Team**  
Centenary House, Durrington Lane, Worthing,  
West Sussex. BN13 2PQ  
Telephone: 01273 404030

## B. Police Mediated Agreement



Simon Jones <simon.jones@adur-worthing.gov.uk>

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### FW: REPRESENTATION MULBERRYS

1 message

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**Pauline.Giddings@sussex.pnn.police.uk** <Pauline.Giddings@sussex.pnn.police.uk> 9 June 2016 at 13:12  
To: licensing.unit@adur-worthing.gov.uk, simon.jones@adur-worthing.gov.uk

Re: 38 South Street Lancing BN15 8AG.

The conditions sought in the representation raised by Sussex Police have been agreed by the applicant, therefore Sussex Police are able to resolve this representation, subject to the conditions being attached to the premises licence.

Regards

Pauline Giddings

Divisional Licensing Officer

Neighbourhood Licensing Team

West Sussex

101 x 581443

01273 404030

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**From:** paul@hartleyswines.com [mailto:paul@hartleyswines.com]

**Sent:** 09 June 2016 12:13

**To:** Giddings Pauline 64321 <Pauline.Giddings@sussex.pnn.police.uk>; simon.jones@adur-worthing.gov.uk

**Cc:** licensing.unit@adur-worthing.gov.uk; WS\_Licensing\_WOR <WS\_Licensing\_WOR@sussex.pnn.police.uk>; casey@hartleyswines.com

**Subject:** RE: REPRESENTATION MULBERRYS

Hi Pauline,

M&O Trading Ltd are happy to accept the conditions, as outlined below, on the license for Mulberrys, Farmers Parade, Lancing.

Kind Regards

Paul Hobbs

## C. Public Representation

Miss Kelly Winslade

Te

16.06.2016

The Licensing Unit  
Adur & Worthing Councils  
9 Commerce Way  
Lancing  
West Sussex BN15 8TA

To whom it may concern,

I am writing to object to the application for M&O Trading (Mulberrys, 38-46 South Street, Lancing, BN15 8AG) to extend their opening hours to 24 hours a day, 7 days a week.

My reasons for objecting this application:

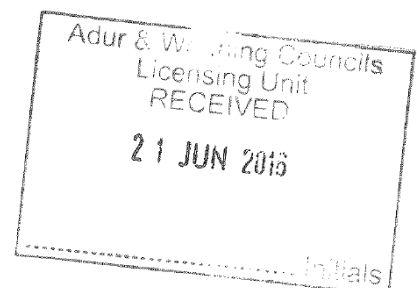
- The shop is already currently open from 7am until 11pm
- The noise from the shop already is unbearable. Me and my young daughter get woken up every morning at 6.45 by the Manager slamming the back door, every evening when they close and about 2am by the newspaper deliveries. I am at the end of my tether and am looking to move as I cannot put up with the noise.
- They are constantly blocking our driveway
- My bins are regularly filled up with their waste
- Litter is left in the driveway
- There are a lot of young teenagers/drunk people hanging around the shop at night which also increases the noise around my property. The shop isn't busy enough for it to be worth it.

I think the application is unnecessary and will just exacerbate the problems I already have to deal with the shop. The Manager is very rude when I bring up these issues and will just make it more unbearable to live here. They do not seem to care about the residents living upstairs.

Therefore I wish to appeal this application.

Yours sincerely,

Kelly Winslade



## D. Mediation

Miss Kelly Winslade  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

28 June 2016

Ref: Adur LN/200500242-Variation

Dear Miss Winslade

**Re: Licensing Act 2003  
Application for a Variation to a Premises Licence  
Mulberrys, 38-46 South Street, Lancing**

Thank you for your representation and comments. Consultation on this application has closed and there were 2 relevant representations received - the other from Sussex Police.

The representations were linked to concerns regarding:

- Prevention of Crime & Disorder
- Prevention of Public Nuisance

The Licensing Act 2003 encourages mediation and I am aware that Sussex Police have been mediating with the applicant and agreed for the following conditions to be added to the store's operating schedule if the variation were to be granted.

- *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). CCTV needs to be operated and maintained throughout the premises internally and externally to cover all areas, including the entrance to the premises. 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. The CCTV images will record and display dates and times and these times will be checked regularly to ensure their accuracy. 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. Subject to Data Protection 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 for the police without difficulty or delay and without charge to Sussex Police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.*
- *Those performing the role of SIA Door Supervisor will not perform any other role when engaged for the purpose of Door Supervision activities*
- *SIA trained and licensed door supervisor(s) shall be employed on occasions when a requirement is identified by the licence holder's risk assessment or requested by Sussex Police. (A minimum of 48 hours written notice required from the Police Licensing Team).*



- *SIA trained and licensed door supervisor(s) shall wear body worn video on occasions when a requirement is identified by the licence holder's risk assessment or requested by Sussex Police. (A minimum of 48 hours written notice required from the Police Licensing Team).*
- *SIA door supervisors shall complete incident logs prior to the end of their shift.*
- *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 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 and refresher training thereafter at intervals of no more than eight (8) weeks. 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*
- *A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. This shall be made available immediately upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff*
- *Patrons shall be requested not to congregate outside the premises or in the immediate vicinity. Notices to this effect must be prominently displayed at the entrances/exits of the premises*

These would become enforceable conditions of any varied licence that might be issued. Consequently, Sussex Police have withdrawn their representation.

If mediation is completely successful and all representations addressed a licence can be granted without need for a hearing and a decision by members. Your representation has been forwarded to the applicant and they have responded by offering the following conditions and undertakings to address your concerns:

- *If the unit were to trade over 24hr period the use of the back door for access first thing in the morning and last thing at night would be redundant. During the times that the premise is trading for 24hrs we will ensure that the back door is locked and not used between the night hours of 20:00hrs – 08:00hrs inclusive.*
- *If the unit were to trade over a 24hr period the newspapers will delivered direct to the front of the store and there would be no disturbance to rear of the property at 2am.*
- *We will ensure that the drive ways are left unblocked, accept during the times when a delivery is being made. We will request that all delivery drivers are considerate of the needs of the residents and move their vehicles if safe to do so. I will provide Miss Winslade with a telephone number for a direct point of contact at our Head Office should she need to discuss any on-going issues.*
- *If the unit were to trade 24hrs there will be SIA registered security at the unit. The security team will be instructed to keep the areas around the shop free from loitering people and ensure groups do not congregate around the unit. We will also post signs at entry and exit points requesting that our customers 'leave the premises quietly' and 'respect our neighbours'.*
- *With regard to the use of her bins, we understood that all the bins at this location were operated by the council and as such were communal – we have invoices from the council*

*detailing our monthly payments as a business user for this premises. However, should Miss Winslade prefer we can mark specific bins for individual use to avoid her bins being filled with our waste.*

- *Further to all the above we are prepared to open constructive dialog with Miss Winslade via the mediation process and listen to any suggestions she may have that will prevent any disturbance to her and her daughter.*

If these additional conditions address your concerns please contact me to confirm withdrawal of your representation. These too would then become enforceable conditions of any varied licence that might be issued.

If they do not and an agreement cannot be reached then you and the applicant will be given the opportunity to put your points to members of the Licensing Committee at a hearing (at a time & date to be arranged) and they will decide the application. The Legal Notices will be sent to you in due course.

I look forward to receiving your instruction and if you need to discuss this matter please do not hesitate to contact me.

Yours sincerely

Simon Jones  
Public Health & Regulation Team Leader (Licensing)  
Tel: 01273 263191

Cc Theresa Cuerva, PH & R Adur Team  
Paul Hobbs, P & O Trading Ltd. (paul@hartleyswines.com)