



# ADUR DISTRICT COUNCIL

30 November 2017

<b>Licensing Committee</b>	
<b>Date:</b>	<b>11 December 2017</b>
<b>Time:</b>	<b>7:00pm</b>
<b>Venue:</b>	<b>Queen Elizabeth II Room, The Shoreham Centre, Pond Road</b>

**Committee Membership:** James Butcher (Chairman), David Simmons (Vice Chair), Les Alden, Ann Bridges, Stephen Chipp, Brian Coomber, Emma Evans, Lyn Phillips, Robin Monk, 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 19 June 2017, 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

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

### 5. Licensing Act 2003 – Application for a new Premises Licence at: Miller’s Café & Pantry, 48-52 High Street, Shoreham-by-Sea

To consider a report by the Director for Communities, copy attached as item 5

## Part C - Not for publication - Exempt Information Reports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 chris.cadman-dando@adur-worthing.gov.uk	Ruth Pallister Solicitor 01903 221050 ruth.pallister@adur-worthing.gov.uk

**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 Act 2003 – Application for a new Premises Licence at:**

Miller's Café & Pantry  
48-52 High Street, Shoreham-by-Sea, BN43 5DA

**Report by the Director for Communities**

**1. Recommendation**

- 1.1 That the Licensing Committee consider and determine the application made by :  
**Mr Gordon & Mrs Samantha Bisset**  
for a new Premises Licence to authorise the sale of alcohol for consumption on the  
premise at their café.

**2. Reasons for Hearing**

- 2.1 The application has been the subject of formal representation from a responsible  
authority and three local residents and it therefore falls to this committee to  
determine.

**3. Background**

- 3.1 An application was made by Mr & Mrs Bisset to the Licensing Authority, Adur  
District Council, on the 17 October 2017 for the grant of a new premises licence.
- 3.2 The café is situated in a double shop unit on the north side of High Street next to  
the junction with John Street in the main parade of shops in Shoreham town centre.  
Whilst located in the town's commercial area there are some residential premises  
in the vicinity.
- 3.3 The café is located on the ground floor and has operated for many years as an  
unlicensed café, bakery and delicatessen.
- 3.4 Attached to the report are:
- A plan of the area (Appendix A)
  - A plan of the venue (Appendix B)
  - The application (Appendix C)
  - The representation made by a Responsible Authority, namely Sussex Police  
& Licence holder's response (Appendix D)
  - The representations received from the local residents (Appendix E1-3)

## 4. The Application

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

- Sale of Alcohol for consumption on the premises:
  - 08:00hrs to 23:00hrs Monday – Saturday
  - 11:00hrs to 23:00hrs Sunday
- Opening to the public:
  - 08:00hrs to 23:00hrs Monday – Sunday incl.

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.

4.3 The proposed designated supervisor detailed in the application is Mr Gordon Bisset. He holds a Personal Licence issued by the London Borough of Lambeth.

## 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:

- prevention of crime and disorder;
- public safety;
- prevention of public nuisance;
- 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***

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

8.2 *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.*

8.3 *In their role as a responsible authority, Sussex Police are an essential source of advice and information on the impact and potential impact of licensable activities in the district, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and usually have good working relationships with those*

*operating in the local area. The council recognises that Sussex Police are the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The Council will accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.*

### **Prevention of Public Nuisance**

- 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.*

## **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:

Other Persons – 3 X Representations from residents.  
Responsible Authorities – 1 X Representation from a Responsible Authority (Sussex Police)

## **7. Relevant Representations**

- 7.1 Details of the relevant representations received are reproduced at Appendices D & E. They are considered to relate to the statutory licensing objectives as follows:

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

### ***Prevention of Public Nuisance***

- 7.2 Sussex Police made a number of comments and listed a number of conditions that they considered required to enable this premise to meet the licensing objectives if members were of a mind to grant a licence.

- 7.3 Three local residents made a number of comments in their representations including concerns regarding noise, antisocial behaviour and public nuisance.
- 7.4 Those that made relevant representation have been formally notified of this hearing and invited to attend.

## **8. Mediation**

8.1 The Licensing Act 2003 encourages mediation.

8.2 Sussex Police have successfully mediated with the applicants and as a result the following conditions have been volunteered to the applicant's operating schedule:

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 (including the stairs from ground level leading up to the first floor bar and the entrance to the premises at ground level) to cover all public areas. 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. A member of staff must be present at all times who can operate the system and supply copies of these images on request to either Police, Council or other authorised Officer.*
  - *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
  - *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.*
  - *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. *An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made*

*at any of the bars/point of alcohol service e.g. for intoxication, will also be recorded in writing.*

3. *A documented risk assessment must be produced by the premises where \*special events/seasonal variations are taking place. The assessment will identify all licensable activities undertaken at the premises and the controls necessary to promote the licensing objectives. The written risk assessment will include consideration of the use of SIA registered door staff, non-glass drinking vessels and age restrictions upon entry.*
  - *National and local events and occasions such as Christmas Eve, New Year's Eve, Bank Holiday weekends, Halloween, sporting occasions when the premises are televising the event.*
  - *Premises run events such as parties or promotions.*

*\*Special events and seasonal variations may include:*
4. *Patrons will not be permitted to take drinks outside in open containers beyond the licensed perimeter of the premises to consume whilst smoking or congregating outside.*
5. *The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.*
6. *The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:*
  - *The lawful selling of age restricted products*
  - *Refusing the sale of alcohol to a person who is drunk*

*Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.*

*All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Authorised Local Authority Officers.*

- 8.3 These would become enforceable conditions of any licence members may consider granting and consequently Sussex Police have confirmed that their concerns have been addressed and they have withdrawn their objections to the amended application being granted.

8.4 Officers are unaware as to how mediation between the applicant and the members of the public that made relevant representation has progressed but members will be updated on any developments.

## **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 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 Sub-Committee:

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

Members may also:

- d. Grant the licence but exclude certain licensable activities from the licence,
- e. Refuse to specify a particular person as a premises supervisor,
- f. 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:

- (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.

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 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.

## 12. Recommendation

- 12.1 Members are requested to determine the application for a new Premises Licence made by Mr & Mrs Bisset at their café known as 'Miller's Café & Pantry' situated in High Street, Shoreham-by-Sea and give reasons for that determination.

**Mary D'Arcy**  
**Director for Communities**

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

Simon Jones

Public Health & Regulation – Team Leader Licensing

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

### **Background Papers:**

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003  
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- Adur District Council's Statement of Licensing Policy  
<http://www.adur-worthing.gov.uk/licensing-and-permits/consultations-policy-forum/policy-and-forum/>

### **Appendices:**

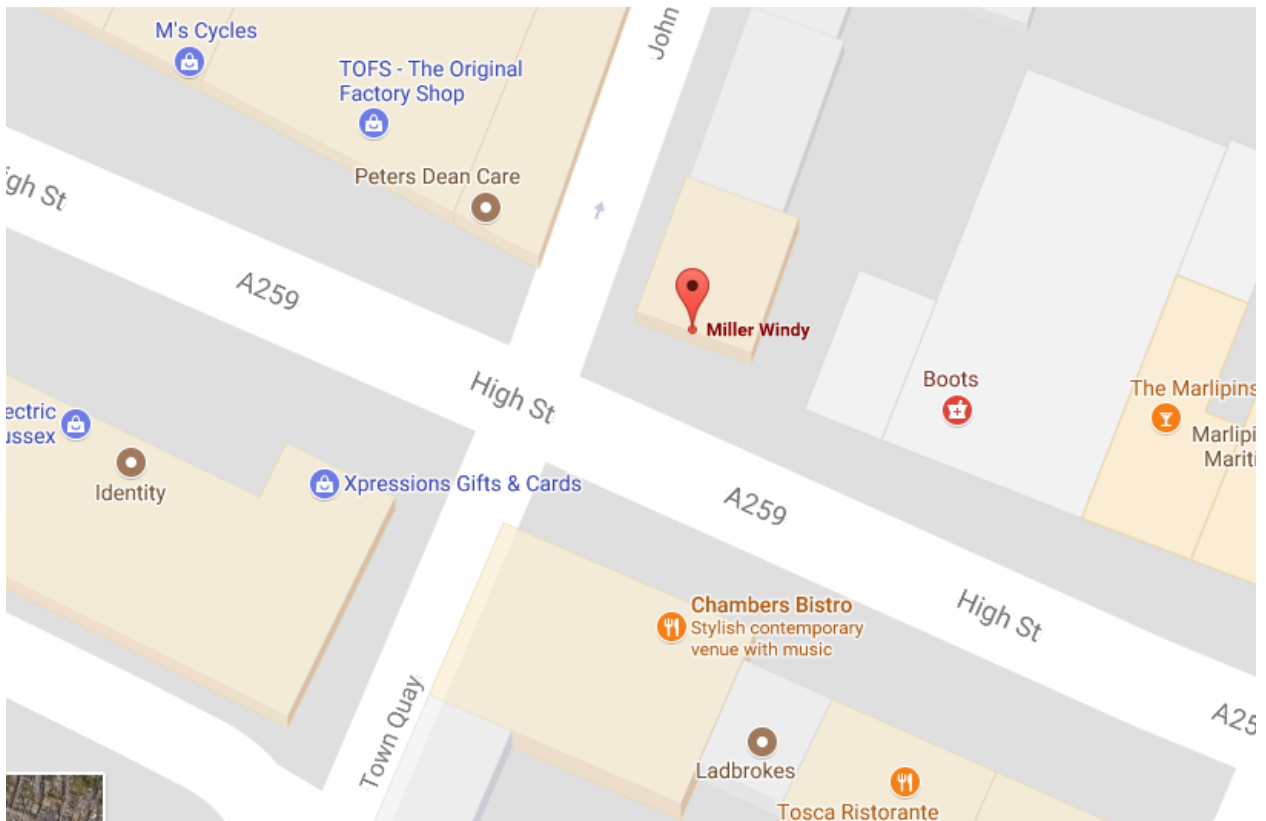
- Appendix A - Plan of area.
- Appendix B - Plan of the building.
- Appendix C - Application Form.
- Appendix D – Representation from Sussex Police & mediated agreement reached
- Appendix E1 - 3 – Representations received from local residents

Portland House

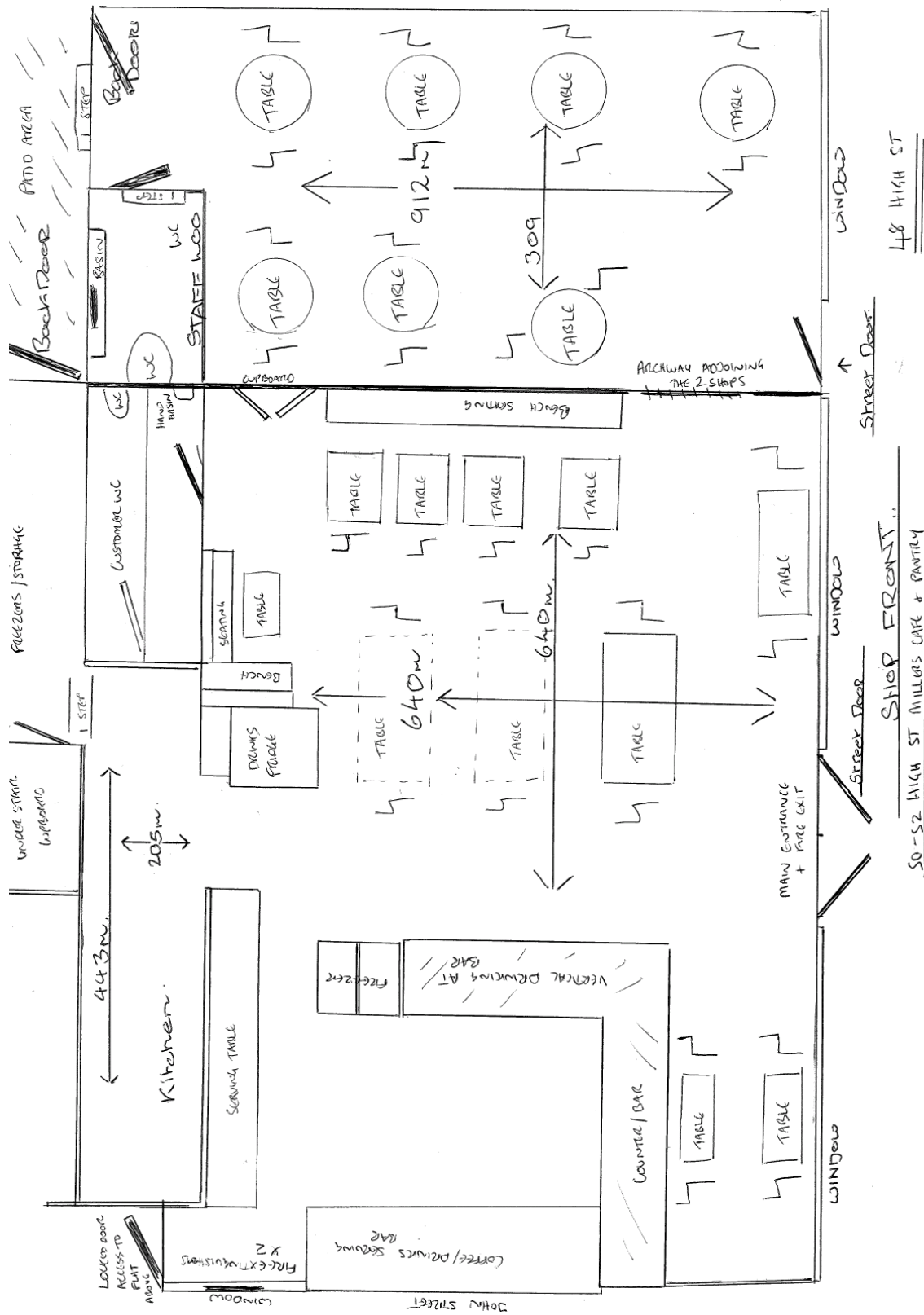
Ref: SJ/ADC/Lic.U/LA03/NEW – Millers

Date: 28 Nov 2017.

## Appendix A Plan of Area



**Appendix B  
Plan of Premises**





Public Health & Regulation – Licensing Unit  
Portland House, 44 Richmond Road, Worthing, BN11 1HS

**Licensing Act 2003 -  
New Premises Licence Application pack including  
Application Form & Designated Premises Supervisor Consent**

**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 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.

*I/We ...GORDON AND SAMANTHA BISSET*..... (Insert name(s) of applicant)  
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description <i>MILLOLS CAFE + PANTRY 48-52 HIGH ST</i>	
Post town <i>SHORHAM</i>	Post code <i>BN43 5DA</i>

Telephone number at premises (if any) *01273 452959*

Non domestic rateable value of premises [REDACTED]

**Part 2 – Applicant Details**

Please state whether you are applying for a Premises Licence as:

- a) an individual or individuals\*
- b) a person other than an individual\*
  - i. as a limited company
  - ii. as a partnership
  - iii. as an unincorporated association or
  - iv. Other (for example a statutory corporation)
- c) a recognised club
- d) a charity
- e) The proprietor of an educational establishment
- f) A health service body
- g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital
- h) The chief officer of police of a police force in England and Wales

Please tick ✓

- please complete section (A)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)
- please complete section (B)

Adur & Worthing Councils, Public Health & Regulation (Licensing Unit),  
Portland House, Richmond Road, Worthing, BN11 1HS

Please tick ✓

\*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - Statutory function; or
  - A function discharged by virtue of Her Majesty's prerogative

<input checked="" type="checkbox"/>
<input type="checkbox"/>

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname  First names

Date of Birth:  I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname  First names

Date of Birth:  I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

Adur & Worthing Councils, Public Health & Regulation (Licensing Unit),  
Portland House, Richmond Road, Worthing, BN11 1HS

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
01	10	2017

ASAF

If you wish the licence to be valid only for a limited period, when do you want it to end? N/A

Day	Month	Year

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A
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Please give a general description of the premises (please read guidance note 1)

GROUND FLOOR CAFE IN TWO SECTIONS JOINED BY ARCHWAY. SITUATED ON STORHAM HIGH ST WITH PARKING BAYS OUTSIDE. PREMISES HAS TWO SEPARATE WCs, ONE ON EACH SIDE OF SHOP. THERE IS A SMALL KITCHEN AT REAR + REAR CORRIDOR (WHERE FREEZERS ARE SITUATED) LEADING TO REAR COURTYARD (ENCLOSED BY HIGH WALLS) WITH 6 TABLES (12 COUERS) INSIDE THERE IS BENCH SEATING FITTED IN MAIN SHOP + TABLES + CHAIRS APPROX 40 COUERS. THERE IS A FRONT COUNTER/BAR WHERE VERTICAL DRINKING WOULD BE POSSIBLE IF ALCOHOL LICENCE IS APPROVED

Adur & Worthing Councils, Public Health & Regulation (Licensing Unit),  
Portland House, Richmond Road, Worthing, BN11 1HS

**What licensable activities do you intend to carry on from the premises?**

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick ✓

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

**Sale by retail of alcohol (if ticking yes, fill in box J)**

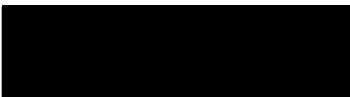
In all cases complete boxes K,L and M

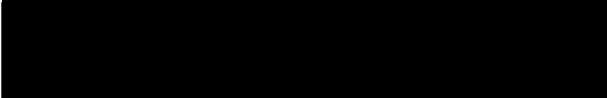
**J**


Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>	
Day	Start	Finish		Off the premises	<input type="checkbox"/>	
Mon	0800	2300	State any seasonal variations for the sale of alcohol (please read guidance note 4)	Both	<input type="checkbox"/>	
Tue	0800	2300				
Wed	0800	2300				
Thur	0800	2300		Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri	0800	2300				
Sat	0800	2300				
Sun	<del>0400</del> 1100	2300				

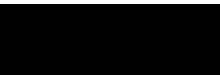
**State the name and details of the individual whom you wish to specify on the licence as premises supervisor. (Please see declaration about entitlement to work in the checklist at the end of the form)**


Name: GORDON JAMES BISSET

Date of Birth: 

Address: 

Postcode: 

Personal licence number (if known) 

Issuing licensing authority (if known) 



# 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 8)

N/A

# L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0800	2300	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Tue	0800	2300	
Wed	0800	2300	
Thur	0800	2300	
Fri	0800	2300	
Sat	0800	2300	
Sun	0900	2300	

# M

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)**

AS A LICENSED PREMISES WE UNDERSTAND THAT WE HAVE A RESPONSIBILITY TOWARDS THE PUBLIC WHEN SERVING INTOXICATING LIQUOR. WE WILL ENSURE EFFECTIVE TRAINING OF STAFF + MANAGEMENT CONTROLS TO MEET THE LICENSING OBJECTIVES WITH PARTICULAR ATTENTION TO THESE AREAS:

- a) NO SELLING OF ALCOHOL TO UNDERAGE OR INTOXICATED PEOPLE
- b) VIGILANCE IN PREVENTING USE + SALE OF ILLEGAL DRUGS ON PREMISES
- c) NO DRUNK OR DISORDERLY BEHAVIOUR TOLERATED ON PREMISES
- d) RESPECTFUL BEHAVIOUR ENCOURAGED TOWARDS LOCAL RESIDENTS WHEN LEAVING PREMISES

**b) The prevention of crime and disorder**

- CCTV SYSTEM IS INSTALLED TO MONITOR ENTRANCE + INTERIOR OF PREMISES.
- A CLEAR AND LEGIBLE NOTICE OUTSIDE THE PREMISES WILL INDICATE NORMAL HOURS DURING WHICH LICENSEABLE ACTIVITIES ARE PERMITTED
- OUTSIDE OF PREMISES WILL BE PROPERLY LIT AT NIGHT
- NO SELLING OF ALCOHOL TO INTOXICATED CUSTOMERS
- VIGILANCE IN PREVENTING USE + SALE OF ILLEGAL DRUGS ON PREMISES
- NOTICE WILL BE DISPLAYED WARNING CUSTOMERS TO TAKE CARE OF PERSONAL BELONGINGS
- STAFF WILL BE TRAINED IN ASKING CUSTOMERS TO LEAVE AT CLOSING TIME IN ORDERLY FASHION

**c) Public safety**

- INTERNAL AND EXTERNAL LIGHTING WILL BE FITTED TO A HIGH STANDARD,
- STAFF WELL TRAINED IN ADHERING TO ENVIRONMENTAL HEALTH REQUIREMENTS AND KEEPING ACCURATE RECORDS OF SUCH
- IMPLEMENTATION OF UNDERAGE CHECKS
- ALL PARTS OF PREMISES + FITTINGS WILL BE MAINTAINED IN GOOD ORDER
- FIRE EXTINGUISHERS REGULARLY SERVICED + STAFF TRAINED IN THEIR USE

**d) The prevention of public nuisance**

PROMINENT + CLEAR SIGNS WILL BE DISPLAYED REQUESTING PUBLIC TO RESPECT THE NEEDS OF NEARBY RESIDENTS + TO LEAVE THE PREMISES AND AREA QUIETLY AT NIGHT.

CUSTOMERS WILL BE DISCOURAGED FROM STANDING OR TALKING LOUDLY IN STREET OUTSIDE.

PREMISES WILL CLOSE AT 2300h AND STAFF WILL BE TRAINED TO CLEAN UP, PUT OUT RUBBISH + LEAVE QUIETLY.

**e) The protection of children from harm**

ALCOHOL WILL NOT BE SOLD TO UNDERAGE PERSONS. THE "CHALLENGE 25" SIGN WILL BE CLEARLY DISPLAYED + STAFF FULLY TRAINED TO IMPLEMENT THIS POLICY.

CHILDREN UNDER 18 NOT ALLOWED ON PREMISES AFTER 8PM/2000h.

**Checklist:**

Please tick ✓

- I have made or enclosed payment of the fee
- I have enclosed a plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the proposed premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

✓
✓
✓
✓
✓
✓

DEBIT CARD  
DUCOR PHB  
ON  
13/10/17

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY (UNLIMITED) AMOUNT.**

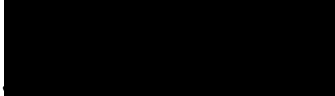
**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 12). If signing on behalf of the applicant please state in what capacity.

**Declaration**

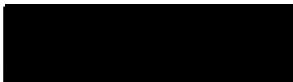
- [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)





Signature:  SAMANTHA BISSOT

Date: 25-9-17

Capacity: Owner

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature ..  ..... GORDON BISSET  
Date ..... 25/9/17 .....  
Capacity ..... Co-CLUNAL + DPS .....

<b>Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)</b> MRS SAMANTHA BISSET 	
Post town SHORHAM	Post code 
Telephone number (if any) 	
If you would prefer us to correspond with you by email, your e-mail address (optional) 	



**Sussex Police**  
Serving Sussex

[www.sussex.police.uk](http://www.sussex.police.uk)

**West Sussex Division**  
Neighbourhood Licensing Team

West Sussex Licensing Team  
Centenary House  
Durrington Lane  
Worthing  
West Sussex  
BN13 2PQ

Tel: 01273 404 030

Email:  
[david.bateup@sussex.pnn.police.uk](mailto:david.bateup@sussex.pnn.police.uk)

9<sup>th</sup> November 2017

Mr Simon Jones  
Licensing Unit  
Adur and Worthing Councils  
Portland House  
Richmond Road  
Worthing  
BN11 1LF

Dear Mr Jones,

**RE: APPLICATION FOR A PREMISES LICENCE FOR MILLERS CAFÉ & PANTRY, 48 – 52 HIGH STREET, SHOREHAM, BN43 5DA, UNDER THE LICENSING ACT 2003.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation in respect of this variation application on the grounds of the prevention of crime and disorder and the protection of children from harm.

This is a new application for a premises with opening hours and the supply of alcohol from 08:00 to 23:00. The licence if granted will include vertical drinking. The applicant in part M of the application has made a number of bullet point style statements in relation to policies and procedures, including the provision of CCTV, challenge 25 and staff training. Sussex Police consider that these are key points and accordingly we request revised and more detailed conditions to go on the licence as follows:

**For the Prevention of Crime and Disorder:**

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 and within the booth 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.
- 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. A member of staff must be present at all times who can operate the system and supply copies of these images on request to either Police, Council or other authorised Officer.
- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- 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.
- 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.

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made at any of the bars/point of alcohol service e.g. for intoxication, will also be recorded in writing.

A documented risk assessment must be produced by the premises where \*special events/seasonal variations are taking place. The assessment will identify all licensable activities undertaken at the premises and the controls necessary to promote the licensing objectives. The written risk assessment will include consideration of the use of SIA registered door staff, non-glass drinking vessels and age restrictions upon entry.

\*Special events and seasonal variations may include:

- National and local events and occasions such as Christmas Eve, New Year's Eve, Bank Holiday weekends, Halloween, sporting occasions when the premises are televising the event.
- Premises run events such as parties or promotions.

Patrons will not be permitted to take drinks outside in open containers beyond the licensed perimeter of the premises to consume whilst smoking or congregating outside.

**For the Protection of Children from Harm:**

The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products
- Refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and Authorised Local Authority Officers.

We have emailed the applicant with reference to the above requested new conditions, but at the time of writing this representation we have not received any reply.

Yours sincerely

A black rectangular redaction box covers the signature area. Above the box, there are faint handwritten initials, possibly 'A.A.', and a small horizontal line extending to the right from the top edge of the box.

Chief Inspector Ockwell  
District Commander

Enc

Conditions agreed - From: Sam Bisset [ma [REDACTED]]

Sent: 15 November 2017 11:13

To: Bateup David 63941 <David.Bateup@sussex.pnn.police.uk>

Subject: Re: Premises licence application for Millers Cafe & Pantry

Dear Mr Bateup

Many thanks for your email and for clarifying the content just now during our telephone conversation. I can confirm that we fully understand and accept the conditions below that you would like to put on our proposed new Premises Licence.

If you have any further queries, please do call on the mobile number below.

Many thanks for your assistance in this matter.

Yours sincerely

Sam & Gordon Bisset

Millers Cafe & Pantry



**Licensing application - objection**

1 message

**Jules Sleate** [redacted]  
To: licensing.unit@adur-worthing.gov.uk

25 October 2017 at 20:01

Hi

Further to my telephone call this morning, I wish to raise an objection to the alcohol licensing application that I understand has been submitted on behalf of Millers Cafe, High Street, Shoreham by Sea.

I own my flat, which is situated directly on top of the cafe. The cafe is ground floor and my flat is on the first floor. The cafe is situated on the corner of High Street and John Street, with the current access being on the High Street. The access to my flat is on [redacted] hence my address of [redacted]

I have owned my flat for about six years and on purchasing it and during my time here Millers has been a cafe opening Monday-Saturday closing by 4 pm each day.

The proposal to turn the cafe into a cocktail bar raises a number of issues. I believe that this would be inappropriate given the proximity to the residential nature of the second and third floors (on top of my flat is a separately owned flat). I would presume the opening and closing times would inevitably be lengthy and go into the late evening. This would create noise and disturbance to what I have so far enjoyed as a pretty peaceful flat. Having said that there is already noise and often fights outside the Crown & Anchor on the High Street, for which security are employed to manage this on Fridays and Saturdays. There are already a number of pubs and bars: Crown & Anchor, Suters Yard, Bridge In, Marlipins and Piston Broke, all in a short stretch of road, so it is difficult to demonstrate a need for another bar. There is already a lack of parking space in the vicinity.

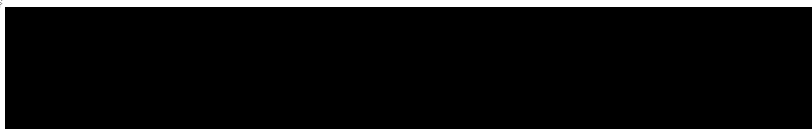
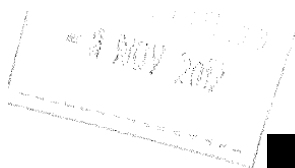
A further serious concern is the financial impact of living over a bar and the subsequent loss of value of my flat, which I am certain would be the case. I would not have bought my flat had it been over a pub or cocktail bar for the reasons already stated.

I would be grateful if you would acknowledge my email and I look forward to hearing from you with information on how my objection will be taken forward

Best wishes

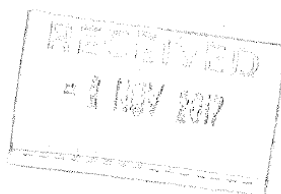
[redacted signature block]

Sent from my iPhone



01.11.2107

Licensing Unit, Adur & Worthing Council,  
Portland House, 44, Richmond Road,  
Worthing, West Sussex, **BN11 1HS**



Dear Sirs

**Re Application WK 201709937 50-52 High Street, Shoreham by Sea**  
submitted by or in connection with Millers Café located at the junction of  
High Street with John Street, Shoreham by Sea.

By sheer chance, I learned from the owner of the above ground floor shop  
that an application has been made for a license both (i) to sell alcohol on the  
premises and (ii) to play recorded music on Monday-Saturday from 8 am-11  
pm. and Sunday from 11 am-11 p.m.

**a. Lack of Notice to Residents in the Immediate Vicinity of the Application**

I am the owner of the [REDACTED] which forms part of  
the building structure of the subject of the application.

I am perturbed by the lack of any formal notice by the Council that such an  
application had been made. There has been no placarding of the site, nor  
has there been any communication from the Council or the Licensing  
Authority in this regard. Thus the owners and residents of buildings in the  
immediate and close proximity to Miller's Café have been denied any  
opportunity to object to the issuing of yet another license to sell alcohol and  
the playing of recorded music into the late hours, in an area which already  
has an over-supply of similar premises. In so doing the Council and the  
Licensing Authority have failed to give local residents the opportunity to  
have their say regarding licensing decisions that may affect them as  
indicated in the statutory notes attached to the Licensing Act 2003. (See  
para e. below)

1

## **b. The Merits of the Application**

The user of the ground floor of the building is a café. It currently operates until 4.p.m without playing live or recorded music and without the sale of alcohol. As such, it causes little interference to the residential use of the premises above the shop.

I fear that the proposed use of the shop as a cocktail bar or similar use in which alcohol is sold and in which music may be played from morning to night will have a strong detrimental impact on the residential use of both flats located above the shop.

The extended hours of the proposed use will cause severe environmental damage (noise) and anti-social intrusion to the residential uses above.

There already exist a number of similar uses in close proximity to that proposed by the Applicant indicating that Shoreham High Street already has a good selection of pubs and places to eat. However a number of these are already are a source of noise, violence and create parking difficulties.

## **c. The Number of Existing Licenses to Sell Alcohol in the Immediate Vicinity and Detrimental Environmental Effect**

**Crown & Anchor, 33 High Street:** has already been a centre of violence and noise. There are frequent disturbances emanating from these premises which directly affect not only the residential occupancy of my second floor flat, but also the owner of the first floor flat below mine.

Two shops close to the Crown & Anchor had had their shop front windows smashed resulting from unsociable behaviour originating in the Crown & Anchor.

**Marlipins, 39 High Street:** A number of whose patrons have publicly complained about the noise.

"At night the pub transforms. **Drinkers are moved from their seats to make way for amplifiers and at the flick of switch - hell.**

"Needless to say with plenty of other eateries in Shoreham we won't be going back

**Suters Yard, 65 High Street:** has problems of smell from the drains which can be quite strong on some days.

### **Bridge Inn, 87 High Street**

**Piston Broke, 88, High Street**, described by one customer as a Shabby, dirty hovel

**Chambers Bistro** on the High Street directly opposite my flat already has a license to sell alcohol.

The above list indicates not only an **already existing oversupply of pubs and bars in the vicinity but also the creation of massive parking problems.**

In addition, the extensive operating hours requested by the Applicant is likely to raise the general noise levels in the area already created by the by existing uses which are incompatible with the residential use of my building.

**d. The Applicant.** I and the owner of the flat beneath me learned by chance that the Owner of the shop, intends to sell her premises and that the Application is being made on behalf of the prospective purchaser whose person and character is yet to be assessed. Given the present environmental situation I and the Owner of the flat below are concerned that the future operations likely to be carried out in the wine bar will create a noise nuisance and anti-social behaviour incompatible with our residential uses in the flats above.

### **e. The Licensing Act 2003**

In considering whether to issue a license, the Licensing Authority is required to consider the statutory objectives set out in the Licensing Act, 2003.

These are: the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm.

The promotion of these four objectives is a paramount consideration at all times. However, the legislation also supports a number of other key aims and purposes which include

**“protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises... encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.”**  
(emphasis added)

In light of the facts set out earlier I assert, that these aforementioned interests would not be advanced by the granting of the license sought by the Applicants. Quite the reverse.

**(f)** Finally, the impact of a bar on the ground floor of the building is almost certain to impact negatively on the values of my flat and that of the flat below. Like the owner of the first floor flat, had I been aware that Council would favourably consider issuing a liquor license for the ground floor premises, I would not have bought the flat above.

I might point out, that in the lease of my flat, which is restricted to residential use; Schedule 8 contains two covenants which bear of the proposed use of the premises by the Applicant.

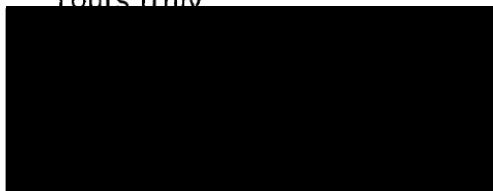
"3. Not to do or permit or suffer in or upon the Premises or any part thereof any sale by auction or any illegal or immoral act or **any act or thing which may be or become a nuisance or annoyance or cause damage** to the Landlord **or the other tenants** or to any adjoining or neighbouring premises.

7. **Not to play or use or permit the playing or the use of any musical instrument television loudspeaker radio or mechanical or other noise-making instrument of any kind** nor to practise nor to permit any singing on the Premises **so as to cause any nuisance or annoyance to any of the other tenants of the Building** and for the purpose hereof the decision of the Landlord shall be final"

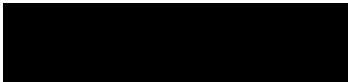
Although these covenants operate and apply between myself and the head landlord, Grant & Boyd Ltd, I am endeavoring to ascertain whether the ground floor shop has similar restrictions. Furthermore, if it is the intention of the present or future owners of the shop to open a wine bar, I believe that the Head Landlords needs to be notified and their consent obtained to the change of user.

Regardless of whether or not the Applicants have been in contact with the Head Landlords, the Licensing Unit should take into consideration the restrictions on our residential use of the flats above the ground floor shop in determining its proposed use as wine bar and its proposed extended hours of operation.

Yours truly



4



Shoreham-By-Sea  
W.Sussex BN43 5DN

Simon Messingham  
Technical Assistant  
Public Health and Regulation  
Adur and Worthing Councils

For Attn of: Simon Jones  
Lettings Officer

14th November 2017

Dear Sirs,

This letter is in regards an application to licence the property currently occupied as Millers Cafe, of which I currently live above.

Having recently moved to Shoreham I was unaware just how busy the high street was, the building is old, not soundproofed, but also sits quite squat to street level, so noise is greater than expected. It takes some getting used to, I've had to invest in quality ear plugs in order to sleep at night and along with potential sound proofing changes being discussed, I hope these measures will allow me to stay as I like the flat space, location and Shoreham.

It was to some dismay then that I learnt of the application for a cocktail bar to replace Millers Cafe. My main objections can be summarised thus:

1. The current daytime business does not impinge on after work weeknights, where as a licenced bar would make a significant difference to the volumes of noise and disturbance. I imagine weekends will be a write-off.
2. The courtyard at the back of the cafe property is overlooked by a small terrace I enjoy at the back of my flat. Any noise and smoke from the courtyard will be intensified and tunnelled between the buildings, upwards. It will be difficult to relax with the door to the terrace open, which is my normal main ventilation preference.
3. Access to flat 2 could be gained relatively easily by using the flat roof between Millers cafe and the adjoining building and climbing onto the flat's balcony. Night-time drunken shenanigans aside this is a considerable security worry.

It does seem Shoreham is well catered for by drinking establishments and I can't understand how another, even taking into account any improvements to the property or the quality of the establishment offered, can have a positive impact on the High Street. Surely something which diversifies current daytime services is of more benefit to visitors and locals.

Yours Sincerely,

