
**Licensing Act 2003 – Application for a new Premises Licence at:
Victoria Food & Wine
68 Victoria Road, Worthing, BN11 1UN**

Report by the Executive Head of Housing, Health & Community Safety

1. Recommendation

- 1.1 That a Sub Committee of Licensing & Control Committee “B” consider and determine the application made on behalf of :

Mr Kajendiran Gopalan

for a new Premises Licence to authorise the sale of alcohol for consumption off the premise.

2. Reasons for Hearing

- 2.1 The application has been the subject of formal representations by Responsible Authorities as defined in the Act and it therefore falls to members to determine.

3. Background

- 3.1 This premise currently trades as a café/takeaway under the name ‘Express Burgers’ and is subject to a premises licence, LN/201200019, authorising the sale of alcohol, for consumption off the premises, and the provision of late night refreshment. The licence authorises alcohol sales from the takeaway, or ordered for delivery, but all such sales must accompany the purchase of food.
- 3.2 The current trading hours are 10.00hrs – 00.00hrs Sunday to Thursday and 10.00 – 01.00hrs, of the following morning, Friday & Saturday.
- 3.3 An application was made on behalf of Mr Gopalan to Worthing Borough Council on the 9 January 2013 for a new Premises Licence at a proposed new convenience store situated at this site, 68 Victoria Road, Worthing.
- 3.4 It is presumed that the current licence will be surrendered if a new premises licence is granted.
- 3.5 A plan of the area is attached (**Appendix A**)

- 3.4 A plan of the proposed premises is attached. (**Appendix B**)
- 3.5 The application is for authorisation for the sale of alcohol, for consumption off the premises. Alcohol sales to take place at the premise and for home delivery. (**Appendix C**)
- 3.6 Copies of the relevant representations received from the responsible authorities. (**Appendix D 1 & 2**)
- 3.7 A copy of the withdrawal of the Environmental Health Pollution Team's representation as a result of mediation and details of the amendments made to the application during mediation (**Appendix E1 & 2**)

4. **The Application**

- 4.1 The Application is attached at **Appendix C**. However, in summary, Mr Gopalan was applying for:
- i) Authorisation for the sale of alcohol for consumption off the premises, including home delivery, between the hours of:
06.00hrs and 00.00hrs (midnight) Sunday to Wednesday.
06.00hrs and 02.00hrs, of the following morning, Thursday to Saturday
 - ii) The proposed opening hours of the premises to be:
06.00hrs and 00.00hrs (midnight) Sunday to Wednesday.
06.00hrs and 02.00hrs, of the following morning, Thursday to Saturday
- 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 he intends to address the Licensing Objectives if this application were granted.
- 4.3 The proposed designated supervisor detailed in the application is Mr Kajendiran Gopalan, the applicant. He currently holds the premises licence in force at the takeaway and holds the position of DPS. He holds a personal licence no. LN/201200009, issued by Worthing Borough Council. His personal licence was granted on 8 February 2012.

5. **Promotion of the Licensing Objectives**

- 5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 5.2 In carrying out its licensing functions, the licensing authority must also have regard to the Guidance issued by the Secretary of State and its own Statement of Licensing Policy. Members are advised that the following sections of the Worthing

Borough 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:

- 4.1 *The Council places huge importance on the prevention of crime and disorder. A high standard of control is, therefore, expected to be exercised over licensed premises.*
- 4.2 *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, the Guidance issued under section 182 to the Act and this policy. The Council will give "due regard" to all possible implications and its Licensing & Control Committee will always consider all the information available and relevant representations made, including those from interested parties and the responsible authorities, particularly the Police.*
- 4.3 *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 borough, 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.*
- 4.4 *Licensed premises, especially those offering late entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems. The Council will expect Operating Schedules submitted with applications to satisfactorily address these issues, from the design of the premises through to the daily operation of the business, including, where appropriate, the policy and arrangements proposed in respect of the prevention of both alcohol and drug misuse.*
- 4.5 *Applicants will be expected to identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective in their particular case. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule.*
- 4.6 *Applicants are expected to seek advice, where necessary from Council Licensing Officers and Sussex Police, as well as taking into account, as appropriate, local planning and transport policies, and crime prevention strategies when preparing their plans and schedules.*
- 4.7 *In addition to the requirements for the Council to promote the licensing objectives, it also has a duty, as detailed in paragraph 4.2, under Section 17 of the Crime and*

Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. The Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder within the vicinity if relevant representations are received. Whether or not incidents can be regarded as being in the vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case.

4.8 *The Council recognises that the Licensing Act is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night time economy in town centres.*

6.16 *The Council will generally consider the licensing of shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. However, it may consider there are very good reasons for restricting those hours, for example, where police or residents' representations are made in respect of isolated shops known to be the focus of disorder and disturbance.*

6. Consultation

6.1 The application has been subject to the statutory consultation and statutory public advertisement arrangements in accordance with the provisions of the Act, in respect of which relevant representations were received from the following:

“Responsible Authorities” –
Sussex Police & the Environmental Health Pollution Team

7. Relevant Representations

7.1 Details of the relevant representations received from the Responsible Authorities are reproduced at **Appendices D 1 & 2**. They are considered to relate to the statutory licensing objectives as follows:

The Prevention of Crime and Disorder.

The Prevention of Public Nuisance

The Protection of Children from Harm

7.2 Those making relevant representation have been invited to attend the Sub-Committee.

8. Mediation

8.1 The Environmental Health Pollution Team in their representation made the following comments for the committee's consideration:

The background noise in the area will have significantly reduced after 01:00. Trains to and from Worthing station have ceased by this time meaning activity within the vicinity of the station will have reduced. Any noise produced by customers will therefore be more noticeable, As residential properties are in relatively close proximity, any noise

from customers has the potential to affect residents in their properties and result in a public nuisance, at a time when people would reasonably expect to be asleep or going to sleep. Furthermore, there is a reasonable expectation that noise levels in such an area will be reduced after 01:00. We have received complaints of noise from people arriving/departing and congregating in the street in relation to another nearby licensed premises open until 2am.

The operating schedule contains little information on how the licensing objective of the prevention of public nuisance will be addressed, particularly in relation to noise. How will the noise of customers arriving and departing be controlled? How will noise from delivery vehicles be minimised late at night (engine noise, car doors slamming, etc.)? As it stands, the operating schedule is considered lacking in detail and is insufficient to prevent a public nuisance.

*If the application is granted as applied for, I am concerned that residents will be unreasonably disturbed by noise produced by customers and deliveries after midnight and that this will result in a public nuisance. **Consequently I am unable to support the application in its current form and make this formal representation to the application.***

- 8.2 As a result of mediation the applicant has volunteered to amend the hours applied for to 06.00hrs – 00.00hrs Sunday to Wednesday and 06.00hrs to 01.00hrs, of the following morning, Thursday to Saturday. As a result it is confirmed that the Environmental Health Pollution Group have withdrawn their representation. **(Appendix E1 & 2)**

- 8.3 Sussex Police, in their representation, stated:

The conditions currently offered in this application to promote the licensing objectives are considered to be inadequate. Accordingly Sussex Police have no alternative other than to raise representations with regard to The Prevention of Crime & Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

Given both the location of these premises and the scope of the application being sought, the proposals that have been put forward to promote the key licensing objectives are considered to be inadequate. Accordingly Sussex Police have no alternative other than to raise representations on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

You have described the premises as being a 'Convenience Store & Off Licence, to include Customer Deliveries'. There is however no mention as to how Customer Deliveries will be administered, and what steps and procedures will be in place to ensure that such deliveries do not have a negative impact upon the Licensing Objectives.

Although a terminal hour for the supply of alcohol, and the time the premises will be open to the public, of Midnight from Sunday to Wednesday and 2am on Friday, Saturday and Sunday mornings has been requested, there is again no mention of additional steps and procedures being undertaken to achieve the licensing objectives, especially during the very vulnerable period from 11pm onwards each evening.

As you should be aware, your client's premises are situated very close to the main Worthing Railway Station, and as such are on a popular night-time dispersal route from

the town centre area. The premises are also within a Designated Public Place Order zone and accordingly the ready availability of alcohol, until as late as 2am in the morning, to customers making their way home from town centre licensed venues is not viewed favourably.

Unless the application is amended so as to restrict both the opening hours and the hours for the supply of alcohol to an 11pm finish, or full and adequate proposals are put forward to uphold the licensing objectives, Sussex Police will not be in a position to resolve the representation that has been raised.

8.4 At the time of writing Sussex Police were in mediation with the applicant. Any results will be provided to members at the hearing.

9. Consideration

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

- The four statutory licensing objectives
- Worthing Borough Council's Statement of Licensing Policy
- Guidance issued by the Home Secretary
- The relevant representations from the Responsible Authorities.
- Amendments made to the application as a result of mediation.

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 Members are reminded that 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 an interested 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 crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. It is the existence of these procedures which should, in general, allow licensing authorities to apply a light touch bureaucracy to the grant and variation of premises licences by providing a review mechanism when concerns relating to the licensing objectives arise later in respect of individual premises."*
- 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 on behalf of Mr Kajendiran Gopalan for his proposed new convenience store , to be named Victoria Food & Wine, situated at 68 Victoria Road, Worthing and give reasons for that determination.**

Paul Spedding
Executive Head of Housing, Health and Community Safety

Principal Author and Contact Officer:

Simon Jones

Senior Licensing Officer - Tel: 01273 263191 or simon.jones@adur-worthing.gov.uk

Background Papers:

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003
- Worthing Borough Council's Statement of Licensing Policy

Appendices:

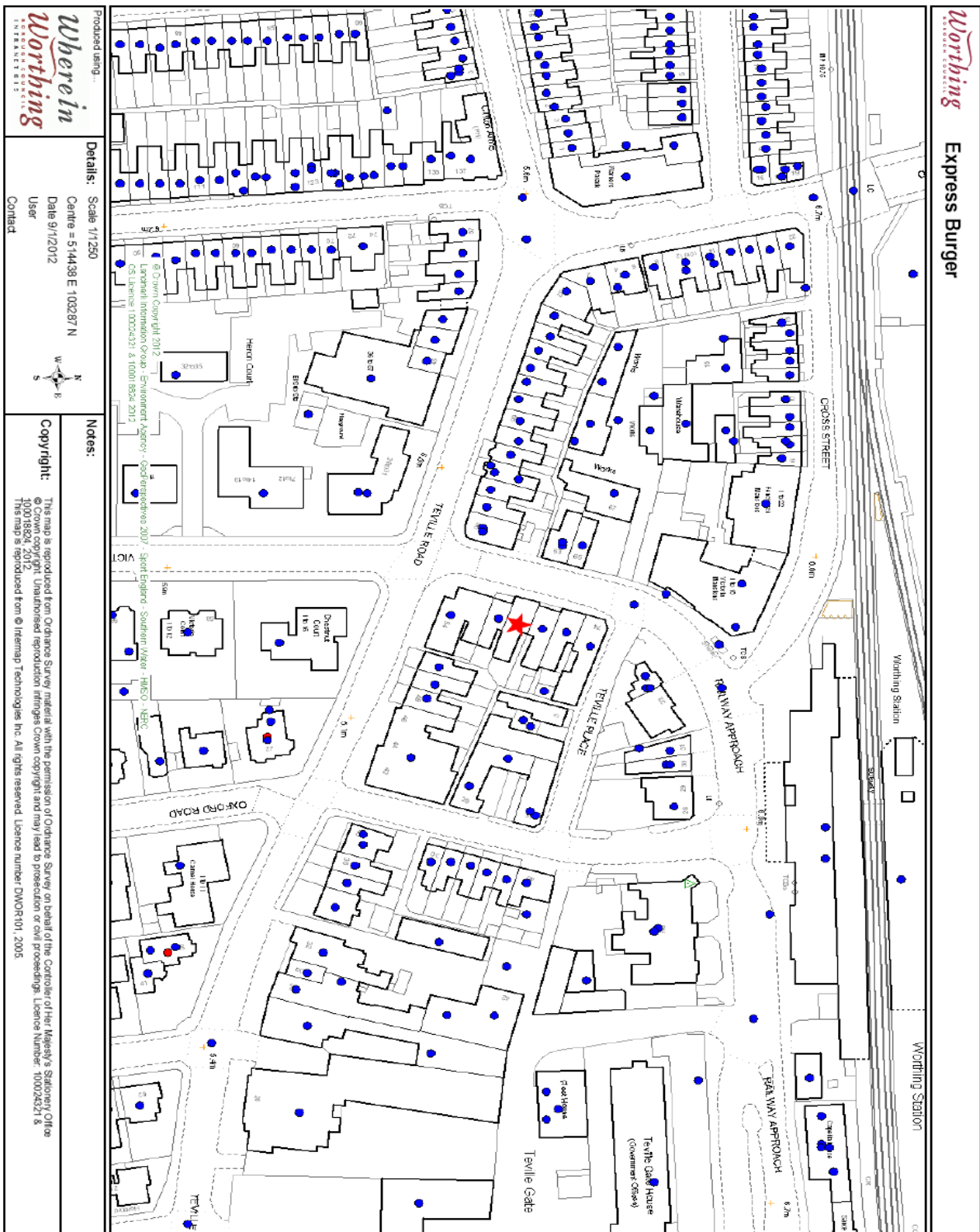
- Appendix A - Plan of area.
- Appendix B - Plan of the building.
- Appendix C - The Application Form.
- Appendix D 1 & 2 - Copies of the representations received from Responsible Authorities.
- Appendix E 1 & 2 – Mediation & Amendments to application agreed

Civic Centre
Shoreham-by-Sea

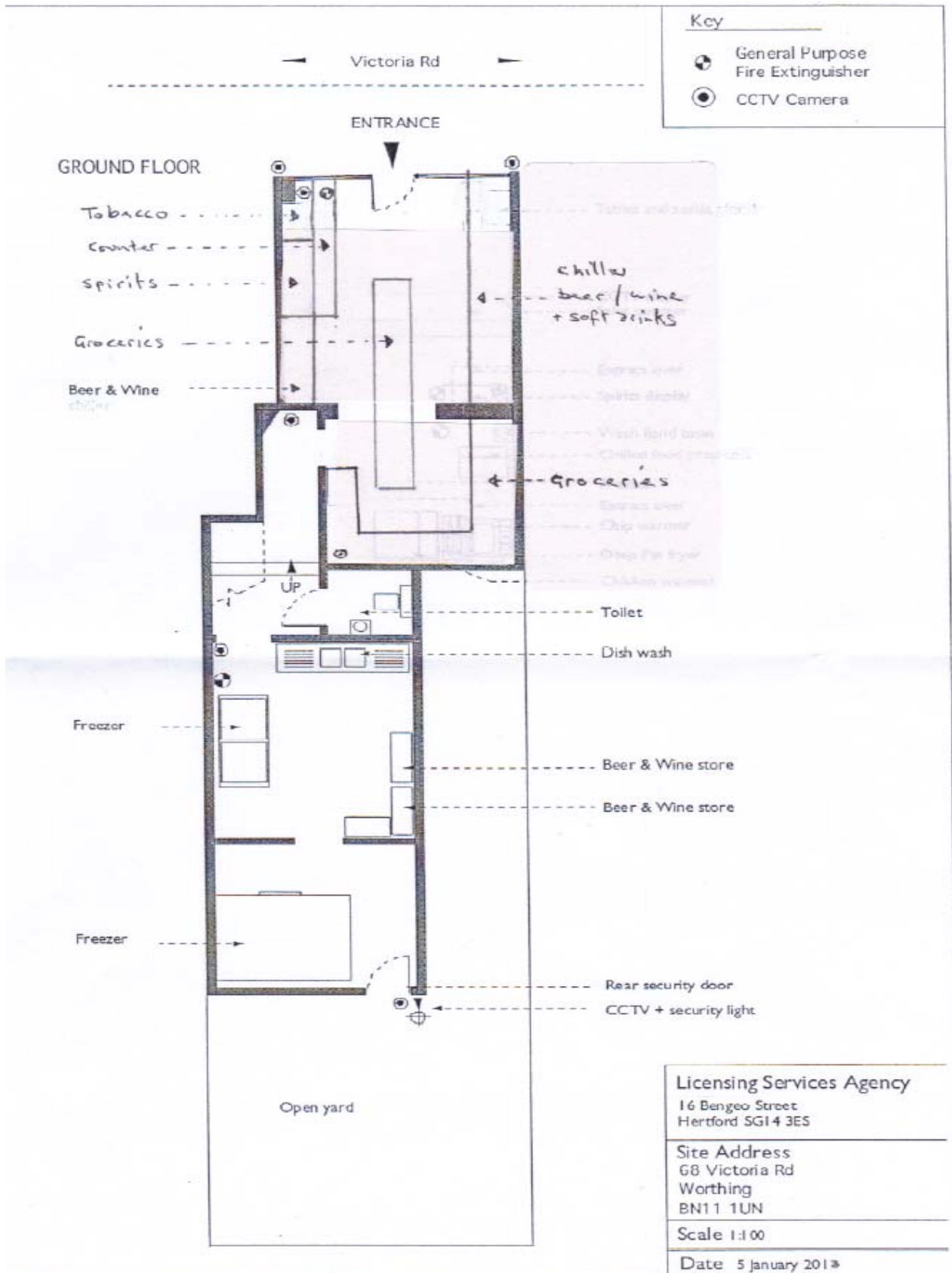
Ref: SJ/Lic.U/LA03/NEW – 68 Victoria Road

Date: 25 March 2013.

Plan of Area



Plan of Premises



Application

Application for a premises licence to be granted
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.

RECEIVED

- 9 JAN 2013

I/We KAJENDIRAN GOPALAN*(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 <u>VICTORIA FOOD & WINE</u> <u>68 VICTORIA ROAD</u>			
Post town	<u>WORTHING</u>	Post code	<u>BN11 1UN</u>
Telephone number at premises (if any)			
Non-domestic rateable value of premises			

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |



- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

- 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
 - o statutory function or
 - o a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname GOPALAN			First names KATENDIRAN		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post Town	WORTHING		Postcode		
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A
P	.	.
.	.	.
.	.	.

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

Day	Month	Year

Please give a general description of the premises (please read guidance note1)

CONVENIENCE STORE & OFF LICENCE.
TO INCLUDE CUSTOMER DELIVERIES.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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

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

Provision of regulated entertainment

Please tick yes

- | | |
|---|--------------------------|
| 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) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|---|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

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



Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for <u>consumption (Please tick box)</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)		
Mon	0600	0000			
Tue	0600	0000			
Wed	0600	0000			
Thur	0600	0200			
Fri	0600	0200			
Sat	0600	0200			
Sun	0600	0000			
			<u>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</u> (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	KAJENDIRAN GOPALAN
Address	
Postcode	
Personal Licence number (if known)	LN/2012 00009
Issuing licensing authority (if known)	WORTHING

N

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)
 None (except for the sale of alcohol)

O

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	0600	0000	<p>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 (please read guidance note 5)</p>
Tue	0600	0600	
Wed	0600	0000	
Thur	0600	0200	
Fri	0600	0200	
Sat	0600	0200	
Sun	0600	0000	

P 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)

TRAINING OF ALL STAFF ON THE PREMISES TO ENSURE THAT THEY UNDERSTAND AND ADHERE TO THE LAW RELATING TO THE SALE OF ALCOHOL. TRAINING RECORDS TO BE KEPT AND MADE AVAILABLE TO POLICE OR COUNCIL OFFICIALS ON REQUEST

b) The prevention of crime and disorder

CCTV INSTALLED THAT MEETS THE STANDARDS REQUIRED BY THE POLICE, AND MAINTAINED SO FULLY OPERATIONAL AT ALL TIMES. RECORDINGS TO BE KEPT IN ACCORDANCE WITH POLICE GUIDELINES, FOR A MINIMUM OF 30 DAYS AND TO BE MADE AVAILABLE TO POLICE/COUNCIL OFFICERS IF REQUIRED.
ALARM SYSTEM IN PLACE

c) Public safety

ALL STAFF TRAINED TO DEAL WITH ANY OUTBREAK OF FIRE AT THE PREMISES. FIRE EXTINGUISHERS INSTALLED AND REGULARLY SERVICED IN ACCORDANCE WITH FIRE AUTHORITY GUIDELINES
TO COMPLY WITH ANY REQUIREMENTS OF THE FIRE AUTHORITY

d) The prevention of public nuisance

ANYONE WHO IS DRUNK OR APPEARS TO BE BUYING ALCOHOL FOR SOMEONE WHO IS DRUNK WILL BE REFUSED THE SALE OF ALCOHOL

e) The protection of children from harm

CHALLENGE 25 TO BE OPERATED AT ALL TIMES, AND ALL PERSONS ATTEMPTING TO BUY ALCOHOL WHO APPEAR TO BE UNDER THE AGE OF 25 WILL HAVE TO PROVIDE PHOTOGRAPHIC EVIDENCE IN THE FORM OF AN INDUSTRY APPROVED PROOF OF AGE IDENTITY CARD, PASSPORT OR PHOTO DRIVING LICENCE TO PROVE THAT THEY ARE 18 OR OVER. SIGN TO BE DISPLAYED AT POINT OF SALE - - 'NO PROOF OF AGE - NO SALE'. A REFUSALS/INCIDENT BOOK, DETAILING ALL INCIDENTS WHERE ALCOHOL AND OTHER AGE RELATED PRODUCTS ARE REFUSED, AND ANY OTHER RELEVANT INCIDENTS, IS TO BE KEPT AT THE PREMISES AND MADE AVAILABLE TO AUTHORISED OFFICERS ON REQUEST.


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the 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 individual I wish to be 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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). If signing on behalf of the applicant please state in what capacity.

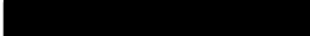
Signature	
Date	7/1/13
Capacity	AGENT



For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	AGENT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

LICENSING SERVICES AGENCY



Post town	HERTFORD	Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

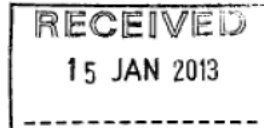
Sussex Police Representation



Sussex Police
Serving Sussex

www.sussex.police.uk | 101

West Sussex Division



YOUR REF.

11th January 2013

PLEASE ASK FOR PC WHITCOMBE

DIRECT DIAL T/P 101 ext 81443

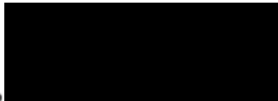
Dear Mr Jones

Sussex Police representation under the Licensing Act 2003 against the application for the grant of a Premises Licence for Victoria Food & Wine, 68 Victoria Road, Worthing, West Sussex.

The conditions currently offered in this application to promote the licensing objectives are considered to be inadequate. Accordingly Sussex Police have no alternative other than to raise representations with regard to The Prevention of Crime & Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

Attached for your information is a copy of a letter sent to the applicant's agent outlining the reasons for this representation.

Upon receipt of any response, which enables the representation to be resolved, I will notify you accordingly.



PP T/ Chief Insp. CJ Banks
Worthing & Adur District Commander

Mr S Jones
The Principle Worthing Borough Council Licensing Officer, Environmental Health
Adur Civic Centre
Ham Road
Shoreham by Sea
West Sussex BN43 6PR

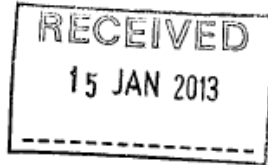
Centenary House, Durrington Lane, Worthing, West Sussex BN13 2PQ Telephone 101 Fax (01243) 843549

The Licensing Unit
Health & Housing Services
Worthing Borough Council



Sussex Police
Serving Sussex

www.sussex.police.uk | 101



West Sussex Division

YOUR REF.

11th January 2013

PLEASE ASK FOR PC WHITCOMBE

DIRECT DIAL T/P 101 ext 81443

Dear Sir

Sussex Police representation against the application for the grant of a Premises Licence under the Licensing Act 2003 for Victoria Food & Wine, 68 Victoria Road, Worthing, West Sussex.

I have been served a copy of the application you have submitted on behalf of Mr Kajendiran Gopalan for the grant of a Premises Licence in respect of Victoria Food & Wine, 68 Victoria Road, Worthing, West Sussex.

Given both the location of these premises and the scope of the application being sought, the proposals that have been put forward to promote the key licensing objectives are considered to be inadequate. Accordingly Sussex Police have no alternative other than to raise representations on the grounds of the Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

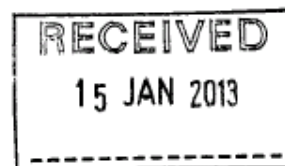
You have described the premises as being a 'Convenience Store & Off Licence, to include Customer Deliveries'. There is however no mention as to how Customer Deliveries will be administered, and what steps and procedures will be in place to ensure that such deliveries do not have a negative impact upon the Licensing Objectives.

Although a terminal hour for the supply of alcohol, and the time the premises will be open to the public, of Midnight from Sunday to Wednesday and 2am on Friday, Saturday and Sunday mornings has been requested, there is again no mention of additional steps and procedures being undertaken to achieve the licensing objectives, especially during the very vulnerable period from 11pm onwards each evening.

As you should be aware, your client's premises are situated very close to the main Worthing Railway Station, and as such are on a popular night-time dispersal route from the town centre area. The premises are also within a Designated Public Place Order zone and accordingly the ready availability of alcohol, until as late as 2am in the morning, to customers making their way home from town centre licensed venues is not viewed favourably.

...continued

The Licensing Services Agency
16 Bengeo Street
Hertford
Hertfordshire
SG14 3ES



Unless the application is amended so as to restrict both the opening hours and the hours for the supply of alcohol to an 11pm finish, or full and adequate proposals are put forward to uphold the licensing objectives, Sussex Police will not be in a position to resolve the representation that has been raised.

Your response is now awaited

Yours faithfully

T/ Chief Insp. CJ Banks
Worthing & Adur District Commander

From: Nadeem Shad

Sent: 28 January 2013 16:21

To: Simon Jones

Subject: Application for a Premises Licence – Victoria Food & Wine, 68 Victoria Road, Worthing
Licensing Act 2003

Application for a Premises Licence – Victoria Food & Wine, 68 Victoria Road, Worthing

I refer to the above application and make the following representation on behalf of the Environmental Protection Team of the Environmental Health Section with regard to the licensing objective of the *prevention of public nuisance*.

1. It is my opinion that the application does not adequately address the objective of the prevention of public nuisance caused by noise and that if the application is granted as applied for **a public nuisance (as defined by the Licensing Act 2003, “the Act”) would be caused to residents in the vicinity of Victoria Food & Wine, 68 Victoria Road, Worthing.**
2. The application to supply alcohol including public deliveries has public nuisance implications if granted as applied for.
3. The application seeks to permit the provision of alcohol from 06:00 to 00:00 Sunday to Wednesday and 06:00 to 02:00 Thursday to Saturday.
4. The premise is located in an area that is mixed residential and commercial, with residential premises on the western side of the road in particular.
5. The background noise in the area will have significantly reduced after 01:00. Trains to and from Worthing station have ceased by this time meaning activity within the vicinity of the station will have reduced. Any noise produced by customers will therefore be more noticeable residential properties are in relatively close proximity, any noise from customers has the potential to affect residents in their properties and result in a public nuisance, at a time when people would reasonably expect to be asleep or going to sleep. Furthermore, there is a reasonable expectation that noise levels in such an area will be reduced after 01:00. We have received complaints of noise from people arriving/departing and congregating in the street in relation to another nearby licensed premises open until 2am.
6. The operating schedule contains little information on how the licensing objective of the prevention of public nuisance will be addressed, particularly in relation to noise. How will the noise of customers arriving and departing be controlled? How will noise from delivery vehicles be minimised late at night (engine noise, car doors slamming, etc.)? As it stands, the operating schedule is considered lacking in detail and is insufficient to prevent a public nuisance.
7. If the application is granted as applied for, I am concerned that residents will be unreasonably disturbed by noise produced by customers and deliveries after midnight and that this will result in a public nuisance. **Consequently I am unable to support the application in its current form and make this formal representation to the application.**

I suggest that the applicant consult with us at the earliest opportunity or at any time before any licensing hearing to discuss and/or clarify the current application.

Nadeem Shad - Senior Environmental Health Officer Housing, Health & Community Safety, Adur & Worthing Councils

Location: Room 133-137, Civic Centre, Ham Road, Shoreham by Sea, West Sussex, BN43 6PR

Internal: 63303 | External: 01273 263303 | E-mail: nadeem.shad@adur-worthing.gov.uk

EH Pollution Team Mediation & Agreement with Applicant

From: Licensing Services Agency [m [REDACTED]]
Sent: 14 February 2013 11:29
To: Nadeem Shad
Cc: Simon Jones; David.Whitcombe@sussex.pnn.police.uk
Subject: Victoria Food & Wine, 68 Victoria Road Worthing

Dear Mr Shad

Further to our telephone conversation this morning I confirm that the premises are currently being run as a licensed takeaway café open to midnight during the week and 1am on Fridays and Saturday, and they already operate a delivery service from the premises. As discussed I confirm that the applicant is prepared to amend his application so that the new hours required will be 0600 – 0000 hours Sunday to Wednesday and 0600 – 0100 hours Thursday to Saturday. On that basis I understand that you wish to withdraw your representation with regard to this application.

I would be grateful if you would confirm this by email to me, copied to Simon Jones at Worthing Council.

Thank you

Kind regards

Debra Silvester
Licensing Services Agency

From: Nadeem Shad
Sent: 14 February 2013 11:48
To: Simon Jones
Cc: David.Whitcombe@sussex.pnn.police.uk; 'Licensing Services Agency'
Subject: RE: Victoria Food & Wine, 68 Victoria Road Worthing
Simon

In light of the amendment to hours below, I formally withdraw the representation by the Environmental Protection Team.

Nadeem Shad - Senior Environmental Health Officer Housing, Health & Community
Safety, Adur & Worthing Councils
Location: Room 133-137, Civic Centre, Ham Road, Shoreham by Sea, West Sussex, BN43
6PR
Internal: 63303 | External: 01273 263303 | E-mail: nadeem.shad@adur-worthing.gov.uk