

**Licensing Act 2003 – Application for a new Premises Licence at:  
138-140 Montague Street, Worthing, BN11 3HG**

**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 an application made by :

**Brantwick Ltd.**

for a new Premises Licence to authorise the sale of alcohol for consumption on the premise, the provision of regulated entertainment and the sale of late night refreshment at the above premise.

**2. Reasons for Hearing**

- 2.1 The application has been the subject of formal representation by two responsible authorities and it therefore falls to this sub-committee to determine.

**3. Background**

- 3.1 The proposed new restaurant is to be situated in the Montague Street pedestrian precinct. The double retail unit was until recently occupied by ‘Poundwise’ but is currently closed & vacant.
- 3.2 An application was made by Brantwick Ltd. to Worthing Borough Council on the 10 September 2013 for a new Premises Licence for a proposed new Italian Delicatessen & Restaurant, yet to be named, to be situated at the site.
- 3.3 A plan of the area is attached (**Appendix A**)
- 3.4 A plan of the proposed premise is attached. (**Appendix B**)
- 3.5 The application is for authorisation for the sale of alcohol, provision of regulated entertainment and the sale of late night refreshment. (**Appendix C**)
- 3.6 A copy of the letter received from Sussex Police. (**Appendix D**)

3.7 A copy of the letter received from Adur & Worthing Councils' Environmental Protection Team. (**Appendix E**)

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

4.1 The Application is attached at **Appendix C**. However, in summary, **Brantwick Ltd** is applying for:

i) Authorisation for the sale of alcohol for consumption on the premises between the hours of:

10.00hrs and 23.00hrs Sunday to Thursday  
10.00hrs and 00.00hrs (midnight Friday & Saturday)

ii) Authorisation for the provision of recorded music between the hours of:

10.00hrs and 23.00hrs Sunday to Thursday  
10.00hrs and 00.00hrs (midnight Friday & Saturday)

The application refers to live music and facilities for dancing but members should note that the implementation of the Live Music Act 2012 means the provision of live music between 08.00hrs and 23.00hrs for an audience of less than 200 persons in a premises licensed for the sale of alcohol for consumption on the premise and the provision of entertainment facilities are no longer licensable activities.

iii) Authorisation for the sale of late night refreshment for consumption on the premises between the hours of:

23.00hrs and 23.30hrs Sunday to Thursday  
23.00hrs and 01.00hrs, of the following morning, Friday & Saturday

iv) Proposed opening hours of the premises to be:

10.00hrs and 23.30hrs Sunday to Thursday  
10.00hrs and 01.00hrs, of the following morning, Friday & 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 it is intended to address the Licensing Objectives if this application were granted.

4.3 The proposed designated supervisor detailed in the application is Rasib Hussain who holds a personal licence issued by Horsham District Council.

#### 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:

***The Prevention of Crime & Disorder***

- 4.2 *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.*
- 4.3 *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.*
- 4.4 *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.*
- 4.5 *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.*
- 4.6 *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.*
- 4.7 *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.*

- 4.8 *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.*
- 4.9 *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.*

### **Prevention of Public Nuisance**

- 4.17 *Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of disturbances impacting upon people living, working or sleeping in the vicinity of the premises or wider afield.*
- 4.18 *Noise disturbance can arise from entertainment or activities held within licensed premises and also from people or motor vehicles outside licensed premises. The Council will expect Operating Schedules to address these issues. Advice and guidance can be obtained from Licensing Officers or the Council's Environmental Protection Team. If representations are received the Council may utilise appropriate conditions to control noise disturbance and the use of such conditions will depend upon the activities/entertainment/hours of operation proposed; the nature of the locality; and existing background noise levels and ambient noise levels. Noise control conditions may include the satisfactory sound insulation of licensed premises; compliance with maximum noise levels; and limiting hours of operation.*
- 4.19 *When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type/construction of their premises, proposed activities and nature of locality) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.*
- 4.20 *Anti-social behaviour such as excessive noise from access and egress or patrons littering should also be addressed in the Operating Schedule.*
- 4.22 *Patrons may no longer smoke inside licensed premises and consequently may go outside to smoke. Applicants and existing licence holders are encouraged to assess whether the noise from such patrons could potentially disturb nearby residents and whether there is potential for smoke to drift to nearby residential properties.*
- 4.23 *The Council will consider attaching conditions to licences and permissions to prevent public nuisance, but will seek to avoid duplication with the requirements of other regulatory regimes.*

## **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:
- Members of the public – None.
  - Responsible Authorities – Two representations

## **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 and Disorder.
  - Prevention of Public Nuisance
  - Protection of Children from Harm
- 7.2 Those making relevant representation have been invited to attend the Sub-Committee and included in the report are the representations reproduced in full.
- 7.3 Sussex Police made a number of comments and listed a number of conditions that they consider the minimum required to enable this premise to meet the licensing objectives if this licence were granted. (Appendix D)
- 7.4 Adur & Worthing Councils' Environmental Protection Team identified a number of issues that they felt Brantwick Ltd. had not adequately addressed in their application and stated they were unable to support the application in its current form. (Appendix E)

## **8. Mediation**

- 8.1 The Licensing Unit invited Brantwick Ltd. to contact the responsible authorities to explore the possibility of a mediated solution but no detail regarding any agreement was available as this report was published but members will be fully updated prior to any hearing commencing.

## **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 all the parties.
- 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 any other person, 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 by Brantwick Ltd. for a proposed new delicatessen & restaurant to be situated at 138-140 Montague Street, 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](mailto:simon.jones@adur-worthing.gov.uk)

### **Background Papers:**

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003  
<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing>
- Worthing Borough Council's Statement of Licensing Policy  
<http://www.adur-worthing.gov.uk/media/media,98561,en.pdf>

### **Appendices:**

- Appendix A - Plan of area.
- Appendix B - Plan of the building.
- Appendix C - The Application Form.
- Appendix D – Representation made by Sussex Police.
- Appendix E – Representation made by the Environmental Protection Team

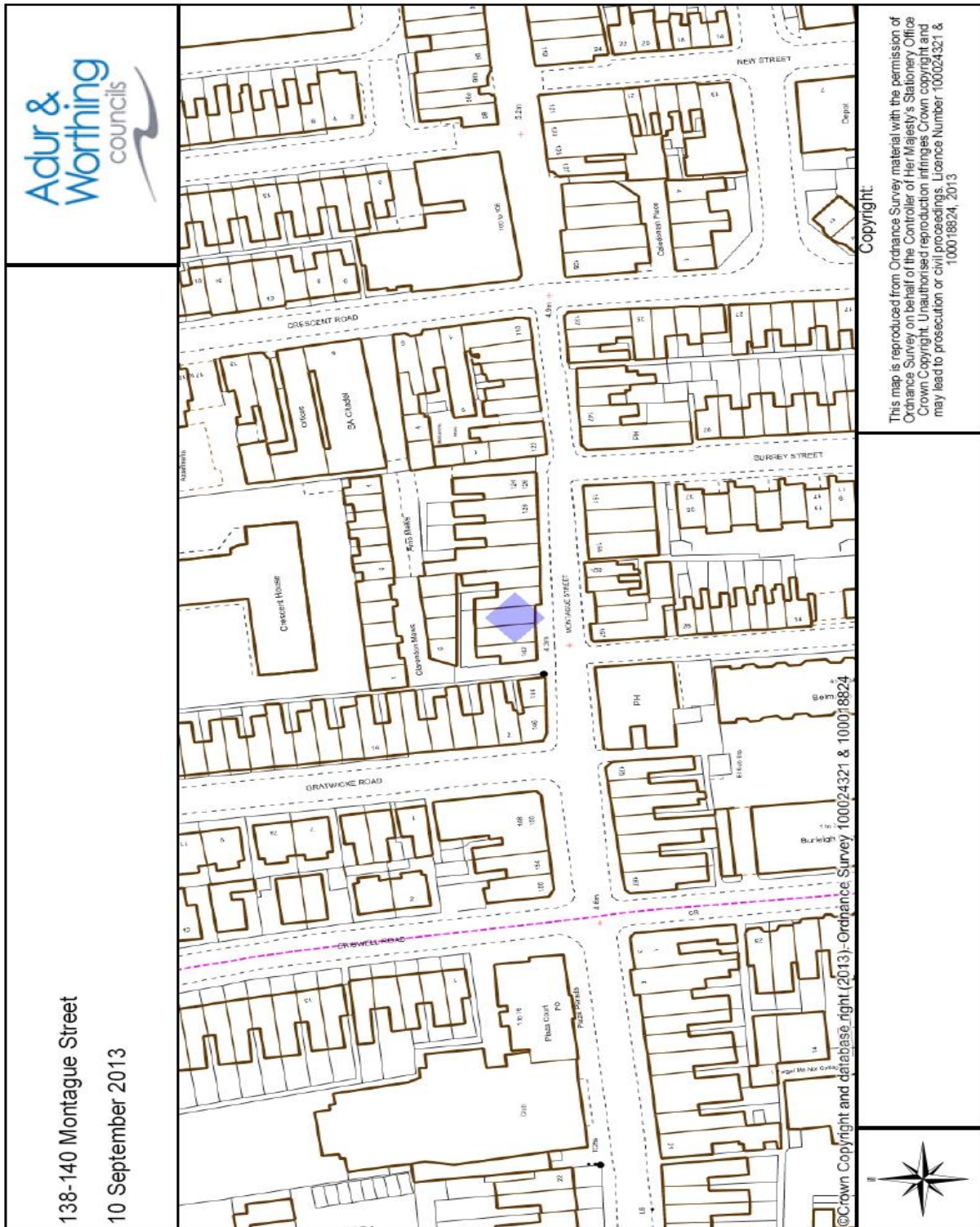
Commerce Way, Lancing

Ref: SJ/Lic.U/LA03/NEW – 138-140 Montague Street

Date: 19 October 2013.



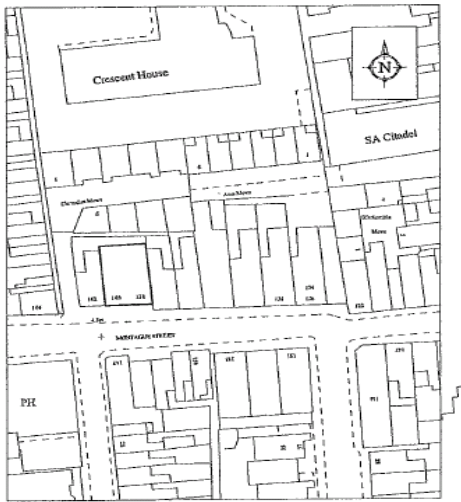
Plan of Area



Plan of Premise

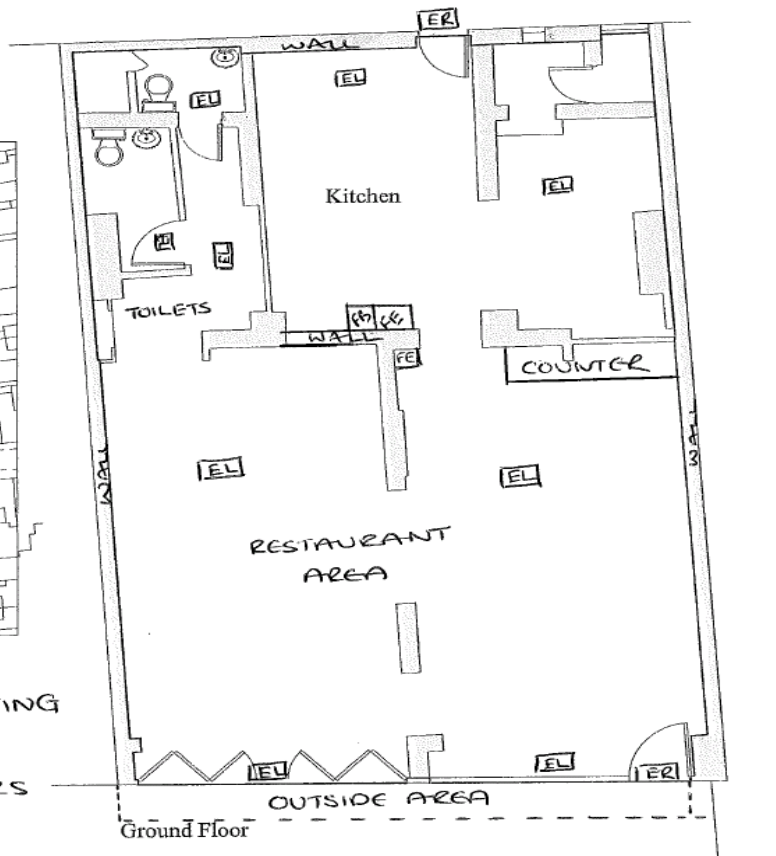



Adur & Worthing Councils  
Licensing Unit  
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..... Initials



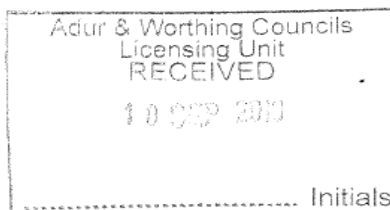
Location plan Scale 1:1250

- EL = EMERGENCY LIGHTING
- ER = EMERGENCY ROUTE
- FE = FIRE EXTINGUISHERS
- FB = FIRE BLANKET



	<p>Trueplan (UK) Ltd Bank Chambers 36 Mount Pleasant Tunbridge Wells Kent TN11 1RB</p>	<p>138-140 Montague Street, Worthing, West Sussex, BN11 3HG</p>	<p>Scale 1:100 @A4 Drawing no: 20285/3647 Drawn on: 12/08/2013 Revision 0</p>
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Application



**Application for a Premises Licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING APPLICATION**

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.

I/We .....BRANTWICK LIMITED..... (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>138-140 MONTAGUE STREET</u>	
Post town <u>WORTHING</u>	Post code <u>BN11 3HG</u>
Telephone number at premises (if any)	
Non domestic rateable value of premises	£ <u>20,750</u>

**Part 2 – Applicant Details**

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

- Please tick ✓**
- a) an individual or individuals\*  please complete section (A)
  - b) a person other than an individual\*
    - i. as a limited company  please complete section (B)
    - ii. as a partnership  please complete section (B)
    - iii. as an unincorporated association or  please complete section (B)
    - iv. Other (for example a statutory corporation)  please complete section (B)
  - c) a recognised club  please complete section (B)
  - d) a charity  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)

**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

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

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

Surname  First names

I am 18 years old or over

**Please tick ✓**

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

I am 18 years old or over  Please tick ✓

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

**(B) OTHER APPLICANTS**

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

Name	BRANTWICK LIMITED
Address	138-140 MONTAGUE STREET WORTHING BN11 3HG
Registered number (where applicable)	08397347
Description of applicant (for example, partnership, company, unincorporated association etc.)	LIMITED COMPANY
Telephone number (if any)	
E-mail address (optional)	

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year

AS SOON AS POSSIBLE

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

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

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

GROUND FLOOR DOUBLE FRONTED SHOP  
IN COMMERCIAL AREA CONVERTED  
INTO AN ITALIAN STYLE RESTAURANT  
AND TAKE-AWAY

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 entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

✓

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

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

✓
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**In all cases complete boxes N, O and P**

**E**

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	18:00	23:00	Please give further details here (please read guidance note 3)  LIVE BACKGROUND MUSIC ACCOUSTIC + ELECTRONIC	Both	<input type="checkbox"/>
Tue	18:00	23:00			
Wed	18:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 4)  NONE		
Thur	18:00	23:00			
Fri	18:00	23:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5)  NONE		
Sat	18:00	23:00			
Sun	18:00	23:00			

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	23:00	Please give further details here (please read guidance note 3)  GENERICALLY BACKGROUND MUSIC VERY OCCASSIONAL PARTY MUSIC	Both	<input type="checkbox"/>
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)  NONE		
Thur	10:00	23:00			
Fri	10:00	00:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)  NONE		
Sat	10:00	00:00			
Sun	10:00	23:00			



**J**

Provision of facilities for dancing Standard days & timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>		
Day	Start	Finish		Outdoors	<input type="checkbox"/>		
Mon	<del>18:00</del>		Please give a description of the facilities for dancing you will be providing <b>IN RESTAURANT AREA</b>	Both	<input type="checkbox"/>		
		18:00		23:00			
Tue				Please give further details here (please read guidance note 3) <b>VERY OCCASIONALLY</b>			
		18:00			23:00		
Wed					State any seasonal variations for providing dancing facilities (please read guidance note 4)  <b>NONE</b>		
		18:00				23:00	
Thur							
		18:00	23:00				
Fri							
		18:00	00:00				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list. (please read guidance note 5)				
		18:00		00:00			
Sun							
		18:00		23:00			

**L**

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon			Please give further details here (please read guidance note 3) <b>ALCOHOL TO ACCOMPANY MEALS ALREADY ORDERED BY 23:00</b>	Both	<input type="checkbox"/>	
		23:00		23:30		
Tue				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)  <b>NONE</b>		
		23:00			23:30	
Wed						
		23:00			23:30	
Thur						
		23:00	23:30			
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)  <b>NONE</b>			
		23:00		01:00		
Sat						
		23:00		01:00		
Sun						
		22:00		23:30		

**M**

<b>Sale of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓)</b> (please read guidance note 7)	<b>On the premises</b>	<input checked="" type="checkbox"/>
				<b>Off the premises</b>	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the sale of alcohol</b> (please read guidance note 4)		
Mon	10:00	23:00			
Tue	10:00	23:00	NONE		
Wed	10:00	23:00			
Thur	10:00	23:00	<b>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.</b> (please read guidance note 5)		
Fri	10:00	00:00			
Sat	10:00	00:00	NONE		
Sun	10:00	23:00			

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

Name: MR RASIB HUSSAIN

Personal licence number (if known) XXXXXXXXXX

Issuing licensing authority (if known): HOESHAM COUNCIL

**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)

**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	10:00	23:30	NONE
Tue	10:00	23:30	
Wed	10:00	23:30	
Thur	10:00	23:30	
Fri	10:00	01:00	
Sat	10:00	01:00	
Sun	10:00	23:30	

**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)**

## 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)

ALL STAFF TRAINED IN ALL ASPECT OF LICENSING ACT PERTAINING TO RESTAURANTS PREMISES SUPERVISOR IN ATTENDANCE AT ALL TIMES

b) The prevention of crime and disorder

CCTV WILL BE INSTALLED WITH 28 DAY IMAGE RECORDING (COPIES AVAILABLE TO POLICE)  
LATE NIGHT REFRESHMENT NOT ALLOWED OUTSIDE PREMISES

c) Public safety

RISK ASSESSMENT IN ALL AREAS INCLUDING FIRE PREVENTION PROCEDURES EMERGENCY LIGHTING + ESCAPE PROCEDURES

d) The prevention of public nuisance

GIVING NOTICE TO RESPECT NEIGHBORS. PRIVACY AND REFUSE DISPOSED IN DAYTIME PERIODS ONLY  
DOOR + WINDOWS KEPT CLOSED IF REGULATED ENTERTAINMENT BEING STAGED

e) The protection of children from harm

CHILDREN ONLY PERMITTED ON PREMISES UNDER ADULT SUPERVISION  
CHALLENGE 21 POLICY - WITH SIGNAGE.

Please tick YES ✓

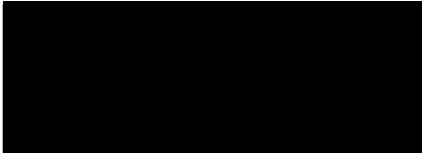

- I have made or enclose payment of the fee (please read guidance note 14)
- I have enclosed a plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the proposed premises supervisor, 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

✓
✓
✓
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**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**



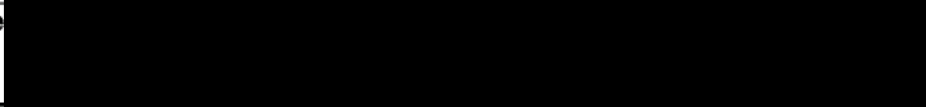
**Part 4 – Signatures** (please read guidance note 10)

**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   
.....  
Capacity DIRECTOR  
.....

**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 12). **If signing on behalf of the applicant please state in what capacity.**

Signature  
.....  
Date  
.....  
Capacity  
.....

<b>Contact Name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 19) <u>SOPIA KHAN</u> 	
<b>Post town</b> <u>WORTHING</u>	<b>Post code</b> <u>BN11 3HG</u>
<b>Telephone number</b> 	
<b>If you would prefer (optional)</b> 	





## MEMORANDUM

To: **Simon JONES, Licensing Officer, Worthing & Adur District Council**

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From: **West Sussex Neighbourhood Licensing Team**

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Extension: **81179**

Date: **19<sup>th</sup> September 2013**

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Dear Mr Jones

**RE: APPLICATION FOR GRANT OF A NEW PREMISES LICENCE FOR 138-140 MONTAGUE STREET, WORTHING, BN11 3HG.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the ground of the Licensing Objectives Protection of Children of Harm, Prevention of Crime and Disorder and Prevention of Public Nuisance. Sussex Police are willing to withdraw a representation if the following conditions are to be included onto the premise licence.

A number of the below conditions are in keeping with the steps included in section (P) of the application demonstrating the promotion of the four licensing objectives and therefore should not prove onerous as conditions of the premises licence.

- 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.
- Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
- The only form of ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen card or validate proof of age cards bearing the "PASS" mark hologram.
- All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
- Induction training must be completed, and fully documented, prior to the sale of alcohol by the staff member and refresher training thereafter at intervals of no less than eight (8) weeks.
- All restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to the Sussex Police Local Authority Licensing officers and the local Trading Standards service upon request.

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- The premises shall at all times maintain and operate a sales refusals book and an incident log which shall be reviewed by the Designated Premises Supervisor at intervals of no less than four (4) weeks and feedback given to staff as relevant.
- Both a refusal register and an incident register will be kept on the premises to record all refusals and incidents of crime or disorder. These records will be made available to the Authorised members of the Local Licensing Authority and/or the Police upon request
- CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System.
- CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
- It will be the responsibility of the DPS, or duty manager, to ensure that any request from the police for a recording to be made for evidential purposes, is carried out as soon as possible in compliance with data protection legislation
- Hot food (substantial refreshment) will be available each day when the premises license permits the sale of alcohol.
- All alcohol must be served to persons situated at a table by a waiter or waitress.
- No alcohol shall be sold or supplied on the premises otherwise than to persons with a table meal or for consumption by such person as an ancillary to a table meal
- After 21:00 hours, all Children under the age of sixteen (16) must be accompanied by a responsible adult

Please do not hesitate to contact me, if you wish to discuss this matter further.

Yours sincerely

Chief Inspector Jo Banks  
Sussex Police.

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## Appendix E

**From:** Kathryn Adderson  
**Sent:** 20 September 2013 15:19  
**To:** Simon Jones  
**Subject:** Application for Premises Licence - 138-140 Montague Street, Worthing.

I am in receipt of the above application made by Brantwick Ltd on 04/09/13.

I should like to make representation under the 'Prevention of Public Nuisance' licensing objective on behalf of the Environmental Protection Team.

In my opinion this application does not adequately address the public nuisance objective with respect to the potential noise impact of recorded music until midnight on Fridays and Saturdays and 23:00hrs on any other day.

I have no information on the quality and quantity of sound insulation between the commercial premises on the ground floor and the residential flat(s) above and adjacent. I do not have information regarding the sound attenuating properties of the windows and doors to the front façade. The applicant states that these will be kept closed during regulated entertainment. There is no lobby around the entrance door so music is likely to escape when customers enter and leave the premises. The plans also show folding doors covering half the frontage, with unknown acoustic resilience.

There is a residential development directly behind the premises at Clarendon Mews with a residential window directly behind the property (approximately 4 metres away) which could also be subject to noise escape from the regulated entertainment proposed.

It is unclear from the application how often regulated entertainment events involving recorded music are proposed.

In conclusion, I do not believe that the operating schedule is sufficient to prevent a public nuisance. As a result I am unable to support the application in its current form.

**Kathryn Adderson**  
**Team Leader – Environmental Protection**

Housing, Health & Community Safety, Adur & Worthing Councils, Portland House, Richmond Road,  
Worthing BN11 1HS  
Telephone: 01273 263305  
Email: [kathryn.adderson@adur-worthing.gov.uk](mailto:kathryn.adderson@adur-worthing.gov.uk)