



Corporate and Cultural Services

5 November 2013

Town Hall
Chapel Road
Worthing
BN11 1HA

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Dear Councillor

Licensing and Control Sub Committee - B

A meeting of the Licensing and Control Sub Committee - B will be held on **Wednesday 13 November 2013 at 10.00am** in the Council Chamber to consider the business set out in the following Agenda.

Yours sincerely

Executive Head of Corporate and Cultural Services

LICENSING AND CONTROL SUB COMMITTEE - B

Councillors Christine Brown (Chair), Keith Bickers and Vicky Vaughan

*This licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Councillor being unable to attend, their place will be taken by another Councillor taken from the membership of the full Licensing and Control Committee - B. In the event of this happening all parties will be informed of the change of membership at the beginning of the meeting.

AGENDA

1. **Welcome**

2. **Apologies and Reconstitution of Membership (if appropriate)**

To note any apologies for absence and resulting reconstitution of the membership of the Sub Committee, if appropriate.

3. **Declarations of Interest**

Members and Officers are invited to make any declarations of disclosable pecuniary interests that they may have in relation to any items on this Agenda. The declaration should refer both to the nature of the interest as well as its existence.

Members and Officers may seek advice upon any relevant interest from a Legal or Democratic Services Officer prior to the meeting.

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

Venue: McColl's, 2 Limbrick Lane, Worthing, BN12 6JJ

Ward

Castle

Please note that the Procedure to be followed by the Sub Committee will be circulated at the start of the meeting.

**Licensing Act 2003 – Application for a new Premises Licence at:
McColl's, 2 Limbrick Lane, Worthing, BN12 6JJ**

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 by :

McColl's Retail Group Ltd.

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 representation by a responsible authority and members of the public and it therefore falls to this sub-committee to determine.

3. Background

- 3.1 Limbrick Corner is a small shopping parade in a mixed commercial/residential area in Palatine Road, West Worthing adjacent to the A 259. The parade consists of a number of different retailers including a large car dealership, a public house, post office, betting shop, butchers, café, off licence, a couple of takeaways and a 'newsagent & confectionary' shop.
- 3.2 The newsagent is known as Martins and is situated at 4 Limbrick Corner and is operated by the McColl's Group. It has been operated in its current form for many years at this site but it is now planned to move the business to a new larger unit situated nearby.
- 3.3 This larger unit, at 2 Limbrick Corner, will allow the business to expand and offer a range of convenience goods including alcohol in addition to its newsagent & confectionary business.

- 3.4 The above application was made on behalf of the McColl's Retail Group Ltd to Worthing Borough Council on the 16 September 2013 for a new Premises Licence to authorise the sale of alcohol, for consumption off the premise, at the new proposed store.
- 3.5 A plan of the area is attached (Appendix A)
- 3.6 A plan of the proposed new store is attached. (Appendix B)
- 3.7 The application is for authorisation for the sale of alcohol, for consumption off the premise. (Appendix C)
- 3.8 Copies of the letters received from members of the public. (Appendices D 1 - 11)
- 3.9 A copy of the representation made by a Responsible Authority, namely Sussex Police (Appendix E)
- 3.10 A copy of the mediated agreement between Sussex Police and the applicant. (Appendix F)

4. **The Application**

- 4.1 The Application is attached at **Appendix C**. However, in summary, the application is seeking authorisation for:
- the sale of alcohol between the hours of:
06.00hrs and 23.00hrs Monday to Sunday incl.
 - It is proposed that the store will open to the public between the hours of:
06.00hrs and 23.00hrs Monday to 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 Mark Forrester who holds a personal licence issued by Worthing Borough 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:

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.*
- 4.9 *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.*

Protection of Children from Harm

- 4.24 *The wide range of premises that require licensing means that children can be expected to visit many of these, perhaps on their own, for food and/or entertainment.*
- 4.28 *It is an offence to sell alcohol to an individual aged under 18. Licence holders are required to consider carefully ways to ensure that the sale of alcohol is restricted to those over the age of 18. Popular schemes include the 'Challenge 25 scheme' whereby if the individual looks under 25; they are required to prove that they are over the age of 18 when buying alcohol or tobacco. Acceptable forms of proof are: a photo card driver's licence, passport or PASS. PASS is the national guarantee scheme for proof-of-age, which is fully supported by the Home Office. Applicants are encouraged to introduce such schemes and detail them in operating schedules. The council may impose conditions requiring such schemes if relevant representation is received. Special care should be exercised and the licensed trade should be alert to counterfeit IDs and their fraudulent use.*

DEMAND, SATURATION & HOURS

- 6.1 *In accordance with the Government's guidance the Council recognises that demand is not a relevant criterion in considering an application under the Act.*
- 6.14 *Following relevant representations the Council will deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises, or its environs, by concentrations of people either present or leaving during normal night-time sleeping periods (23.00hrs to 07.00hrs).*
- 6.18 *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 that in some circumstances there are very good reasons for restricting those hours and these are detailed in paragraphs 7.1 to 7.13 below. .*

SPECIFIC CONSIDERATIONS

Off sales of alcohol – Stores & Supermarkets

- 7.1 *The Home Office Guidance to the Act recommends that shops, stores and supermarkets selling alcohol should generally be permitted to match the hours during which they may sell alcohol with their normal trading hours, unless there are exceptional reasons related to the licensing objectives, in particular ‘the prevention of crime and disorder’ and ‘the prevention of public nuisance’.*
- 7.2 *The council will consider all applications on their own merit and will not consider ‘need or demand’ but if an area is experiencing problems and this is linked to the number of premises in the area already selling alcohol, for consumption off the premises, the council will carefully consider the cumulative impact on the licensing objectives of any new application if relevant representation is received.*
- 7.3 *The council will be particularly concerned with regard to the granting of new licences to stores and supermarkets in localities where the following problems have been identified:*
- *Alcohol sales to persons who are drunk*
 - *Underage drinking*
 - *Street drinking*
 - *Pre-loading & post-loading*
- 7.4 *Selling alcohol to a person who is drunk or to a person who is under the age of 18 are both offences under the Licensing Act. The council recognises that the vast majority of licensees are very aware of their responsibilities and the duty of care they have selling alcohol to the public. However, the council takes both these issues extremely seriously.*
- 7.5 *The Council considers it vital that licence holders provide formal and effective training to all staff involved in the sale of alcohol to recognise members of the public who are drunk or underage and give their staff the ability and confidence to refuse service. The council will expect operating schedules to demonstrate that the licence holder has considered such matters and addressed them as far as possible and that formal training records are kept on the premise and are to be made available for inspection by Police and/or Licensing Unit officers on request.*

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 – 11 X letters of representation

Responsible Authorities – 1 X Representation from 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:

The Prevention of Crime and Disorder.

The Prevention of Public Nuisance

The Protection of Children from Harm

- 7.2 Eleven letters were received from members of the public. (Appendices D 1-11)
- 7.3 Sussex Police made a number of comments and listed a number of conditions that they considered the minimum required to enable this premise to meet the licensing objectives if members were of a mind to grant a licence in the terms applied for. (Appendix E)
- 7.4 All those making relevant representation have been invited to attend this hearing.

8. Mediation

- 8.1 The Licensing Act 2003 encourages mediation.
- 8.2 Sussex Police have successfully mediated with representatives of McColl's and as a result the following conditions have been volunteered to the applicant's operating schedule:
- *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 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. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.*
 - *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. This 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 fourteen (14) weeks. All restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Police, Licensing Authority and Trading Standards officers upon request.*
 - *The store shall at all times maintain and operate a sales refusals book and an incident log which may be electronically recorded, and 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 Police, Licensing Authority and Trading Standards officers upon request.*

- *CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System. All 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.*
- *Any alcohol on display within the premises must be covered at all times by CCTV installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System.*
- *Alcohol products will not be displayed within a three (3) metre radius of the front entrance*

8.3 These would become 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 objection to the amended application being granted. (Appendix F)

8.4 Mediation between McColl's and the members of the public that made relevant representation was considered unlikely to succeed considering the number and the nature of the concerns expressed. Though if any agreement were to be reached after this report was published members will be fully updated prior to any 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 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 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 McColl's Retail Group Ltd. for their new newsagents & convenience store to be situated at 2 Limbrick Corner, Palatine 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
<https://www.gov.uk/government/publications/licensing-act-2003-amended-guidance-issued-under-section-182>
- Worthing Borough Council's Statement of Licensing Policy
<http://www.adur-worthing.gov.uk/licensing-and-permits/consultations-policy-forum/policy-and-forum/>

Appendices:

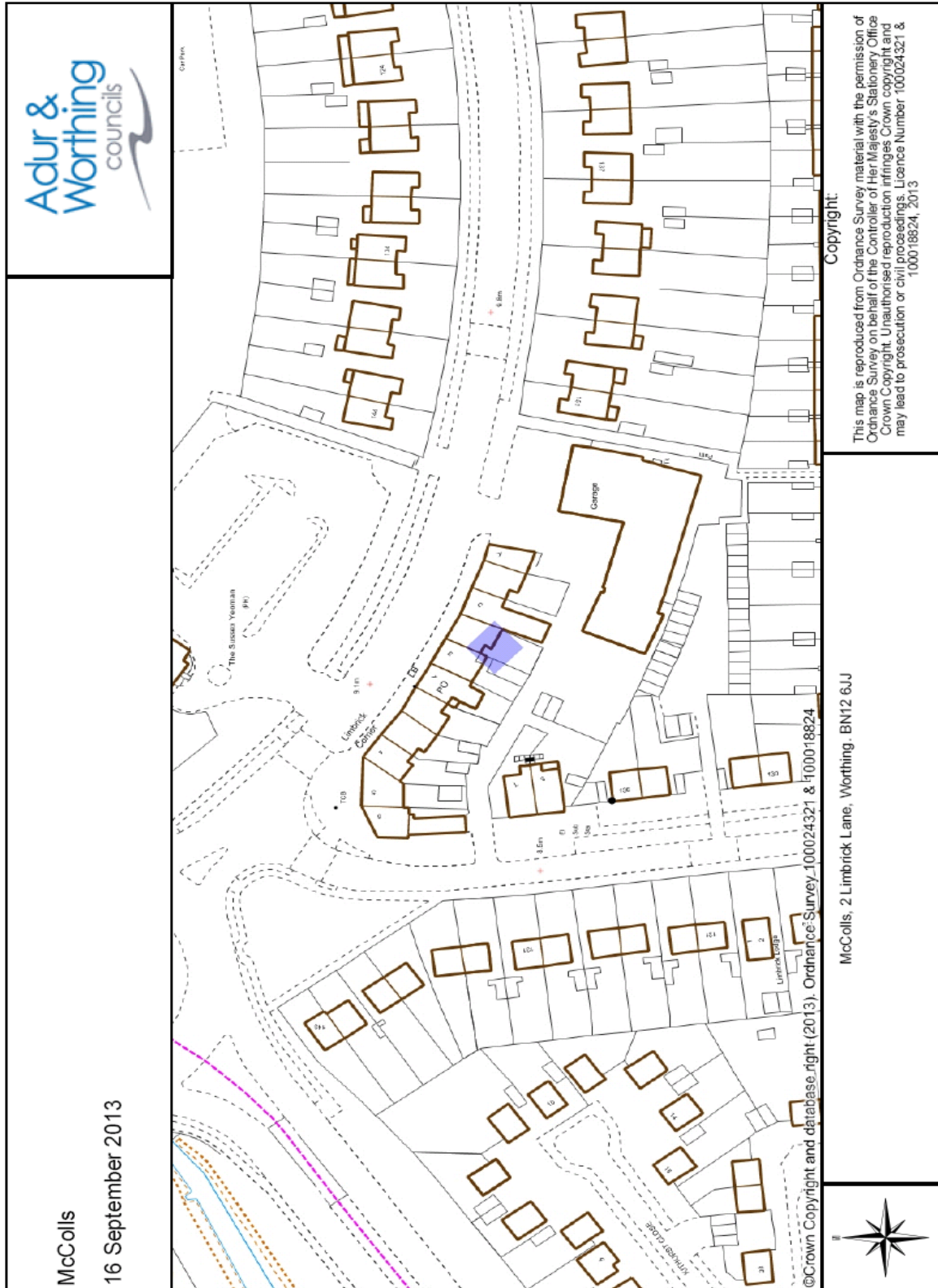
- Appendix A - Plan of area.
- Appendix B - Plan of the building.
- Appendix C - The Application Form.
- Appendices D1-11 – Representations received from members of the public.
- Appendix E – Representation received from Sussex Police
- Appendix F – Mediated Agreement between Applicant & Police

Commerce Way, Lancing


Ref: SJ/Lic.U/LA03/NEW – McColl's, Limbrick Corner

Date: 4 Nov 2013.

Plan of Area



Plan of Premises



McColl's Retail Group
McCOLLS RETAIL GROUP LTD
ALDRINGHAM
BRIGHTWOOD
ESSEX
S11 1JH
TEL: 01277 329999 FAX: 01277 329700

McColl's Martins *BSM* **McColl**

PROJECT TYPE/DETAILS
ALCOHOL LICENCE APPLICATION

Rev	Revision Details
A	PROPOSED FT/18092013

STORE NO:	REV No	DATE	FORWARDED BY
WORKING	A	A1 - 1300	7/10
ACD		A1 - 1300	10/3

STORE NAME:	FORWARDED RETAIL
ADDRESS	10/3
ALDRINGHAM	220
EAST SUSSEX	10/3
BN2 6JU	10/3

STORE TEL:	POST OFFICE
COMPANY: M	MM AREA
PROMA: NS	RH

PROMOTION DETAILS	AGREED BY:
1	
11	
4	
N	
Y	
N	
N	
N	
N	
N	
N	
Y	

FIRE STANDARDS:

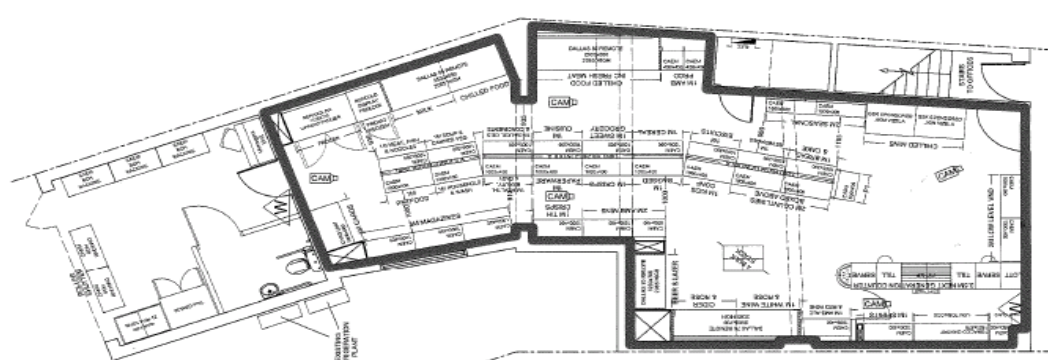
1. FIRE SAFETY RELATED SIGNS AND NOTICES ARE TO THE HEALTH AND SAFETY (SAFETY SIGNS & SIGNALS) REGULATIONS ACT 1996, THOSE THAT COMPLY TO BS 5499, PART 1, 1990 ALSO COMPLY
2. ILLUMINATED 'EXIT' SIGNS ARE TO CONFORM TO BS2260
3. FIRE FIGHTING EQUIPMENT IS TO COMPLY WITH EUROPEAN STANDARDS BS EN3 AND BS 7863

NOTES:

1. FIRE FIGHTING EQUIPMENT & ALL OF THE REQUIREMENTS OF THE FIRE SERVICE WILL BE INCORPORATED & WILL BE PROVIDED TO COMPLY WITH THE EUROPEAN STANDARDS BS EN3 & BS7863.
2. ALL WALL PERIMETER FIXTURES TO A HEIGHT OF 2.1M
3. ALL FLOOR DISPLAYS TO A HEIGHT OF 1.5M
4. COUNTER HEIGHT 905MM

FIRE SIGNAGE:

- EMERGENCY LIGHTING
- F.A. FIRE ACTION SIGNAGE
- EXIT FIRE EXIT WITH DIRECTIONAL ARROW
- WATER FIRE EXTINGUISHER
- CARBON DIOXIDE FIRE EXTINGUISHER
- FOAM FIRE EXTINGUISHER
- (FIRE EXTINGUISHER SIGNAGE TO BE PROVIDED AT EACH LOCATION)
- FIRE BELL
- SMOKE DETECTOR
- RED BREAK GLASS BOX
- CCTV CAMERA



PROPOSED LAYOUT

Application

Adur & Worthing Council
Licensing Unit
RECEIVED
16 SEP 2010
..... Init

**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.

I/We McColl's Retail Group Ltd
(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 McColls 2 Limbrick Corner			
Post town	Worthing	Post code	BN12 6JJ
Telephone number at premises (if any)		TBA	
Non-domestic rateable value of premises		[REDACTED]	

Part 2 - Applicant Details

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

- 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)

(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 McColl's Retail Group Ltd
Address Martin McColl House Ashwells Road Brentwood Essex CM15 9ST
Registered number (where applicable) 298945
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01277 372916
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
N/A

Please give a general description of the premises (please read guidance note1)
 We purpose to relocate our store at 4 Limbrick Corner to this premises at number 2 and this application is part of that process. Included with this application is a layout plan which confirms that the whole of the retail sales floor area is proposed to be covered by this application. Alcohol will be displayed within the retail area in such positions where it can be supervised by a combination of direct staff supervision and/or CCTV. The CCTV system will form part of the due diligence system which will be operable at the store (images will be maintained for a minium of 31 days) The due diligence systems will also incorporate the operation of a refusals record together with general staff training providing guidance upon both the legal and social aspects of selling alcohol. The Company also provide continual external support through test purchasing operations. The Licensable activities will take place between the hours as specified on page 17 of this application form. This is an overview of the type of premises.

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)




- | <u>Provision of regulated entertainment</u> | 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"/> |
| <u>Provision of entertainment facilities:</u> | |
| 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"/> |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box L) | <input type="checkbox"/> |
| <u>Supply of alcohol</u> (if ticking yes, fill in box M) | <input checked="" type="checkbox"/> |

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 consumption (Please tick box) (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	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	06.00	23.00			
Tue	06.00	23.00			
Wed	06.00	23.00			
Thur	06.00	23.00			
Fri	06.00	23.00			
Sat	06.00	23.00			
Sun	06.00	23.00			
			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 (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 Mark Forrester	
Address 	
Postcode	
Personal Licence number (if known) 	
Issuing licensing authority (if known) Worthing Borough 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)

These premises will benefit from a Premises Licence for consumption of alcohol off the premises only. there will be no adult entertainment in order to ensure compliance with legislation. The company will operate a 'Challenge 25' policy as a minimum requirement whereby any person appearing to be aged 25 or under must prove that they are in fact over the lawful age of 18 for the purpose of sale of alcohol. Acceptable forms of identification as proof of age are a ten year passport, a photocard driving licence and an approved PASS logo proof of age card. All staff are obligated to familiarise themselves with these requirements. The company will operate a due diligence policy, incorporating the minimum challenge 25 policy as above, also incorporating full training for all staff, the operation of a refusal record and refresher training on a regular basis.

This store will operate a fully recordable cctv system which is overtly operable. There will be a prominent signage located throughout the store confirming the legal minimum age for the purchase of alcohol and the company policy.

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	06.00	23.00	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)
Tue	06.00	23.00	
Wed	06.00	23.00	
Thur	06.00	23.00	
Fri	06.00	23.00	
Sat	06.00	23.00	
Sun	06.00	23.00	

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)

We are a national retailer that sells alcohol as part of a broad offering of goods and services. We have held off-licenses in our stores for many years and are an approved British Institute of Inn-Keeping examination centre. We have written training policies and formal training programs are in place, which ensure our people are equipped to meet all licensing objectives. All training and revision / refresher materials are reviewed regularly. We have introduced our "Think 25" policy to all our stores, this policy is brought to the customers attention through point of sale material at the checkout and wherever alcohol is displayed for sale.

b) The prevention of crime and disorder

The premises has digital CCTV system that covers many areas of the shop floor, including the proposed area which will be used for display of beer and wine. High value alcoholic products such as champagne and spirits will be displayed behind the sales counter. Images are retained for a minimum of 31 days and made available on request by an authorised person.
A member of the Management team is on the premises all the time the store is open.

c) Public safety

A member of the Management team is on the premises all the time the store is open and is trained to manage the store including looking after the safety of the public.
The store adheres to all rules and regulations relating to public safety.

d) The prevention of public nuisance

These premises are proposed to be licensed for the consumption of liquor off the premises only. In addition to there being no consumption on the premises, there is no form of entertainment on the premises. There are no outdoor area utilised for the benefit of member of the public and the nature of the operation does not require the employment of door superisors or use of dedicated cab firms. The store is an active member of the community and is always happy to liaise with police and enforcement authorities should the need arise.

e) The protection of children from harm

All staff are trained and have regular refresher training on the corporate "Think 25" policy. Staff are trained to look at the customer and "Think 25" when selling age restricted products. A till prompt will appear on the initial sale of alcohol that will remind the seller of the Think 25 policy and remind staff not to sell alcohol to anyone under the age of 18. The Company also provide continual external support through test purchasing operations. When alcohol is refused by the seller the refusal is recorded and refusals frequently checked on a regular basis by a Manager.
The store displays signage around the store informing both staff and customers of our "Think 25" policy.


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	11 September 2013
Capacity	Licensing Manager

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	

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

Steve Mahoney
Martin McColl
Ashwells Road
Brentwood

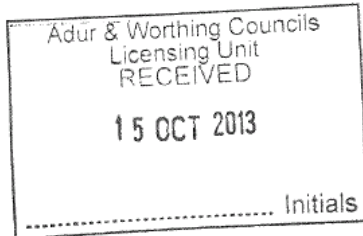
Post town	Essex	Post code	CM15 9ST
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Telephone number (if any)	01277 376357
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If you would prefer us to correspond with you by e-mail your e-mail address (optional)
smahoney@martinmccoll.co.uk

04/10/2013

Worthing Borough Council



 Borgrove

Goring-by-Sea
Worthing W Sussex


It was recently brought to my attention that the store "Martins" located at #2 Limbrick corner in Worthing was in the process of acquiring a alcohol licence and I was taken aback by this. I find children in the store quite often as there are alot of items that appeal to them there. I feel having alcohol on the premise would look badly and bring the kids of our community that much closer to something they don't need. There is enough places in the area that have alcohol and not so geared for kids that we truly do not need another. The youth are already being corrupted enough and we really need to get a hold on it and stop it before it starts. I hope my words reach you and that you will strongly reconsider this decision and keep the store the way it is.

Yours truly,


Appendix D 2

Adur & Worthing Councils
Licensing Unit
RECEIVED

15 OCT 2013

Initials

[REDACTED]
[REDACTED] Palestine Road.

13/10/13

Dear Sir / Madam,

We are writing to express our dismay at the intention of Martin - Macoll, to begin selling alcohol. We are referring to our local newsagent at 2 Limbrick Corner. In our opinion, alcohol should not be sold in newsagent especially as children frequent them so much. We cannot see any need at all why they should be allowed to do this, especially when there is a more than adequate off. license a few shops away. We would urge you to ban this application forth with.

Regards,
[REDACTED]

Boxgrove
Worthing BVC
[Redacted]

Adur Worthing

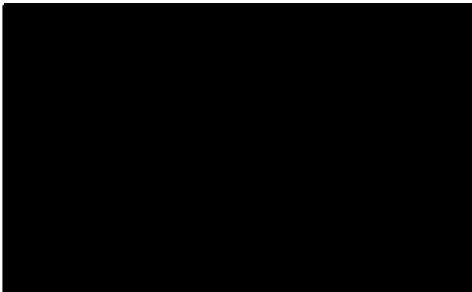
(over)

Adur & Worthing Councils
Licensing Unit
RECEIVED
15 OCT 2013
..... Initials

[Handwritten signature]

Dear Sir/Madam,

I have heard that Martins McColls 2 Limbrick Corner Worthing is going to be Selling Alcohol. This is a problem as we already have (2) in the off licence and if Martins start here theres going to be more trouble which the house estates dont need. I come to the off licence as I know its Safer. Children will be influenced more if theres another one Selling Alcohol.



Worthing Borough
Council
Worthing



Boygrove
Golf-by-Sea,
Worthing,
West Sussex

Dear Sir/Madam

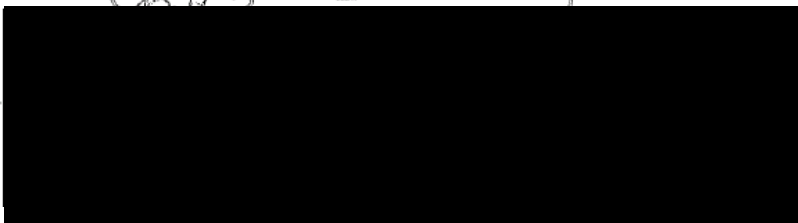
I am living in [redacted] Boygrove for over 17 years. We have been stranded for [redacted] in [redacted].

I've heard Martin's which is located at 2 Limbrick corner BN12 6JF is also applied for alcohol license, this concern me. I believe it will be more trouble in our area. I know children love to go to the Martin, seeing alcohol will encourage them.

In my opinion I feel if this decision is made it wouldn't be good for our community.

Thank you for your time.

Yours Sincerely,



Adur & Worthing Councils
Licensing Unit
RECEIVED
15 OCT 2013
..... Initials

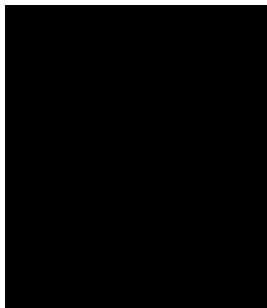
WORTHING BOROUGH COUNCIL

I AM WRITTING THIS LETTER, I AM EXTRA
MILICAN ABOUT MARTIN'S APPLIED FOR ALCOHOL
LICENSE, I AM A SINGLE MOTHER WITH 2
UNDERAGE GIRLS AND AFTER SCHOOL MY
CHILDREN ARE CONTINUOUSLY GO TO MARTIN'S
I WOULDN'T LIKE MY CHILDREN SEE PEOPLE
BUYING ALCOHOL IN THE SHOP

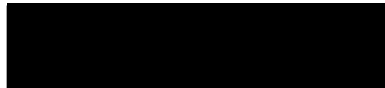
BUT IF I GET HELP FROM YOU NOT TO LET
MARTIN'S TO HAVE LICENSE I WILL BE MORE
LIKELY TO PREVENT MY CHILDREN FROM
ALCOHOL

MANY THANKS

(MARTIN'S ADRES 2 ZIMBRICK CORNER BN12 6J)



ZIMBRICK CORNER
CLOSE GORING BY SEA



Worthing Council

Adur & Worthing Councils
Licensing Unit
RECEIVED
15 OCT 2013
..... Initials

I don't feel happy with the idea of another shop selling more alcohol in the area as we already have an off licence and a pub as well as several other shops that can serve alcohol. I am more worried of the fact that there are so many children who live in the area and this may have a bad influence upon them especially from a shop such as Martins where children are coming in and out on regular basis.

Martin's Mccol Limited 2 Limbrick Corner - BN12 6JJ

[REDACTED]

[REDACTED] Halifax drive [REDACTED]

14th October 2013

[REDACTED]

[Redacted], Limbrick Corner
Palatine road
[Redacted]

Adur & Worthing Councils
Licensing Unit
RECEIVED
15 OCT 2013
..... Initials

10.10.2013

Dear Sir And Madam

Ref: Application of Martin. Marcell Limited 2 limbrick corner
worthing, BN12 6W

- I am objecting for the Application above company
it is concerning me if there is another shop selling alcohol
on the same trade.
- ① it will be very difficult to protection of children from harm
 - ② it will be more difficult to be safety risk to anyone
 - ③ it will be more difficult to prevention of public nuisance
it is important the licensing Sub Committee must
give appropriate weight to licensing objectives.

Yours Sincerely

[Redacted Signature]

Adur & Worthing Councils
Licensing Unit
RECEIVED

15 OCT 2013

..... Initials

[REDACTED]
Limbick Corner, Palatine Road
Goring-by-Sea
Worthing
[REDACTED]

Dear^s/madam

Ref: Application at Martin Mecott Ltd,
2 Limbick Corner, Worthing BN12 6JJ

I want to object for the above planning application
to sell alcohol.

Young individuals will be consuming more alcohol
early in the day and night.

Already having noise from young individuals in the
p.m.

Thank you for your time

[REDACTED]

Adur & Worthing Councils
 Licensing Unit
 RECEIVED
 17 OCT 2013
 Initials

[Redacted]
 Lumberick Corner
 Polentine Road
 Worthing
 [Redacted]

To Whom it may concern.
 Worthing Licensing

I would like to advise of my concern and disagreement with the Application for a Achnalo license and Martins newsagents, so to be moving to 2 Lumberick Corner, Worthing.

This parade already has a licensed prem a pub opposite and as a tenant I already deal with the noise this creates, as well as the fact granting this may cost people there lively hood.

I also strongly disagree with the fact a newsagent where young people shop is no place for liquor to be sold.

Thankyou for your time

[Redacted signature area]

Police.

WORTHING BOROUGH COUNCIL

10/10/13

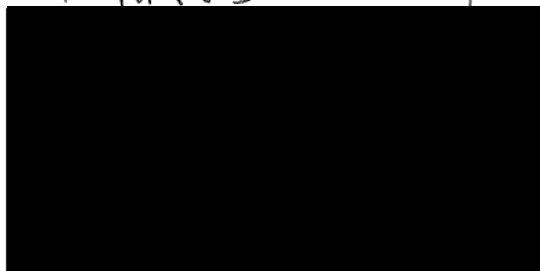
I'D LIKE TO RAISE MY CONCERNS ON THE NEWS THAT MARTIN'S NEWSAGENTS ON LIMBRICK CORNER, GORING, ARE GOING TO START THE SALE OF ALCOHOL.

IT HAS ALWAYS BEEN KNOWN AS A NEWSAGENTS & CONVENIENCE STORE IN WHICH I TAKE MY YOUNG CHILDREN TO BUY A MAGAZINE AND A TREAT ON WEEKENDS.

THERE IS ALREADY A LARGE PRESENCE OF GROUPS AROUND THOSE SHOPS AS THERE IS A PUB, OFF LICENCE AND BETTING OFFICE. ALL I CAN ENVISAGE ON ANOTHER STORE SELLING ALCOHOL AND OPENING LONGER HOURS IS TROUBLE. MORE GROUPS WILL BE HANGING AROUND MAKING NOISE IN THE EVENINGS.

I'M HOPING THAT THIS IS NOT A DECISION THAT WILL BE TAKEN LIGHTLY AS IT WILL AFFECT ALL OF US WHO LIVE IN CLOSE PROXIMITY. AND I CANNOT SEE THIS BENEFITING US IN ANYWAY AS THERE IS A SHOP JUST A FEW DOORS ALONG THAT SELLS ALCOHOL.

MANY THANKS .



Adur & Worthing Councils Licensing Unit RECEIVED 15 OCT 2013 Initials

[REDACTED]
[REDACTED] Lancaster Court
Hove, BN3 2TQ.
12/10/2013

Dear Sir Madam

Ref: Application of Martin Mccoll Limited, 2 Limbirick Corner, Worthing BN12 6JJ
My Objection/ Representation on the above application of ..

I write to make a representation on the following grounds ;

The grounds on which you can object are as below

1-Protection of children from harm

The opening hours from 6 am will not serve any one apart from the alcoholics
And run away children who have no other commitment to be committed too..
And ill encourage late night early morning drunkenness.

The Local authority & the sub-Committee must give appropriate weight to
-The steps that are appropriate to the prevention of crime
Protection of Children from harm.

2-Public safety : most of people who are purchasing alcohol that early in the day and
very late time of the evening will be young individuals purchase to drink locally and out
of doors. Most of supper markets sale alcoholic drinks for normal shoppers. This will be
an easy outlet for young individuals to pick a drink before the start of the day or late at
night

3-Prevention of public nuisance

The applicant has not demonstrated adequate measures to prevent public nuisance.

Such as:-

a-Noise from group of people gathering in the area

b-Noise from vehicles arriving and departing the site (Car engines, car doors slamming,
car stereos

c-Noise fro Drunken persons and agreements etc.).

..

4-The complying with the licensing objectives

relevant guide lines presented by the Home office guidance& the Council's own

statement of Licensing Policy and related Planning Policy Guidance PPG24 : Planning and noise, which advised

“ Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises, but also the attendant problems of noise that may be made by customers in the vicinity. The disturbance that can be caused by traffic and associated car parking should not be underestimated”

Although, this guide was intended for planning regime, the advice given is applicable to this application.

In determining the application the Licensing Authority /the Licensing Sub Committee must give appropriate weight to:

- i- the steps that are appropriate to promote the licensing objectives;
- ii- The relevant representation presented by all the parties; The Home Office guidance; The Council's own Statement of Licensing Policy

Thanking you in anticipation

Yours sincerely





MEMORANDUM

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

From: **West Sussex Neighbourhood Licensing Team**

Extension: **81179**

Date: **19th September 2013**

Dear Mr Jones

RE: APPLICATION FOR GRANT OF A NEW PREMISES LICENCE FOR McCOLLS, 2 LIMBRICK CORNER, WORTHING, BN12 6JJ

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 the representation if the following conditions are to be included onto the premise 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.
- 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.
- Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
- 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.
- 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.

[Listen](#) [Inspire confidence](#) [Support with information](#) [Take ownership](#) [Explain](#) [Notify people](#)



- 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
- Any alcohol on display within the premises must be covered at all times by CCTV installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System
- Alcohol products will not be displayed within a three (3) metre radius of the front entrance

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

Yours sincerely

Chief Inspector Jo Banks
Sussex Police.

Appendix F

From: Helen.Manley@sussex.pnn.police.uk
Sent: 27 September 2013 13:39
To: Simon Jones
Subject: RE: APPLICATION FOR GRANT OF A NEW PREMISES LICENCE FOR McCOLLS, 2 LIMBRICK CORNER, WORTHING, BN12 6JJ
Afternoon Simon,

Regarding the above application subject to the agreed conditions being attached to the licence Sussex Police will withdraw the representation.

Kind Regards

Helen

Helen Manley
Licensing Officer (Acting)
Neighbourhood Licensing Team, W. Sussex

-----Original Message-----

From: Simon Jones [mailto:Simon.Jones@adur-worthing.gov.uk]
Sent: Friday 27 September 2013 13:14
To: 'Steve Mahoney'; Manley Helen 30321
Cc: Whitcombe David AW403
Subject: RE: APPLICATION FOR GRANT OF A NEW PREMISES LICENCE FOR McCOLLS, 2 LIMBRICK CORNER, WORTHING, BN12 6JJ

Duly noted. Thanks

Simon Jones - Senior Licensing Officer

Adur District & Worthing Borough Councils

Location: The Licensing Unit, 9 Commerce Way, Lancing, BN15 8TA
Phone: 01273 263191 (Internal: 63191) E-mail: simon.jones@adur-worthing.gov.uk Website: www.adur-worthing.gov.uk/licensing-and-permits

From: Steve Mahoney [mailto:SMahoney@mccolls.co.uk]
Sent: 27 September 2013 13:09
To: Helen.Manley@sussex.pnn.police.uk
Cc: David.Whitcombe@sussex.pnn.police.uk; Simon Jones
Subject: RE: APPLICATION FOR GRANT OF A NEW PREMISES LICENCE FOR McCOLLS, 2 LIMBRICK CORNER, WORTHING, BN12 6JJ

Good Afternoon

All agreed many thanks for your assistance in this matter.

Kind regards

Steve Mahoney
Licensing Administration Manager
dd: 01277 376357
Mob: 07870 179333
smahoney@mccolls.co.uk

From: Helen.Manley@sussex.pnn.police.uk [mailto:Helen.Manley@sussex.pnn.police.uk]
Sent: 27 September 2013 12:08
To: Steve Mahoney
Cc: David.Whitcombe@sussex.pnn.police.uk
Subject: RE: APPLICATION FOR GRANT OF A NEW PREMISES LICENCE FOR
McCOLLS, 2 LIMBRICK CORNER, WORTHING, BN12 6JJ

Afternoon,

Please see amended conditions if you are agreeable please email myself and Simon Jones at Worthing and Adur Council to confirm. If you wish to discuss this matter any further please do not hesitate to contact me.

- 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 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.
- Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
- 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 **fourteen (14) 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.
- The premises shall at all times maintain and operate a sales refusals book and an incident log **which may be electronically recorded**, and 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
- Any alcohol on display within the premises must be covered at all times by CCTV installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System
- Alcohol products will not be displayed within a three (3) metre radius of the front entrance

Kind Regards

Helen

Helen Manley
Licensing Officer (Acting)
Neighbourhood Licensing Team, W. Sussex

Tel: 101 Ext. 81179
Mobile: 07771807982
Direct Dial: 01273 404030