
**Licensing Act 2003 – Application for a new Premises Licence at:
Taylor’s Newsagents, 120 South Street Tarring
Worthing, BN14 7NB**

Report by the Report by the Director of Communities

1. Recommendation

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

Mr Myuran Vijayakumar

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 it therefore falls to this sub-committee to determine.

3. Background

- 3.1 The store is situated in South Street Tarring in a small parade of shops in a mixed commercial/residential area.
- 3.2 This is a long established business operating as a newsagent & confectionary shop known as ‘Taylor’s Newsagents’. It is operated by the Mr Vijayakumar, his family and staff.
- 3.3 Mr Vijayakumar faces competition from a number of stores situated at the south end of South Street and another in Tarring Village. He is seeking to allow the business to expand and offer a wider range of convenience goods including alcohol in addition to its traditional newsagent & confectionary business. Currently the store opens at 06.00hrs to sell newspapers, cigarettes etc. but closes early evening.
- 3.4 Mr Vijayakumar has, in anticipation of receiving a licence, signed up to Worthing’s ‘Enough is Enough’ responsible retailing campaign and has attended a training course provided by the council designed to manage confrontation and assist shop owners/staff refuse service to street drinkers, drunks and under 18s.

3.5 Mr Vijayakumar made the above application to Worthing Borough Council on the 23 April 2014 for a new Premises Licence to authorise the sale of alcohol, for consumption off the premise, at the store.

3.6 Attached to the report are:

- A plan of the area (Appendix A)
- A plan of the store (Appendix B)
- A copy of the application (Appendix C)
- A copy of the representation made by a Responsible Authority, namely Sussex Police (Appendix D)
- A copy of the 'Enough is Enough' responsible retail charter. (Appendix E)

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 the applicant, Mr Myuran Vijayakumar, 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 – none

Responsible Authorities – 1 X Representation from Sussex Police

7. Relevant Representations

7.1 Detail of the relevant representation received is reproduced at **Appendix D**. It is 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 Sussex Police have made a number of comments including their opinion that the hours for the sale of alcohol should be reduced with a start time of 08.00hrs and listed a number of conditions that they consider required to enable this premise to meet the licensing objectives if members were of a mind to grant a licence.

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 The applicant and Sussex Police have been in mediation but whist agreement has been reached on some points I am led to believe no final agreement has been possible because of differences primarily regarding early morning hours.

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 Mr Myuran Vijayakumar for his newsagents & convenience store, known as Taylors Newsagents, situated at 120 South Street Tarring, Worthing and give reasons for that determination.**

John Mitchell
Director of Communities

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:

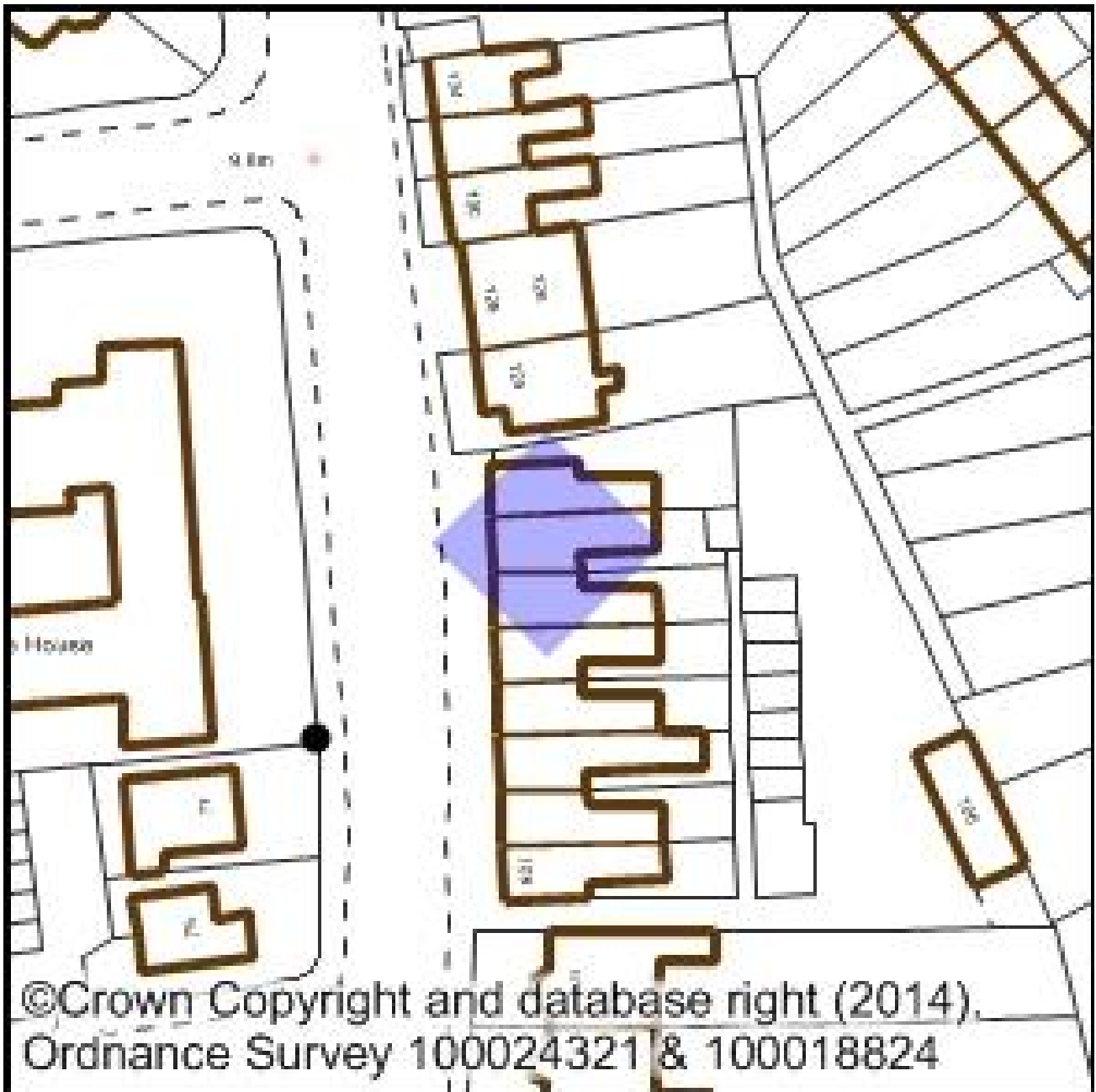
- Appendix A - Plan of area.
- Appendix B - Plan of the building.
- Appendix C - The Application Form.
- Appendices D - Representation received from Sussex Police

Commerce Way, Lancing

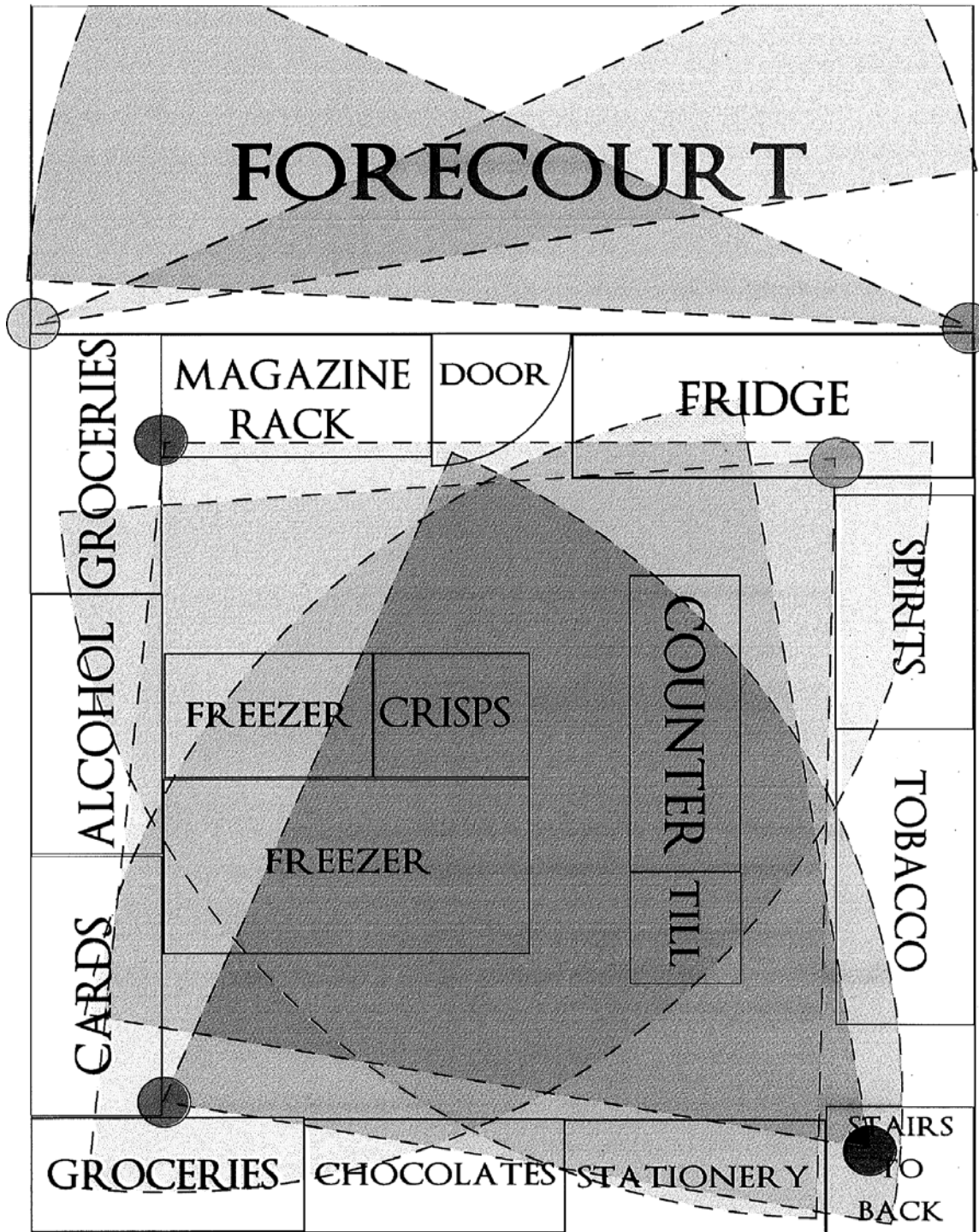
Ref: SJ/Lic.U/LA03/NEW – Taylor's Newsagents

Date: 6 June 2014.

Plan of Area

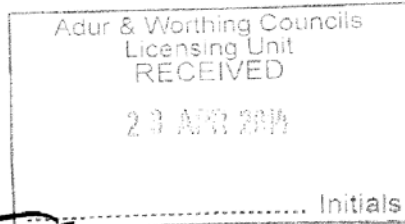


Plan of Premises



● CCTV
CAMERA

Application



EH/LA/App04



Civic Centre, Ham Road, Shoreham-by-Sea, BN43 6PR

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We MYURAN VIJAYAKUMAR (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 TAYLOR'S NEWSAGENTS, 120 SOUTH STREET, TARRING | |
| Post town WORTHING | Post code BN14 7NB |

Telephone number at premises (if any) 01903 52 11 66

Non domestic rateable value of premises £

Part 2 – Applicant Details

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

- | | |
|--|---|
| <ul style="list-style-type: none"> a) an individual or individuals* b) a person other than an individual* <ul style="list-style-type: none"> i. as a limited company ii. as a partnership iii. as an unincorporated association or iv. Other (for example a statutory corporation) c) a recognised club d) a charity e) The proprietor of an educational establishment f) A health service body g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital h) The chief officer of police of a police force in England and Wales | <p>Please tick ✓</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> please complete section (A) <input type="checkbox"/> please complete section (B) <input type="checkbox"/> please complete section (B) <input type="checkbox"/> please complete section (B) <input type="checkbox"/> please complete section (B) <input type="checkbox"/> please complete section (B) <input type="checkbox"/> please complete section (B) <input type="checkbox"/> please complete section (B) <input type="checkbox"/> please complete section (B) <input type="checkbox"/> 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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname First names

Please tick ✓

I am 18 years old or over

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

Please tick ✓

I am 18 years old or over

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

Part 3 Operating Schedule

When do you want the premises licence to start?

| Day | | Month | | Year | | | |
|-----|---|-------|---|------|---|---|---|
| 0 | 1 | 0 | 6 | 2 | 0 | 1 | 4 |

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

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

THE PREMISES IS A CONVENIENCE STORE SELLING NEWSPAPERS, GROCERIES, TOBACCO AND IS PROPOSING TO SELL ALCOHOL I.E. WINE, BEER, SPIRITS ETC. THE PREMISES IS SITUATED IN SOUTH STREET, TARRING. PREMISES IS A TWO STOREY BUILDING, WITH THE STORE ON THE GROUND FLOOR AND PRIVATE ACCOMODATION ON THE 1ST FLOOR. BEER AND WINE WILL BE ON SHELIVING CLOSE TO AND UNDER THE SUPERVISION OF THE TILL. HIGH VALUE PRODUCTS AND SPIRITS WILL BE KEPT BEHIND THE TILL. THIS WILL DISCOURAGE THEFT BY SHOP LIFTING. THE PROVISION OF ALCOHOL WILL BE FOR CONSUMPTION OFF THE PREMISES.

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) | <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) performance of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

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


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

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

In all cases complete boxes N, O and P

M

| | | | | | |
|--|--------------|---------------|--|-------------------------|---|
| Sale of alcohol Standard days and timings (please read guidance note 6) | | | Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7) | On the premises | |
| | | | | Off the premises | ✓ |
| | | | | Both | |
| Day | Start | Finish | State any seasonal variations for the sale of alcohol (please read guidance note 4) | | |
| Mon | 06:00 | 23:00 | NIL | | |
| | | | | | |
| Tue | 06:00 | 23:00 | | | |
| Wed | 06:00 | 23:00 | Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5) | | |
| | | | | | |
| Thur | 06:00 | 23:30 | | | |
| Fri | 06:00 | 23:30 | NIL | | |
| | | | | | |
| Sat | 06:00 | 23:30 | | | |
| Sun | 06:00 | 23:00 | | | |
| | | | | | |

| | |
|--|---|
| State the name and details of the individual whom you wish to specify on the licence as premises supervisor | |
| Name | MYURAN VIJAYAKUMAR |
| Address | 120 SOUTH STREET TARRING WORTHING WEST SUSSEX |
| Postcode | BN14 7NB |
| 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)

NIL

O

| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variations (please read guidance note 4) | |
|---|-------|--------|---|--|
| Day | Start | Finish | | |
| Mon | 0600 | 2300 | NIL | |
| | | | | |
| Tue | 0600 | 2300 | | |
| | | | | |
| Wed | 0600 | 2300 | | |
| | | | | |
| Thur | 0600 | 2330 | | 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) |
| | | | | |
| Fri | 0600 | 2330 | | |
| | | | | |
| Sat | 0600 | 2330 | | |
| | | | | |
| Sun | 0600 | 2300 | | |
| | | | | |

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)

DETAILED STEPS WILL BE SET OUT BELOW. THE STEPS WILL BE DESIGNED TO COMPLY WITH AND PROMOTE THE FOUR LICENSING OBJECTIVES AS SET OUT IN SECTION 4 OF THE ACT AND SECTION 17(G) OF THE ACT AS REGARDS AN APPLICATION FOR A PREMISES LICENSE. ALL SPIRITS AND HIGH VALUE ALCOHOL WILL BE KEPT BEHIND THE COUNTER.

b) The prevention of crime and disorder

A CCTV SYSTEM IS IN PLACE COVERING THE SHOP WITH IMAGE STORAGE FOR A MINIMUM OF 28 DAYS, SAVE FOR MECHANICAL BREAKDOWN BEYOND THE CONTROL OF THE PROPRIETOR. SUCH IMAGES WILL BE PROVIDED TO THE POLICE UPON REASONABLE REQUEST. CCTV WILL COVER ALCOHOL DISPLAYS AND SALES

c) Public safety

A REFUSAL OF SALES BOOK WILL BE MAINTAINED AND KEPT READILY AVAILABLE AT THE TILL AREA. THIS REFUSALS BOOK WILL BE REVIEWED REGULARLY BY THE DPS WITH STAFF FEEDBACK WHEN NECESSARY. THE BOOK WILL BE MADE AVAILABLE FOR INSPECTION BY THE POLICE, LICENSING OFFICERS OR TRADING STANDARDS UPON REQUEST.

d) The prevention of public nuisance

ALL STAFF THAT ENGAGE IN THE SALE OF ALCOHOL WILL BE TRAINED IN THEIR RESPONSIBILITIES UNDER THE ACT. THE TRAINING WILL BE IN THE FORM OF INDUCTION TRAINING AND REGULAR RETRAINING OF INTERVALS NOT EXCEEDING 6 MONTHS AND A RECORD OF THE TRAINING WILL BE MAINTAINED FOR EACH MEMBER OF STAFF AND THOSE RECORDS MADE AVAILABLE FOR INSPECTION BY SUSSEX POLICE, LICENSING OFFICERS AND TRADING STANDARDS. WE WILL ALSO BE PLACING A MINIMUM PURCHASE OF FOUR CANS FOR ANY HIGH STRENGTH BEER

e) The protection of children from harm

THE PREMISES OPERATES A "CHALLENGE 25" POLICY WHEREBY ANY PERSON THAT ATTEMPTS TO PURCHASE ALCOHOL WHO APPEARS TO BE UNDER 25 WILL BE ASKED FOR PHOTOGRAPHIC ID (PASSPORT OR DRIVER'S LICENSE) TO PROVE THEIR AGE. THERE WILL ALSO BE SUFFICIENT SIGNAGE ADVERTISING THE "CHALLENGE 25" POLICY DISPLAYED IN PROMINENT LOCATIONS IN THE PREMISES. STAFF TRAINING WILL HELP COMBAT THE DANGER OF "PROXY" SALES OF ALCOHOL TO UNDER AGE PERSONS

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

Please tick ✓

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

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 [REDACTED]

Date 16th April 2014

Capacity

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 address for correspondence associated with this application (please read guidance note 19) | |
| | |
| Post town | Post code |
| Telephone number (if any) | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | |
| | |



MEMORANDUM

To: **Simon Jones Licensing Officer Worthing and Adur District Council.**

From: **West Sussex Neighbourhood Licensing Team**

Extension: **101 x581179**

Date: **14th May 2014**

Dear Mr Jones

**APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 FOR
TAYLORS NEWGENTS, 120 SOUTH STREET, TARRING, WORTHING, BN14 7NB**

On behalf of the Chief Officer of Police for Sussex a representation is raised against this application on the grounds of Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children of Harm.

The above premises is located in an area which is sensitive to drink related crime and disorder and antisocial behaviour due to street drinking. As such Sussex Police invite the committee to refuse the application with the current alcohol hours applied for. However this matter has been discussed with the applicant Mr M Vijayakumar who has verbally agreed to make emendations to the application.

Sussex Police suggest that if the hours the premises are permitted to sell alcohol are amended to 0800-2300hrs daily and the following conditions applied to the premises licence the representation maybe withdrawn:-

- CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System and shall as a minimum cover the servery/counter and the entrances/exits.
- 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 CCTV recording to be made for evidential purposes, is carried out as soon as possible or in any case within 12 hours, in compliance with data protection legislation.
- Spirits will be stored and displayed behind the servery, or out of the reach of the public.
- No more than 10% of the area available for display of retail goods will be used for the display of alcohol products
- Alcohol shall not be located in the immediate vicinity of the entrances and exits to the premises, but shall

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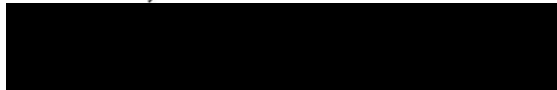
be in an area in which it shall be monitored by staff on a frequent and daily basis while licensable activities are taking place.

- The premises shall at all times maintain and operate a sales refusals log and an incident log which will be kept on the premises to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be made available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers
- The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25 (or the age set by the policy) 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 Citizen card or validated proof of age cards bearing the "PASS" mark hologram. The list of approved ID may be amended or revised subject to prior written agreement with Sussex Police.
- Signage advertising the "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale and the area where the alcohol is displayed, as a minimum
- All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more three months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
- A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. This shall be made available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.

A number of these required conditions are in keeping with the proposals put forward in the applicants Operating Schedule, suggesting that compliance with them will not be at all onerous, alterations have been made to ensure that the conditions are clear, concise, enforceable and importantly effective in addressing the requirements of the Licensing Act 2003 in promoting the Licensing Objectives.

If you wish to discuss this further please do not hesitate to contact me.

Yours sincerely



Chief Inspector Banks
District Commander
Sussex Police.

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The Responsible Retailing Charter for Worthing

Enough is enough!

By signing up to this Charter you will be helping make your local community a safer place because you will be saying 'No! Enough is enough' we will not serve Street Drinkers or Drunks.

The Licensing Act 2003 makes it the overriding responsibility of licensees, the Council and other agencies to promote the four Licensing Objectives:

- The prevention of crime and disorder
 - Public safety
- The prevention of public nuisance
- The protection of children from harm

That means you should not serve Street Drinkers or Drunks. By serving them you could be breaking the law and jeopardising your licence to sell alcohol.

The licensees and or their agents must at all times demonstrate a responsible attitude to the sale through their staff, their marketing and their promotions.

Staff training to encourage and raise the standards of service and awareness, all licensees will:

- Ensure all staff involved in serving of alcohol has received training that covers licensing law and responsible sales.
- Maintain suitable records that demonstrate that such training has been given to each member of staff.

This campaign is supported by several members of Worthing Borough Council

A LIST OF THE PREMISES AND ESTABLISHMENTS WHO HAVE SIGNED THE
CHARTER WILL BE MADE PUBLIC
