

Licensing and Control Sub-Committee

Date: 24 July 2014

Time: 10:00am

Venue: Council Chamber, Town Hall, Worthing

Committee Membership: Councillors Paul High (Chairman), Roy Barraclough, Susan Jelliss

*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

Part A

1. Declarations of Interest / Substitute Members

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.

Any substitute members should declare their substitution if appropriate.

2. Licensing Act 2003 – Application for a Variation of a Premises Licence under section 34

Venue: 'Spice Thai Kitchen', 36 South Farm Road, Worthing

3. Licensing Act 2003 – Application for a new Premises Licence

Venue: Brooksteed Alehouse 38 South Farm Road, Worthing

Part B - Not for Publication – Exempt Information Reports

None

For Democratic Services enquiries relating to this meeting please contact:

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Democratic Services Officer
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For Legal Services enquiries relating to this meeting please contact:

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Licensing Act 2003
Application for a Variation of a Premises Licence under Section 34

‘Spice Thai Kitchen’
36 South Farm Road, Worthing BN14 7AE

Report by the Director of Customer Services

1. Recommendation

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

Mrs Sukanya Thongsri

for a variation of the above Premises Licence (No. LN/100001330) which currently authorises the sale of alcohol for consumption on the premise to accompany food and the provision of late night refreshment at the above restaurant.

2. Reasons for the Hearing

- 2.1 The application has been the subject of formal representation by a local resident and it therefore falls to this authority to determine the application.

3. Background

- 3.1 An application was made by Mrs Thongsri to the Licensing Authority, Worthing Borough Council, on the 29 May 2014 for grant of a full variation to her existing Premises Licence.
- 3.2 This premise had been operated for a number of years as a Chinese restaurant known as the ‘Penang’ but had been closed and vacant since at least November 2012. Mrs Thongsri acquired the premise and applied to transfer the licence into her name on 7 May 2014 launching her new Thai restaurant business.
- 3.3 The restaurant is situated in South Farm Road just north of the town’s main railway crossing in a small parade of shops in a mixed commercial/residential

area. The parade consists of approximately a dozen retail units including a proposed new micro pub, a bakery/café, a delicatessen, barbers shop, opticians, a convenience store and various other independent outlets.

- 3.4 The restaurant is located on the ground floor with living accommodation in the form of a self-contained flat above owned by Mrs Thongsri. It benefits from a forecourt that is currently used as car parking that can accommodate 2 vehicles but which Mrs Thongsri does not want used for parking.
- 3.5 At the same time Mrs Thongsri made application for the transfer of the licence she also made application for a 'minor variation' to the premises licence seeking authorisation for minor alterations to the plans of the restaurant showing an external layout with tables and chairs sited on the forecourt and sought authorisation to serve alcohol to those sat there consuming meals. No changes to the hours of operation or types of regulated activity provided were proposed by this application and all conditions of the licence to remain unchanged.
- 3.6 Representation was received against the 'minor variation' application from a responsible authority and a member of the public based on the crime & disorder and the public nuisance objectives. The concerns expressed by the police and a member of the public were considered to have some possible validity. Under the Licensing Act mediation of a Minor Variation application is not recommended. The minor variation process allows officers only two options:
- Grant the minor variation or,
 - Refuse the application.
- As a result of the representations the application was refused as officers considered that the representations could have some substance and the issues highlighted could possibly have an adverse effect on the objectives. This does not mean that the changes proposed might not be granted but in the circumstances it was considered such changes to the licence should require the options of mediation and even a hearing if necessary and these options were unavailable under the minor variation process.
- 3.7 As a result of the refusal of the minor variation application Mr Thongsri was given the option of applying for a new full variation subject to the full consultation and advertising arrangements.
- 3.8 Attached to the report are:
- A plan of the area (Appendix A)
 - A plan of the restaurant (Appendix B)
 - A copy of the application (Appendix C)
 - A copy of the current premises licence (Appendix D)
 - A copy of the representation received from a local resident. (Appendix E)

4. The Application

4.1 The application is attached at Appendix C. However, in summary, Mrs Thongsri is seeking to:

- authorise the use of the outside forecourt for the consumption of alcohol by patrons sitting and taking meals at the tables provided. Service will be by waiter/waitress service.

No further changes to the hours for licensable activities, or changes to conditions of the licence are proposed by this application.

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 Guidance issued by the Home Secretary and its own Statement of Licensing Policy. Members are advised that the following sections of the Worthing Borough Council's Policy may be particularly relevant to consideration of this matter, though of course the Policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the Policy itself:

4.8 *In addition to the requirements for the Council to promote the licensing objectives, it also has a duty, as detailed in paragraph 4.3, under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. The Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder within the vicinity if relevant representations are received. Whether or not incidents can be regarded as being in the vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case.*

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

Prevention of Public Nuisance

4.17 *Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of disturbances impacting upon people living, working or sleeping in the vicinity of the premises or wider afield.*

- 4.18 *Noise disturbance can arise from entertainment or activities held within licensed premises and also from people or motor vehicles outside licensed premises. The Council will expect Operating Schedules to address these issues. Advice and guidance can be obtained from Licensing Officers or the Council's Environmental Protection Team. If representations are received the Council may utilise appropriate conditions to control noise disturbance and the use of such conditions will depend upon the activities/entertainment/hours of operation proposed; the nature of the locality; and existing background noise levels and ambient noise levels. Noise control conditions may include the satisfactory sound insulation of licensed premises; compliance with maximum noise levels; and limiting hours of operation.*
- 4.19 *When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type/construction of their premises, proposed activities and nature of locality) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.*
- 4.23 *The Council will consider attaching conditions to licences and permissions to prevent public nuisance, but will seek to avoid duplication with the requirements of other regulatory regimes.*

Duplication

- 10.34 *It is recognised that there should be a clear separation of the land use planning and licensing regimes. It is expected that any necessary planning consents will be obtained prior to any licence application.*

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 representations have been received from the following:

- Members of the public – One representation.

7. Relevant Representations

- 7.1 Details of the representations received are reproduced in full at Appendix D. The comments made by the neighbour objecting are considered to relate to the statutory licensing objectives as follows:
- Prevention of Crime & Disorder
 - Prevention of Public Nuisance.
- 7.2 Mr J. Percival made a number of comments in his representation regarding the positioning of tables and chairs outside, parking problems and congestion and residential amenity. It must be stressed that the application is not regarding whether Mrs Thongsri can put tables outside on her land -

she is entitled to. The application is regarding permission for diners sat there to be able to consume alcohol. In addition parking and congestion are not relevant considerations under the Licensing Act. However, his letter does express concerns regarding crime and disorder and public nuisance and these matters may be considered by members.

- 7.3 Mr Percival has been invited to attend the Sub-Committee and included in this report is the letter of representation reproduced in full.

8. Mediation

- 8.1 The Licensing Act 2003 encourages mediation.
- 8.2 Considering the nature of the representation made a mediated agreement was considered unlikely.

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
 - Relevant representations made by all the parties
- 9.2 These are the only matters to be addressed by the authority when considering this application. The statutory licensing objectives are the only grounds on which representations can be made, and the only grounds on which an authority will be able to refuse an application or impose conditions in addition to statutory conditions and those proposed by the applicant in the Operating Schedule.
- 9.3 When considering this application for a variation to the premises licence, pursuant to section 35 of the Act the following options are available to the Sub-Committee:
- a. Grant the variation, as requested,
 - b. Grant the variation 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.
- 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, rights of appeal to the Magistrates' Court in respect of applications for variation of an existing licence include:

- (1) The applicant / licence holder 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) Those that have made relevant representations may appeal against a variation being granted, rejected, or against the modification or lack of modification of any conditions.

10.2 The Act allows for the local licensing authority to undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police or the fire authority, or any other party, such as a resident living in the vicinity of the premises. The government's guidance states:

"The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with licensing objectives are occurring after the grant or variation of a premises licence.

At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

- 10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.
- 10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 10.5 All applications before Committee must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public 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. There are no significant direct race relations or equal opportunity implications that have been identified.

12. Recommendation

- 12.1 Members are requested to determine the application made by Mrs Sukanya Thongsri for a variation to the Premises Licence at 'Spice Thai Kitchen', 36 South Farm Road, Worthing and give reasons for that determination.**

**Jane Eckford
Director of Customer Services**

Principal Author and Contact Officer:

Simon Jones
Senior Licensing Officer
Telephone: 01273 263191

Background Papers:

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

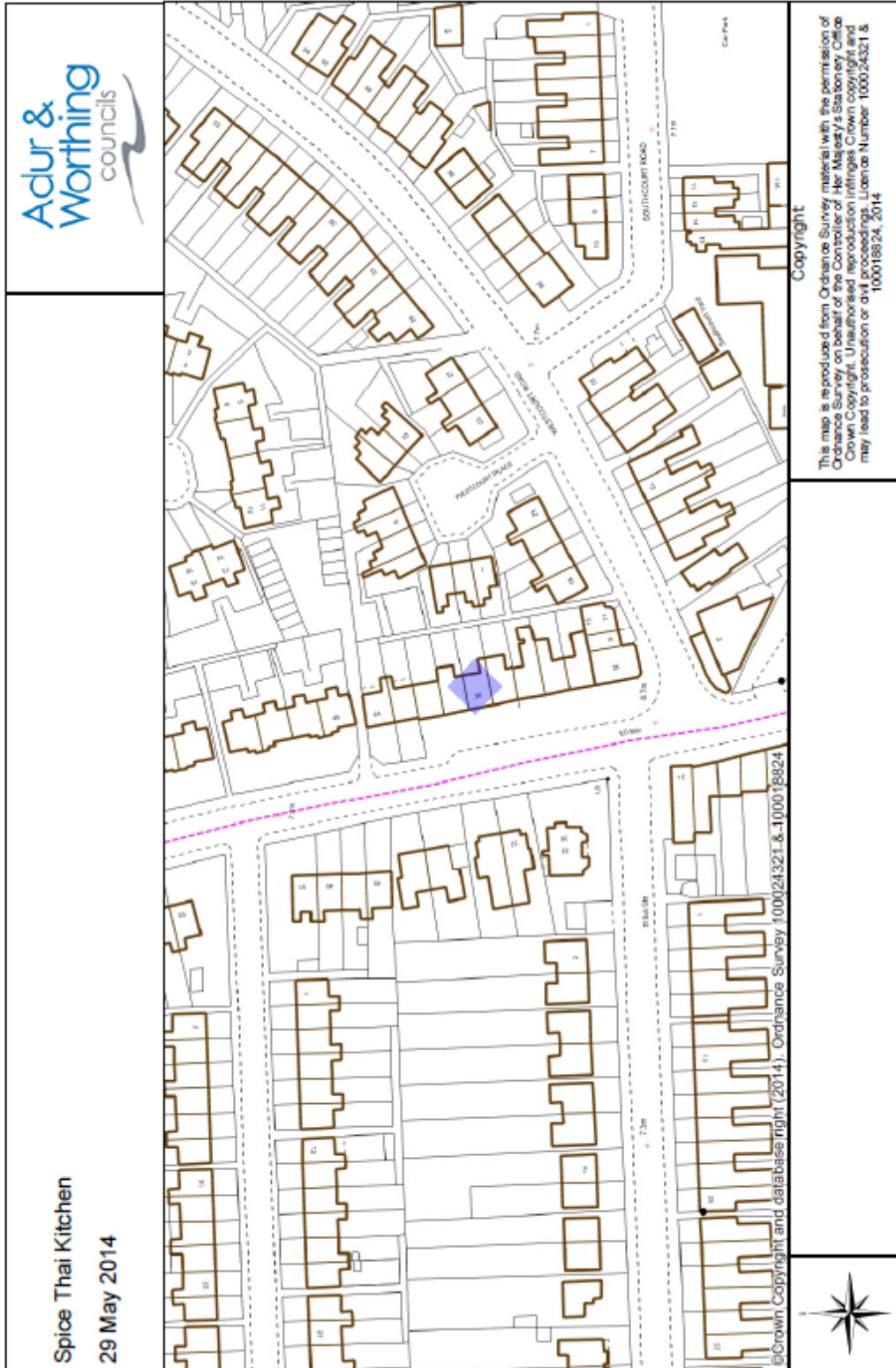
Appendices:

- Appendix A - Plan of area
- Appendix B – Plan of premise.
- Appendix C - Application Form
- Appendix D - Current Premises Licence
- Appendix E - Representation from a member of the public

The Licensing Unit, 9 Commerce Way, Lancing

Ref: SJ/Lic.U/LA03/Variation – Spice Thai Kitchen
Date: 10 July 2014.

Appendix A – Map of Area



Appendix B –Plan of Restaurant

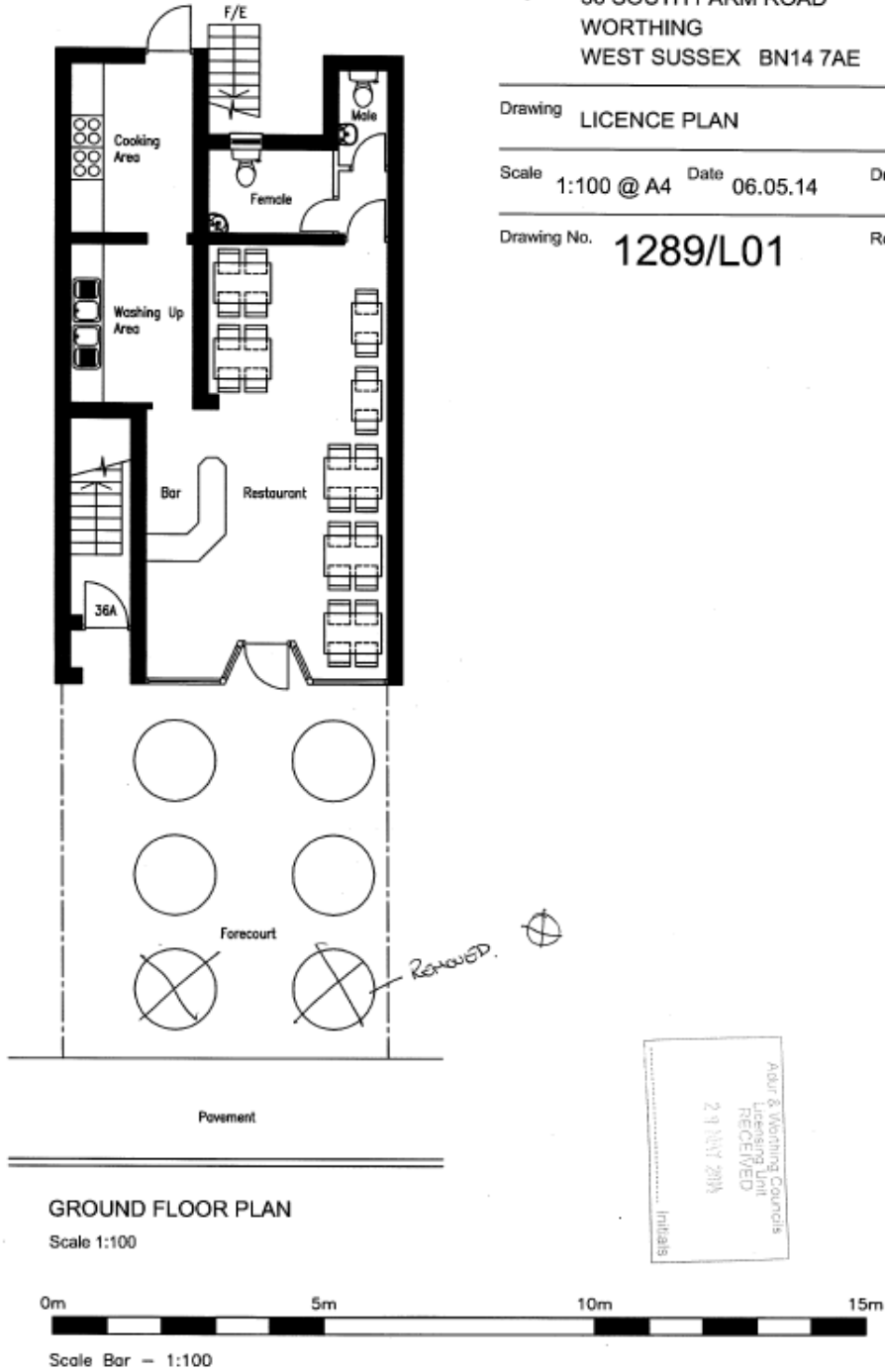
Client **SPICE THAI KITCHEN**

Project **36 SOUTH FARM ROAD
WORTHING
WEST SUSSEX BN14 7AE**

Drawing **LICENCE PLAN**

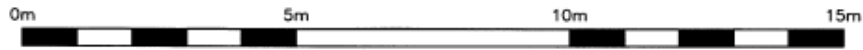
Scale **1:100 @ A4** Date **06.05.14** Drawn **TP**

Drawing No. **1289/L01** Revision



GROUND FLOOR PLAN

Scale 1:100



Scale Bar - 1:100

Appendix C - Application



9 Commerce Way, Lancing, BN15 8TA

**Application for a full variation of a premises licence
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 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 Sukanya Thongsri

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
Spice Thai Kitchen 36 South Farm Road Worthing	
Post town	Post code
Worthing	BN14 7AE

Telephone number at premises (if any)

Non domestic rateable value of premises

Part 2 – Applicant Details

Daytime contact telephone number

Email address (optional)

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

Surname First names

Current postal address if different from premises address

Post Town Postcode

Part 3 - Variation

Please tick ✓

Do you want the proposed variation to have effect as soon as possible?

If not do when do you want the variation to take effect from?

Day	Month	Year					

If your proposed variation would mean that 5000 or more people are expected attend the premises at any one time please state the number expected to attend

Please describe briefly the nature of the proposed variation (please read guidance note 1)

An existing long standing ground floor restaurant that has recently changed hands and re-opened. The premise has been renovated and had a change of name to 'Spice Thai Kitchen'. The business consists of a 24 cover restaurant/café area, commercial kitchen, customer toilets and a small bar servery. Outside it has a private forecourt which has been used in the past to park 2 cars (i.e. shop and flat only)

The licence holders occupy both the first floor flat and the ground floor business. The car parking spaces will not be used as they obstruct view of the restaurant and there is plenty of on road parking directly outside. The refurbished restaurant benefits from new signage, hanging baskets and outside tables & chairs making it look inviting and open to the general public.

The restaurant is situated in a mixed commercial / residential area in a parade of a dozen or so shops at the south end of South Farm Road adjacent to the central railway crossing. The parade benefits in terms of advertising from exposure to motorists waiting at the crossing gates.

The parade has been in decline for a number of years but recently a number of new businesses are in the process of opening including a micro pub and bakery/café/delicatessen. Existing businesses include a chemist, opticians, Italian delicatessen, hairdressers, convenience store, sportswear shop, bicycle shop, furniture shop and a convenience store among others. A number of the shops have refurbished with all new shop fronts and some have tables outside or displays of their produce and similarly do not use their forecourts for parking. The general renewal of businesses is making this area in general more vibrant and attractive.

This application is seeking to authorise the use of the outside forecourt for the consumption of alcohol by patrons sitting and taking meals at the tables provided. Service will be by waiter/waitress service.

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

Provision of regulated entertainment

Please tick ✓

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

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

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

<input type="checkbox"/>

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

<input type="checkbox"/>

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)	NOT APPLICABLE
--	----------------

B

Films Standard days and timings (please read guidance note 6)	NOT APPLICABLE
--	----------------

C

Indoor sporting events Standard days and timings (please read guidance note 6)	NOT APPLICABLE
---	----------------

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)	NOT APPLICABLE
--	----------------

E

Live music Standard days and timings (please read guidance note 6)	NOT APPLICABLE
---	----------------

F

Recorded music Standard days and timings (please read guidance note 6)	NOT APPLICABLE
---	----------------

G

Performance of dance Standard days and timings (please read guidance note 6)	NOT APPLICABLE
---	----------------

H

Anything of a similar description to that falling within (e),(f) or(g) Standard days and timings (please read guidance note 6)	NOT APPLICABLE
---	----------------

I

Late Night Refreshment Standard day and timings (please read guidance note 6)	NO CHANGE PROPOSED
--	--------------------

J

Sale of alcohol Standard days and timings (please read guidance note 6)	NO CHANGE PROPOSED
--	--------------------

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)	
Day	Start	Finish		
Mon	10.00	00.30	<ul style="list-style-type: none"> No Change Proposed 	
Tue	10.00	00.30		
Wed	10.00	00.30		<p>Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)</p>
Thur	10.00	00.30		
Fri	10.00	00.30		
Sat	10.00	00.30		
Sun	12.00	00.00		

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick ✓

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

- **With Licensing Authority**

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

- The forecourt at present is for private parking to the flat and shop, we occupy both and do not want cars parking in this forecourt as it covers the front of the restaurant and makes it look closed.
- Picnic tables and umbrellas make the area look stunning and more inviting for people to use the local shops and amenities etc, also this makes the restaurant more inviting and shows we are open for business

b) The prevention of crime and disorder

- We will install CCTV if our application is granted
- All fixed tables will be covered every night by way of fixed sheeting tied and padlocked, to stop anybody using the seating areas out of hours

c) Public safety

- The private forecourt will be roped off so nobody can accidentally walk into the tables, these will be removed at night for security issues
- As per the drawing supplied it shows 6no tables we will reduce this to 4

d) The prevention of public nuisance

- We have spoken to the environmental services and listened to their concerns and agreed to have nobody seated outside after 10.00pm Tuesday to Saturday. On Sundays to have nobody seated after 9.30pm
- As above reduce the number of table to 4no and thus reducing any noise levels

e) The protection of children from harm

- As above the forecourt will be fully protected by way of removable barriers so children and general public can not accidentally wander into the tables

Please tick ✓

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) 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 27-05-14

Capacity PREMISES LICENCE HOLDER

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) 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 13)

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)

[REDACTED]



Licensing Act 2003 – Sections 16 and 18
Premises Licence – Part A

Housing, Health & Community Safety
9 Commerce Way
Lancing
BN15 8TA

Premises Licence Number - LN/100001330

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
Spice Thai Kitchen 36 South Farm Road Worthing West Sussex BN14 7AE	
Telephone number	01903 202035
Licensable activities authorised by the licence	
See attached Schedule	
The times the licence authorises the carrying out of the licensable activities	
See attached Schedule	
Opening hours of the premises	
Location :	Restaurant
Conversion - no timings supplied.	
Where the licence authorises supplies of alcohol whether these are on and/or off supplies	
ON	

Part 2 – Premises Licence Holder Details

Name
Mrs Sukanya Thongsri

Registered Address
██████████ Worthing West Sussex ██████████
Telephone Numbers : ██████████
E-mail: ██████████

Registered number of holder, for example company number, charity number (where applicable)
N/A

Designated Premises Supervisor Details (Where the premises licence authorises for the supply of alcohol)

Name
Mrs Sukanya Thongsri

Registered Address
██████████ Worthing West Sussex ██████████

Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol
Personal Licence Number : ██████████
Licensing Authority : Worthing Borough Council

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location : Restaurant		
Activities : Alcohol ON Sales/Supply (M)		
Day	Start	Finish
Sunday	12:00	23:30
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	00:00
Saturday	10:00	00:00
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> • Good Friday 12.00 to 23.30hrs. • Christmas Eve 12.00 to 23.30hrs. • New Year's Eve from the end of permitted hours to the start of permitted hours New Year's Day. 		

Location : Restaurant		
Activities : Late Night Refreshment (L)		
Day	Start	Finish
Sunday	23:00	23:30
Monday	23:00	00:00
Tuesday	23:00	00:00
Wednesday	23:00	00:00
Thursday	23:00	00:00
Friday	23:00	00:00
Saturday	23:00	00:00
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> • New Year's Eve from 23.00hrs to 05.00hrs New Year's Day. 		

Signed on behalf of the issuing licensing authority

Senior Licensing Officer

Date : 29 May 2014

Annexe 1 : Mandatory Conditions

A. Mandatory conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under the premises licence:-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

B. Mandatory conditions: door supervision

Each such individual must be licensed by the Security Industry Authority.

C. Mandatory conditions: Irresponsible promotions

The responsible person must take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one which encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children.

Irresponsible promotions take a number of forms including Drinking Games, large Quantities of Alcohol for Free or A Fixed Price, Prizes and Rewards schemes, Sporting Event promotions and Posters & Flyers.

D. Mandatory conditions: Dispensing alcohol directly into the mouth

The responsible person must ensure that no alcohol is dispensed directly by one person into the mouth of another person.

For example, this may include drinking games such as the 'dentist's chair' where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers' mouths.

An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

E. Mandatory conditions: Free tap water

Free tap water must be provided on request to customers where it is reasonably available on the premises.

F. Mandatory conditions: Age Verification

An age verification policy for the premises must be produced, implemented and details made available to authorised officers upon request.

G. Mandatory conditions: Small Alcohol Measures

Small alcohol measures must be made available.

For example: spirits: 25 ml or 35 ml; wine: 125ml glasses.

H. Conditions consistent with the Embedded Restrictions of the Justices' 'Restaurant' Licence (Licensing Act 1964)

1. Permitted Hours

Alcohol may only be sold or supplied during the premise's permitted hours.

On New Year's Eve the sale of alcohol may continue from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Restrictions

The above restrictions do not prohibit during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there when the alcohol was supplied for consumption as ancillary to the meals;

Source Section 95 Licensing Act 1964

2. Recorded Music

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Source Section 182 Licensing Act 1964

3. Late Night Refreshment

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above, and on New Year's Eve until 05.00hrs on New Year's Day.

I. The specific conditions converted from the Justices' 'Restaurant' Licence (Licensing Act 1964)

1. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there or for consumption by such a person as an ancillary to his meal.

2. It is an implied condition of this licence that suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the premises.

Annexe 2 : Conditions Consistent with the Operating Schedule

Not applicable

Annexe 3 : Conditions attached after a hearing by the Licensing Authority

Not applicable

Annexe 4 : Plans

See Attached

Mr JF Percival
[REDACTED] South Farm Road
WORTHING

sent as email

email: [REDACTED]

25th June 2014

Licensing Unit
9 Commerce Way,
Lancing,
West Sussex
BN15 8TA

Re: An application for a variation to the premises licence at the 'Spice Thai Kitchen'

Dear Mr Jones,

I am writing to object to the above application for the following reasons:

If you allow the premise licence to be altered in the way requested there will be an increase in crime and disorder and an increase in public nuisance..

We already suffer disturbances from time to time with people late at night who are often under the influence of alcohol.

Leaving tables out permanently will just add to the problem and lead to increased crime and disorder as well. We have already been disturbed by noisy people sitting at the tables well after Spice Thai has closed. Placing tables on the forecourts of the shops is an invasion of residents' privacy and it is disturbing to have people watching us.

The removal of parking spaces from the shop front has already resulted in vehicles being double parked and this causes an increased danger to the public as well as reducing access to driveways. This nuisance results in a traffic violation which the police will have to deal with.

Whilst I wish the Spice Thai to be successful, I cannot accept the loss of my residential amenity this proposal is causing.

I respectfully request you refuse this application.

Yours sincerely,

Mr J F Percival

cc Planning and Environmental Health and Sussex Police

**Licensing Act 2003 – Application for a new Premises Licence at:
Brooksteed Alehouse, 38 South Farm Road
Worthing, BN14 7AE**

Report by the Director of Customer Services

1. Recommendation

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

Mr Nicholas Little

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

2. Reasons for Hearing

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

3. Background

- 3.1 An application was made by Mr Little to the Licensing Authority, Worthing Borough Council, on the 27 May 2014 for the grant of a new premises licence on a proposed new business.
- 3.2 The proposed micro pub/‘alehouse’ is to be situated in South Farm Road just north of the town’s main railway crossing in a small parade of shops in a mixed commercial/residential area. The parade consists of approximately a dozen retail units including a restaurant, bakery/café, a delicatessen, barbers shop, opticians, a convenience store and various other independent outlets.
- 3.3 The premise is located on the ground floor with living accommodation in the form of a self-contained flat above, a small rear garden and a forecourt that is currently used as car parking that can accommodate 2 vehicles.
- 3.4 This is a new business situated in a long established shop that was previously used as a hair salon. The business is intending to operate as a micro pub/‘alehouse’

serving a variety of ales, specialist lagers and ciders for consumption within the premise and for takeaway.

3.5 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)
- Copies of the representation made by the Responsible Authorities, namely Sussex Police & the Environmental Protection Team (Appendices D 1 & 2)
- A copy of the representation received from a local resident. (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:
 - 11.30hrs to 14.00hrs Sunday
 - 12.00hrs to 19.30hrs Monday
 - 11.30hrs to 14.00hrs and 17.00hrs to 21.30hrs Tuesday - Saturday.
- It is proposed that the micro-pub will open to the public between the hours of:
 - 11.30hrs to 14.30hrs Sunday
 - 09.00hrs to 20.00hrs Monday
 - 11.30hrs to 14.30hrs and 17.00hrs to 22.00hrs Tuesday - Saturday.

4.2 As recommended by the Guidance issued under section 182 of the Licensing Act 2003 the applicant has completed an operating schedule as to how it is intended to address the Licensing Objectives if this application were granted.

4.3 The proposed designated supervisor detailed in the application is the applicant, Mr Nicholas Little, who holds a personal licence issued by Chichester District Council.

5. **Promotion of the Licensing Objectives**

5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 In carrying out its licensing functions, the licensing authority must also have regard to the Guidance issued by the Secretary of State and its own Statement of Licensing Policy. Members are advised that the following sections of the Worthing Borough Council's Policy may be particularly relevant to consideration of this matter, though of course the Policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the Policy itself:

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.*

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).*

SPECIFIC CONSIDERATIONS

On sales of alcohol - Public Houses and Bars

- 7.13 *Worthing contains a wide variety of pubs and bars that contribute to the town's appeal and its character. They provide food and refreshment for residents and for people working in and visiting the borough. They also provide venues for live music which, aside from its cultural benefits and its enjoyment by customers, often has a positive effect on licensing objectives. However, premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly where there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. In addition pubs and bars present opportunities for crime and they can also give rise to disorder.*
- 7.14 *The Licensing Act 2003 details a number of mandatory conditions where a licence authorises the supply of alcohol: these cover: a designated premises supervisor for the premises who holds a personal licence whenever alcohol is sold, sales of alcohol to be authorised by a personal licence holder, no irresponsible alcoholic drink promotions, free tap water to be available, set measures for the sale of alcohol and age verification measures.*
- 7.15 *The Council as the Licensing Authority regards these as the minimum required and will expect applicants to have regard to additional measures appropriate for their premise, area and character of business to demonstrate his/her promotion of the licensing objectives. If the proposals are inadequate and representation has been received the council may impose conditions as it deems appropriate or even refuse an application.*

7.16 *The Council will work closely with its partners, including Sussex Police and the borough's relevant Pubwatch groups, and will consult the recognised SIA approved organisations providing door supervisors and taxi marshals in the town centre to identify potential problems and minimise the crime, disorder and public nuisance that can sometimes be associated with public houses, nightclubs and taxi ranks.*

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 – 1 X Representation from a neighbour
Responsible Authorities – 2 X Representations from Sussex Police & the Environmental Protection Team

7. Relevant Representations

7.1 Detail of the relevant representations received is 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

7.2 Sussex Police have made a number of comments 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.

7.3 The Environmental Protection Team made comments regarding the use of outside areas for licensable activity.

7.4 Mr J. Percival made a number of comments in his representation regarding the hours of use granted on the premise's planning permission and residential amenity neither of which are relevant considerations under the Licensing Act. However, his letter does express concerns regarding public nuisance and this matter may be considered by members.

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 Mr Little and as a result the following conditions have been volunteered to the applicant's operating schedule:

- *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.*
- *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 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. Signage advertising the "Challenge 25" policy will be displayed in prominent locations within the premises including at the point of sale.*
- *The only form of ID that will be accepted are passports, driving licences with a photograph or, Citizen card or validate proof of age cards bearing the "PASS" mark hologram.*
- *The premises shall at all times maintain and operate a sales refusals log and an incident log which shall be reviewed by the Designated Premises Supervisor at intervals of no less than four (4) weeks and feedback given to staff as relevant.*
- *Both a refusal log and incident log 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*
- *The need for CCTV to be installed and operated on the Premises will be subject to on-going Risk Assessment by the Premises Licence Holder. Such Risk Assessment will be made available to either Sussex Police or the Licensing Authority upon request. Should a need for the installation and operation of CCTV be identified by Sussex Police as a means of promoting the Licensing Objectives as a consequence of incidents occurring on the premises, CCTV will be installed within one month of the Premises Licence being given written notice to this effect.*
- *Should CCTV be required, either as a result of the Premises Licence Holders own Risk Assessment or following written notification of the requirement by Sussex Police, such CCTV will be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System with CCTV Images being 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*

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.

8.4 The Environmental Protection Team have successfully mediated with the applicant and as a result the following condition has been volunteered to the applicant's operating schedule:

- *No drinks shall be taken outside at any time*

8.5 This would become a condition of any licence members may consider granting and consequently the Environmental Protection Team have confirmed that their

concerns have been addressed and they have withdrawn their objection to the amended application being granted.

- 8.6 Mediation between Mr Little and the member of the public that made relevant representation was considered unlikely to succeed considering the nature of the concerns expressed.

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 The Act allows for the local licensing authority to undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police or the fire authority, or any other party, such as a resident living in the vicinity of the premises. The government's guidance states:

"The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with licensing objectives are occurring after the grant or variation of a premises licence.

At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

- 10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.
- 10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 10.5 All applications, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from interested parties and the responsible authorities particularly the Police.

11. Other Implications

- 11.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account.

12. Recommendation

- 12.1 **Members are requested to determine the application for a new Premises Licence made by Mr Nicholas Little for his new alehouse/micro pub to be known as the 'Brooksteed Alehouse' situated at 38 South Farm Road, Worthing and give reasons for that determination.**

Jane Eckford
Director of Customer Services

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:

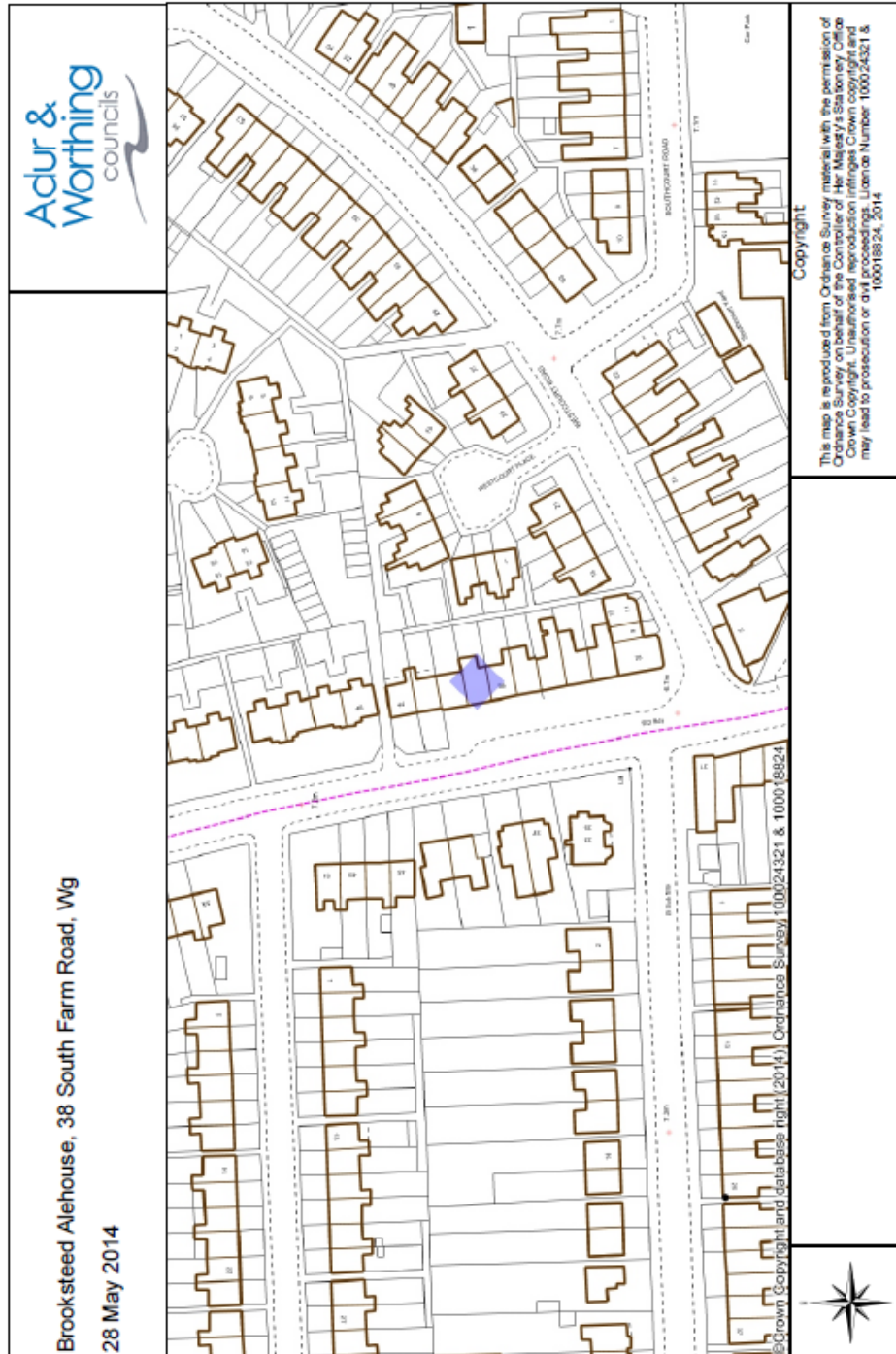
- Appendix A - Plan of area.
- Appendix B - Plan of the building.
- Appendix C - The Application Form.
- Appendices D1 & 2 - Representations received from Responsible Authorities
- Appendix E – Representation received from neighbour

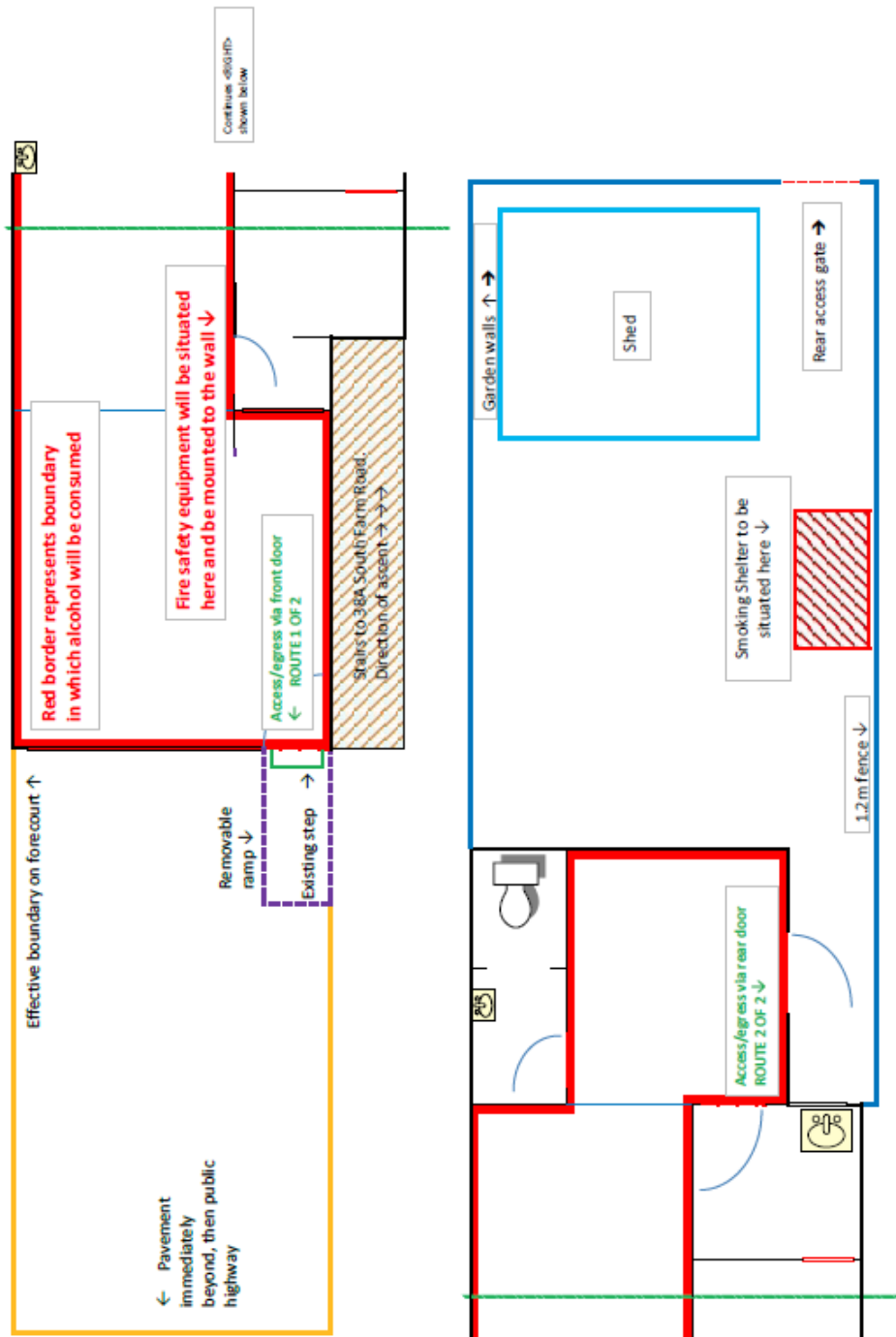
Commerce Way, Lancing

Ref: SJ/Lic.U/LA03/NEW – Brooksteed Alehouse

Date: 10 July 2014.

Plan of Area





Application



ADUR
DISTRICT COUNCIL



Adur & Worthing Councils
Licensing Unit
RECEIVED
27 MAY 2014
Initi

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 NICHOLAS LITTLE (insert name(s) of applicant)
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description <u>38 SOUTH FARM ROAD 'Brookstead Alehouse'</u>	
Post town <u>WORTHING</u>	Post code <u>BN14 7AE</u>

Telephone number at premises (if any) —

Non domestic rateable value of premises £ 4950

Part 2 – Applicant Details

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

- | | |
|---|---|
| | Please tick ✓ |
| a) an individual or individuals* | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | <input type="checkbox"/> please complete section (B) |
| i. as a limited company | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. Other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) The proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) A health service body | <input type="checkbox"/> please complete section (B) |
| g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> please complete section (B) |
| h) The chief officer of police of a police force in England and Wales | <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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname: LITTLE First names: NICHOLAS MARTIN

I am 18 years old or over

Please tick ✓

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
24	06	2014

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)

This ground floor former hairdressing salon is within a parade comprising nine mixed businesses including our direct neighbours: a bakery and a Thai restaurant. Above the premises is a self contained flat. The premises was granted change of use to A4, subject to conditions by the council on 6 December 2013 (AWDM/1169/13). To the rear of the premises is a small garden which has a shed, and is where a smoking shelter will be erected

PTD.

To the front is a forecourt with parking for two vehicles.

The establishment will follow the micropub model, where only traditional cask ales, cider, wine and bottled craft beers will be available along with an assortment of non-alcoholic options such as coffee and soft drinks.

A small range of cold snacks will be offered, including pork pies and scotch eggs sourced locally from quality butchers and a cheeseboard.

There will be no music, TV or games machines on the premises therefore encouraging conversation amongst customers.

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"/> |

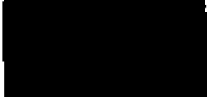

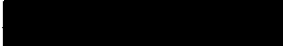
Provision of late night refreshment (if ticking yes, fill in box L)

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			
Day	Start	Finish		Both	<input checked="" type="checkbox"/>		
Mon			State any seasonal variations for the sale of alcohol (please read guidance note 4)				
	1200	1930					
Tue	1130	1400					
	1700	2130					
Wed	1130	1400					
	1700	2130					
Thur	1130	1400				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)	
	1700	2130					
Fri	1130	1400				On a Monday, we would like to offer the micropub space to be available to use for educational events, office team-building sessions or private corporate meetings, where for example the delegates could be shown PowerPoint through our data projector and then enjoy the micropub's snacks with tutored ale tastings if desired. The premises would be closed to the general public.	
	1700	2130					
Sat	1130	1400					
	1700	2130					
Sun	1130	1400					

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
Name	NICHOLAS MARTIN LITTLE
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	CHICHESTER DISTRICT 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)

No activities of this type will occur

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			
	0900	1930	20.00
Tue	1130	1400	14.30
	1700	2130	22.00
Wed	1130	1400	14.30
	1700	2130	22.00
Thur	1130	1400	14.30
	1700	2130	22.00
Fri	1130	1400	14.30
	1700	2130	22.30
Sat	1130	1400	14.30
	1700	2130	22.00
Sun	1130	1400	14.30

Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)

On a Monday, we would like to offer the micropub space to be available to use for educational events, office team-building sessions or private corporate meetings, where for example the delegates could be shown PowerPoint through our data projector and then enjoy the micropub's snacks with tutored ale tastings if desired. The premises would be closed to the general public.

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)

The micropub will adopt a strong and robust risk assessment policy that ensures the safety and wellbeing of staff and customers. The micropub model, where only traditional ales, cider and wine are served and not lager, alcopops and spirits, in an environment without additional entertainment (music, TV, games machines) will not appeal to the majority of younger people, therefore we do not anticipate many visiting the premises. There is no physical bar at the micropub and therefore no customers stood up at it drinking. To reduce noise within and escaping from the premises, a soundproofed ceiling is due to be installed and a rubberized floor also to absorb sound.

b) The prevention of crime and disorder

The Designated Premises Supervisor is the owner and day to day operator, and as such will oversee the running of the premises ensuring it is managed effectively and legally. Close attention to the Crime & Disorder Act, the Licensing Act and Adur & Worthing Safer Communities guidance will reinforce this. It is hoped we will forge close relationships with the local Police, PCSO, other local traders and be involved in the Neighbourhood Watch scheme.

A **ZERO** tolerance policy will be enforced on drugs, violence & disorderly conduct.

c) Public safety

A general risk assessment will be undertaken nearer to completion of the refurbishment.

Ensuring the safety and wellbeing of staff and patrons is of paramount importance. Exits will be clearly marked and kept unlocked and clear while the premises is open. Public transport options will be made available and details of taxi companies provided to ensure the safe onward passage for customers. These facilities are all less than a five minute walk from the premises.

d) The prevention of public nuisance

Customers will be asked to leave the premises in a **quiet and responsible** manner taking into consideration neighbours. Notices on the exits will request the same. Patrons will be prevented from taking drinks out the front of the premises, or smoking and congregating outside the front of the building. Smoking in a shelter is available to the rear. Any person that seems intoxicated will be refused service. Loud and disruptive individuals will be asked in a courteous and non-confrontational manner to leave the premises.

e) The protection of children from harm

Children under the age of 18 years **will not** be allowed entry unless accompanied by a parent/guardian. Staff will be instructed to challenge those of a young appearance for age identification prior to being served. Accepted ID methods will be advertised. Entry will be refused to any child that is unaccompanied by a responsible adult. Non-alcoholic beverages will be available for those under 18 who are accompanied by a parent/guardian. Traditional Cask Ale is aimed at a discerning mature client base and does not generally appeal to the taste of younger people.

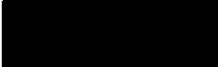
Please tick .. /

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

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 23 MAY 2014

Capacity **MICROPUB PROPRIETOR**

Simon

Please see below. I can confirm that Mr Little's acceptance of the conditions required by Sussex Police resolves the representation that had been raised

Cheers

Dave

David Whitcombe
Police Constable
Neighbourhood Licensing Team
Tel: 01273 470101 Ext. 581443 Mobile: 07767 322361

From: [REDACTED]
Sent: Sunday 15 June 2014 22:21
To: Whitcombe David AW403
Subject: Re: Brooksteed Ale House, 38 South Farm Road, Worthing

Hi David.

Many thanks for the comprehensive email.
I've taken a little bit of time to digest the content and can confirm here that I'm happy with the bullet points you've laid out and will comply with them.
I trust that this therefore satisfies your interest in the application.
Please get back in touch if you have any concerns regarding this.

Kind regards,
Nick Little.

On Sunday, 8 June 2014, 21:34, "David.Whitcombe@sussex.pnn.police.uk" <David.Whitcombe@sussex.pnn.police.uk> wrote:

Dear Mr Little

I refer to your application for the grant of a Premises Licence in respect of Brookstead Ale House, 38 South Farm Road, Worthing, West Sussex. BN14 7AE. As mentioned during our telephone conversation, although in principle Sussex Police are not opposed to this application, there is a need to clarify exactly what is expected from the proposals you have put forward to address the Licensing Objectives so that these can be attached to the Premises Licence as understandable, effective and enforceable licence conditions.

In addition there are other conditions that Sussex Police will require to be attached to the licence to fully address the licensing objectives. Below I have detailed how the proposals you have put forward have been interpreted by Sussex Police together with the additional conditions required. As additional conditions are required there is a need to raise a representation against your application on the grounds of The Prevention of Crime & Disorder, The Prevention of Public Nuisance and The Protection of Children from Harm. However upon receipt of your confirmation that you are prepared to have these conditions attached to your premises licence I will be pleased to confirm to Worthing District Council that Sussex Police representations in this matter have been resolved. Your confirmation of acceptance can be provided by responding to this e-mail.

- 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.
- 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 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. Signage advertising the “Challenge 25” policy will be displayed in prominent locations within the premises including at the point of sale.
- The only form of ID that will be accepted are passports, driving licences with a photograph or, Citizen card or validate proof of age cards bearing the “PASS” mark hologram.
- The premises shall at all times maintain and operate a sales refusals log and an incident log which shall be reviewed by the Designated Premises Supervisor at intervals of no less than four (4) weeks and feedback given to staff as relevant.
- Both a refusal log and incident log 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
- The need for CCTV to be installed and operated on the Premises will be subject to on-going Risk Assessment by the Premises Licence Holder. Such Risk Assessment will be made available to either Sussex Police or the Licensing Authority upon request. Should a need for the installation and operation of CCTV be identified by Sussex Police as a means of promoting the Licensing Objectives as a consequence of incidents occurring on the premises, CCTV will be installed within one month of the Premises Licence being given written notice to this effect.
- Should CCTV be required, either as a result of the Premises Licence Holders own Risk Assessment or following written notification of the requirement by Sussex Police, such CCTV will be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System with CCTV Images being 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

I now await your response

Yours

David Whitcombe

Police Constable

Neighbourhood Licensing Team

Tel: 01273 470101 Ext. 581443 Mobile: 07767 322361

Dear Simon,

Licensing Act 2003

Application for Premises Licence - 38 South Farm Road, Worthing

The applicant has agreed to an amendment to the operating schedule for the prevention of public nuisance (see below) - *No drinks shall be taken outside at any time.* As a result I make no further representation to the application.

Regards

Nadeem

Nadeem Shad - Senior Environmental Health Officer, Environmental Health | [Adur & Worthing Councils](#)
Location: Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Internal: 63303 | External: 01273 263303 | E-mail: nadeem.shad@adur-worthing.gov.uk
Follow us on [Facebook](#) and [Twitter](#) - or search Adur and Worthing

From: [REDACTED]
Sent: 29 May 2014 21:45
To: Nadeem Shad
Subject: Re: 38 South Farm Road, Worthing

Hi Nadeem - thanks for your email.

I'm happy for you to make that statement to clarify the position with outside drinking.
Please advise the licensing officer as suggested.

Many thanks
Nick Little.

On Thursday, 29 May 2014, 10:28, Nadeem Shad <Nadeem.Shad@adur-worthing.gov.uk> wrote:

Dear Mr Little,

I refer to your application for a Premises Licence copied to the Environmental Protection Team for comment.

My only remaining concern relates to the use of the smoking shelter by persons with drinks. As you may recall during the planning application stage I raised concerns about tables and chairs outside and the potential for noise. If the smoking shelter were to be used by people with drinks this could lead to people congregating for prolonged periods and result in unacceptable noise outside. I therefore recommend that a restriction on drinks outside is imposed.

I recommend the following is added to your operating schedule for the prevention of public nuisance.

No drinks shall be taken outside at any time.

If you are in agreement I shall advise the Licensing Officer and no further representation shall be made.

Regards

Nadeem Shad

Nadeem Shad - Senior Environmental Health Officer, Environmental Health | [Adur & Worthing Councils](#)

Location: Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS

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

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Mr JF Percival
South Farm Road
WORTHING
email: [REDACTED]

sent as email

24th June 2014

Licensing Unit
9 Commerce Way,
Lancing,
BN15 8TA

Re: New Premises Licence at Brooksteed Alehouse

Dear Mr Jones,

I am writing to object to the above application because it will cause a public nuisance. The reason for this is explained below:

The proposed hours of opening are in excess to those granted by the planning authority and so will cause more disturbance especially to residents in the area.

This will be a cause of public nuisance in the extra noise caused by the increased hours of operation.

We have lived here for many years and have accepted the disturbance of business operating in a normal working day, but we don't feel it is fair to have this extra disturbance forced upon us. Many of the businesses close for at least one day a week which does reduce the disturbance, but this application, if allowed, would see the business operating 7 days a week.

I quote below condition 4 of the planning permission AWDM/1169/13 that has been granted:

"The micro-pub hereby permitted shall only be open for trade and business between 11:30 and 14:00 hrs and 17:00 and 21:30 hours on Tuesday to Saturday (inclusive) and between 11:30 and 14:00 hrs on Sunday, Bank and Public Holidays.

Reason: *to safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy RES7 of the Worthing Local Plan".*

N.B. There is no mention of opening on a Monday.

It also seems reasonable to expect that there would also be an increased chance of crime and disorder and increased safety risk if increased hours are allowed.

Whilst I wish any local business to be successful, I cannot accept a loss of my residential amenity this proposal will cause. I respectfully request you refuse this application as it stands and only allow the hours that the planning permission has granted.

Yours sincerely,

Mr J F Percival

cc. Planning and Environmental Health.