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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:**

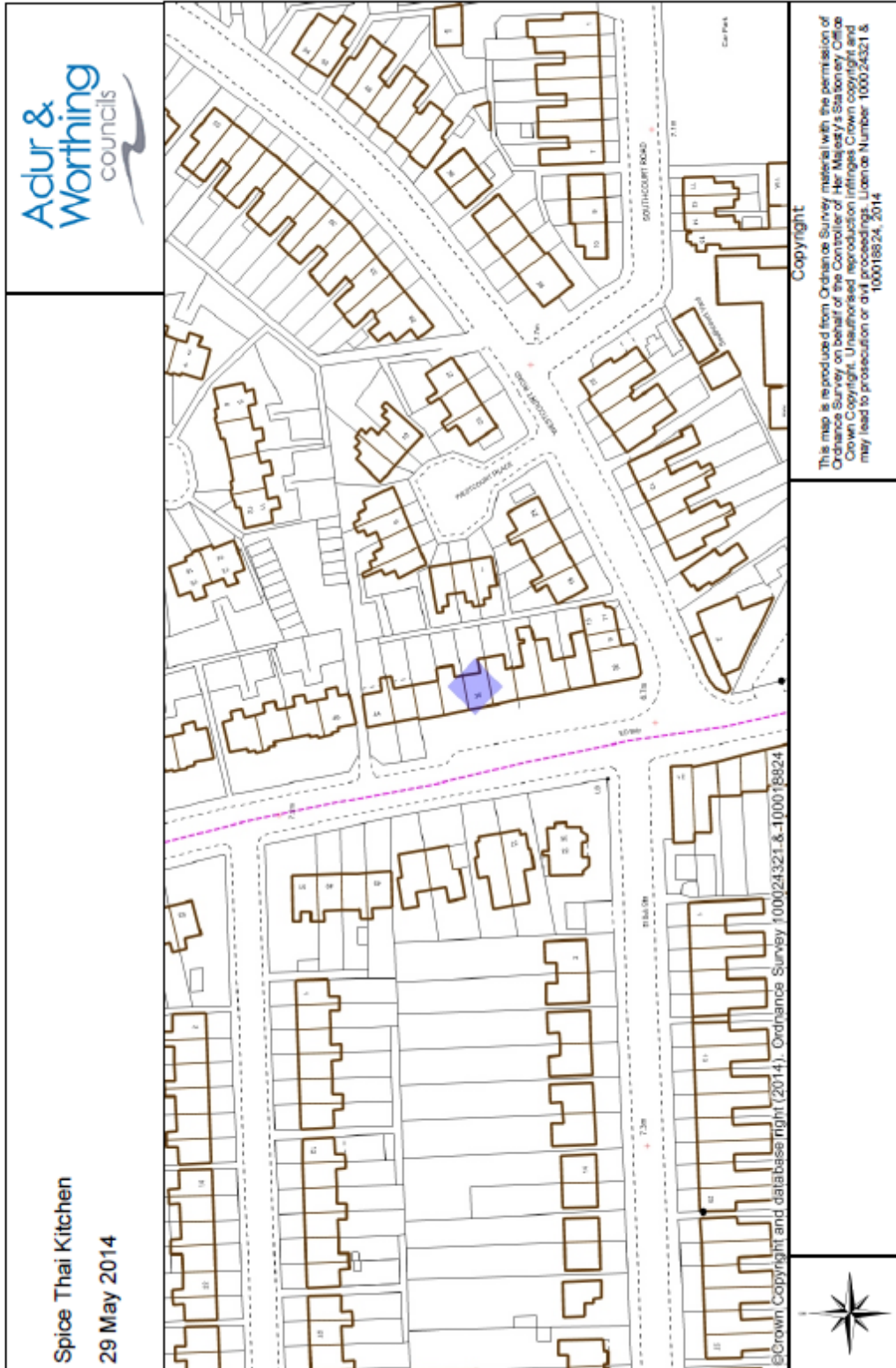
- Appendix A - Plan of area
- Appendix B – Plan of premise.
- Appendix C - Application Form
- Appendix D - Current Premises Licence
- Appendix E - Representation from a member of the public

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

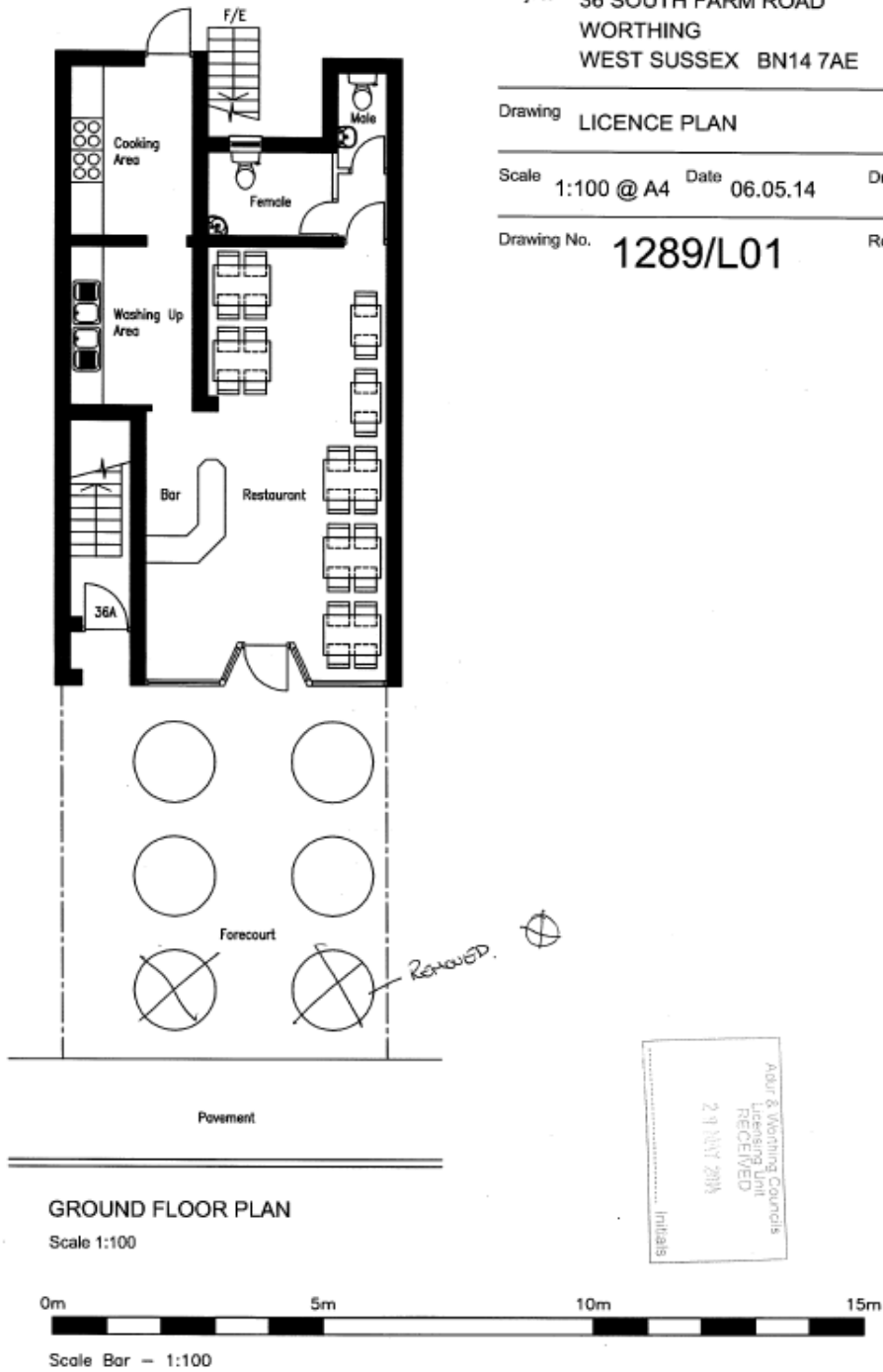
Client **SPICE THAI KITCHEN**

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



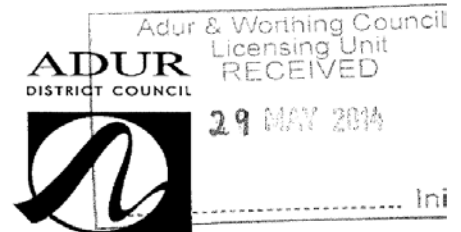
**GROUND FLOOR PLAN**

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

LN/00001330

**Part 1 – Premises Details**

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

Telephone number at premises (if any)

01903 202035

Non domestic rateable value of premises

£4,500

**Part 2 – Applicant Details**

Daytime contact telephone number

[Redacted]

Email address (optional)

[Redacted]

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title (for example, Rev) <input type="checkbox"/>
Surname			First names	
Thongsri			Sukanya	

Current postal address if different from premises address

[Redacted]

Post Town

Worthing

Postcode

[Redacted]



**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

<b>Plays</b> Standard days and timings (please read guidance note 6)	NOT APPLICABLE
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## B

<b>Films</b> Standard days and timings (please read guidance note 6)	NOT APPLICABLE
--	----------------

## C

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

## D

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

## E

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

## F

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

## G

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

## H

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

## I

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

## J

<b>Sale of alcohol</b> 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

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations (please read guidance note 4)</b>	
Day	Start	Finish		
<b>Mon</b>	10.00	00.30	<ul style="list-style-type: none"> <li><b>No Change Proposed</b></li> </ul>	
<b>Tue</b>	10.00	00.30		
<b>Wed</b>	10.00	00.30		<p><b>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.</b> (please read guidance note 5)</p>
<b>Thur</b>	10.00	00.30		
<b>Fri</b>	10.00	00.30		
<b>Sat</b>	10.00	00.30		
<b>Sun</b>	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 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date .....

Capacity .....

**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

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

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

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

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]

25<sup>th</sup> 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