
**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:

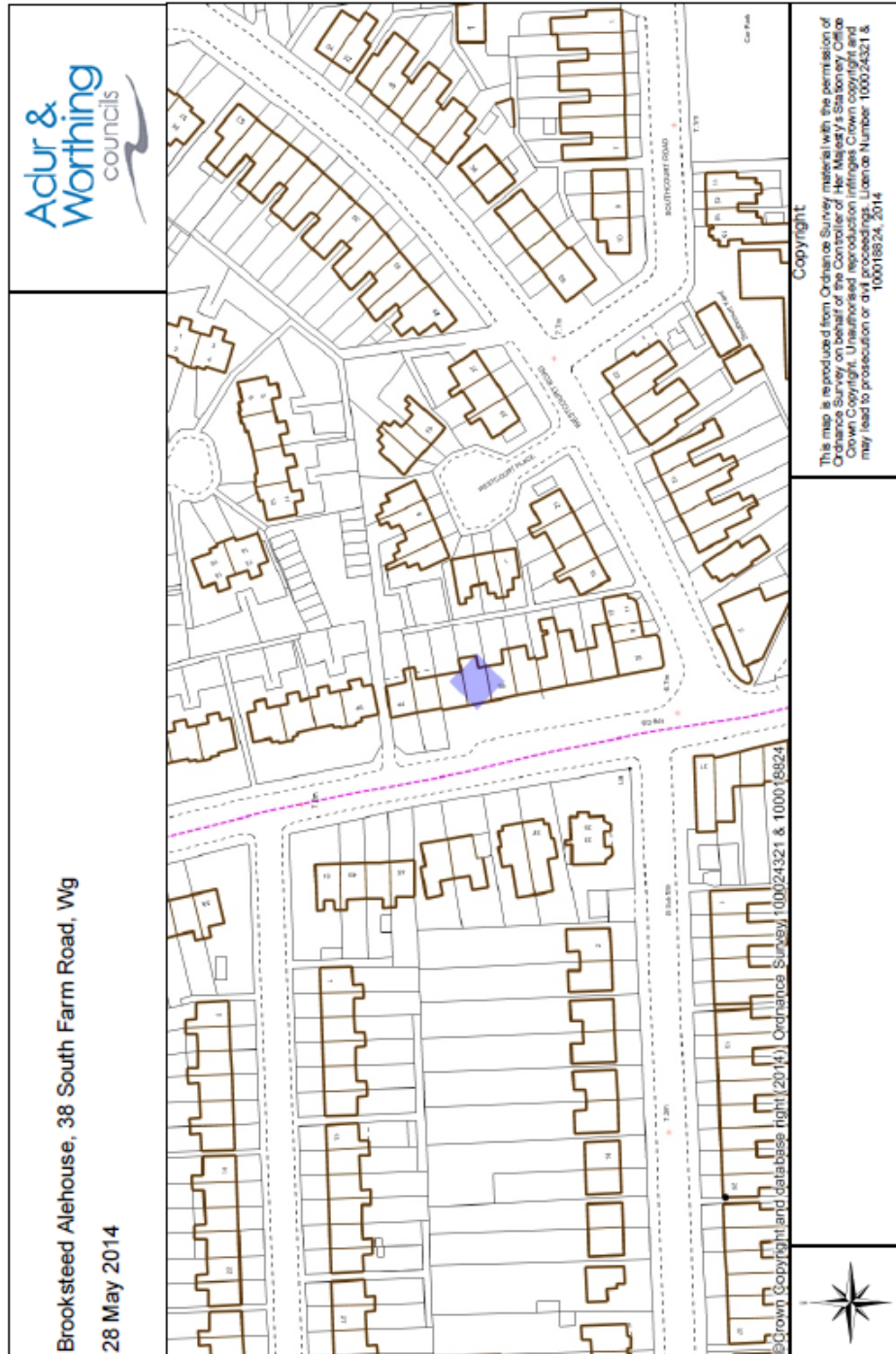
- Appendix A - Plan of area.
- Appendix B - Plan of the building.
- Appendix C - The Application Form.
- Appendices D1 & 2 - Representations received from Responsible Authorities
- Appendix E – Representation received from neighbour

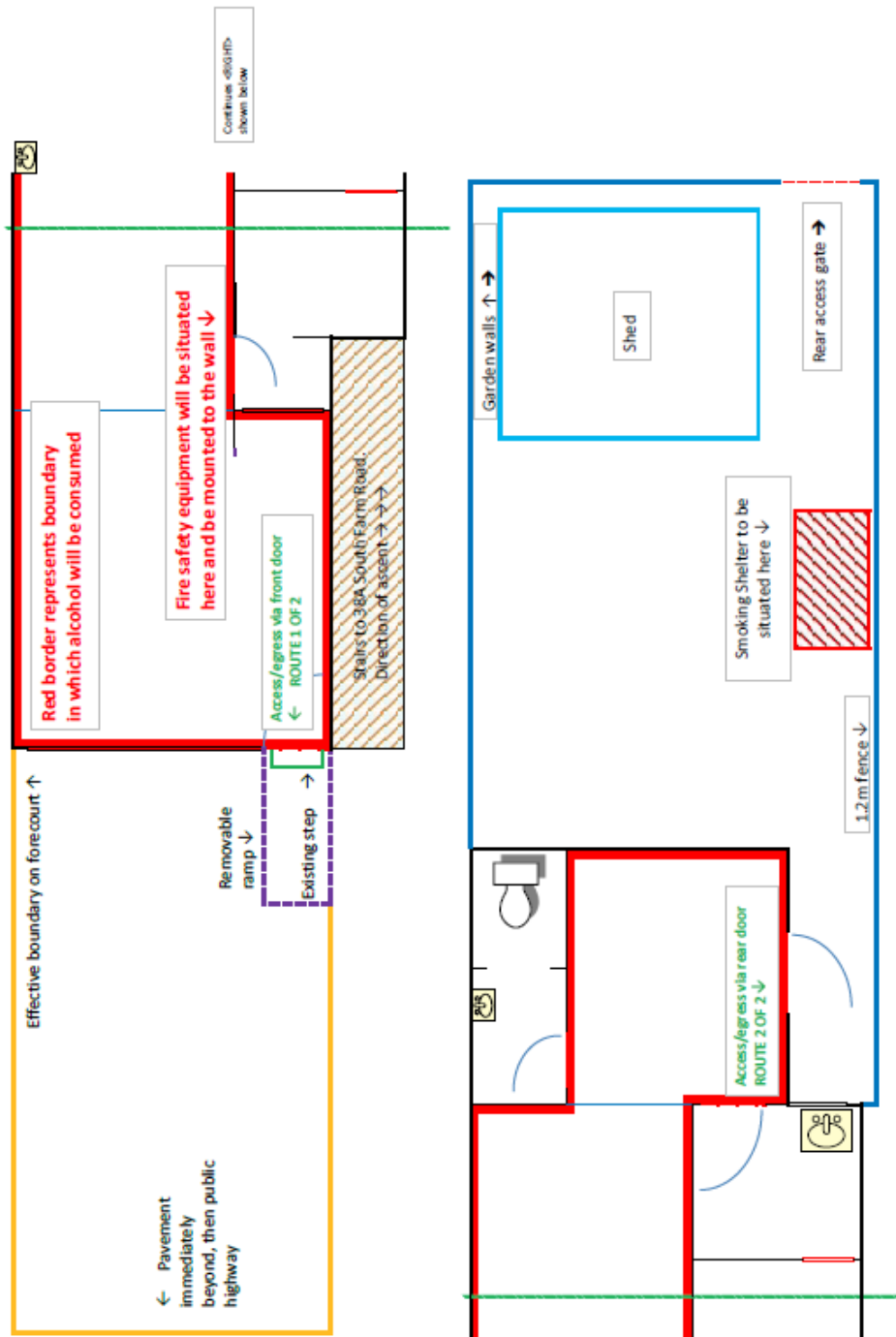
Commerce Way, Lancing

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) |

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

Provision of entertainment facilities:

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

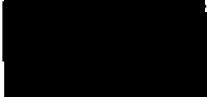

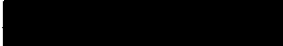
Provision of late night refreshment (if ticking yes, fill in box L)

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.