

**Minutes of a Meeting of the
WBC Sub Committee of the Licensing and Control Committee 'B' of
Worthing Borough Council**

Council Chamber, Town Hall, Chapel Road, Worthing

Thursday 24 July 2014

Councillor Paul High (Chairman)

Councillor Roy Barraclough

Councillor Susan Jelliss

*Absent

Also Present:	Simon Jones	Senior Licensing Officer
	Caroline Perry	Solicitor
	Heather Kingston	Democratic Services Officer
	James Clarke and David Greenwood	Joint Applicants – 36 South Farm Road
	Nicholas Little	Applicant – 38 South Farm Road

LCCB/14-15/10 Declarations of Interest / Substitute Members

The Chairman of the Committee declared a non-prejudicial interest in both applications as the owners of the premises at 36 South Farm Road were known to him. The Chairman also advised he was acquainted with the member of the public opposing both applications in a professional capacity.

There were no substitutions made.

LCCB/14-15/11 Licensing Act 2003 – Application for a Variation of a Premises Licence at 36 South Farm Road, Worthing

Before the Committee was a report by the Director for Customer Services, a copy of which had been distributed to all members, and a copy of which is attached to the signed copy of these minutes as item 2. The Committee had been called to determine an application 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 Spice Thai Kitchen, 36 South Farm Road, Worthing. The application had been the subject of formal representation by a member of the public and it therefore fell to the sub-committee to determine.

The Senior Licensing Officer introduced the report to the Committee and confirmed with the applicant that it represented an accurate representation of the application.

The Chairman referred to 3.6 of the report where it stated representations were 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 being expressed were considered to have some possible validity and the Chairman requested more information from the Licensing Officer.

The Licensing Officer explained the original application was for the use of 6 tables on the forecourt. There were no details of the tables being covered or locked, nor removed after the premises closed. This application however, reduced the number of tables to 4 with these being securely locked and covered. There was also no closing time agreed for use of the tables.

The Chairman also referred to 7.1 with regard to relevant representations. This stated details of the representations received were reproduced in full at Appendix D, which in fact should be Appendix E. The Senior Licensing Officer advised this was a typographical error.

A Member referred to the complaint made and asked the Licensing Officer whether the tables were present on the forecourt at the moment. He advised there were two tables.

The Chairman advised he would normally invite the applicant to ask any relevant questions of those making representations however, the objector had failed to attend the meeting. The applicant therefore gave a brief outline with regard to their business, advising the restaurant was bought some 3 months ago. As the restaurant was fairly small they were trying to make the most of the space they had.

The Chairman asked what experience the applicants had in running a restaurant. The applicant said no real experience; however the Manager in place had run two restaurants and the chef at other restaurants within Worthing. The applicant agreed having seating outside the restaurant would be beneficial to the business.

The Chairman then invited the applicant to make a very brief closing speech. The applicant advised he had said the points he wished to make.

The meeting was adjourned at 10:15am and the sub-committee retired to consider its decision

The meeting was reconvened at 10:30am

The meeting was told that in reaching its decision, the Licensing Sub Committee had given due regard to the Home Office guidance, the Council's own Licensing Policy and relevant licensing legislation. The Committee also gave regard to Human Rights legislation and the rules of natural justice. Due consideration was given to all representations made at the hearing and in writing. In discharging its functions the Sub Committee did so with a view to promoting the Licensing Objectives, the relevant objectives here were the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

Resolved:

The decision of the Sub Committee was that the premises licence should be:

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

Reasons for Decision:

The licensing sub-committee is satisfied that the variation to the premises licence would not undermine the licensing objectives. The licence holder took into account the concerns of the Police and Environmental Health services when the application was initially submitted. The member of the public who had made a representation did not attend the hearing however the licensing sub-committee believe that his concerns have been addressed by the licence holder who has agreed that no persons are to be seated outside after 10pm Tuesday to Saturday and 9.30pm on Sundays.

The licence holder and those who had made representations in connection with this application are reminded that they may appeal against this decision within 21 days by giving notice to the Magistrates Court

Interested parties are reminded that they may apply for a review of this licence 'after a reasonable interval' pursuant to section 51 of the Licensing Act

Any licence granted under the Licensing Act 2003 does not override any planning restrictions on the premises nor any restrictions that may be attached to the lease of these premises

The applicant is reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises in breach of a premises licence

LCCB/14-15/12 Licensing Act 2003 – Application for a new Premises Licence at 38 South Farm Road, Worthing

Before the Committee was a report by the Director for Customer Services, a copy of which had been distributed to all Members, and a copy of which is attached to the signed copy of these minutes as item 3. The Committee had been called to determine an application for a new Premises Licence of the above premises to authorise the sale of alcohol for consumption on and off the premise. The application had been the subject of formal representation by two responsible authorities and another person, a neighbour, and therefore fell to the sub-committee to determine.

The Senior Licensing Officer introduced the report to the Committee. He advised the proposed micro pub/'alehouse' was to be situated in South Farm Road in a small parade of shops in a mixed commercial/residential area. The premise would be located on the ground floor with living accommodation in the form of a self-contained flat above. There was also a small rear garden and a forecourt that is currently used as car parking for 2 vehicles. It was a new business serving a variety of ales, specialist lagers and ciders for consumption within the premise and for takeaway.

Appendix A of the report showed a plan of the area and Appendix B a plan of the premises. The application was attached at Appendix C and the Licensing Officer advised in summary the applicant was 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 was 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.

The Licensing Officer advised there had been 3 letters of representation. Sussex Police have now successfully mediated with the applicant and conditions added to the applicant's operating schedule. The Environmental Protection Team have successfully mediated with the applicant and agreed the following condition – *No drinks shall be taken outside at any time.*

Mediation with the member of the public had been considered unlikely.

The Licensing Officer confirmed with the applicant that it represented an accurate representation of the application.

The Chairman invited Members to ask any relevant questions of the Licensing Officer. There were none.

The Chairman would normally invite the applicant to ask any relevant questions of those making representation however, the member of the public objecting failed to attend the sub-committee.

The applicant gave a brief outline as to the running of this proposed micro-pub which was included in Appendix C of the report. He did however, add that on Mondays the premises would be closed to the public. They would be offering the premises for educational events, office team-building sessions etc. providing the micro-pub's snacks and ales if desired.

The Chairman then invited Members to ask any relevant questions. There were none.

The meeting was adjourned at 10:35am and the sub-committee retired to consider its decision

The meeting was reconvened at 10:50am

The meeting was told that in reaching its decision, the Licensing Sub Committee had given due regard to the Home Office guidance, the Council's own Licensing Policy and relevant licensing legislation. The Committee also gave regard to Human Rights legislation and the rules of natural justice. Due consideration was given to all representations made at the hearing and in writing. In discharging its functions the Sub Committee did so with a view to promoting the Licensing Objectives, the relevant objectives here were the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

Resolved:

The decision of the Sub Committee is that the premises licence should be:

Granted as applied for.

The licence is to include the conditions that have previously been agreed with the Police and Environmental Health. These are detailed at paragraphs 8.2 and 8.4 of the report.

Reasons for Decision:

The licensing sub-committee is satisfied that the premises licence would not undermine the licensing objectives. The licence holder has taken into account the concerns of the Police and Environmental Health services and conditions have been agreed. The member of the public who had made a representation did not attend the hearing however the licensing sub-committee believe his concerns have been addressed by the mediated conditions.

The licence holder and those who had made representations in connection with this application are reminded that they may appeal against this decision within 21 days by giving notice to the Magistrates Court

Interested parties are reminded that they may apply for a review of this licence 'after a reasonable interval' pursuant to section 51 of the Licensing Act

Any licence granted under the Licensing Act 2003 does not override any planning restrictions on the premises nor any restrictions that may be attached to the lease of these premises

The applicant is reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises in breach of a premises licence

The meeting was declared closed by the Chairman at 10.55am, it having commenced at 10:00 am.

Chairman