

Communities Directorate

11 November 2014

Licensing and Control Sub-Committee

Date: 20 November 2014

Time: 6.30pm

Venue: Council Chamber, Town Hall, Worthing

Committee Membership: Councillors Paul High (Chairman), Mark Nolan, James Doyle

*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. Application for a new premises Licence

Venue: Bargain Booze, 4-6 South Street, Tarring, Worthing, BN14 7LH

Part B - Not for Publication – Exempt Information Reports

None

For Democratic Services enquiries relating to this meeting please contact:

For Legal Services enquiries relating to this meeting please contact:

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Licensing & Control Committee B Sub-Committee 20 November 2014

Ward: Tarring

Licensing Act 2003 – Application for a new Premises Licence at: Bargain Booze, 4-6 South Street, Tarring, Worthing, BN14 7LH

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 :

Rabbi Moshe Dadoun

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

2. Reasons for Hearing

2.1 The application has been the subject of formal representation by a responsible authority, two local ward councillors and another person. It therefore falls to this sub-committee to determine.

3. Background

- 3.1 The store is situated in South Street, Tarring in a parade of shops in a mixed commercial/residential area on a busy main road adjoining West Worthing railway crossing.
- 3.2 The premise has in the past operated as a licensed convenience store, known as Bargain Booze, but closed following a review of its premises licence, applied for by Sussex Police, which resulted in its licence being revoked by this committee on 16 July 2014.
- 3.3 The business has since changed hands and re-opened and is operating as a convenience store without alcohol although it appears to have retained its name 'Bargain Booze'.
- 3.4 The application was made by Rabbi Dadoun to Worthing Borough Council on the 19 September 2014 for a new Premises Licence to authorise the sale of alcohol, for consumption off the premise, at the reopened store. The processing of this

application was delayed by initial problems advertising the application but these problems have been resolved.

- 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)
 - A copy of the representation made by a Responsible Authority, namely Sussex Police(Appendix D)
 - Copies of the representations made by two local ward councillors (Appendices E1 & 2)
 - A copy of the representation made by a member of the public (Appendix F)
 - A copy of the mediated agreements (Appendix G)

4. The Application

- 4.1 The Application is attached at **Appendix C**. However, in summary, the application is seeking authorisation for:
 - Sale of alcohol between the hours of: 07.00hrs and 23.00hrs Monday to Friday 09.00hrs and 22.00hrs Saturday 09.00hrs and 21.00hrs Sunday
 - Opening to the public between the hours of: 07.00hrs and 23.00hrs Monday to Friday 09.00hrs and 22.00hrs Saturday 09.00hrs and 21.00hrs Sunday
- 4.2 No designated supervisor is detailed in the application so Rabbi Dadoun will need to nominate a personal licence holder prior to any alcohol sales should a licence be granted. Sussex Police will have the opportunity to object to any individual nominated if he/she is considered unsuitable.

5. **Promotion of the Licensing Objectives**

- 5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 5.2 In carrying out its licensing functions, the licensing authority must also have regard to the Guidance issued by the Secretary of State and its own Statement of Licensing Policy. Members are advised that the following sections of the Worthing Borough Council's Policy may be particularly relevant to consideration of this

matter, though of course the Policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the Policy itself:

Prevention of Crime & Disorder

- 4.2 The Council places huge importance on the prevention of crime and disorder. A high standard of control is, therefore, expected to be exercised over licensed premises.
- 4.3 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself, the Guidance issued under section 182 to the Act and this policy. The Council will give "due regard" to all possible implications and its Licensing & Control Committee will always consider all the information available and relevant representations made, including those from interested parties and the responsible authorities, particularly the Police.
- 4.4 In their role as a responsible authority, Sussex Police are an essential source of advice and information on the impact and potential impact of licensable activities in the borough, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and usually have good working relationships with those operating in the local area. The council recognises that Sussex Police are the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The Council will accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.
- 4.9 The Council recognises that the Licensing Act is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night time economy in town centres.

Prevention of Public Nuisance

- 4.17 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of disturbances impacting upon people living, working or sleeping in the vicinity of the premises or wider afield.
- 4.18 Noise disturbance can arise from entertainment or activities held within licensed premises and also from people or motor vehicles outside licensed premises. The Council will expect Operating Schedules to address these issues. Advice and guidance can be obtained from Licensing Officers or the Council's Environmental Protection Team. If representations are received the Council may utilise appropriate conditions to control noise disturbance and the use of such conditions will depend upon the activities/entertainment/hours of operation proposed; the nature of the locality; and existing background noise levels and ambient noise levels. Noise

control conditions may include the satisfactory sound insulation of licensed premises; compliance with maximum noise levels; and limiting hours of operation.

- 4.19 When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type/construction of their premises, proposed activities and nature of locality) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.
- 4.20 Anti-social behaviour such as excessive noise from access and egress or patrons littering should also be addressed in the Operating Schedule.

Protection of Children from Harm

- 4.24 The wide range of premises that require licensing means that children can be expected to visit many of these, perhaps on their own, for food and/or entertainment.
- 4.28 It is an offence to sell alcohol to an individual aged under 18. Licence holders are required to consider carefully ways to ensure that the sale of alcohol is restricted to those over the age of 18. Popular schemes include the 'Challenge 25 scheme' whereby if the individual looks under 25; they are required to prove that they are over the age of 18 when buying alcohol or tobacco. Acceptable forms of proof are: a photo card driver's licence, passport or PASS. PASS is the national guarantee scheme for proof-of-age, which is fully supported by the Home Office. Applicants are encouraged to introduce such schemes and detail them in operating schedules. The council may impose conditions requiring such schemes if relevant representation is received. Special care should be exercised and the licensed trade should be alert to counterfeit IDs and their fraudulent use.

DEMAND, SATURATION & HOURS

- 6.1 In accordance with the Government's guidance the Council recognises that demand is not a relevant criterion in considering an application under the Act.
- 6.14 Following relevant representations the Council will deal with the issue of licensing hours having due regard to the individual merits of each application. However, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises, or its environs, by concentrations of people either present or leaving during normal night-time sleeping periods (23.00hrs to 07.00hrs).
- 6.18 The Council will generally consider the licensing of shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. However, it may consider that in some circumstances there are very good reasons for restricting those hours and these are detailed in paragraphs 7.1 to 7.13 below.

SPECIFIC CONSIDERATIONS

Off sales of alcohol – Stores & Supermarkets

- 7.1 The Home Office Guidance to the Act recommends that shops, stores and supermarkets selling alcohol should generally be permitted to match the hours during which they may sell alcohol with their normal trading hours, unless there are exceptional reasons related to the licensing objectives, in particular 'the prevention of crime and disorder' and 'the prevention of public nuisance'.
- 7.2 The council will consider all applications on their own merit and will not consider 'need or demand' but If an area is experiencing problems and this is linked to the number of premises in the area already selling alcohol, for consumption off the premises, the council will carefully consider the cumulative impact on the licensing objectives of any new application if relevant representation is received.
- 7.3 The council will be particularly concerned with regard to the granting of new licences to stores and supermarkets in localities where the following problems have been identified:
 - Alcohol sales to persons who are drunk
 - Underage drinking
 - Street drinking
 - Pre-loading & post-loading
- 7.4 Selling alcohol to a person who is drunk or to a person who is under the age of 18 are both offences under the Licensing Act. The council recognises that the vast majority of licensees are very aware of their responsibilities and the duty of care they have selling alcohol to the public. However, the council takes both these issues extremely seriously.
- 7.5 The Council considers it vital that licence holders provide formal and effective training to all staff involved in the sale of alcohol to recognise members of the public who are drunk or underage and give their staff the ability and confidence to refuse service. The council will expect operating schedules to demonstrate that the licence holder has considered such matters and addressed them as far as possible and that formal training records are kept on the premise and are to be made available for inspection by Police and/or Licensing Unit officers on request.
- 7.6 Over recent years problems associated with street drinking have been experienced across the borough but particularly in the town centre, on the promenade, the beach and Worthing's public parks & gardens. While there are some areas with recurring problems with regard to street drinking groups they also crop up in different areas at different times. These individuals and the shops that supply them can be a focus of antisocial behaviour, disorder and disturbance. The supply of alcohol to individuals involved in the day-long consumption of alcohol on the street and in open spaces can directly lead to these groups of drinkers causing various types of crime, public nuisance and antisocial behaviour.
- 7.7 Pre-loading and post-loading, the sale of alcohol to people who consume it on the way to or from venues licensed for the consumption of alcohol on the premises, gives rise to problems of drunkenness and disorderly behaviour. The proliferation of stores selling alcohol for consumption off the premises is of concern if it leads to drinking on the streets or alcohol being carried into premises such as pubs and nightclubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the town and adversely affects the licensing objectives.
- 7.8 Where the police or others make representations against the grant of a further licence for off sales, because of their serious concerns over any of the problems

listed above and the disorder associated with the off sale of alcohol in the area, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. The council will want to be assured that the Operating Schedule of premises, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. The earliest and latest hours of opening will be of particular concern. This is because problematic street drinkers and others who are seriously addicted to alcohol, may be drawn to shops that sell alcohol earlier in the morning and later in the evening than other premises and consequently create public nuisance. Where there are representations on problems of disorder the hours when alcohol may be sold for consumption off the premises may be conditioned to be less than the generally granted hours issued to public houses and restaurants in the area.

- 7.9 Due to these concerns and their link to crime, disorder and disturbance, the Council will not, as a general rule, grant applications for the 24-hour sale of alcohol for consumption off the premises. It will consider very seriously any representation made by Sussex Police, other responsible authorities, and relevant representations from the public before determining such applications.
- 7.10 To address the problems of street drinkers, underage drinkers and pre/post loaders the council has introduced a controlled drinking zone across the whole borough giving the police powers to stop street drinking and seize alcohol and receptacles under the powers of the Criminal Justice and Police Act 2001. In addition short term Dispersal Zones have and will be used in parts of the town where the break-up of street drinking groups is required to disrupt any emerging patterns of street drinking.
- 7.11 When requested by the police, or other authorities, the Licensing Authority may impose on new applications, or on existing licences at review, conditions requiring:
 - No sales of alcoholic beverages (beers, lagers & ciders) over a specified limit of alcohol by volume or of specified quantities (e.g. of beers, lagers and ciders over 6.0% alcoholic content by volume).
 - No sales of single cans or bottles of beer, lager and cider in containers containing less than 500ml.
 - No sales of miniature bottles of wine or spirit in units of less than 35cl.
 - Other conditions may be imposed directed at reducing problematic street drinking.
 - Conditions stopping irresponsible drink promotions that do not follow best practice, that would appeal to underage drinkers or street drinkers or encourage excessive consumption.
 - Conditions relating to the positioning of alcohol within the shop and the types of displays of alcohol within the store. Particularly those displays that might appeal to younger consumers.
- 7.12 From October 2010 it became a mandatory condition that all licence holders selling alcohol put in place an age verification policy for the premises. In some

The Licensing Unit Adur & Worthing Councils circumstances the Council will impose, where necessary to promote the licensing objectives, implicit conditions on the checking of the age of those who appear under 21 or 25 to ensure that alcohol is not sold to those under 18 years of age.

7.13 Licence holders need to have sufficient day to day control of operations at their premise. They will be held responsible for breaches of the licence and ensuring there is adequate staffing and training. The authorities will continue to use young people for the 'test purchasing' of alcohol and CCTV evidence, which has proved its usefulness in prosecutions for unlawful sales of alcohol. The likely consequences of a review of licence for underage sales include the imposition of additional conditions such as the attendance of a personal licence holder, licence suspensions and in some cases revocation to act as deterrence.

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 Ward Councillor – 2 X Representations Responsible Authorities – 1 X Representation from Sussex Police

7. Relevant Representations

7.1 Detail of the relevant representation received is reproduced at Appendices D, E & F. They are considered to relate to the statutory licensing objectives as follows:

The Prevention of Crime and Disorder.

The Prevention of Public Nuisance

The Protection of Children from Harm

- 7.2 Sussex Police made a representation listing 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 Councillors B. Smytherman and H. Thorpe made representation on behalf of their constituents regarding the high number of stores in the area and the effect this was having on crime & disorder and public nuisance. Their letters highlight the problems they perceive the area suffers with street drinking and have brought the town's 'Enough is Enough' campaign to members' attention. They suggest a number of conditions are imposed consistent with the council's licensing policy regarding off licences for the sub-committee's consideration if they are of a mind to grant the application.
- 7.4 One letter of representation was received from a member of the public who runs a business in the vicinity.

7.5 All those making relevant representation have been invited to attend this hearing.

8. Mediation

- 8.1 The Licensing Act 2003 encourages mediation.
- 8.2 The applicant and Sussex Police have been in mediation and agreement has been reached with the applicant volunteering all the conditions requested by Sussex Police: These being:
 - The removal of the non-standard timing aspect of the application
 - Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems, operated and maintained throughout the premises internally to cover all public areas including, as a minimum, the entrance to the premises and the servery counter. The system shall be on and recording at all times the premises licence is in operation. The CCTV cameras and recording equipment must be of a sufficient quality to work in all lighting levels inside the premises at all times. CCTV footage will be stored for a minimum of 28 days. The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these will be checked regularly to ensure their accuracy. Subject to Date Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police. Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.
 - Spirits will be stored and displayed behind the servery, or out of the reach of the public.
 - No more than 20% of the area available for display of retail goods will be used for the display of alcohol products
 - Alcohol shall not be located within a 3 metre radius of the front entrance other than behind the servery counter and shall be in an area in which it can easily be monitored by staff on a frequent and daily basis at times when licensable activities are taking place.
 - The premises shall at all times maintain and operate a sales refusals log and an incident log which will be kept on the premises to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be made available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers
 - The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25(or the age set by the policy) will be asked for photographic ID to prove their age. The only form of ID that will be accepted are passports, driving licences with a photograph or Citizen card or validated proof of age cards bearing the "PASS" mark hologram. The list of approved ID may be amended or revised subject to prior written agreement with Sussex Police. Signage advertising the "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale and the area where the alcohol is displayed, as a minimum
 - All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-

The Licensing Unit Adur & Worthing Councils restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more three months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.

• A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. This shall be made available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.

These would become enforceable conditions of any licence granted and therefore Sussex Police have withdrawn their representation.

- 8.3 Officers have been in mediation with the applicant on behalf of the ward councillors and agreement has been reached with the applicant volunteering all the conditions requested by Cllrs. Smytherman and Thorpe. These being:
 - No sales of alcoholic beverages (beer, lager & cider) over 6.0% ABV (alcohol by volume) in containers (cans or bottles) containing less than 500ml.
 - No sales of single cans or bottles of beer, lager and cider in containers containing less than 500ml. Sales of such cans & bottles to be made in multiple packs of a minimum of 4.
 - No sales of miniature bottles of wine or spirit in units of less than 35cl.
 - No sales of strong ciders over 6% alcohol by volume.
 - The store will sign up to the 'Enough is Enough' responsible retailing charter and attend their training courses and fully adhere to the principles set out in the charter.
 - All staff involved in serving alcohol to receive on-going training that covers licensing law and responsible sale. The store will maintain suitable records that demonstrate that such training has been given to each member of staff.

These would become enforceable conditions of any licence granted and therefore both Councillors have withdrawn their representation.

8.4 The mediated agreements are shown at **Appendix G**. Officers are unaware of any further mediation at the time this report was drafted but will report any developments to members at the hearing.

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 agreements 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.
- 9.4 Members are required to give reasons for their decision.

10. Legal Implications

- 10.1 Under Section 181 and Schedule 5 of the Act, the following rights of appeal to the Magistrates' Court in respect of applications for a premises licence includes:
 - (1) The applicant may appeal against any decision to modify the conditions of the licence.
 - (2) The applicant may appeal against a rejection in whole or part of an application.
 - (3) A person who has made relevant representations may appeal against a licence being granted, or against the modification or lack of modification of any conditions.
- 10.2 Members are reminded that the Act allows for the local licensing authority to undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police, or the fire authority, or any other person, such as a resident living in the vicinity of the premises. The Government's guidance states: *"The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. It is the existence of these procedures which should, in general, allow licensing authorities to apply a light touch bureaucracy to the grant and variation of premises licences by providing a review mechanism when concerns relating to the licensing objectives arise later in respect of individual premises."*
- 10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.
- 10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 10.5 All applications, before Committee, must be considered against the backdrop of

anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.

10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from interested parties and the responsible authorities particularly the Police.

11. Other Implications

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

12. Recommendation

12.1 Members are requested to determine the application for a new Premises Licence made by Rabbi Dadoun for his convenience store currently known as Bargain Booze situated at 4-6 South Street, Tarring, 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 <u>simon.jones@adur-worthing.gov.uk</u>

Background Papers:

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003
 <u>https://www.gov.uk/government/publications/licensing-act-2003-amended-guidance-issued-under-</u>
 section-182
- Worthing Borough Council's Statement of Licensing Policy
 <u>http://www.adur-worthing.gov.uk/licensing-and-permits/consultations-policy-forum/policy-and-forum/</u>

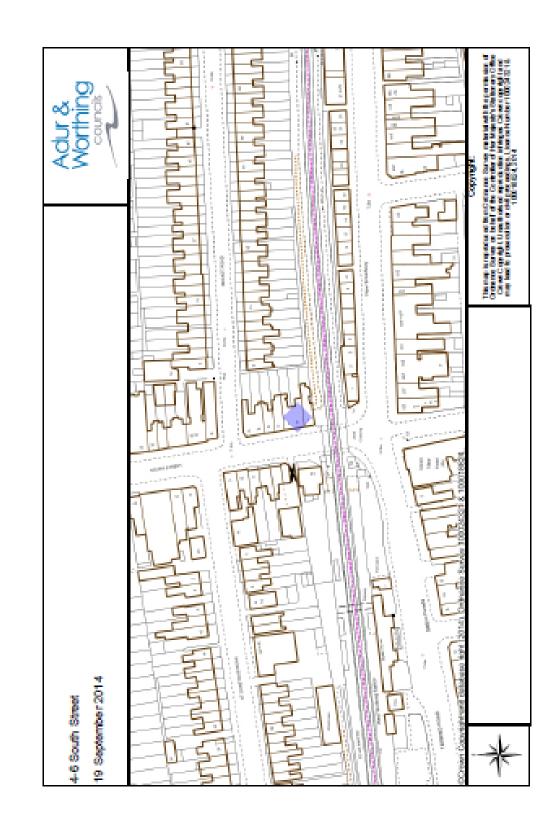
Appendices:

- Appendix A Plan of area.
- Appendix B Plan of the building.
- Appendix C The Application Form.
- Appendix D Representation received from Sussex Police
- Appendices E1&2 Representations from Cllrs. Smytherman & Thorpe
- Appendix F Representation from a member of public.
- Appendix G Mediated agreements

Commerce Way, Lancing

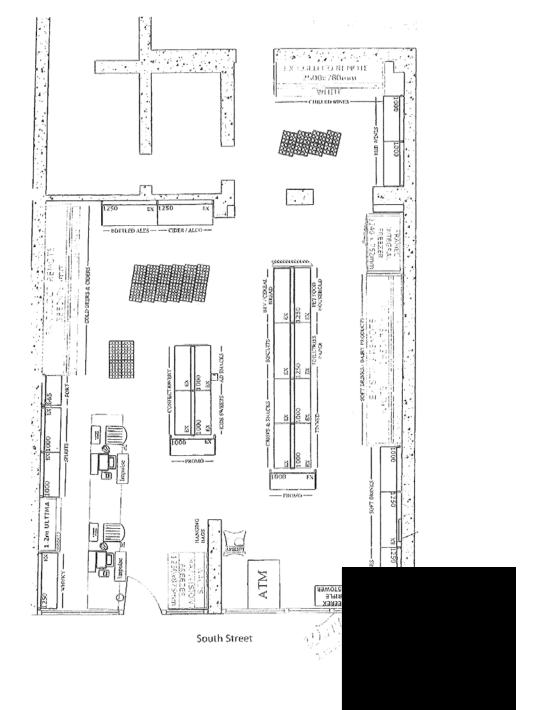
Ref: SJ/Lic.U/LA03/NEW – Bargain Booze Date: 4 November 2014.

Appendix A Plan of Area



Appendix B Plan of Premises





The Licensing Unit Adur & Worthing Councils

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Appendix C Application

Adur & Worthing Cour Licensing Unit RECEIVED 19 SEP 2013 Worthing	Adur & Worthing Council EHLAGODAING Unit RECEIVED INSTRICT COUNCIL
9 Commerce Way, Lancing, B	N15 8TA
Licensing Act 2003 - New Premises Licence Application Application Form & Designated Premises PLEASE READ THE FOLLOWING INSTE Before completing this form blease read the guidance notes at If you are completing this form by hand please write legibly in h answers are inside the boxes and written in black ink. Use add You may wish to keep a copy of the completed form for your re	pack including Supervisor Consent RUCTIONS FIRST the end of the form. block capitals. In all cases ensure your litional sheets if necessary.
I/We AABBI MOSHE DADO apply for a premises licence under section 17 of the Li described in Part 1 below (the premises) and I/we are ma- relevant licensing authority in accordance with section 12 Part 1 - Premises Details Postal address of premises or, if none, ordnance survey m 4/6 South street, TARING Worthing W.SUSSEX	ap reference or description
Post town West Sussex Post code	BNIG 72H
Telephone number at premises (if any)	
Non domestic rateable value of premises	
Part 2 – Applicant Details	
Part 2 – Applicant Details Please state whether you are applying for a Premises Licence a	35:
Please state whether you are applying for a Premises Licence a	
Please state whether you are applying for a Premises Licence a a) an individual or individuals* b) a person other than an individual* i. as a limited company ii. as a partnership iii. as an unincorporated association or	Please tick ✓ please complete section (A) please complete section (B) please complete section (B) please complete section (B)
Please state whether you are applying for a Premises Licence a a) an individual or individuals* b) a person other than an individual* i. as a limited company ii. as a partnership	Please tick ✓

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 Surname	Miss Ms First names	Other title (for example, Rev) Please tick ✓
I am 18 years old or over		
Current postal address if different from premises address		
Post Town	Postcode	LONDON
Daytime contact telephone number	r [
Email address (optional)	E	

Part 3 Operating Schedule

		Day Month		nth	Year			
When do you want the premises licence to start?			Л	0	2	O	l	Ч
	Day		Mor	nth	Yea	r		
If you wish the licence to be valid only for a limited period, when do you want it to end?	_							
If 5000 or more people are expected to attend the premi- state the number expected to attend	ses a	t any	one	time,	pleas	e -		
Please give a general description of the premises (please read guidance note 1)								
very Small super market.								
it had before PREMISES Licence. a new set up.								
a new set up.								

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, fil box H)	l in				
Provision of entertainment facilities:						
i)	making music (if ticking yes, fill in box l)					
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, fi in box K)	11				
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

.

IVI					
Sale	of alcohol		Will the sale of alcohol be for consumption on or off	On the premises	
Standa	ard days and t	imings	the premises or both – please tick (\checkmark) (please read	Off the premises	1
(please read guidance note 6)		ce note 6)	guidance note 7)		<u> </u>
Day	Start	Finish		Both	
Mon	0 7,00	93:00	State any seasonal variations for the sale of alcohol (pla	ease read guidance not	te 4)
Tue	07.00	23,00			
Wed	07.00	23,00			
Thur	07,00	23,00	Non standard timings. Where you intend to use the pre alcohol at different times to those listed in the column o (please read guidance note 5)		
Fri	07,00	23,00			
Sat	09:00	92.00			
Sun	03.00	21.00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

N/I

Address

not yet to be advise.

Postcode

Personal licence number (if known)

Issuing licensing authority (if known)

Ν

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)

Mone

0			
open Standa	s premise to the pul ard days and t e read guidan	b lic limings	State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07**	23 -	
Tue	07 90	23=	
Wed	0722	23 **	Non standard timings. Where you intend to open the premises to be open to the
Thur	0720	23:-	public at different times from those listed in the column on the left, please list. (please read guidance note 5) CL we fixed from year tailing 2° .
Fri	0700	232	Ch. We 4 Mart 1
Sat	03.00	22 ==	· ·
Sun	09 °°	21:2	

Ρ

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)

To Give nice and respectable	Sorvise
to all.	

b) The prevention of crime and disorder

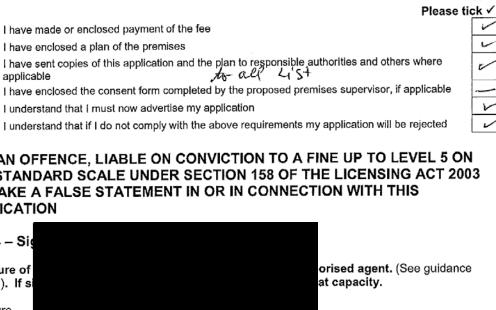
to speak polite and have cet v - that we have already.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

The Licensing Unit Adur & Worthing Councils



EH/LA/App04

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 – Sig	
Signature of note 11). If si	orised agent. (See guidance at capacity.
Signature	
Date	2014
Capacity	
For joint applications signature of 2 nd applicant agent. (please read guidance note 12). If signing capacity.	or 2 nd applicant's solicitor or other authorised on behalf of the applicant please state in what
Signature	
Date	
Capacity	
Contact Name (where not previously given) and this application (please read guidance note 19)	
Rabbi Moste DAD	SOUN .
¥ -	
Post town Windon	Post code
Telephone number (if any)	
lf yo	(optional)

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Appendix D

MEMORANDUM

To: Simon Jones, Licensing Officer, Worthing & Adur Councils.

From: West Sussex Neighbourhood Licensing Team

Extension: 01273 404030 Date: 2nd October 2014

Dear Mr Jones

<u>Application for a Premises Licence to be granted under the Licensing Act 2003 for</u> <u>4/6 South Street, Tarring, Worthing, West Sussex, BN14 7LH</u>

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

Although Sussex Police are, in principle, not opposed to this application, the steps proffered in the operating schedule are considered insufficient to fully address the licensing objectives and the Non Standard Timings requested for Christmas and New Year's Eve and deemed inappropriate.

These premises are located within in an area which is sensitive to drink related crime and disorder, and being located within just a twenty minute walk from Worthing Town Centre also suffers from antisocial behaviour associated with street drinking. Indeed only fairly recently the premises were indirectly linked to such issues.

Sussex Police, as well as requiring the removal of the non-standard timing aspect of the application, will therefore require that the following conditions are attached to the premises licence. These conditions are considered to be clear, concise and enforceable and therefore appropriate to ensure the licensing objectives are promoted.

- Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems, operated and maintained throughout the premises internally to cover all public areas including, as a minimum, the entrance to the premises and the servery counter. The system shall be on and recording at all times the premises licence is in operation.
- The CCTV cameras and recording equipment must be of a sufficient quality to work in all lighting levels inside the premises at all times.
- CCTV footage will be stored for a minimum of 28 days
- The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
- The CCTV images will record and display dates and times, and these will be checked regularly to ensure their accuracy.

The Licensing Unit Adur & Worthing Councils

- Subject to Date Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
- Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.
- Spirits will be stored and displayed behind the servery, or out of the reach of the public.
- No more than 20% of the area available for display of retail goods will be used for the display of alcohol products
- Alcohol shall not be located within a 3 metre radius of the front entrance other than behind the servery counter and shall be in an area in which it can easily be monitored by staff on a frequent and daily basis at times when licensable activities are taking place.
- The premises shall at all times maintain and operate a sales refusals log and an incident log which will be kept on the premises to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be made available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers
- The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under 25(or the age set by the policy) will be asked for photographic ID to prove their age.
- The only form of ID that will be accepted are passports, driving licences with a photograph or Citizen card
 or validated proof of age cards bearing the "PASS" mark hologram. The list of approved ID may be
 amended or revised subject to prior written agreement with Sussex Police.
- Signage advertising the "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale and the area where the alcohol is displayed, as a minimum
- All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more three months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
- A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. This shall be made available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.

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

Yours sincerely

Chief Inspector Banks District Commander Sussex Police.

Appendix E1

From: Robert Smytherman
Sent: 20 October 2014 08:52
To: Simon Jones
Cc: Hazel Thorpe; Norah Fisher
Subject: Bargain Booze off licence in South Street, Tarring in Tarring Ward

Dear Mr Jones

Re: Premise Licence of Bargain Booze South Street, Tarring Worthing

Please accept this letter as a representation regarding the above application.

I am a ward councillor representing the residents of Tarring Ward in Worthing. This new store is situated within my ward in an area containing a large number of similar stores selling alcohol and this is causing concern to a number of the local residents and businesses and more recently the Tarring Community Forum also raised their concerns.

Worthing suffers from a high level of crime & disorder associated with street drinkers & drunks. I support the 'enough is enough' campaign attempting to assist off licence premises stop the supply of alcohol to the street drinking fraternity.

Worthing Borough Council's Statement of Licensing Policy contains a number of conditions designed to address street drinking and the sale of alcohol to drunks from 'off licences' (section 7.11). I would like the following conditions suggested by the council's licensing policy added to the Premise Licence of the Bargain Booze Convenience Store in Tarring to act as a deterrent to street drinkers from using the store:

- No sales of alcoholic beverages (beer, lager & cider) over 6.0% ABV (alcohol by volume) in containers (cans or bottles) containing less than 500ml.
- No sales of single cans or bottles of beer, lager and cider in containers containing less than 500ml. Sales of such cans & bottles to be made in multiple packs of a minimum of 4.
- No sales of miniature bottles of wine or spirit in units of less than 35cl.
- I would also suggest that the strong brands of cider sold in 1 litre to 2 litre bottles and favoured by the street drinkers are not supplied by the store so suggest the following condition:
- No sales of strong ciders over 6% alcohol by volume.

In addition I would like to see the management of the store actively involved in the addressing of the issue of street drinking in the area and so suggest the imposing of the following condition:

• The store will sign up to the 'Enough is Enough' responsible retailing charter and attend their training courses and fully adhere to the principles set out in the charter.

- All staff involved in serving alcohol to receive on-going training that covers licensing law and responsible sales
- Maintain suitable records that demonstrate that such training has been given to each member of staff.

I ask for these conditions to be imposed as we have a known problem with Street Drinkers in the town which tends to spill over in to Tarring. Having these conditions will reduce Crime and Disorder in the vicinity and it will ensure that at least three of the four licensing objectives are met by this store.

Yours truly

Cllr Robert J Smytherman

Tarring Ward

Worthing Borough Council



From: Hazel Thorpe Sent: 22 October 2014 17:25 To: Simon Jones Subject: Re: Bargain Booze off licence in South Street, Tarring in Tarring Ward

Hello Simon, I am adding my name to Bob's because I have personally been asked by more than 3 different residents to bring this issue to the notice of the police panel. It was discussed at the last NHW meeting and we agreed to ask for more monitoring. So named support!

Thanks

Hazel

Cllr. Hazel Thorpe Tarring Ward Worthing Borough Council

From: Robert Smytherman
Sent: 20 October 2014 08:52
To: Simon Jones
Cc: Hazel Thorpe; Norah Fisher
Subject: Bargain Booze off licence in South Street, Tarring in Tarring Ward

Dear Mr Jones

Re: Premise Licence of Bargain Booze South Street, Tarring Worthing

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- Maintain suitable records that demonstrate that such training has been given to each member of staff.

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Yours truly

Cllr Robert J Smytherman

Tarring Ward Worthing Borough Council

Appendix F

29/09/14

The Wine Centre 21 South Street Tarring West Sussex BN14 7LG

Dear Sir/Madam

I am writing to register my objection to the application for the premises 4-6 Tarring road, The basis for this opposition is that granting a license for this premises I feel will not promote the licenses objective particularly the prevention of crime, disorder and anti-social behaviour.

Granting another license will provide another source of alcohol to the area, when already the area is populated with many license premises providing alcohol from 10am to 11pm Monday through to Sunday.

I feel that the residents in this area already suffer with anti-social behaviour and noise pollution brought on by the wide range of license premises in the area and adding another license premises that already has a bad reputation will only bring extra nuisance to the area.

I would urge the licensing committee to look at all the previous complaints that this premises has had and why it has had its license revoked on many occasions yet it is granted back to the same management under different names each time, to consider refusing the application.

Kind regards

From: mosheAviram Dadoun [mailto
Sent: 03 November 2014 14:13
To: Simon Jones
Subject: Re: LA 2003 - Application for a Premises Licence at 2-6 South Street, Tarring

Hi Dear Mr Jones Yes, I accept and agree Regards. Rabbi m.dadoun

Sent from my HTC

----- Reply message -----From: "Simon Jones" <<u>Simon.Jones@adur-worthing.gov.uk</u>> To: "'mosheAviram Dadoun'" Subject: LA 2003 - Application for a Premises Licence at 2-6 South Street, Tarring Date: Mon, Nov 3, 2014 14:04

Dear Rabbi Moshe Dadoun

Thank you for your email. I appreciate you have agreed the Police conditions but for clarification can I confirm that you are accepting the following as enforceable conditions of licence?

- No sales of alcoholic beverages (beer, lager & cider) over 6.0% ABV (alcohol by volume) in containers (cans or bottles) containing less than 500ml.
- No sales of single cans or bottles of beer, lager and cider in containers containing less than 500ml. Sales of such cans & bottles to be made in multiple packs of a minimum of 4.
- No sales of miniature bottles of wine or spirit in units of less than 35cl.
- No sales of strong ciders over 6% alcohol by volume.
- The store will sign up to the 'Enough is Enough' responsible retailing charter and attend their training courses and fully adhere to the principles set out in the charter.
- All staff involved in serving alcohol to receive on-going training that covers licensing law and responsible sale. The store will maintain suitable records that demonstrate that such training has been given to each member of staff.

Regards

Simon Jones - Senior Licensing Officer

Adur District & Worthing Borough Councils

Location: The Licensing Unit, 9 Commerce Way, Lancing, BN15 8TA Phone: 01273 263191 (Internal: 63191) E-mail: <u>simon.jones@adur-worthing.gov.uk</u> Website: <u>www.adur-worthing.gov.uk/licensing-and-permits</u>

From: mosheAviram Dadoun [Sent: 23 October 2014 23:42 To: Simon Jones Subject: RE: LA 2003 - Application for a Premises Licence at 2-6 South Street, Tarring

The Licensing Unit Adur & Worthing Councils Dear Mr.S.Jones

thanks for your letter

I would like to confirm that i agree and accept all the conditions and i will act accordingly.

regards

rabbi moshe dadoun

From: Simon.Jones@adur-worthing.gov.uk

To:

CC: <u>David.Whitcombe@sussex.pnn.police.uk</u>; <u>Theresa.Cuerva@adur-worthing.gov.uk</u>; <u>Linda.Halford@adur-worthing.gov.uk</u> Subject: LA 2003 - Application for a Premises Licence at 2-6 South Street, Tarring

Date: Thu, 23 Oct 2014 11:30:02 +0000

Dear Rabbi Moshe Dadoun

Re: Licensing Act 2003 - Application for a Premises Licence 4-6 South Street, Worthing

I am on annual leave next week so I'm writing to you prior to consultation on this application closing at midnight on Saturday. If further representation is received between now and Saturday copies will be forwarded.

The application has so far attracted four individual letters of representation. Two representations from the ward councillors, One from a member of the public and a representation from Sussex Police. The representations are linked to concerns regarding:

- Prevention of Crime & Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The representation from Sussex Police requested the following:

- The removal of the non-standard timing aspect of the application
 - Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV Systems, operated and maintained throughout the premises internally to cover all public areas including, as a minimum, the entrance to the premises and the servery counter. The system shall be on and recording at all times the premises licence is in operation.
 - The CCTV cameras and recording equipment must be of a sufficient quality to work in all lighting levels inside the premises at all times.
- CCTV footage will be stored for a minimum of 28 days
 - The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

The Licensing Unit Adur & Worthing Councils

- The CCTV images will record and display dates and times, and these will be checked regularly to ensure their accuracy.
- Subject to Date Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
- Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.
- Spirits will be stored and displayed behind the servery, or out of the reach of the public.
- No more than 20% of the area available for display of retail goods will be used for the display of alcohol products
- Alcohol shall not be located within a 3 metre radius of the front entrance other than behind the servery counter and shall be in an area in which it can easily be monitored by staff on a frequent and daily basis at times when licensable activities are taking place.
- The premises shall at all times maintain and operate a sales refusals log and an incident log which will be kept on the premises to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be made available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers
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- The only form of ID that will be accepted are passports, driving licences with a photograph or Citizen card or validated proof of age cards bearing the "PASS" mark hologram. The list of approved ID may be amended or revised subject to prior written agreement with Sussex Police.
- Signage advertising the "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale and the area where the alcohol is displayed, as a minimum
- All staff members engaged, or to be engaged, in selling alcohol on the premises shall
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 of no more three months. All restricted sales training undertaken by staff members shall be
 fully documented and signed by the employee and the DPS. All training records shall be
 made immediately available upon request to the Local Authority Licensing Officers and
 Sussex Police Licensing Officers.
- A written record of those authorised to make sales of alcohol shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. This shall be made available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.

I am aware that you have been in mediation with Sussex Police and have now agreed that these will be added as enforceable conditions of licence to any licence that may be granted. Sussex Police have as a result withdrawn their reputation.

As you are aware the Licensing Act encourages mediation and if all representations are addressed during mediation a licence can be granted without need for a hearing. However, with the number of letters involved I think the success of mediation is unlikely. I have enclosed copies of all the representations for your reference. The ward councillors representations are relatively straight forward as they are asking the committee to impose a number of conditions but as I've stated the other would appear to be of a nature that mediation is unlikely to produce a result but if you think mediation might satisfy the letters of objection you are welcome to contact the author directly or I am prepared to do so on your behalf if you contact me.

If agreement cannot be reached, which I think looks unlikely, the applicant and those making representation will be given the opportunity to put the arguments to members of the Licensing & Control Sub-Committee at a hearing scheduled for 18.30hrs at Worthing Town Hall on Thursday 20 November 2014 and they will decide the application. The Legal Notices will be sent to you in due course.

If you want to discuss please do not hesitate to contact me on the number below.

Regards

Simon

Simon Jones - Senior Licensing Officer

Adur District & Worthing Borough Councils

Location: The Licensing Unit, 9 Commerce Way, Lancing, BN15 8TA Phone: 01273 263191 (Internal: 63191) E-mail: <u>simon.jones@adur-worthing.gov.uk</u> Website: <u>www.adur-worthing.gov.uk/licensing-and-permits</u>