



Communities Directorate

13 May 2015

Licensing and Control Sub-Committee

Date: 13 May 2015

Time: 6.30pm

Venue: Council Chamber, Worthing Town Hall

Committee Membership: Councillors Paul High (Chairman), Diane Guest, Susan Jelliss

*This licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Councillor being unable to attend, their place will be taken by another Councillor taken from the membership of the full Licensing and Control Committee - B. In the event of this happening all parties will be informed of the change of membership at the beginning of the meeting.

Agenda

Part A

1. Declarations of Interest / Substitute Members

Members and Officers are invited to make any declarations of disclosable pecuniary interests that they may have in relation to any items on this Agenda. The declaration should refer both to the nature of the interest as well as its existence.

Members and Officers may seek advice upon any relevant interest from a Legal or Democratic Services Officer prior to the meeting.

Any substitute members should declare their substitution if appropriate.

2. Application for a new premises Licence

Venue: Central Pavilion, Beach House Park, Lyndhurst Road, Worthing, BN11 2DB

Part B - Not for Publication – Exempt Information Reports

None

For Democratic Services enquiries relating to this meeting please contact:

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**Licensing Act 2003 – Application for a new Premises Licence at:
Central Pavilion, Beach House Park, Lyndhurst Road, Worthing, BN11 2DB**

Report by the Director for Communities

1. Recommendation

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

Mr Seamus Kirk

for a new Premises Licence to authorise the sale of alcohol, for consumption on the premise, and the provision of regulated entertainment.

2. Reasons for Hearing

- 2.1 The application has been the subject of formal representation by two responsible authorities and a local resident. It therefore falls to this sub-committee to determine.

3. Background

- 3.1 The proposed café/function room is to be situated in the existing pavilion in the grounds of Beach House Park. It will comprise of a ground floor café with first floor function room and outside patio area.
- 3.2 The application was made by Mr Kirk to Worthing Borough Council on the 16 March 2015 for a new Premises Licence to authorise the sale of alcohol, for consumption on the premise, at a proposed new supermarket.
- 3.3 Documentation attached to the report are:
- Map of the area (Appendix A)
 - Plan of the venue (Appendix B)
 - The application (Appendix C)
 - Representations made by the Responsible Authorities (Appendix D)
 - Representation made by the local resident (Appendix E)
 - Mediation correspondents (Appendices F)

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:
12.00hrs and 23.00hrs Monday to Sunday incl.
- the provision of regulated entertainment in the form of recorded music & dance between the hours of:
07.00hrs and 23.00hrs Monday to Sunday incl.
- It is proposed that the venue could open to the public between:
07.00hrs and 23.30hrs Monday to Sunday incl.

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 Mr Seamus Kirk, who holds a personal licence issued by the Guildford Borough 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:

- prevention of crime and disorder;
- public safety;
- prevention of public nuisance;
- 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).*

SPECIFIC CONSIDERATIONS

On sales of alcohol – Public Houses & 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
Responsible Authorities – 2 X Representations (Sussex Police & the Environmental Protection Team)

7. Relevant Representations

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

Prevention of Crime and Disorder.

Prevention of Public Nuisance

Protection of Children from Harm

7.2 The Environmental Protection Team made a representation recommending a maximum noise limit that they considered required to enable this premise to meet the licensing objectives if members were of a mind to grant a licence. This being:

The level of music played within the premises shall not exceed a level of 55dB LAeq, measured at a height of 1.5m at any position on the boundary of Beach House Park, Lyndhurst Road.

7.3 Sussex Police made a representation listing a number of conditions that they considered required to enable this premise to meet the licensing objectives if members were of a mind to grant a licence. These being:

- *A list of staff members who are authorised to sell alcohol on the premises shall be kept. Each of these staff members shall receive full training pertinent to the*

Licensing Act, specifically in regard to 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 than twelve (12) weeks. 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 kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.

- *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. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the ‘PASS’ mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.*
- *Any patron under the age of 18 years must be accompanied by a responsible person aged 18 or over after 2100hours.*
- *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 eight (8) 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 kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers*
- *There shall be no vertical drinking at the premises; alcohol may only be supplied by waiter/waitress service to persons at a table as an ancillary to food.*
- *The Function room may only be used (for licensable activities) when a pre- planned and pre booked private function is taking place. The premises may have no more than 25 ‘Pre Planned Functions’ in a calendar year, a written log of all events must be maintained. These records shall be made available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.*
- *The outside area will be closed will be closed from 2200hrs daily for licensable activities.*
- *The bar counter shall only be used to serve customers and shall not be used as a table for meals.*
- *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. 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 sufficient quality to work in all lighting levels inside the premises at all times.*
 - *CCTV footage will be stored for a minimum of 31 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 times will be checked regularly to ensure their accuracy.*
- *Subject to Data 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 & remedied as soon as practicable*

7.4 A letter of representation was received from a local resident, [REDACTED], objecting to the application.

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 the Environmental Protection Team have been in mediation and agreement has been reached with the applicant volunteering the suggested maximum noise limit as detailed at 7.2. This would become an enforceable condition of any licence granted and as a result the Environmental Protection Team have withdrawn their representation.

8.3 The applicant and Sussex Police have been in mediation and agreement has been reached with the applicant volunteering the majority of conditions requested by Sussex Police with the only amendment being:

- *The outside area will be closed will be closed from 2300hrs daily for licensable activities.*

The conditions at 7.3 with the amendment listed at 8.3 would become enforceable conditions of any licence granted and as a result Sussex Police have withdrawn their representation.

8.4 Mr Kirk has met with [REDACTED] to mediate and whilst he claims their meeting has addressed many of their concerns some issues remain outstanding. Officers have written to [REDACTED] to mediate but their representation remains outstanding. If there are developments it will be reported to members prior to or 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 any 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:

- Grant the licence, as requested,
- Grant the licence, as requested, with additional conditions appropriate to the promotion of the specific licensing objectives on which relevant representations have been received.
- Reject the whole or part of the application.

Members may also:

- Grant the licence but exclude certain licensable activities from the licence,
- Refuse to specify a particular person as a premises supervisor,
- 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 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 Mr Seamus Kirk for his proposed new café/function venue situated in Beach House Park, Worthing and give reasons for that determination.**

John Mitchell
Director for Communities

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:

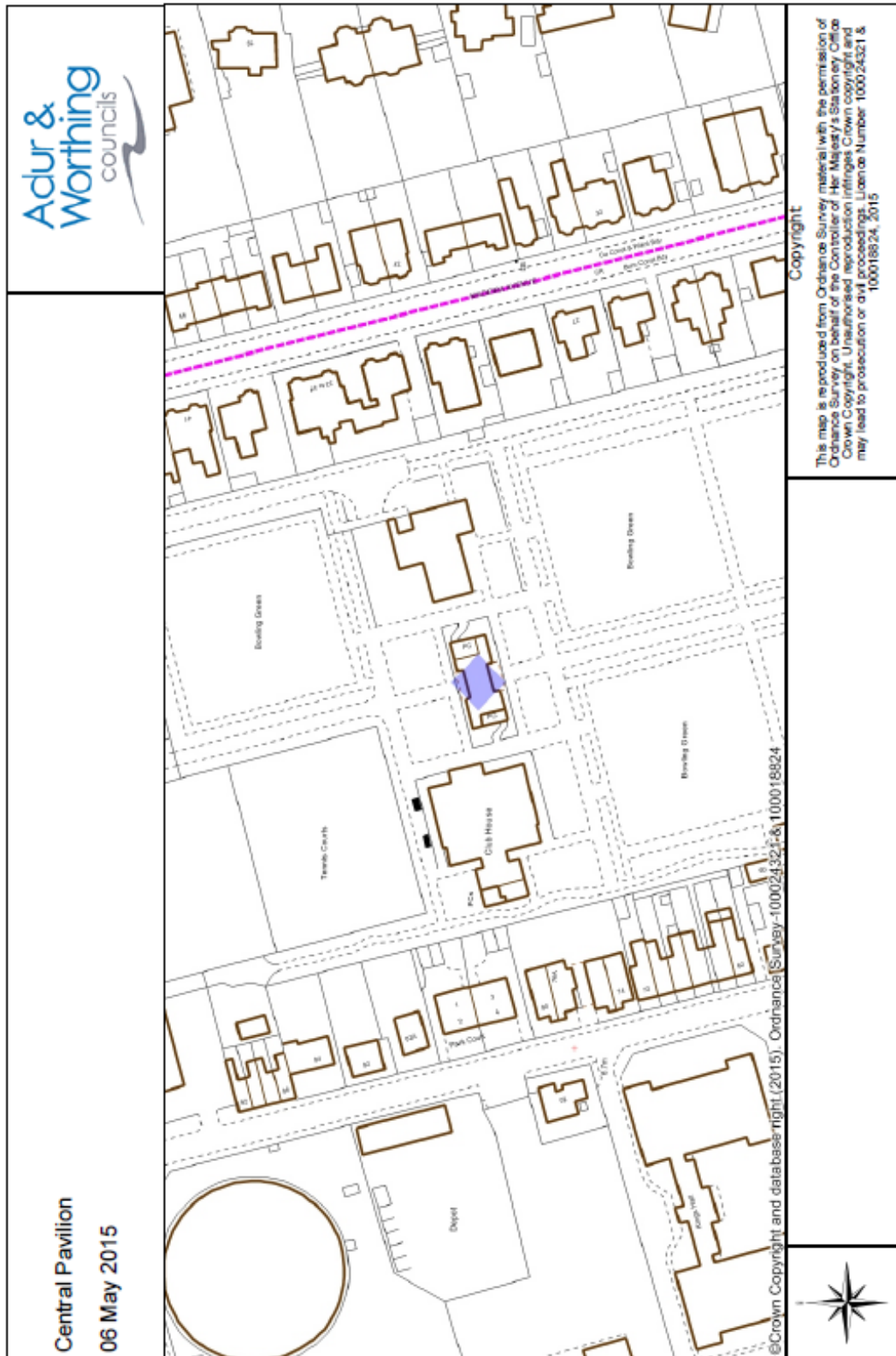
- Appendix A - Map of area.
- Appendix B - Plan of the building.
- Appendix C - The Application Form.
- Appendix D – Representations from Police & Environmental Protection Team
- Appendix E – Representation from member of the public.
- Appendix F – Mediation correspondents

Commerce Way, Lancing

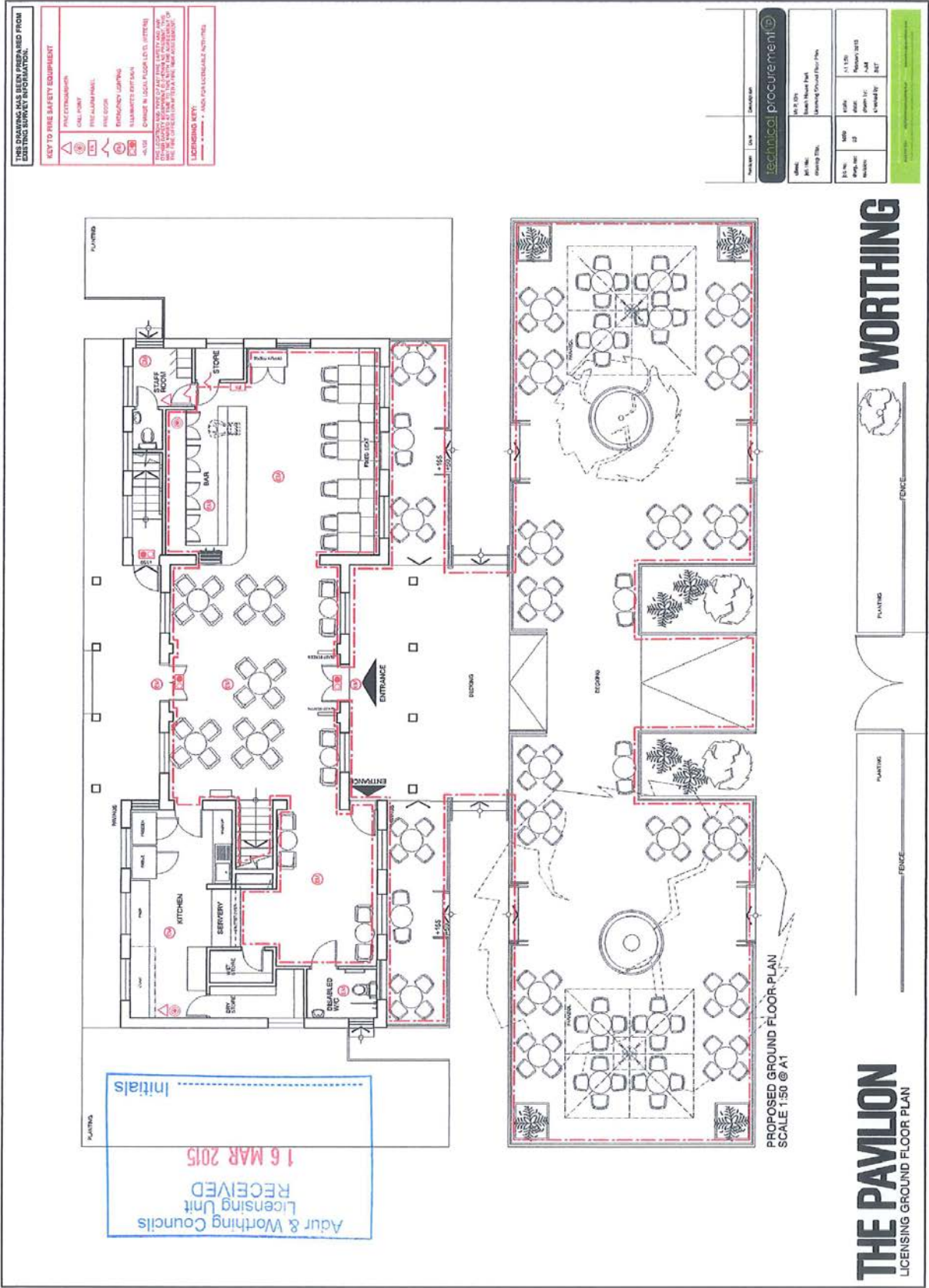
Ref: SJ/Lic.U/LA03/NEW – Central Pavilion

Date: 6 May 2015.

Appendix A Map of Area



Appendix B
Plan of Premises



THIS DRAWING HAS BEEN PREPARED FROM EXISTING SURVEY INFORMATION.

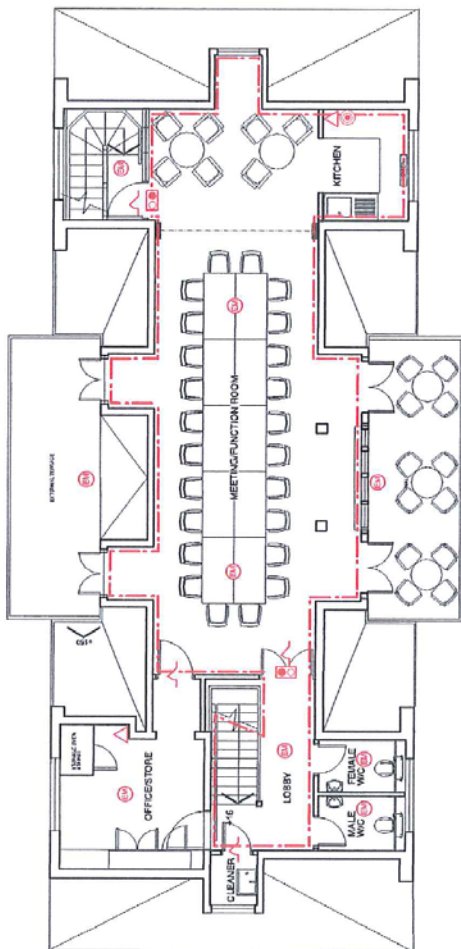
KEY TO FIRE SAFETY EQUIPMENT

FIRE EXTINGUISHER

- SMALL
- FIRE ALARM PANEL
- FIRE DOOR
- EMERGENCY LIGHTING
- ILLUMINATED EXIT SIGN
- CHANGE IN LEVEL FLOOR IS TO LIFTING
- ALL DOORS MUST BE OPEN AT ALL TIMES AND ARE TO BE KEPT OPEN AT ALL TIMES FOR THE DURATION OF THE LICENSING PERIOD UNLESS OTHERWISE SPECIFIED.

LICENSING KEY

- AREA OF A LICENSABLE ACTIVITY



Section	Date	Description
technical procurement		
Client	Adur & Worthing	Adur & Worthing Council
Job Title	Adur & Worthing Council	Licensing First Floor Plan
Job No.	1000	11/15
Drawn by	DR	Checked by
Revised by		Approved by

WORTHING

THE PAVILION
LICENSING FIRST FLOOR PLAN

EH/LA/App04



9 Commerce Way, Lancing, BN15 8TA

**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.....SEAMUS PATRICK KIRK.....
(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 Central Pavilion, Beach House Park, Lyndhurst Road.	
Post town Worthing	Post code BN11 2DB

Telephone number at premises (if any) n/a

Non domestic rateable value of premises £ nil

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* | |
| 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) |

Please tick ✓

*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - Statutory function; or
 - A function discharged by virtue of Her Majesty's prerogative

✓

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname: First names:

I am 18 years old or over

Please tick ✓

✓

Current postal address if different from premises address:

Post Town: Postcode:

Daytime contact telephone number:

Email address (optional):

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
0	1	0	5	2	0	1	5

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend

n/a

The pavilion is an attractive two story Edwardian period building located within Beach House Park,

The pavilion comprises a number of rooms on the ground floor and stairs to an open plan first floor with balconies on the north and south sides. The building belongs to the local authority it is in good order.

It is intended to convert the pavilion into a licensed café with external seating area and the first floor will be a function room. The ground floor will have a capacity of 50 persons, the upstairs approximately 40 and approximately 50-75 externally.

The style of operation will be an upmarket café operation. Similar to the high street chains with the additional of light meals served from the kitchen.

A licence is requested so that the café can serve alcoholic drinks. The café will offer a small selection of wines and bottle beers with low and alcohol free alternatives. Beers will be served in bottles and it is not intended to have draught beers. It is not intended to serve spirits as part of the café service. All alcohol will be served to tables and no upright drinking allowed at counter. It is planned during Summer months to offer Pimms and Mulled wine during the festive period and again these will be served to tables and not available to be consumed at the counter.

The ground floor will have a kitchen and a separate staff changing washing area.

The first floor will be a function room, open plan for meetings, presentations or private functions. There will be no cooking facilities or kitchen on the first floor, just a small area that will have a sink and a service area for teas and coffees. If requested at a private function, then a selection of spirits will be provided, but it is not envisaged to be a frequent occurrence.

What licensable activities do you intend to carry on from the premises?
 (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick ✓

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

Provision of entertainment facilities:

- | | |
|---|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) | <input type="checkbox"/> |

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

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>		
Day	Start	Finish		Outdoors	<input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 3) Piped background music for café area and occasional disco music when private events booked, its is envisaged that a maximum of 12 of these events will be held over a 12 month period	Both	<input type="checkbox"/>		
	07:00hrs	23:00hrs					
Tue							
	07:00hrs	23:00hrs					
Wed				State any seasonal variations for the playing of recorded music (please read guidance note 4)			
	07:00hrs	23:00hrs					
Thur							
	07:00hrs	23:00hrs					
Fri					Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
	07:00hrs	23:00hrs					
Sat							
	07:00hrs	23:00hrs					
Sun							
	07:00hrs	23:00hrs					

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>		
Day	Start	Finish		Outdoors	<input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 3) If function room is booked then dance floor and music will be required Or afternoon tea dance where a quartet may be playing and customers may wish to dance.	Both	<input type="checkbox"/>		
	07:00hrs	23:00hrs					
Tue							
	07:00hrs	23:00hrs					
Wed				State any seasonal variations for the performance of dance (please read guidance note 4)			
	07:00hrs	23:00hrs					
Thur							
	07:00hrs	23:00hrs					
Fri					Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)		
	07:00hrs	23:00hrs					
Sat							
	07:00hrs	23:00hrs					
Sun							
	07:00hrs	23:00hrs					

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	State any seasonal variations for the sale of alcohol (please read guidance note 4)			
Mon	12:00	23:00				
Tue						
	12:00	23:00				
Wed						
	12:00	23:00				
Thur						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)
	12:00	23:00				
Fri						
	12:00	23:00				
Sat						
	12:00	23:00				
Sun						
	12:00	23:00				

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

Name **SEAMUS P KIRK**

Address **[REDACTED]**

Postcode **[REDACTED]**

Personal licence number **[REDACTED]**

Issuing licensing authority **Guildford**

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)

NONE

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	07:00	23:30	As the location is within the park it is envisaged that during Winter months the park will close at sunset.	
Tue				
	07:00	23:30		
Wed				
	07:00	23:30		
Thur				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)
	07:00	23:30		
Fri				
	07:00	23:30		
Sat				
	07:00	23:30		
Sun				
	07:00	23:30		

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)

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

- no selling of alcohol to underage people
- no drunk or disorderly behaviour on the premises area
- vigilance in preventing the use and sale of illegal drugs at the retail area
- no violent and antisocial behaviour
- not to harm any children

Designated manager or supervisor on at all trading hours

Clear "Challenge 25" information to prevent the sale of alcohol to under age drinkers

CCTV system installed with recording option

Effective security at each door and window at the premises

As a licensed premises we know that it is necessary to carry out functions or operate their business with a purpose of promoting these objectives. We promise to support these objectives through all our operating schedules. (including staff training and qualifications, policies and strategic partnerships with other agencies)

b) The prevention of crime and disorder

- CCTV system installed to monitor entrances, exits and other parts of the premises in order to address the prevention of crime objectives
- A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted
- Clear and legible notices warning of potential criminal activity, such as theft, that may target customers will be displayed
- Clear and legible notices informing of premises alarm and CCTV in operation
- Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit

c) Public safety

- Internal and external lighting fixed to promote the public safety objective
- All parts of the premises and all fittings and apparatus therein, door fasteners and notices, lighting, heating, electrical, air conditioning, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

- Delivery of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent any possible disturbance to nearby residents
- Customers will not be admitted to the premises outside the stated opening hours
- The movement of bins and rubbish outside the premises will be kept to a minimum after 23:00 hours

e) The protection of children from harm

- "Challenge 25" sign strategy in place and all staff in a position to serve alcohol to be fully trained
- All the training details in the Training Record Book kept on site
- All Health and Safety requirements complied with and records kept for inspection at any time on site

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 signed by a solicitor, please state in what capacity.

Signature 

Date 16/02/2015

Capacity owner

Appendix D

On Fri, Mar 20, 2015 at 3:18 PM, Nadeem Shad <nadeem.shad@adur-worthing.gov.uk> wrote:

Dear Mr Kirk,

I have been consulted by the Licensing Officer regarding your application for a premises licence.

The Environmental Protection Team has regard to the licensing objective of the prevention of public nuisance. In this case I am looking at the potential for music to cause such a nuisance, in particular the first floor function room. Any potential public nuisance could be reduced by ensuring any music is kept to a sensible level. This could then form part of your operating schedule, under the prevention of public nuisance.

The following amendment is suggested for Part P(d).

The level of music played within the premises shall not exceed a level of 55dB LAeq, measured at a height of 1.5m at any position on the boundary of Beach House Park, Lyndhurst Road.

If you are in agreement with this amendment to the application and operating schedule, please confirm this in writing by return e-mail and I shall make no further representation to the application.

Nadeem Shad
Senior EHO
www.adur-worthing.gov.uk
01273263303



Sussex Police
Serving Sussex

www.sussex.police.uk

MEMORANDUM

To: **Simon Jones, Licensing Manager, Worthing Borough and Adur District Council**

From: **West Sussex Neighbourhood Licensing Team**

Extension: **101 x 581179**

Date: **Thursday 09th April 2015**

Dear Mr Jones,

**APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 FOR
CENTRAL PAVILION, BEACH HOUSE PARK, LYNDHURST ROAD, WORTHING BN11 2DB**

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 and the Protection of Children of Harm.

In principle Sussex Police are not apposed to the application and what it is proposing. The operating schedule provided, identifies a few basic steps however, these require a slight amendment in order to effectively promote the licensing objectives. Sussex Police propose the below conditions, which we believe are enforceable, clear and concise and ensure all four licensing objectives are promoted. These are in keeping with the nature of the business and should not prove onerous as conditions on the licence.

If the applicant is agreeable to the proposed conditions, Sussex Police can resolve this representation.

- A list of staff members who are authorised to sell alcohol on the premises shall be kept. Each of these staff members shall receive full training pertinent to the Licensing Act, specifically in regard to 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 than twelve (12) weeks. 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 kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
- 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. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.
- Any patron under the age of 18 years must be accompanied by a responsible person aged 18 or over after 2100hours.

Listen Inspire confidence Support with information Take ownership Explain Notify people



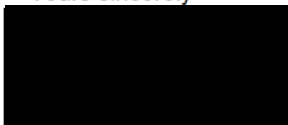
Sussex Police
Serving Sussex

www.sussex.police.uk

- 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 eight (8) 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 kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers
- There shall be no vertical drinking at the premises; alcohol may only be supplied by waiter/waitress service to persons at a table as an ancillary to food.
- The Function room may only be used (for licensable activities) when a pre planned and pre booked private function is taking place. The premises may have no more than 25 'Pre Planned Functions' in a calendar year, a written log of all events must be maintained. These records shall be made available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
- The outside area will be closed will be closed from 2200hrs daily for licensable activities.
- The bar counter shall only be used to serve customers and shall not be used as a table for meals.
- Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. 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 sufficient quality to work in all lighting levels inside the premises at all times.
 - CCTV footage will be stored for a minimum of 31 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 times will be checked regularly to ensure their accuracy.
 - Subject to Data 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 & remedied as soon as practicable

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

Yours sincerely

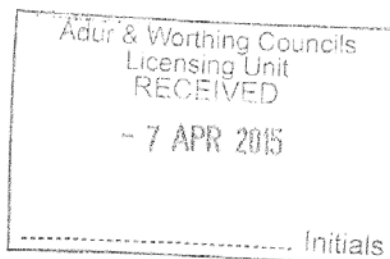


Chief Inspector Banks

Listen Inspire confidence Support with information Take ownership Explain Notify people

The Licensing Unit
Adur and Worthing Councils
9 Commerce Way
Lancing
BN15 8TA

■ Madeira Avenue
Worthing
West Sussex
BN11 2AX



■
7th April 2015

■
Re: New Premises Licence at: Central Pavilion

We write to express our concerns over the proposed licence at the Central Pavilion in Beach House Park.

We reside at ■ Madeira Avenue. We can see the building from our back bedroom and estimate that it is around 200 metres away. We are considerably closer to the car park. We are pensioners and most often we retire to bed before 10.00 pm.

You will appreciate that we are under two difficulties: we have not had sight of the proposed Operating Schedules and we do not know what structural alterations, if any, are proposed for the rest of Beach House Park.

It may be that the Operating Schedules address all or some of our concerns. If they do not, we urge that these issues are at least contained in conditions attached to the licence.

At present Beach House Park has gates which effectively limit its use to between 7.30 am and dusk. The Pavilion is within the gated area. The car park is outside it. The application is for music from 7.00 am, (12.00 for alcohol) to 23.00 for both music and alcohol with an extra ½ hour for the public to be there).

It is unclear whether other Council officers are considering changing the area covered by the fences and gates or the lighting of any part of it or extending the opening hours. For the purposes of this representation, we have assumed that there is no intention to change the gated area and that patrons of the licensed Pavilion will be expected to use the car park entrance during times when the rest of the park is closed. We are aware that the Council's website says it "is currently looking to bring [the Pavilion] it into regular use for a suitable business to operate from". The site also paints in our opinion an accurate picture of the park as an area of peace and relative tranquillity. It specifically refers to the bowls, the horticulture, the tree of life and the pigeon memorial. The site says "Beach House Park is Worthing's Premier Park".

We note that the government has issued Revised Guidance issued under section 182 of the Licensing Act 2003 in March 2015 and that it says: "1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include: protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises."

We express our concerns under each of the statutory heads and under this extension.

The prevention of crime and disorder

We appreciate that the Council tries to accept the advice of the police on matters under this head. It is clear to us that there is a likelihood of crime and/or disorder if alcohol is served in an unlit public park, away from any patrolling police. The crimes we envisage include those relating to drugs and those of a sexual nature including public decency. We anticipate that these crimes will take place in the open air and out of the control of the Pavilion's licensee. Further, we have seen nothing to indicate that there will be any other patrolling or policing of the park. It is likely to be not so much a "no go area" as a "don't go area" for routine inspection.

We note para.4.10 of the Statement of Licensing Policy suggests that adequate seating is a help in reducing "binge drinking". We think that such seating would be difficult to achieve alongside sufficient space for any proposed dancing.

Public safety

As we have said these premises are in the middle of an unlit park. There are several public houses in the vicinity. We instance the Seldon Arms and The Alexandra in Lyndhurst Road and The Royal Oak in Brighton Road. These three are in well lit roads which themselves are policed normally: that is, patrons move immediately from an area under the control of a licensee to a public street. The proposal here is different. We ask, who will assume responsibility for the Pavilion's patrons between the time they leave its premises and the time they get to the street. As far as we know the land is owned by the Council and so maybe it will bear the duty (which may have legal consequences). We note that 2.9 of the Revised Guidance issued under section 182 of the Licensing Act 2003 in March 2015 says that "Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include: ... Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks." We discuss light pollution below.

The prevention of public nuisance

Our concerns under this head centre on the question of noise both from the licensed music and from the car park at the end of each evening.

As far as we know it is fashionable in modern music for there to be an underlying loud bass. This has a capacity to travel longer distances than higher notes. It is our understanding that when these premises were last licensed (before we moved to Worthing) children in houses in our street had to have their bedrooms moved to the front to avoid the noise. We have no wish that any rooms in our house or indeed our garden should be a no go area.

4.22 of the Statement of Licensing Policy says that "Patrons may no longer smoke inside licensed premises and consequently may go outside to smoke. Applicants and existing licence holders are encouraged to assess whether the noise from such patrons could potentially disturb nearby residents and whether there is potential for smoke to drift to nearby residential properties." We accept that smoke is unlikely to be an issue for residents because the gardens of the nearest houses are of the order of 50 metres away from the building.

Noise however is quite a different matter. This will be true both of noise from those just outside because alcohol often increases noise levels and more importantly for us from those using the car park. We are far from clear that we will not hear the closing of cars. We are more concerned about noise in the summer months; currently, it is a pleasant to be able to sleep with a window open.

Further, we enjoy working in our garden and just sitting in it in peace.

In addition to our worries about noise nuisance, we also have concerns about the loss of privacy and peace if the park is equipped with lighting all night or even all evening.

Para.2.14 of the Government's Revised Guidance says "It is ... important that in considering the promotion of this licensing objective, licensing authorities ... focus on the effect of the licensable activities at the specific premises on persons living ... in the area around the premises which may be ... disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter." Our main concern is with noise nuisance and to a lesser extent light pollution. Para.2.16 goes to say noise reduction "might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time."

We add that these premises do not have a garden area but are surrounded by a park. Unless the area is fenced and gated it will not be in the power of the license holder to prevent patrons from going into the rest of the park.

The protection of children from harm

We note that the Council's policy in this area is concerned with underage drinking and similar issues. We have no personal concerns about that except to say we are confident that the Council will be satisfied about compliance before granting any licence.

Para.1.5 of the government's Revised Guidance issued under s.182 of the Licensing Act 2003

Para.1.4 of the Council's Statement of Licensing Policy is in very similar terms: "In addition, the legislation also supports a number of other key aims and purposes. The council considers these vitally important and should be principal aims for everyone involved in licensing work. They include: Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;"

And para.3.5 adds "When considering these conditions, the Council will focus on the four statutory Licensing Objectives ... including the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned."

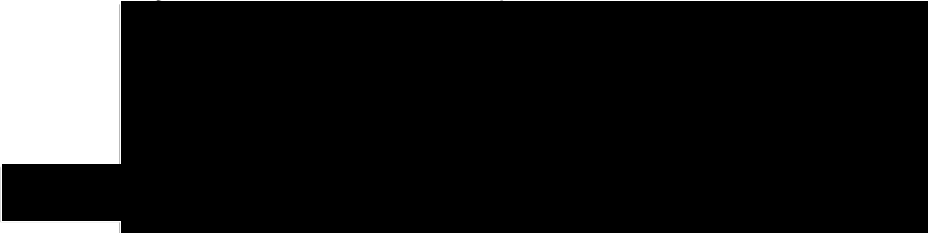
In considering these requirements, we believe that it is important to consider the current uses of the park and impact the grant of the license is likely to have on them.

We have had no opportunity to conduct a valid survey of the use and users of the park. However, as far as we can tell there are three main classes of users throughout much of the day. Each of these classes would have their enjoyment reduced if there were to be significant noise and/or loud music from the Pavilion. The three classes are the bowls players, the

elderly (mainly we think with their homes in the vicinity) and mothers and pre-school children. At weekends and on summer evenings, these are joined by others looking for a peaceful and quiet place to stroll.

As we have said we ourselves are pensioners and as the Council website says "The park is used as a walkthrough to the beach, nearby Splash Point swimming pool and the hospital." We too use the park to get to the beach. We are also grateful for the provision of numerous benches which we and others use just to watch a bit of the world go by.

Yours Sincerely



Simon Jones

From: Nadeem Shad
Sent: 24 March 2015 09:23
To: Simon Jones; Licensing Unit
Subject: Fwd: Application for Premises Licence - Central Pavillion Beach House Park

Licensing Act 2003
Application for a Premises Licence - Central Pavilion, Beach House Park, Lyndhurst Road, Worthing,

I refer to the above application copied to us for comment.

The Environmental Protection Team had some concerns regarding the potential for music to cause a public nuisance, particularly from the first floor function room. We raised this matter with the applicant and he has agreed to the following amendment to Part P(d) of the operating schedule.

The level of music played within the premises shall not exceed a level of 55dB LAeq, measured at a height of 1.5m at any position on the boundary of Beach House Park, Lyndhurst Road.

As a result of this amendment we have no further comments.


Nadeem Shad
Senior EHO
www.adur-worthing.gov.uk
01273263303


----- Forwarded message -----

From: seamus kirk [REDACTED]
Date: 23 March 2015 at 16:22
Subject: Re: Application for Premises Licence - Central Pavillion Beach House Park
To: Nadeem Shad <nadeem.shad@adur-worthing.gov.uk>
Cc: Simon Jones <Simon.Jones@adur-worthing.gov.uk>

Hi Nadeem, thank you for responding. Yes I am happy to incorporate your suggested amendment into our operating schedule. What is the process of going about this?

Seamus

 **Helen.Manley@sussex.pnn.police.uk**
to seamuskirk10, me

21 Apr (2 days ago) ☆ 

Afternoon,


Thankyou for showing us around please see below the conditions with the requested amendments. As discussed if you are happy with these please could you email myself and Simon Jones to confirm.

- A list of staff members who are authorised to sell alcohol on the premises shall be kept. Each of these staff members shall receive full training pertinent to the Licensing Act, specifically in regard to 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 than twelve (12) weeks. 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 kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
- 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. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.
- Any patron under the age of 18 years must be accompanied by a responsible person aged 18 or over after 2100hours.
- 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 eight (8) 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 kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers
- There shall be no vertical drinking at the premises; alcohol may only be supplied by waiter/waitress service to persons at a table as an ancillary to food.
- The Function room may only be used (for licensable activities) when a pre planned and pre booked private function is taking place. The premises may have no more than 25 'Pre Planned Functions' in a calendar year, a written log of all events must be maintained. These records shall be made available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
- The outside area will be closed will be closed from 2300hrs daily for licensable activities.
- The bar counter shall only be used to serve customers and shall not be used as a table for meals.
- Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. 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 sufficient quality to work in all lighting levels inside the premises at all times.
 - CCTV footage will be stored for a minimum of 31 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 times will be checked regularly to ensure their accuracy.
 - Subject to Data 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 & remedied as soon as practicable

Kind Regards

Helen

Helen Manley
Assistant Licensing Officer



 **Helen.Manley@sussex.pnn.police.uk**

21 Apr (2 days ago) ☆

Afternoon, Thankyou for showing us around please see below the conditions wit...



seamus kirk
to Helen.Manley, me

09:11 (5 hours ago) ☆  


Dear Ms Manley,

Thank you for your email. It was a pleasure to show both you and James Heasman the proposed plans for the pavilion.

I confirm I am in acceptance with the amendments detailed in the email. As per our discussion, I intend to by way of letter inform the neighbouring residents of the style of operation and also provide my direct contact number and email address. I also intend to, as suggested invite the neighbouring residents to an open evening (towards the end of the summer season) to meet and greet and listen to any feedback.

Regards




Madeira Avenue
Worthing
BN12 4QD

23 April 2015

Dear Mr & Mrs Jacobs

**Re: Licensing Act 2003 – Premises Licence Application
Central Pavilion, Home Field Park, Worthing**

Consultation on the above application has closed. Three relevant representations were received regarding this application for a premises licence to authorise the sale of alcohol and provision of entertainment at the above café/function suite – from you, the Environmental Protection Team and Sussex Police. The Licensing Act encourages mediation and if agreement can be reached between the parties an amended licence can be issued incorporating the results of the mediation but if no agreement can be reached the application is then referred to a Licensing Committee Hearing for members to decide. At the hearing all parties are given the opportunity to address the committee and discuss matters with each other. A hearing for this application has been pencilled in for Wednesday 13 May at 18.30hrs at the town hall.

Under the Licensing Act for a representation to be relevant it must raise concerns under at least one of the four licensing objectives that the proposed licence could undermine:

1. The Prevention of Crime & Disorder
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children from Harm

No other matters are relevant.

As the Act suggests mediation is now being conducted and I am aware that you have met with Mr Kirk. Negotiations between the applicant, the Environmental Protection Team and Sussex Police have also taken place.

The Environmental Protection Team had some concerns regarding the potential for music to cause a public nuisance, particularly from the first floor function room. They suggested the following conditions be placed on the licence as an enforceable term of licence:

- *The level of music played within the premises shall not exceed a level of 55dB LAeq, measured at a height of 1.5m at any position on the boundary of Beach House Park, Lyndhurst Road.*

The applicant has agreed to this becoming an enforceable term of any licence that may be granted and as a result the Environmental Protection Team will withdraw their objection.

The Police suggested the following conditions be placed on the licence as enforceable terms of licence:

- *A list of staff members who are authorised to sell alcohol on the premises shall be kept. Each of these staff members shall receive full training pertinent to the Licensing Act, specifically in regard to 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 than twelve (12) weeks. 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 kept for a minimum*

of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.

- *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. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the ‘PASS’ mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.*
- *Any patron under the age of 18 years must be accompanied by a responsible person aged 18 or over after 2100hours.*
- *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 eight (8) 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 kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers*
- *There shall be no vertical drinking at the premises; alcohol may only be supplied by waiter/waitress service to persons at a table as an ancillary to food.*
- *The Function room may only be used (for licensable activities) when a pre-planned and pre booked private function is taking place. The premises may have no more than 25 ‘Pre Planned Functions’ in a calendar year, a written log of all events must be maintained. These records shall be made available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.*
- *The outside area will be closed will be closed from 2300hrs daily for licensable activities.*
- *The bar counter shall only be used to serve customers and shall not be used as a table for meals.*
- *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. 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 sufficient quality to work in all lighting levels inside the premises at all times.*
 - *CCTV footage will be stored for a minimum of 31 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 times will be checked regularly to ensure their accuracy.*
- *Subject to Data 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 & remedied as soon as practicable*

The applicant has agreed to these becoming enforceable terms of any licence that may be granted. As a result Sussex Police will withdraw their objection.

Your representation appears to be objecting to the grant of the licence because of possible crime & disorder and public nuisance concerns. I led to believe your meeting with Mr Kirk went well and he was able to reassure you.

As part of the process I need to enquire as to whether the above conditions being placed on the licence and the meeting you have had with Mr Kirk have addressed your concerns, whether there are any further conditions that might address your concerns or whether you still object to a licence and would like this application to be referred to a hearing to have the opportunity to address the Licensing Committee with your objection.

I look forward to your advice as soon as possible and if you would like to discuss please do not hesitate to contact me on the telephone number below.

Yours sincerely

Simon Jones
Senior Licensing Officer
Adur & Worthing Councils
Tel: 01273 263191



joe@benvenuti.org.uk

to me, seamuskirk10

16:26 (20 hours ago)



We have your letter of 23rd April. Please note that it gives the wrong post code for our address. We are at BN11 2AX.

We confirm that we had an amicable meeting with Mr Kirk last Sunday, 19th, which finished by our saying that his intentions were our best hope and that we accepted that he had no intention of infringing our worst fears. However, that may be, our problems are not so much with what he told us he wanted to do as with the terms of the licence he has applied for including now the restrictions your letter sets out. We have no objection to improvements but we are anxious to keep the character of what the Council's website calls "Worthing's premier park".

It is unnecessary to repeat what we said in our letter of 7th April. Much of that centred on the fact that the Pavilion is set in the middle of an unlit Council owned park over which any licence holder would, apparently, have no control. The high fencing encloses a much larger area than that shown on the plans for the Pavilion Mr Kirk showed us. As we said "we do not know what structural alterations, if any, are proposed for the rest of Beach House Park". Unless there are alterations to the fencing and lighting, our concerns remain. Alterations to the lighting could well raise new concerns about light pollution.

Mr Kirk stressed to us that his aim is to provide a cafe serving things like tea, coffee, cakes, light lunches and cream teas. He said he wants to hold tea dances. These do not seem to us to require extending the opening hours of the park for every day of year.

We are disappointed with the response of the Environmental Protection Team. 55dB LAeq is loud. The fact that the sound must not get beyond this in Lyndhurst Road means that it will be greater on the edges of the park nearer the Pavilion. We think there should be restrictions on the number of hours and the times the noise can reach this level. The Team seem to have said nothing about light pollution.

We are puzzled by two of the restrictions the Police have proposed.

Mr Kirk told us that the sort of events that he had in mind for the Function Room were society and committee meetings. These of course are not licensable activities. The Police restriction of no more than 25 functions per year (more than 2 per month) would apply only to that room. Downstairs the licence as proposed would permit the noise and other public nuisance every day of the year from 07.00 hrs until 23.00 hrs. If that is not Mr Kirk's intention, it would make sense to reflect his aims in the licence.

The applications of the Home Office Guidelines for CCTV seems odd. They refer to "externally to cover all public areas". The problem is that, as we have stressed, the Pavilion is set in the middle of an unlit Council owned park. If the Guidelines apply only to the area under the licensee's control, there will be no need in the licence for the rest of the park to be covered. Given that the park will be open to the public into the evening and night (if only through the Lyndhurst Road entrance), it will become available for misuse by persons who are not customers of the Pavilion. That in turn takes us back to our concerns about drugs and public decency.

We understand there are two types of CCTV system, those that run continuously and those that are motion activated. We also understand that this last type uses flash, causing light pollution.

It seems to us that the easiest way forward would be for Mr Kirk to set out what he actually wants to do and for this to form the basis of discussion about the enforceable restrictions in the licence.

Failing that, we would like:

- Some requirement that steps must be taken to announce when functions will take place (maybe by way of a notice on the doors).
- Restrictions on the times and length of the maximum noise
- Some clarity about access to the Pavilion outside the current hours of 7.30 to dusk
- Some clarity about any new lighting arrangements.

Sincerely



Madeira Avenue
Worthing
West Sussex
BN11 2AX

