

Licensing and Control Sub Committee

Date:	21 September 2015
Time:	6:30pm
Venue:	Council Chamber, Worthing Town Hall

Committee Membership: Councillors Paul High (Chairman), Keith Bickers, 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 must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such as an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

2. Licensing Act 2003 - Application for a Variation of a Premises Licence under Section 34 - 'Bar 42', 42 Marine Parade Worthing BN11 3QA

To consider a report by the Director for Communities

Part B - Not for publication - Exempt Information Reports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:
Chris Cadman-Dando Democratic Services Officer 01903 221364 chris.cadman-dando@adur-worthing.gov.uk	Caroline Perry Solicitor 01903 221086 caroline.perry@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.

**Licensing Act 2003
Application for a Variation of a Premises Licence under Section 34**

**'Bar 42'
42 Marine Parade
Worthing BN11 3QA**

Report by the Director for Communities

1. Recommendation

- 1.1 That a Sub Committee of Licensing & Control Committee "B" considers and determines the application made by:
Mr Mark Knowles
for a variation of the above Premises Licence (No. LN/100001133) which currently authorises the sale of alcohol for consumption on & off the premise and the provision of regulated entertainment at the above bar.

2. Reasons for the Hearing

- 2.1 The application has been the subject of formal representation by two responsible authorities and five local residents and it therefore falls to this authority to determine the application.

3. Background

- 3.1 An application was made by Mr Knowles to the Licensing Authority, Worthing Borough Council, on the 30 July 2015 for grant of a full variation to his existing Premises Licence.
- 3.2 This premise had been operated for many years as a public house under various names and since 2011 under its current name of 'Bar 42'. It is situated on the very busy main coast road, Marine Parade, directly east of Montague Place in a terrace of residential flats and small businesses including another bar and a restaurant.
- 3.4 The bar is located on the ground and first floor of a converted end of terrace house with private living accommodation above and next door to the east.

- 3.5 Mr Knowles has been the licence holder and Designated Premises Supervisor of the venue since April 2011 and in recent years the bar has become known for its staging of live music.
- 3.6 The premises is currently authorised to provide alcohol from 11.00hrs until 23.30hrs Sunday – Wednesday, until 00.30hrs Thursday and until 01.00hrs Friday & Saturday.
- 3.7 Attached to the report are:
- A plan of the area (Appendix A)
 - A plan of the bar (Appendix B)
 - A copy of the application (Appendix C)
 - A copy of the current premises licence (Appendix D)
 - Copies of the representations received from the responsible authorities (Appendix E1&2)
 - Copies of the representations received from local resident. (Appendix F 1-5)
 - Copies of Mediation correspondents (Appendix G)
 - Copies of Applicants response to Representations (Appendices H)

4. The Application

- 4.1 The application is attached at Appendix C. However, in summary, Mr Knowles is seeking to:
- Extend the hours for the sale of alcohol & provision of recorded music on Friday & Saturday to:
11.00hrs to 02.00hrs (of the following morning).
 - Extend the opening hours on Friday & Saturday to:
09.00hrs to 02.30hrs (of the following morning).

No further changes to the hours for licensable activities, or changes to conditions of the licence are proposed by this application.

5. Promotion of the Licensing Objectives

- 5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:
- 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 Guidance issued by the Home Secretary and its own Statement of Licensing Policy. Members are advised that the following sections of the

Worthing Borough Council's Policy may be particularly relevant to consideration of this matter, though of course the Policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the Policy itself:

Prevention of Crime & Disorder

- 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 the public and the responsible authorities, particularly the Police.*
- 4.8 *In addition to the requirements for the Council to promote the licensing objectives, it also has a duty, as detailed in paragraph 4.3, under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. The Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder within the vicinity if relevant representations are received. Whether or not incidents can be regarded as being in the vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case.*
- 4.9 *The Council recognises that the Licensing Act is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night time economy in town centres.*

Prevention of Public Nuisance

- 4.17 *Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of disturbances impacting upon people living, working or sleeping in the vicinity of the premises or wider afield.*
- 4.18 *Noise disturbance can arise from entertainment or activities held within licensed premises and also from people or motor vehicles outside licensed premises. The Council will expect Operating Schedules to address these issues. Advice and guidance can be obtained from Licensing Officers or the Council's Environmental Protection Team. If representations are received the Council may utilise appropriate conditions to control noise disturbance and the use of such conditions will depend upon the activities/entertainment/hours of operation proposed; the nature of the locality; and existing background noise levels and ambient noise levels. Noise control conditions may include the satisfactory sound insulation of licensed premises; compliance with maximum noise levels; and limiting hours of operation.*
- 4.19 *When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type/construction of their premises, proposed activities and nature of locality) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as*

are required to deal with these identified issues should be included within the applicant's Operating Schedule.

- 4.23 *The Council will consider attaching conditions to licences and permissions to prevent public nuisance, but will seek to avoid duplication with the requirements of other regulatory regimes.*

5.3 Regulated Entertainment

The Live Music Act 2012 and The Legislative Reform (Entertainment Licensing) Order 2014 have deregulated the provision of regulated entertainment in public houses in certain circumstances. The following sections of the 'Revised Guidance issued under section 182 of the Licensing Act 2003 - March 2015' are considered relevant to this application:

Live music

15.26 *Live music is licensable:*

- *where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;*
- *where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;*
- *where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;*
- *where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 500 people; or*
- *where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review.*

Recorded music

15.33 *No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable:*

- *where the playing of recorded music takes places before 08.00 or after 23.00 on any day;*
- *where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;⁵⁷*
- *where the playing of recorded music takes place at relevant licensed premises in the presence of an audience of more than 500 people; and*
- *where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).*

6. Consultation

6.1 The application has been subject to the statutory consultation and statutory public advertisement arrangements in accordance with the provisions of the Act, in respect of which representations have been received from the following:

- Members of the public – Six representations
- Responsible Authorities – Two representations.

7. Relevant Representations

7.1 Details of the representations received are reproduced in full at Appendices E & F. The comments made objecting are considered to relate to the statutory licensing objectives as follows:

- Prevention of Crime & Disorder
- Prevention of Public Nuisance.

7.2 Sussex Police requested that all the current conditions attached to the existing licence be applied to the extended hours should this application be granted and suggested a condition requiring SIA door-staff be imposed if members are of a mind to grant the variation.

7.3 The Environmental Pollution Team and local residents expressed concerns regarding the noise and disturbance associated with the venue and requested the extended hours be refused.

7.4 All parties have been invited to attend the Sub-Committee and included in this report are the letters of representation reproduced in full.

8. Mediation

8.1 The Licensing Act 2003 encourages mediation.

8.2 Sussex Police and the applicant have been in mediation and it has been agreed that all the current licence conditions will be extended to cover any extended hours the authority may grant and the following condition has been volunteered by Mr Knowles:

Security Industry Authority (SIA) licensed door supervisors shall be deployed at the premises from 21:00 hours until 30 minutes after closing time on Friday & Saturday evenings when the premises is going to be open past 00:00hrs. Door staff will also be employed on other occasions when such a requirement is either identified by the licence holder's own risk assessment or is requested by Sussex Police. (A minimum of 48hrs written notice required from the Sussex Police licensing team). There shall be a minimum of one door supervisor to every 100 or part 100 customers

plus one additional Door Supervisor at the main entrance. Those performing the role of Door Supervisor will not perform any other role when engaged for the purpose of door supervision activities. Door staff shall be fully briefed prior to work, with clear written instructions regarding their specific duties. Door staff will be made aware of individuals banned by Pubwatch.

These records will be made available to the Licensing Authority and/or the Police upon request. Such door supervisors shall wear suitably marked reflective jackets in order that they can be readily identifiable to customers, staff and the police.

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

- 8.3 I am aware that the applicant has requested a meeting with the Environmental Pollution Team to mediate but at the time of the drafting of this report no further information was available. Members will be updated in due course.
- 8.4 Considering the nature of the public representations made and the lack of direct communication between the parties a mediated agreement was considered unlikely.

9. Consideration

- 9.1 Members must take into consideration the following when determining this application:
- The four statutory licensing objectives
 - Worthing Borough Council's Statement of Licensing Policy
 - Guidance issued by the Home Secretary
 - Relevant representations made by all the parties
- 9.2 These are the only matters to be addressed by the authority when considering this application. The statutory licensing objectives are the only grounds on which representations can be made, and the only grounds on which an authority will be able to refuse an application or impose conditions in addition to statutory conditions and those proposed by the applicant in the Operating Schedule.
- 9.3 When considering this application for a variation to the premises licence, pursuant to section 35 of the Act the following options are available to the Sub-Committee:
- a. Grant the variation, as requested,
 - b. Grant the variation as requested, with additional conditions appropriate to the promotion of the specific licensing objectives on which relevant representations have been received.
 - c. Reject the whole or part of the application.
- 9.4 Members are required to give reasons for their decision.

10. Legal Implications

- 10.1 Under Section 181 and Schedule 5 of the Act, rights of appeal to the Magistrates' Court in respect of applications for variation of an existing licence include:
- (1) The applicant / licence holder may appeal against any decision to modify the conditions of the licence.
 - (2) The applicant may appeal against a rejection in whole or part of an application.
 - (3) Those that have made relevant representations may appeal against a variation being granted, rejected, or against the modification or lack of modification of any conditions.
- 10.2 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 the public and the responsible authorities particularly the Police.

11. Other implications

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

12. Recommendation

- 12.1 Members are requested to determine the application made by Mr Mark Knowles for a variation to the Premises Licence at 'Bar 42', 42 Marine Parade, Worthing and give reasons for that determination.**

John Mitchell
Director for Communities

Principal Author and Contact Officer:

Simon Jones
Senior Licensing Officer
Telephone: 01273 263191

Background Papers:

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003
<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing>
- Worthing Borough Council's Statement of Licensing Policy
<http://www.adur-worthing.gov.uk/media/media,98561,en.pdf>

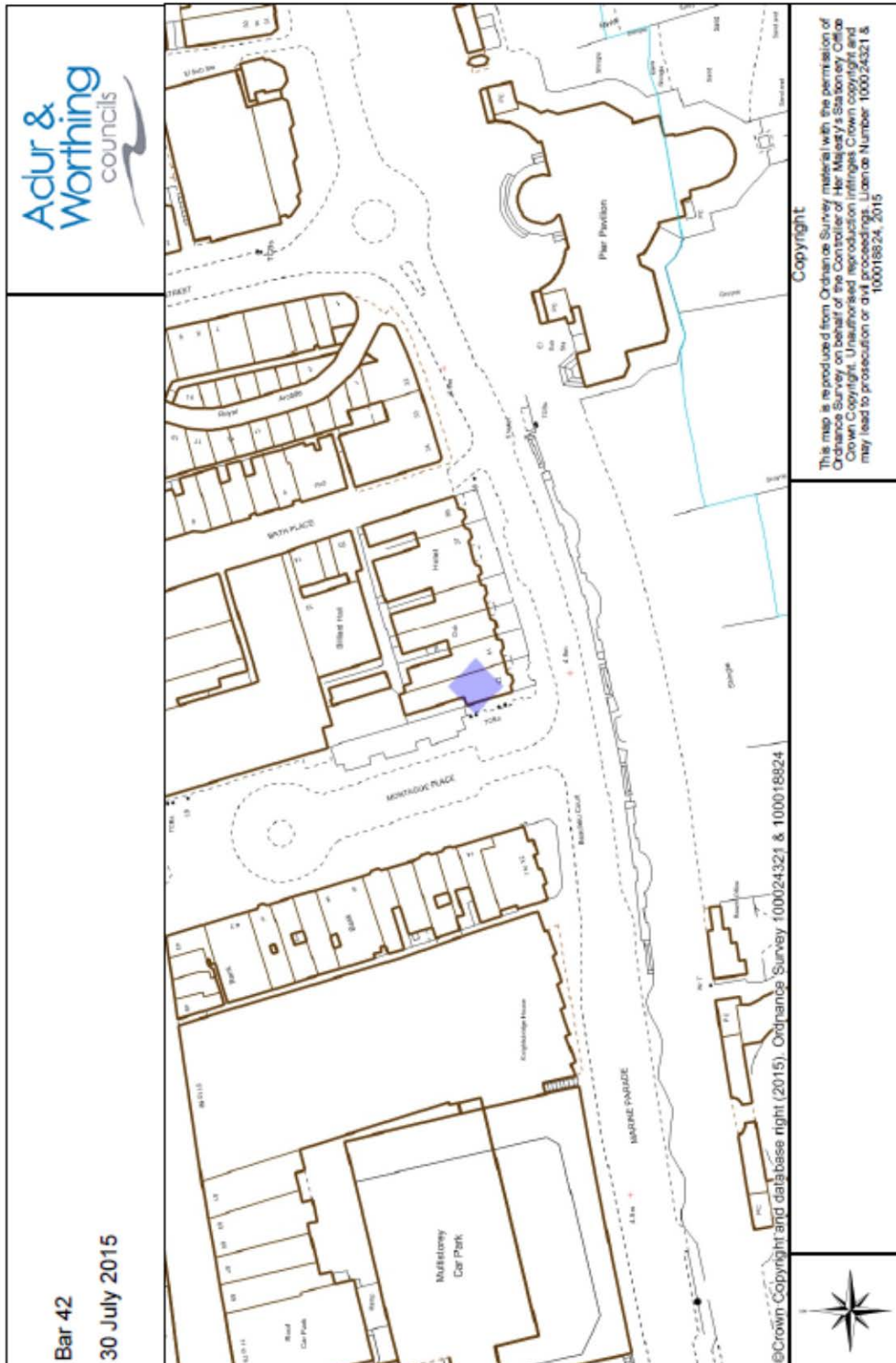
Appendices:

- Appendix A - Plan of area
- Appendix B – Plan of premise.
- Appendix C - Application Form
- Appendix D - Current Premises Licence
- Appendix E 1&2 – Representations from Responsible Authorities.
- Appendix F 1-5 - Representations from members of the public.
- Appendix G – Mediation correspondents
- Appendix H – Applicants response to Representations

The Licensing Unit, 9 Commerce Way, Lancing

Ref: SJ/Lic.U/LA03/Variation – Bar 42
Date: 9 September 2015.

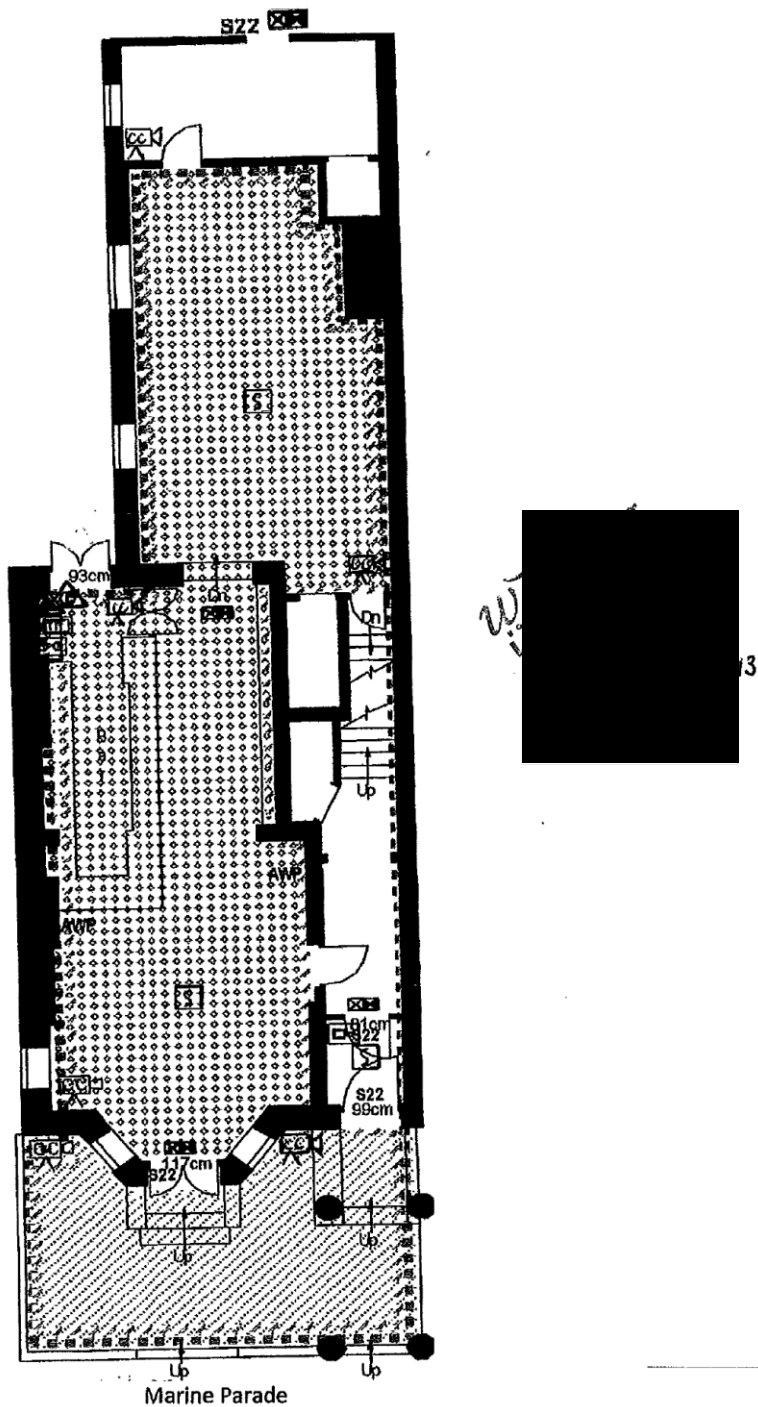
Appendix A – Map of Area



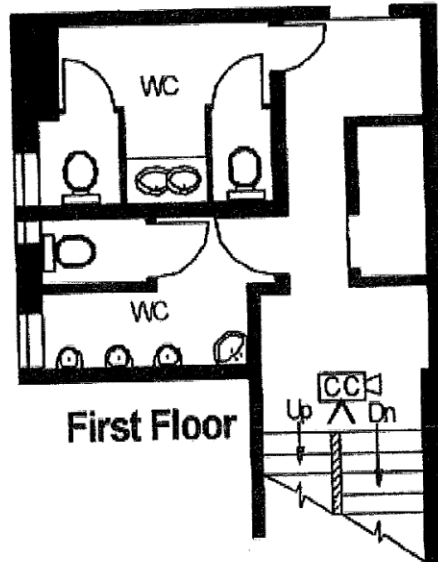
Appendix B –Plan of Bar

Bar 42 – 42 Marine Parade Worthing

Ground Floor



First Floor



Worth
Licenses

	Area for the Consumption of Alcohol
	Regulated Entertainment / Sale & Consumption of Alcohol
	Area for Late Night refreshment
	Carbon Dioxide Fire Extinguisher
	Water Fire Extinguisher
	Fire Exit Sign, Internally Illuminated
S22	Fire Exit
	Fire Alarm Control Panel with Sounder
	Smoke Detector
AWP	Amusement Machine with Prizes
	CCTV camera
	CCTV Monitor
	CCTV Recorder
	No Under 18's Allowed on Premises

SCALE 1:100

Appendix C - Application



9 Commerce Way, Lancing, BN15 8TA

Licensing Act 2003 - Application to vary a premises licence

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 that 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 MARK WOLLES
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/100001133

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>42 MARINE PARADE, WORTHING</u>			
Post town	<u>WORTHING</u>	Postcode	<u>BN11 3QA</u>
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£ <u></u>		

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)	42worthin@gmail.com		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

☒ Yes

☐ No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

EXTEND LICENCE HOURS ON FRIDAY & SATURDAY TO 2AM.
TO PLAY DJ MUSIC UNTIL 2AM.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|--|-------------------------------------|
| 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) performances of dance (if ticking yes, fill in box G) | <input 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 late night refreshment (if ticking yes, fill in box I)



Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
			Doors Closed		Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
					Please give further details here (please read guidance note 4) WE HAVE FULL CONTROL OF VOLUME. THE LEVELS ARE SET AND CANNOT BE ADJUSTED BY ANYONE BUT ME.	
Day	Start	Finish	State any seasonal variations for the playing of recorded music (please read guidance note 5)			
Mon						
Tue						
Wed						
Thur						
Fri	—	2.00				
Sat	—	2.00	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 6)			
Sun						

1

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input checked="checked" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon			NO ENTRY OR RE-ENTRY AFTER 1AM.	
Tue				
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)	
Thur				
Fri	— 2.00		Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)	
Sat	— 2.00			
Sun				

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 8)		On the premises <input checked="" type="checkbox"/>
					Off the premises <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri	— 2.00		Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	— 2.00				
Sun					

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12	12	
Tue	12	12	
Wed	12	12	
Thur	12	1	Non standard timings. Where you intend 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 6)
Fri	12	2.30	
Sat	12	2.30	
Sun	12	12	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

RESTRICTION ON REGULATED ENTERTAINMENT

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

VOLUME CONTROLLED AT ALL TIMES. NO ENTRY OR RE-ENTRY AFTER 1AM.
DOOR STAFF EMPLOYED UNTIL 2AM. CURRENTLY 1AM.

b) The prevention of crime and disorder

DOOR STAFF UNTIL 2AM.

c) Public safety

DOOR STAFF UNTIL 2AM.

d) The prevention of public nuisance

VOLUME CONTROL & NO ENTRY OR RE-ENTRY AFTER 1AM. THIS WILL STOP PEOPLE BEING OUTSIDE OR ON THE PATIO.

e) The protection of children from harm

NO CHILDREN WILL BE AFFECTED FROM THIS CHANGE.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[Redacted]
Date	24/6/2015
Capacity	100

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	



Licensing Act 2003 – Sections 16 and 18 Premises Licence – Part B

Housing, Health and Community Safety
9 Commerce Way
Lancing
BN15 8TA

Premises Licence Number - LN/100001133

Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
Bar 42 42 Marine Parade Worthing West Sussex	
Telephone number	[REDACTED]

Licensable activities authorised by the licence
See attached Schedule


The times the licence authorises the carrying out of the licensable activities
See attached Schedule

Opening hours of the premises		
Location : Public House & Patio		
Day	Start	Finish
Sunday	09:00	00:00
Monday	09:00	00:00
Tuesday	09:00	00:00
Wednesday	09:00	00:00
Thursday	09:00	01:00
Friday	09:00	01:30
Saturday	09:00	01:30
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> Christmas Eve - 09:00hrs to 02:30hrs of the following morning New Year's Eve - the premise may remain open from normal closing time to the normal opening time New Year's Day. 		

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
ON & OFF

Premises Licence Holder Details

Name
Mr Mark Knowles

Registered Address


Registered number of holder, for example company number, charity number (where applicable)
N/A

Designated Premises Supervisor Details (Where the premises licence authorises for the supply of alcohol)

Name
Mr Mark Knowles

Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol	
Personal Licence Number :	LN/201100020
Licensing Authority :	Worthing Borough Council

State whether access to the premises by children is restricted or prohibited
Restricted

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location: Bar		
Activities: Alcohol ON&OFF Sales/Supply (M)		
Day	Start	Finish
Sunday	11:00	23:30
Monday	11:00	23:30
Tuesday	11:00	23:30
Wednesday	11:00	23:30
Thursday	11:00	00:30
Friday	11:00	01:00
Saturday	11:00	01:00
Non Standard Timings & Seasonal Variations <ul style="list-style-type: none"> Christmas Eve - 11:00hrs to 02:00hrs of the following morning New Year's Eve - from the end of normal permitted hours to the start of permitted hours New Year's Day. 		

Location: Bar		
Activities: Recorded Music (F)		
Day	Start	Finish
Sunday	12:00	22:30
Monday	11:00	23:00
Tuesday	11:00	23:00
Wednesday	11:00	23:00
Thursday	11:00	23:00
Friday	11:00	23:00
Saturday	11:00	23:00
Non Standard Timings & Seasonal Variations 11.00hrs to 01.00hrs of the following morning on: <ul style="list-style-type: none"> Thursday, Friday & Saturday prior to a Bank Holiday Christmas Eve 11.00hrs to 02.00hrs: <ul style="list-style-type: none"> New Years Eve 		

Location: Bar		
Activities: Live Music (E) Dance Facility (J)		
Day	Start	Finish
Thursday	19:00	23:00
Friday	19:00	23:00
Saturday	19:00	23:00
Non Standard Timings & Seasonal Variations <ul style="list-style-type: none"> The provision limited to not more than one occasion a month. 		

Location: Bar		
Activities: Music Making Facilities (I)		
Day	Start	Finish
Tuesday	19:00	23:00
Wednesday	19:00	23:00
Thursday	19:00	23:00
Friday	19:00	23:00
Saturday	19:00	23:00
Non Standard Timings & Seasonal Variations		

Location : Bar		
Activities : Late Night Refreshment (L)		
Day	Start	Finish
Sunday	23:00	23:30
Monday	23:00	23:30
Tuesday	23:00	23:30
Wednesday	23:00	23:30
Thursday	23:00	00:30
Friday	23:00	01:00
Saturday	23:00	01:00
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> • Christmas Eve - 23:00hrs to 02:00hrs of the following morning • New Year's Eve - 23.00hrs to 05.00hrs New Year's Day. 		

Signed on behalf of the issuing licensing authority

Senior Licensing Officer

Date : 4 November 2013

Bar Forty Two

Annexe 1 : Mandatory Conditions

A. Mandatory conditions: supply of alcohol

1. No supply of alcohol may be made under the premises licence:-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

B. Mandatory conditions: door supervision

Where employed each such individual must be licensed by the Security Industry Authority.

C. Mandatory conditions: Irresponsible promotions

The responsible person must take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one which encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children.

Irresponsible promotions take a number of forms including Drinking Games, large Quantities of Alcohol for Free or A Fixed Price, Prizes and Rewards schemes, Sporting Event promotions and Posters & Flyers.

D. Mandatory conditions: Dispensing alcohol directly into the mouth

The responsible person must ensure that no alcohol is dispensed directly by one person into the mouth of another person.

*For example, this may include drinking games such as the 'dentist's chair' where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers' mouths.
An exception to this condition would be when an individual is unable to drink without assistance due to a disability.*

E. Mandatory conditions: Free tap water

Free tap water must be provided on request to customers where it is reasonably available on the premises.

F. Mandatory conditions: Age Verification

An age verification policy for the premises must be produced, implemented and details made available to authorised officers upon request.

G. Mandatory conditions: Small Alcohol Measures

Small alcohol measures must be made available.

For example: spirits: 25 ml or 35 ml; wine: 125ml glasses.

H. Permitted Hours

Alcohol shall not be sold or supplied except during the premise's permitted hours.

Annexe 2: Conditions consistent with the Operating Schedule

1. All regulated entertainment is to be controlled via a noise limiting device, set at a noise level of no greater than 90dB(A).
2. The sound limiter is to be tested and calibrated by a suitably qualified and competent person to ensure compliance with the levels stipulated by the Local Authority on the Premises Licence. Thereafter the limiter shall be tested and calibrated annually by a suitably qualified and competent person.
3. Doors and windows are to be kept closed after 23.00hrs during regulated entertainment.
4. The management is to regularly monitor the interior and exterior of premise to minimise noise pollution when regulated entertainment is being provided.
5. Signage is to be prominently displayed near exits requesting the public, residents and guests to respect the needs of local residents by quietly leaving the premises.
6. The venue 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 only form of ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen card or validate proof of age cards bearing the "PASS" mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
7. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed, and fully documented, prior to the sale of alcohol by the staff member and refresher training thereafter at intervals of no less than six months. All restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, Licensing Authority and Trading Standards Officers upon request.
8. The licence holder shall at all times maintain and operate a sales refusals book and an incident log. These shall be reviewed by the Designated Premises Supervisor at intervals of no less than four (4) weeks and feedback given to staff as relevant. Both the refusal register and incident log will be kept on the premise to record all refusals and incidents of crime or disorder. These records will be made available to the authorised officers of the Licensing Authority and Police upon request
9. CCTV to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System. The system in operation is to cover all areas that

are open to the public. CCTV Images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the licence holder, shall be made available upon request to the police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. It will be the responsibility of the DPS, or duty manager, to ensure that any request from the police for a recording to be made for evidential purposes, is carried out as soon as possible in compliance with data protection legislation.

10. Security Industry Authority (SIA) licensed door supervisors shall be deployed at the premises from 21:00 hours until 30 minutes after closing time on Friday & Saturday evenings when regulated entertainment is being provided. Door staff will also be employed on other occasions when such a requirement is either identified by the licence holder's own risk assessment or is requested by Sussex Police. (A minimum of 48hrs written notice required from the police licensing team). There shall be a minimum of one door supervisor to every 100 or part 100 customers plus one additional Door Supervisor at the main entrance. Those performing the role of Door Supervisor will not perform any other role when engaged for the purpose of door supervision activities. Door staff shall be fully briefed prior to work, with clear written instructions regarding their specific duties. Door staff will be made aware of individuals banned by Pubwatch. These records will be made available to the Licensing Authority and/or the Police upon request. Such door supervisors shall wear suitably marked reflective jackets in order that they can be readily identifiable to customers, staff and the police.
11. A documented risk assessment must be written and agreed by Sussex Police, which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. This will include when Polycarbonate drink vessels will be used both externally and internally. It will include written emendations demonstrating what considerations have been made for any additional special events which may arise during the year. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request.
12. No alcohol, for consumption away from the premises, may be removed from the premises after midnight, whether in an open or closed container.
13. No drinks will be allowed on terrace after midnight. No customers are to be permitted to use the external drinking area after 00.00hrs (midnight) on any night for any licensable activity or the consumption of alcohol. The use of the area for patrons to smoke beyond 00.00hrs (midnight) may be permitted but this activity must be monitored by a member of door staff to ensure that noise and disturbance is prevented.
14. A 30 minute period is to be provided after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
15. The Licensees/DPS to maintain membership and attend meetings of Pubwatch so long as that organisation is in existence.
16. A drug prevention policy maintained.
17. All drinking glasses used on the premises are to be of toughened glass or polycarbonate.
18. Children (under 18) are not to be allowed in the bar after 21.00hrs except on 12 authorised occasions a year when access will be allowed to persons under 18 years of age up until 23.15hrs. Such occasions to be notified to the police licensing team in writing at least 48 hours in advance. On such occasions a wrist band will be required to purchase alcohol and

ID proving a person is over 18 will be required to obtain a wrist band. Anyone caught abusing the system will be ejected immediately from the premise.

19. AWP machines are to be sited in clear view of bar.

Annexe 3 : Conditions attached after hearing by the Licensing Authority

None

Annexe 4 : Plans

See attached revised plan certified and dated 4 November 2013.



**West Sussex Division
Neighbourhood Licensing Team**

Licensing Manager
Adur District & Worthing Borough Councils
The Licensing Unit
9 Commerce Way
Lancing
BN15 8TA

11th August 2014

Dear Mr Jones,

**RE: APPLICATION FOR GRANT OF A VARIATION TO A PREMISES LICENCE FOR BAR 42,
MARINE PARADE, WORTHING BN11 3QA**

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.

This application is seeking a variation to extend the licensable hours for alcohol, recorded music and late night refreshment. Sussex Police are aware of on going issues related to the premise however, although a number of complaints have been received these are predominantly noise related complaints and as such, have been passed to Environmental Health Office at the Local Authority.

Although the application made reference to the current condition relating to children on the premise not changing, the application failed to mention the other 18 conditions. If the committee are minded to grant this application Sussex Police require all the current conditions attached to the existing licence to be applied to the extended hours should this application be granted.

Further more Sussex Police request the condition below be added to replace condition number 10 currently on the licence

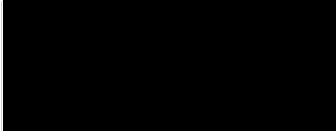
- Security Industry Authority (SIA) licensed door supervisors shall be deployed at the premises from 21:00 hours until 30 minutes after closing time on Friday & Saturday evenings when the premises is going to be open past 00:00hrs. Door staff will also be employed on other occasions when such a requirement is either identified by the licence holder's own risk assessment or is requested by Sussex Police. (A minimum of 48hrs written notice required from the Sussex Police licensing team). There shall be a minimum of one door supervisor to every 100 or part 100 customers plus one additional Door Supervisor at the main entrance. Those performing the role of Door Supervisor will not perform any other role when engaged for the purpose of door supervision activities. Door staff shall be fully briefed prior to work, with clear written instructions

**Sussex Police, Neighbourhood Licensing Team Centenary House,
Durrington Lane, Worthing, West Sussex. BN13 2PQ
Telephone: 01273 404030**

regarding their specific duties. Door staff will be made aware of individuals banned by Pubwatch. These records will be made available to the Licensing Authority and/or the Police upon request. Such door supervisors shall wear suitably marked reflective jackets in order that they can be readily identifiable to customers, staff and the police.

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

Yours sincerely



Chief Inspector Rolls
District Commander
Sussex Police

Licensing Act 2003

Application for Variation of a Premises Licence – Bar 42, 42 Marine Parade, Worthing

I refer to the above application and make the following representation on behalf of the Environmental Protection Team of the Environmental Health Section with regard to the licensing objective of the *prevention of public nuisance*.

1. It is my opinion that the application does not adequately address the objective of the prevention of public nuisance caused by noise and that if the variation is granted as applied for a public nuisance (as defined by the Licensing Act 2003, "the Act") would be caused to residents and businesses within the vicinity of Bar 42, 42 Marine Parade, Worthing.

2. The sections of the application of concern are

- a. PART F. (recorded music);
- b. PART L. (hours open to public).

3. These have public nuisance implications if granted as applied for. Whilst acknowledging the premises are on the seafront, which at times can be very busy, they are nonetheless located in a mixed commercial and residential area. There is a residential property immediately above the premises and next door (to the east) at ground, first and second floor level. Any noise from operations has the potential to affect reasonable residential use, unless properly controlled.

4. There is also a history of complaints of noise and anti-social behaviour associated with the premises, dating back to 2011 (we have 14 cases logged on our system).

5. The items within the variation which cause concern from the perspective of public nuisance are

- Extending opening hours by 30 minutes Friday and Saturday. This will result in customers being on the premises at a time when people would reasonably be expecting to sleep. There will also be people permitted to smoke outside at the front of the building. Noise associated with people departing (I note no admission or readmission after 1am) and people smoking outside has the potential to cause a public nuisance.
- Extending the permitted time for recorded music from 23:00 to 02:00 on Friday and Saturday. Currently music is permitted until 23:00. We are currently investigating complaints of noise nuisance caused by live music. A recent visit confirmed noise was unreasonably affecting adjacent residents and the bar notified accordingly. Our investigation is continuing.

6. We have been receiving complaints of noise from music and/or people on the front terrace at these premises since 2011. We have attempted to resolve these issues by dialogue with the premises operator. As a result the operator engaged the services of an acoustic consultant to carry out sound tests earlier this year. This resulted in various recommendations being made by the consultant to the operator to try and control noise breakout from the premises, some of which have been implemented, however we are still receiving complaints. The test suggested that noise from recorded music was not causing a problem to neighbours during the evening. However what is acceptable at 10pm will not necessarily be so at 1am and I am concerned that noise from recorded music into the early hours of the morning, whilst people are attempting to sleep, will cause unreasonable disturbance and result in a public nuisance. The operating schedule suggests the operator has sole control over the volume, but it does not say what volume this is.

7. We are also investigating complaints of noise from people on the front terrace and people congregating on the pavement immediately outside the bar. Whilst I acknowledge the terrace

will not be used after 1am, people will still be permitted to smoke outside and people will be departing up to and beyond 2am, a sensitive time of day when people will be trying to sleep. This has the potential to result in a public nuisance, resulting in loss of sleep to neighbours.

8. The operating schedule states there are door staff until 2am. What are their responsibilities and do these include control of noise from people outside, including the street immediately outside? I am aware that Sussex Police have some concerns that door supervisors undertaking roles such as noise control can take them away from undertaking their door supervisory duties.

9. As such I believe the operating schedule is insufficient to prevent a public nuisance. It is my opinion that if the application is granted as applied for, neighbouring residents will be unreasonably disturbed by noise produced by music and customers and result in a public nuisance. As a result I am unable to support this or any application to extend the provision of music or opening hours and make this formal representation to the application.

Nadeem Shad
Senior Environmental Health Officer

8/21/2015

Adur and Worthing Councils Mail - Application to extend the licence for bar 42 / marine parade worthing.

Application to extend the licence for bar 42 / marine parade worthing.

1 message

20 August 2015 at 19:12

To: "linda.halford" <licensing.unit@adur-worthing.gov.uk>

August 21 / 2015

[REDACTED]
[REDACTED] oyster court

[REDACTED]
Worthing west sussex
Bn11 3qa

07908148633

I strongly object to the applied extension to the opening hours for bar 42

I have personally contacted Nadeem shad-senior environmental health officer-several times over the unbearable noise coming out of bar 42-Into mine and my neighbours flats! The sound of low frequency noise-bass and drums is-INVASIVE-OBTRUSIVE-STRESSFUL-DEPRESSING! And feels like never ending!

I bought my flat 2008. Above the quietest bar on the seafront-bar breeze.
No live music no problems,

The building was not built for live music! Some soundproofing has been done! Too little to late!
Proper soundproofing should have been installed before continuous live loud bands were booked!

The bar may not see the harassing noise as a problem? As they do not live in the building and do not have to put up with the consequences!
I have had the out of hours environmental health people to my flat several times!
Nothing has changed! The soundproofing between the two property's is not fit for purpose!
The soundproofing is insufficient.


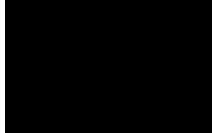
The home should be a place of rest? Not STRESS!

yours sincerely

John comerford

The Licensing Unit
9 Commerce Way
Lancing
West Sussex
BN15 8TA



 Oyster Court


27th August 2015

Re: Application to extend the licence for Bar 42, Marine Parade, Worthing.

For the Attention of Linda Halford

Dear Ms Halford

I write to object most strongly to the proposal to extend the opening hours for Bar 42.

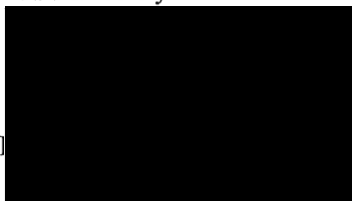
We live in a residential block and have repeated instances of disturbance due to loud music from within this bar and rowdiness, screaming and shouting from the patio area and pavement in front of the bar. I attach an Incident Record Sheet.

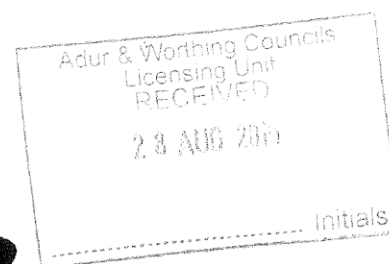
Last Friday was a severe example of this disturbance, when the extent of drunken rowdiness was witnessed by the out-of-hours service of Environmental Health. Your agent witnessed a drunken crowd roaring approval as an obscene sex act was simulated by two adult male customers of the bar. This was accompanied by the screaming of several females, one of whom vomited loudly on the pavement. You should request the CCTV footage from the bar owner to witness these awful events.

The residents of Oyster Court are now frequently harassed and intimidated by the customers of Bar 42 and we find life here increasingly intolerable. The residents of one flat are leaving in consequence and others may follow. I am sure the local authority does not wish to see empty derelict properties on the Worthing seafront.

Essentially, this bar seeks to become a Nightclub. This activity is not suitable for a largely residential block of Edwardian terrace houses containing in excess of 50 residents. Please record my strong objection.

Yours sincerely





Housing, Health and Community Safety ± Environmental Health

**ENVIRONMENTAL PROTECTION ACT 1990
INCIDENT RECORD SHEET**

Nature of Complaint (including address where noise originates)	Name/Address of Complainant
BAR 42, 42 MARINE PARADE BN11 3QA	[REDACTED]
REPEATED INSTANCES OF DISTURBANCE FROM THE FRONT PATIO	
REPEATED LOUD MUSIC LATE AT NIGHT DISTURBING SLEEP	41 MARINE PARADE
SOME AGGRESSIVE/THREATENING BEHAVIOUR + ONE OBSCENE ACT	[REDACTED]

Date	Time Noise Starts	Time Noise Stops	Type of Noise	Severity of Noise (Out of Ten)	Description of Noise & how it affects you
21.4.15	20.00 hrs	22.20 hrs	Thumping bass sound through walls and shouting outside	8	Disturbance and difficulty sleeping
09/05/15	22.00 hrs	23.10 hrs	ditto	7	Disturbance
14.5.15	21.00 hrs	22.40 hrs	ditto	7	Disturbance
15.5.15	22.20 hrs	23.45 hrs	Very heavy bass noise in bedroom	8	Severe difficulty sleeping
21.5.15	19.30 hrs	23.00 hrs	Low bass rumbling	5	Irritating noise during evening in lounge area
22.5.15	22.20 hrs	23.10 hrs	Very loud bass	8	Disturbing sleep
23.5.15	22.25 hrs	c23.00 hrs	Loud music	7	Conflicting with TV
27/28.6.15	22.30 hrs	00.30 hrs	Rowdiness and shouting	6	Disturbance
05/08/15	22.05 hrs	c23.00 hrs	Loud bass in bedrm	5	Disturbance
20.08.15	22.46 hrs	c23.30 hrs	Shouting/screaming	7	Disturbance
21/22.8.15	10.27 hrs	c01.25 hrs	Screaming shouting and an obscene act	10	Severe disturbance and shock
27.8.15	02.24 hrs		screaming+shouting	9	[REDACTED] Awoken from sleep

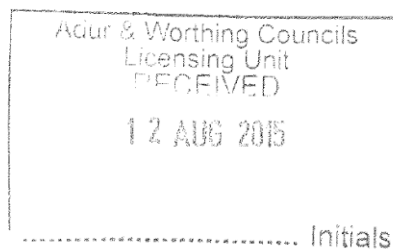


Adur & Worthing Councils, Portland House,
44 Richmond Road, Worthing, BN11 1HS
web: www.adur-worthing.gov.uk
DX 142965, Worthing



27.8.15 Paul C...

Linda Halford
The Licensing Unit
9 Commerce Way
Lancing
West Sussex
BN15 8TA



Regarding Bar 42, Marine Parade, Worthing, West Sussex, BN11 3QA and their application for an extended licence.

Dear Ms Halford,

I am writing to you regarding our neighbour's application for an extended 2am licence at the property 42 Marine Parade.

We moved into our property at 41 Marine Parade in February 2014. However since August of 2014 we have been involved (alongside our neighbours at 41) with consulting Environmental Health, the police and the owners of Bar 42 regarding the noise level emanating from the bar. The majority of our time living in this property has been affected by the bar's lack of sufficient sound proofing and causes upset and distress on an almost daily basis.

I believe that some soundproofing works have been carried out and a slight difference has been made, however we are still regularly interrupted and disturbed by their performers and customers. As they have not managed to improve in this area I do not believe they will be able to suitably control their music and their customers should their licence be extended. By applying to do so while knowing that there are continuing issues they have demonstrated a disregard for the community which is deeply felt by ourselves and our neighbours.

Should the licence be extended to an opening time of 9am and a closing time of 2pm on Fridays and Saturdays this would allow them to have 17 hours of music with at least 14 of these being live bands. This gives Mr Knowles the ability to play music from 9am on Friday for 17 hours and to begin again on Saturday morning with only 7 hours respite in between. Judging by their disregard for our feelings on Christmas Eve (when their music disturbed us until 11pm with no apology and only 'some people want to enjoy music' as

their excuse) and their frequent 'all dayers' which can sometimes start from midday I believe that there is a strong possibility of this occurring on a regular basis.


More personally the existing noise is already a disturbance not just to our day to day lives but also to my mental health. I suffer from anxiety and our current sound issues cause me great distress as I feel 'on edge' about what they will be doing (whether we will hear noise or not and what noise it will be) and whether anything will eventually be done. We have previously stayed away from the out of hours service as it can be difficult to get hold of some one in time and, as recordings take some time, it does disrupt our evenings. However in our last out of ours measurement I discussed with your representative, James, that while the noise may not always be overly loud in terms of decibels its continuation from around 7.30pm until 11pm is such that I do not feel comfortable in my own home and need to constantly adjust the volume of my television or radio to drown it out. In the last week alone we have heard bass guitars on Wednesday, drumming on Friday and Saturday as well as music and customer noise on Sunday.

When we moved into our flat we understood that we wouldn't be in a idyllic and silent location. We expected some noise from other flats and to occasionally hear music from the bar which was advertised, at the time, as being 'family friendly' and 'dog friendly'. We did hear some music on the weekend but this wasn't regular or particularly disturbing. It has been the past 12 months that we have seen a huge change in this expectation with the 'friendly' signs being removed and there being a significant increase in clientèle and 'noisy nights. I am also aware that the owners feel they are being singled out with other noisy occasions not being complained about, such as the fun fair, we want to clarify that we find the fair and other loud town centre activities annoying and intrusive as well. However they only last for a short period of time, we expected them when we moved in and, unlike the bar, do not disturb us for the majority of the year or when we're trying to sleep.

While we're pleased to see a local independent business doing well we do not feel that this is the appropriate venue (being an old building and in close proximity to so many residential properties) and we do not feel that our past problems have been dealt with in a manner that is professional or resolved. Until our current problems are fixed I don't believe that the owners will be able to take on any more work dealing with the additional responsibilities of an extended licence.

In conclusion we object to the extension of the licence for the following reasons: the venue itself is not suitable being too old and poorly soundproofed; an extended licence would allow for the playing of music for potentially 17 continuous hours; there are existing issues that need to be resolved regarding sound issues from their bar area and, as the owners are currently not willing to resolve this, the issues can only get worse should the licence be extended.

Many thanks,





Simon Jones <simon.jones@adur-worthing.gov.uk>

Fwd: Bar 42, Worthing - Extended License Objection

1 message

Linda Halford <linda.halford@adur-worthing.gov.uk>
To: Simon Jones <simon.jones@adur-worthing.gov.uk>

14 August 2015 at 13:55

Forwarded message

Date: 14 August 2015 at 12:00
Subject: Bar 42, Worthing - Extended License Objection
To: "linda.halford@adur-worthing.gov.uk" <linda.halford@adur-worthing.gov.uk>

Dear Linda,

In my recent letter objecting to the extension of Bar 42's license I mention that this extension would allow them to play music continually from 12pm until 2am in the morning. To prove how real this problem could be I have attached below the posters of this weekends bands/events.

As you can see these events will be running for the entire period that their live music license will allow and the bar is advertised on their Facebook page as remaining open for as long as they are allowed (I believe this is currently until 1am) so I can assume they will be playing recorded music afterwards. I've attached these images as further proof that they will routinely use any extra time they are allowed and this will continue to cause a disturbance for myself and for my neighbours should this time be extended.





I'm aware that they are entitled to do this and, for us, that is the problem. Because they are allowed to do this they do it with no regard for the issues we consequently face of persistent noise and aggravation. The more they are allowed to do the worse these problems will become.

Thank you for your help in this matter,

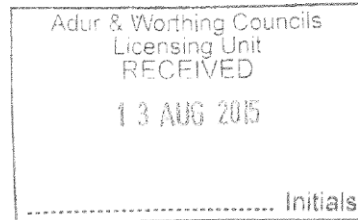


41 Marine Parade.

OYSTER COURT, [REDACTED]
[REDACTED]

Thursday, August 13, 2015

Linda Halford
The Licensing Unit
9 Commerce Way
Lancing
West Sussex
BN15 8TA



Dear Linda Halford

Re: Application to extend the licence for Bar 42, Marine Parade, Worthing.

I write to object to the applied extension to the opening hours for Bar 42.

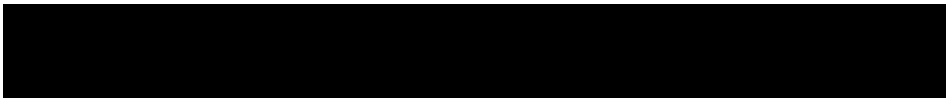
Bar 42 is a bar not a nightclub. The extended hours would put it in a league of nightclub. Bar 42 is at the end of a terrace that was built over 100 years ago. There are over 30 residential properties and 3 commercial entities, of which Bar 42 is one. The property was not built to provide adequate sound proofing for a music venue and has not been upgraded sufficiently to accommodate this.

For some considerable time, over a year, we have been complaining to the Environmental Health department about noise disturbance emanating from Bar 42. The chief complaints are two-fold.

Firstly the sound proofing between our two properties is insufficient. This is borne out by the fact that the Environmental Health department visited our property to take sound recordings. The noise was bad enough that it warranted further investigation. Bar 42 were asked to get a sound engineer to carry out a report. The resulting report highlighted several areas to be improved. As a result of this report, Bar 42 carried out a crowd funding campaign to raise money to address the problems. They raised over £5000.00. Their campaign can be seen on Kickstarter.

<https://www.kickstarter.com/projects/1384109477/save-forty-two-and-make-it-more-awesome-at-the-sam/description>

As a part of their campaign, they told backers that they planned to have a 2am licence.



We do not know exactly what they did to improve soundproofing but the results are not satisfactory. I understand that not all suggestions were implemented, as Bar 42 did not agree entirely with the report's findings. The noise disturbance has barely changed. The base beat can be heard in the bedrooms and can only be drowned out by TV or our own music, which is not conducive for sleep. Other flats in the building suffer far more greatly than I do.

Complete effective soundproofing will cost a great deal more than £5000.00. This issue must be addressed before any thoughts of an extension are considered.

If a music venue is permitted, the soundproofing must be in line with a recording studio where no noise can be heard in adjoining rooms, which essentially is the current situation of having a music venue in a 100 year old terrace building.

Bar 42 did not voluntarily carry out this report and only did so with the intervention of Environmental Health. A truly concerned licence holder would address these problems without having to be prompted. At no time has Bar 42 directly consulted with anyone at 41 Marine Parade about an extension.

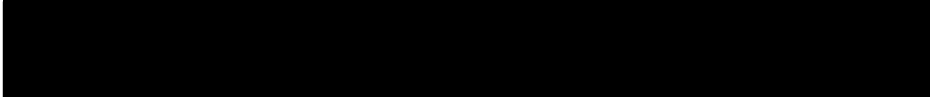
We have been instructed by Environmental Health to call the "out of hours" number to report further disturbances. This in itself is a daily intrusion to our lives.

The second issue concerns customers on the terrace to the front of the property.

A hubbub of noise is to be expected living in the centre of town, however this is not the case for the noise coming from Bar 42. Customers often scream, shout and spill out onto the pavement. At times they are directly aggressive to us. This is probably due to the fact that customers are aware that residents of 41 Marine Parade have complained about Bar 42.

We have now put up trellising to prevent customers sitting on our communal wall and drinks falling off the wall onto our pathway. We have children and pets in our building. Our pathway is often considered an ashtray.


The front door of the bar is often open adding to the need for customers to shout so that they can hear one another over the music. As the night progresses, drunkenness and its effects increase the level of noise. Home time is prolonged and noisy. At the current closing time customers shout loudly and congregate on

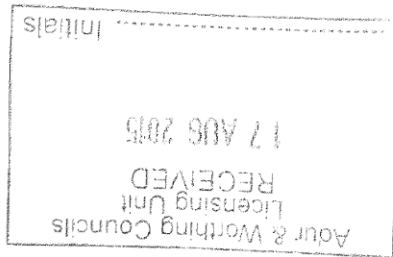


the pavement waiting for taxis. Signs requesting customers to respect their neighbours have no effect.

Bar 42 have demonstrated that they cannot manage the licence they currently have, let alone an extension. I find this a great shame. In essence, a music bar is essential to the fabric of a town. It is far better that the youth immerse themselves in music rather than less productive pastimes. However this is the wrong venue for loud music late at night.

Yours sincerely,





Linda Halford
The Licensing Unit
9 Commerce Way
Lancing
West Sussex
BN15 8TA

Re: Bar 42, Marine Parade, Worthing, West Sussex, BN11 3QA and their application for an extended licence.

Dear Ms Halford,

I am writing to you regarding our neighbour's application for an extended 2am licence at the property 42 Marine Parade.

Over the last two years, the residents of 41 Marine Parade, have suffered terribly from the disturbances at Bar 42. Mark Knowles is completely unapproachable & refuses to try any compromise for the unacceptable noise and behaviour we have to endure. He has supposedly installed the first phase of soundproofing, although it has made little difference. We suffer, especially on Thursday/Friday/Saturday, from a constant throbbing music beat in our properties, especially towards the rear of the building. To add to this, the front doors & windows are mostly wide open at Bar 42, which completely defeats the object of having any soundproofing done.

When the music finally ceases, we then have to suffer drunk abusive/foul language coming from the Bars terrace. Shouting/screaming until the early hours. Quite often, the terrace is not cleared at the time stated in the Bars license, which means this noise is going on until 2-3am. Infact, once until 5am!!!!

Myself and my husband have also been verbally threatened by drinkers from the bar, as Mark Knowles lets his clientele know that the residents at 41 object to this situation. I quote "I am going to climb up the balcony & rape her & murder her old man". Obviously this completely unacceptable incident has been reported to the police. However, it seems very evident that nothing is being taken very seriously by the council & it appears that the favour is always leaning towards Bar 42.

I find it unbelievable,that Bar 42 is even being considered for a 2am license.....especially as the council has two years worth of 'noise diaries' & phone calls regarding this matter.

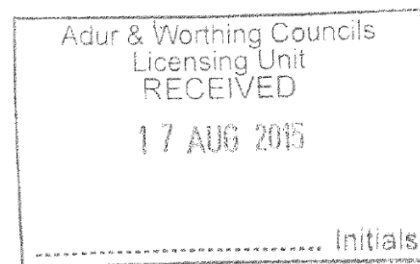
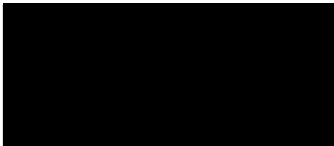
All residents at 41 are getting to the end of their tether & are seriously considering some legal action,as this situation is not being addressed appropriately.

We are all hard working/tax paying/home owners,who have very busy working lives.

It is unacceptable not to be able to get a good nights sleep in ones own house.

We understand that a bar will have some noise & that is fine,within certain boundaries.

Please consider this matter very carefully.





Licensing Unit <licensing.unit@adur-worthing.gov.uk>

FW: Sussex Police representation Bar Forty Two

1 message

WS_Licensing_WOR@sussex.pnn.police.uk

18 August 2015 at

<WS_Licensing_WOR@sussex.pnn.police.uk>

08:35

To: Licensing.Unit@adur-worthing.gov.uk

Cc: Theresa.Cuerva@adur-worthing.gov.uk, simon.jones@adur-worthing.gov.uk

Good morning,

I can confirm subject to the agreed condition being attached to the licence as per our representation Sussex Police have resolved the representations.

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

Kind Regards

Helen

Helen Manley

Assistant Licensing Officer

Neighbourhood Licensing Team, W. Sussex

Tel: 101 Ext. 581179

Mobile: 07771807982

Direct Dial: 01273 404030

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From: FortyTwo Worthing [mailto:42worthing@gmail.com]

Sent: Thursday 13 August 2015 15:40

To: WS_Licensing_WOR

Subject: Re: Sussex Police representation Bar Forty Two

I've been advised that objections have been raised by the neighbours although I've not been advised yet what those objections are so there will be a review on 21st September.

I've spoken to John Higgs again and he will be able to provide door staff from 9pm so we will be in a position to satisfy the amended condition on our licence. The council would require a brand new application to change any other conditions we haven't mentioned already.

We'll revisit this in Autumn/Winter should we be in a position to undertake proposed work inside which would require a further amendment to the licence as the layout to the bar would change.

Timeline of Soundproofing

03/12/2014 Meeting in the bar with Nadeem, Simon and 2 police officers.

04/12/2014 Acoustic Associates contacted regarding acoustic survey and report.

07/12/2014 Meeting in the bar with residents of flats 3, 4, 5.

08/01/2015 Acoustic Associates attend the bar to do acoustic survey.

11/02/2015 Acoustic report received.

24/02/2015 Met with Nadeem in the bar to discuss the acoustic report.

12/03/2015 Acoustic platforms install beneath amps and sub

14/03/2015 Drum riser installed.

20/03/2015 Nadeem attended the bar to see the work we have completed.

25/03/2015 Windows on west side soundproofed. Walls and ceiling at the top of the cellar steps soundproofed.

31/03/2015 Chimney surveyed

10/04/2015 Bass traps installed on kitchen and cellar doors.

16/04/2015 Chimney void filled

01/06/2015 First communication from Flat 4 since 10/04/2015

10/06/2015 First phase of extra soundproofing on the party wall completed.

19/06/2015 Second phase of extra soundproofing completed. Party wall now has 12 inches of soundproofing.

24/06/2015 Regufoam received from Acoustic Associates, stand for the sub made and regufoam attached.

14/08/2015 letter from Nadeem threatening Noise Abatement Notice

Comerford, Flat 6, 41 Marine Parade

- 4th December 2014 Letter inviting residents to attend meeting - ignored
- 7th December 2014 Meeting in the bar – did not attend
- 12th December 2014 Mentioned noise at 7.46pm
- 15th December 2014 Email saying he appreciated we are trying to resolve issues. He wished Mark all the best.
- 19th August 2014 I emailed a request for feedback on the work we have done. Ignored

Crone, Flat 5, 41 Marine Parade

- 4th December 2014 Letter inviting residents to attend meeting
- 7th December 2014 Meeting in the bar
- 8th December 2014 Received email alleging under-age drinking on the patio. CCTV was checked and explanation sent to complainant. Notices asking for quiet were requested. 4 of these were installed, 2 outside and 2 in the porch.
- 1st January 2015 New Year's Eve celebrations. Came in to complain that we were still playing **live music** at 2.10am. CCTV shows him, Ms Gill and one other returning home 2 minutes earlier. He said he did not know if there was a band playing, but he walked to the back room and saw for himself that it was a DJ. He then became abusive and was subsequently barred from the premises to protect the staff, as any customer would be.
- 5th January 2015 I received a further email regarding New Year's Eve/Day which was abusive and threatening legal action because we were adhering to the terms of our licence.

No further communication with us.

Incident Record Sheet – On 05/08/2015, he reported bass noise in his bedroom, but on 14/07/2015, [REDACTED] told a mutual friend that she was happy with our soundproofing.

Occurrence on 27/08/2015 (Thursday) [REDACTED] reported 'screaming and shouting' reported at 2.24am. The bar was closed and everyone had left the premises by 11.30pm. Nothing to do with the bar.

Why is he reporting other resident's issues? And why are we blamed every time there is a disturbance?

To sum up

██████ alleged under-age drinking on the patio. It would be interesting to know how they can tell a person's age from a second floor window in the dark.

He is reporting incidents for other residents of 41. 27/08/2015 for example. Also he reported that residents of one flat are moving out. Does he need all this to bolster his case?

██████ called the out of hours service on 21st August 2015, and has stated that the representative of the council witnessed events that occurred on the other side of the road, which can be confirmed by our doormen and your representative. This DID NOT occur in the bar or on the patio. CCTV for this incident is not available as it occurred out of range of our cameras which are set to record what is happening on our patio. To date, we have had no contact from the council representative concerning this visit. It must therefore be assumed that there was nothing to report. It would be helpful to all involved for this to be made clear to the complainant. The neighbours complain, the complaint is not upheld so we know nothing about it. They are not told this, so they think we are doing nothing about it. There would be a lot less stress all round if the council representatives were more open about these complaints.

This is a very good example of ████████ blaming us for every disturbance that happens within the vicinity of his flat.

41 Marine Parade

- | | |
|--------------------------------|--|
| 4 th December 2014 | Letter inviting residents to attend meeting |
| 7 th December 2014 | Meeting in the bar |
| 11 th December 2014 | Complaints about music started, mostly bass and drums. |
| 24 th December 2014 | At 22.40 complaint about people shouting, but admitted she didn't know where it was coming from. |
| 11 th March 2015 | Although music complaints have continued, she admitted that they had noticed some improvement in the last 7 days. We identified the door to our kitchen could be an issue and dealt with it. |
| 12 th March 2015 | Reported 'humming' |
| 13 th March 2015 | Nadeem visited their flat |
| 14 th March 2015 | Reported no improvement. What has changed from 3 days ago? |
| 25 th March 2015 | Pam Knowles and our sound man visited Flat 4 to pinpoint the issues. |
| 27 th March 2015 | Trial done with speaker off the wall. No feedback as she was asleep, so obviously not causing a disturbance. Also reported screaming and shouting, but didn't know where it was coming from. |

8th June 2015 *Music complaints continue – bass and drums, but when asked Mr Forsyth admitted that DJ music was not an issue.*

15th June 2015 *Further soundproofing commenced as a result of Mrs Forsyth's diary.*

19th June 2015 *Soundproofing finished and awaiting more feedback.*

Noise Disturbance Diaries

30th May 2015 *Drumming reported from 7.35pm. First band that night at 7.35pm was an acoustic act with NO drums.*

1st June 2015 *No word from the [REDACTED] between 09/04/15 and 01/06/15, leading us to believe the problems were solved. Reason given that they were too busy to contact us due to getting married. No disturbance if they are busy?*

16th June 2015 *We were testing new sound equipment during the afternoon until 5.45pm. No gig that night, but guitar noise reported between 21.19pm and 22.00pm. CCTV shows nobody on the stage between these times.*

18th June 2015 *Reported screaming through the walls and moving around the property at 12.05am. Bar was closed at 11.10pm and everyone gone by 11.30pm. We are being blamed for every noise heard even when we are not on the premises.*

19th June 2015 *Noise reported all evening, but acoustic act were playing between 8.30pm and 9.00pm. (no drums)*

24th June 2015 *Reported disturbance until 9.00pm. Metal bands playing until 11.00pm.*

11th July 2015 *Using our CCTV, many discrepancies have been identified in [REDACTED] diary. Pam Knowles requested that Nadeem chairs a meeting between the [REDACTED] and us to show the evidence, but he declined and said contact them direct. We did that and they also declined, saying the police told them not to, which shows that when evidence points to them telling untruths, they retreat.*

13th July 2015 *Told me not to contact them again, obviously they are getting uncomfortable about their lies.*

Representation letter

[REDACTED] mentions that we want to extend our opening times to 9.00am to 2.00am. I have no idea where that came from. It has never been our intention to open any earlier than 12.00 noon, and much of the time it is considerably later than that. There are several reasons why we would not want to have bands playing at 9.00am. Firstly, no band would want to play at that time. Secondly, no customers would want to come to listen to them, and thirdly, Mark would not want to get up at that time to be at work. We

have some 'alldayers', which would generally begin at around 3.00pm – 4.00pm.

On 9th August 2015 she reported 'customer noise', presumably from the patio, but they have always maintained the patio did not affect them.

██████████ also mentions she has mental health issues, and she gets herself on edge about what may happen later. I suggest this is the main reason for all the complaints and the discrepancies in her diary. I would also suggest that with mental health issues they are definitely living in the wrong location. They need to be somewhere quieter.

She mentions that when they moved into their flat they thought the bar would be quiet because we had a sign up saying 'family and dog friendly'. This sign was not **taken down** as she states, but it fell down, and the wind break was so rusty that it was removed leaving nowhere to place the 'friendly' sign. However, there have been THREE signs up advertising that there will be live music ever since we took over the bar in 2011.

They also admit to finding the seafront fair annoying and intrusive. Shouldn't these events be expected on the promenade near the pier which is where they have chosen to live.

The last time a council representative visited their flat to investigate a complaint, ██████████ said to the representative, James, that "the noise may not always be overly loud in terms of decibels". The amount ██████████ is affected by the music is dependent on how she feels at the time.

Lastly, the extension to 2.00am would have an advantageous effect on them as we already cease live music 30 minutes earlier, and plan to continue in this way, and replace it with DJ music which they have admitted is not a problem, corroborated by ██████████

To sum up

██████████ has admitted in her representation that she suffers with mental health issues. That would explain the erratic nature of her complaints, imagining things that are not happening, and blaming us for every noise she hears.

While she was busy arranging her wedding, and presumably in a happy frame of mind, there were no complaints. She said it was because she was busy. How long does it take to send an email or make a phone call? She has no job and is home all day. When she returned from her honeymoon and settled back into the normal humdrum way of life, she started to complain again.

When we identified several discrepancies in her diary with the aid of our CCTV, we requested Nadeem chair a meeting between us and ██████████, Nadeem declined and suggested approaching them direct. We did this and she refused to meet with us. In an email to me, she asked that we did not contact her or her husband again. We had only contacted him once, and that was

because we had heard nothing from her. I believe that [REDACTED] does not realise the full extent of his wife's complaints about the bar as he has never complained himself.

In my experience of people with mental health issues, the people around them do not want to make waves, so let them do and say what they want without question, in order for them to stay calm.

She admitted to the council's representative, James, that the music was not overly loud in terms of decibels, showing that how she is affected depends on how she feels at the time.

There are so many provable discrepancies in her complaints that we feel within our rights to take action against them for libel in the civil court. I have no doubt we would win as an experienced barrister would rip her complaints to pieces.

41 Marine Parade

- 4th December 2014 Letter inviting residents to attend meeting
- 7th December 2014 Meeting in the bar, [REDACTED] implied that by banding together they would get results.
- 11th March 2015 Feedback regarding first part of improvements – no change
- 20th March 2015 Feedback requested – no change. Also complainant requested information regarding our licence, designed to try catch us out if we were to be in breach of our licence.
- 23rd March 2015 We requested access to her flat to pinpoint where sound was actually occurring – refused. She denied that she was refusing to co-operate, and also stated that sorting out issues with Flat 4 would solve her problems.
- 29th March 2015 Feedback said still no change, and suggested we look for funding to help with the cost of improvements, which she was rather scathing about on her representation because we did just that.
- She also told me not contact her again.

Representation regarding application

Mentions complaints going on for over a year. Bar 42 has been operating as a music venue for over four and a half years, with no major changes in procedures.

It is stated on her representation that we did not carry out all the suggestions on the acoustic report. Who told her this? It certainly was not us, as she requested we did not contact her again at the end of March. Everything, and more besides has been carried out. Work is still being done

as and when an issue and a remedy is identified. A total of £13000 has been spent on soundproofing

It also states that our customers have been made aware that the residents at number 41 are complaining. This could be due to the notices that we put up at [REDACTED] partners request.

Mentions their pathway is considered an ashtray. Since this was mentioned in our meeting in December, the cleaner (me) has checked their front path each time cleaning is done. To date cigarette ends have been found on their path on two occasions and been duly removed. Having said that, their front gate is frequently left open, so anyone has access to their front path.

[REDACTED] states that there are 'only 3' commercial premises in the terrace. This is incorrect. There are two bars, one restaurant and a dentist. That makes 4. But more to the point, apart from number 41, all the ground floor premises are commercial.

Possibly the strangest complaint is that the bar doors are often open. In order for customers to gain access to and egress from the bar, they have to open the doors.

Finally, she states that Bar 42 cannot manage their licence. In the four and a half years that Bar 42 has been open, there have been no reasons to call the police, and no police cars have stopped outside the bar. The Licensing Officers make regular visits to check that the licence is being adhered to. They come in, walk around and then walk out again, satisfied that all is well.

To sum up

Following an initial complaint regarding music in 2011, sound proofing was installed to all the walls and the ceiling at a cost of £6000. This was carried out by a company experienced in this work, and had previously worked on The Last resort in Worthing. There were no further complaints (to us) at that time, so we assumed that the soundproofing was effective. There was a further complaint to us in 2012 from the resident in [REDACTED] who at the time was [REDACTED]. She subsequently sold her flat to [REDACTED]. Did she tell them about the complaint? It would have been required in the legal documentation. Did [REDACTED] omit this fact, or did the [REDACTED] ignore it?

[REDACTED] had her flat up for sale early in 2014. It had an asking price of [REDACTED]. After several weeks it was reduced to [REDACTED]. At the time Zoopla valued it at [REDACTED] [REDACTED] said that she could not sell her flat because the banks would not give a mortgage on the flat as it was next door to a bar. It was probably due more to the fact that it was over-priced. When it was taken off the market, the complaints began. It would appear that [REDACTED] managed to get a mortgage for [REDACTED] at that time.

██████ complains that we have not consulted with any residents of number 41 regarding the extension to licencing hours. We have not contacted any of them because they have all told us not to contact them.

We have four notices, two in the porch and two outside, (at the request of ██████ partner, ██████) requesting that our customers keep noise to a minimum out of respect for the neighbours. These notices, along with our crowd funding to raise money for the soundproofing, point to the fact that we have complaints from the neighbours. Our customers did not need to be told about this. It is obvious.

We have audio evidence (permission granted at the start of the meeting) from our meeting in December 2014 of ██████ saying that she felt they (the residents at 41 Marine Parade) all needed to band together to complain, as one voice alone was insufficient. This has resulted in those who are complaining, raising issues that do not affect themselves, but other residents. We feel that this is systematic bullying.

Prior to our meeting, Mark felt that the complaints were aimed at him personally, and not the bar or patrons or entertainment. We decided that I (Pam Knowles) should hold the meeting on my own, to give them the opportunity to speak freely. Many of the comments made proved that we were right. The audio of this meeting is available.

██████, 41 Marine Parade

- 4th December 2014 Letter inviting residents to attend meeting
- 7th December 2014 Meeting in the bar. ██████ stated that her problem was the noise on the patio, and NOT with anything to do with music.
- 12th March 2015 When feedback was requested about the first phase of soundproofing, it was stated that their problem was only with the noise on the patio, not music.
- 27th march 2015 Stated that the signs requested by ██████ were not working. Also told me not to reply to her email. She continued a tirade of complaints that customers were on the patio after 11.00pm, and then made threats that they would be sending a report to the police with a recording of the patio. We had no contact from the police, so assume they felt there was no case to answer.
- 28th March 2015 Further personal threats that she will be 'taking this further'.
- 13th July 2015 (approx.) During a discussion with PC Vasey on another matter, he mentioned that he had received a video recording of our patio from ██████, and continued by saying there was nothing illegal occurring. Did he tell her that? Otherwise she will think that we are not acting on her complaints, when we don't even know she has made them.
- 9th August 2015 Email to me (Pam Knowles) at 12.36am demanding that the patio be cleared immediately as customers were screaming and smoking. Smoking is allowed

at that time. Screaming is dealt with by the doorman. It was pointless emailing me as I live 5 miles away, and am generally asleep at that time. It would have been better to speak to Mark, although I am not sure he could do any more than was already being done.

Representation letter

Now she is complaining about music noise, when she has previously stated twice that she is not affected by the music.

States that front doors and windows are open. In order for customers to gain access and egress to the bar, they have to open the doors. The windows at the front of the bar are never open as they are fixed closed permanently for safety reasons.

The bar is always closed and staff gone home by the time stated on the licence – 1.30am Saturday and Sunday mornings, and 12.30am the rest of the week. Any noise after this time is nothing to do with the bar, and likely to be people getting off the night bus from Brighton. On the occasion that there was still noise at 5.00am, it was certainly due to other causes, unless of course it was on the morning of New Year's Day, when it was permitted for all pubs, bars and clubs to still be open at that time.

The fact that we were requested to put up notices reminding customers to be quiet points to the possibility that the neighbours have complained. However, in this instance it could be that she was videoing the people on the patio, making them feel uncomfortable. It may have been reported to the police, but we received no notification from the police at that time, suggesting that they thought there was nothing untoward happening.

She also states that Mark is unapproachable, yet she has never attempted to speak to him.

To sum up

██████████ stated at our meeting on 07/12/2014 that music noise was not an issue. Her problem was with the noise on the patio.

She reiterated on 12/03/2015 that music was not a problem for her.

On or around 13/07/2015 she sent a video of our patio to the police, but we only discovered this when Mark spoke to PC Vasey on another matter. PC Vasey said he could see nothing illegal occurring on our patio in the video.

This person is a serial complainer, having previously complained to the council about the seafront fair, the Salvation Army band, fireworks and the carnival procession. She said in our meeting that she disliked the seafront fair so much that she goes away for its duration. It is hard to understand why someone who does not like events on the seafront near the pier should choose to live on the seafront near the pier.

We have four notices, two in the porch and two outside, (at the request of [REDACTED]) requesting that our customers keep noise to a minimum out of respect for the neighbours. These notices, along with our crowd funding to raise money for the soundproofing, point to the fact that we have complaints from the neighbours. Our customers did not need to be told about this. It is obvious. The verbal abuse they are receiving is probably due to the fact that [REDACTED] was videoing the customers on the patio, making them feel uncomfortable. When she complained to us about it, we requested a copy of the video so we could identify the perpetrator of the verbal abuse. We had no reply from her.

It should also be noted that apart from coming to our meeting in December, when [REDACTED] alleged under-age drinking, he has had no input. It would be interesting to know how they can tell a person's age from a first floor balcony in the dark.

We intend to initiate court proceedings against [REDACTED] due to libellous statements designed to harm our business.

We intend NO re-entry and entry after 1.00am. That includes smokers. If they go outside after 1.00am for any reason they will not be allowed back in. This means there will be nobody on the patio at all after 1.00am, only people leaving the premises. They will be told that there is no re-entry, so they will then leave to go elsewhere or stay inside until they go home.

The number of representations from 41 Marine Parade is actually four. There are two from [REDACTED] one of which was an after-thought, two from [REDACTED], and one each from [REDACTED]. There is one letter of support from [REDACTED] 42 Marine Parade. There are ten properties in the immediate vicinity, six at number 41 and four above the bar. A number of the representations express a clear dislike of Mark and the bar. They seem to have forgotten that we have CCTV, emails, audio of our meeting last December and statements from other residents in this area proving their claims to be unfounded. The reason they have all stopped communicating is because we have CCTV evidence to show what they are saying is either untrue, or taken completely out of context.

[REDACTED] - no replies from our request for feedback. No appearance at the meeting we set up.

[REDACTED] has actually stated in an email that DJ music is not an issue and the only issue is live music.

[REDACTED] – always maintained that music was not an issue but now she is complaining about the music. They don't want two bars and a restaurant in this parade. They want it to be residential and more exclusive.

[REDACTED] - Has stated to a mutual friend the noise issue was cured when we stuff our chimney with acoustic wool. We have text confirmation of this. They don't want two bars and a restaurant in this parade. They want it to be residential and more exclusive.

The couple living in [REDACTED] (41 Marine Parade) are supportive, and if required, will send a letter to state they can't hear the music in their flat. They can hear the patio but aren't bothered by it or wouldn't have moved there.

There are a number of points to consider. One of the points we would like to discuss is why Nadeem refused to chair a mediation meeting with us and the neighbours then send us a warning of Noise Abatement following a period of eight weeks of no contact from him or the neighbours. In that time we made further improvements to the back room and have since installed a number of bass traps and some sound deadening to the stage area which seems to have had a significant effect. [REDACTED] 42 Marine Parade was very surprised last Saturday (5th September) that we had a gig going on as he could not hear a thing. Some of this work was phase 2 on the acoustic report and the rest is due to Mark reading around the subject and trying to work out what we needed and where. To this day we still don't know if they have worked next door. The resident in the [REDACTED] lives in the flat above the bar (position corresponds with [REDACTED] next door) says they have. Our sound guys say they have. The floor upstairs in our toilets now barely vibrate when live music is on so it would appear they have but the neighbours won't tell us anything. We asked [REDACTED] for an update and have been ignored again. How can this be our fault when we've spent £13000 in total to cure this issue of which at least £2000 has been wasted on guessing what work to do, as the acoustic report carried out by the company recommended to us by Nadeem, is purely generic, not venue specific and therefore not worth the paper it's printed on.

We have a timeline showing 24 weeks of delays (out of 39), nine of which were due to a delay in the acoustic report because it was the Christmas period, and fifteen due to Nadeem and the neighbours not giving feedback. At one time we thickened the sound proofing on the wall, doors and windows and spent almost £3000 on improvements to our equipment and anti-vibration equipment. The allegation that has been made that we haven't carried out the work recommended by the acoustic report is at best spurious and at worst malicious. How can a neighbour who does not communicate with us have any information regarding the work we have or have not done? Has Nadeem told them this or was this another lie to strengthen their case? We have carried out all recommended work, and a great deal more besides. I have a letter from [REDACTED] saying that we have been in constant dialogue with him about the improvements and he has kept us posted. He has stated that he didn't even know we had a gig last Friday (28th August) and our work has made steady improvements and he lives directly above our back room on the second floor has written a letter accordingly. We have had very little feedback from Nadeem and the residents of 41 so how do we know if the improvements on the acoustic report have made a difference?

For the past year Mark has had to take abuse from the residents of 41 with false claims about the bar and how he runs it. These have included claims of underage drinking and drug dealing for which there is no evidence at all. The police have no issues here and have even tested us with an attempt at underage purchase which was passed by refusing purchase. Yet Mark continually has to defend himself.

We are going to be thorough in this hearing and show these claims to be malicious using all the evidence we have.

Pam Knowles

Bar 42

PAMELA KNOWLES

Hi Simon.

Here is another one for distribution.

Thanks

Pam Knowles
Bar 42

[REDACTED]

[REDACTED] 42 Marine Parade,
Worthing,
West Sussex,
BN11 3QA

[REDACTED]

30-Aug-15

To Whom it May Concern,

I am writing this to express my views on Bar42, and the noise issue. The flat I rent is 2 floors above the stage area, with the pub toilets on the intermediary floor, sharing the external wall.

When I first moved in 13 months ago there was noise from the bands with the vibrations being transferred up the wall. The levels at this points were tolerable, and to be expected living over a music bar, being no worse than the external traffic and a lot better than the omnipresent fair or the town centre bands. Although again all three are to be expected as part and parcel of the location I chose to live.

Since this Mr Knowles has carried out a number of procedures, sound proofing the room including the latest which has installed foam baffles. At each stage the noise has been reduced, currently reaching the level at which I can no longer hear, as the level is lower than my PC fans.

It is my experience that Mr Knowles has been constantly courteous, welcoming an update on the sound levels and how the upgrades are working allowing him to reduce the noise further.

Please feel free to contact me if you need any further information or I can help further.

Yours Faithfully,

[REDACTED]