



Communities Directorate

20 February 2017

## Licensing and Control Sub Committee

<b>Date:</b>	<b>01 March 2017</b>
<b>Time:</b>	<b>6.30pm</b>
<b>Venue:</b>	<b>Council Chamber, Worthing Town Hall</b>

**Committee Membership:** Councillors Paul High (Chairman), Robert Smytherman, Paul Westover

## 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. Public Question Time

To receive any questions from Members of the public in accordance with Standing Order 11.2

*(Note: Public Question Time will operate for a maximum of 30 minutes.)*

**3. Licensing Act 2003 – Application for a new Premises Licence at: La Bunica 15 Rowlands Road, Worthing**

To consider a report by the Director for Communities, copy attached as item 3

**Part B - Not for publication - Exempt Information Reports**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.

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**Licensing Act 2003 – Application for a new Premises Licence at:**

**La Bunica**  
15 Rowlands Road, Worthing, BN11 3JJ

**Report by the Director for Communities**

**1. Recommendation**

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

**Mr Stefan Balan**

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

**2. Reasons for Hearing**

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

**3. Background**

- 3.1 An application was made by Mr Balan to the Licensing Authority, Worthing Borough Council, on the 3 January 2017 for the grant of a new premises licence.
- 3.2 The store is situated in Rowlands Road just outside the primary shopping area of the town in a parade of shops in a mixed commercial/residential area. The parade consists of dozens of small independent retail units including three convenience stores, a public house, numerous takeaways & restaurants, a small Co-op and various other independent outlets situated on both sides of the road.
- 3.3 La Bunica is located on the ground floor with a self-contained residential flat above. The business is open and operating.
- 3.4 The business is intending to operate as a convenience store serving a variety of convenience products and traditional Romanian foodstuffs. The applicant wishes to sell a small variety of beers, wines & spirits for takeaway.

3.5 Attached to the report are:

- A plan of the area (Appendix A)
- A plan of the store (Appendix B)
- The application (Appendix C)
- The representations made by the Responsible Authorities, namely Sussex Police and West Sussex Fire & Rescue Service the agreements reached (Appendix D1 & 2)
- The representations received from local residents. (Appendix E1 & 2)

#### 4. **The Application**

4.1 The Application is attached at **Appendix C**. However, in summary, the application is seeking authorisation for:

- the sale of alcohol between the hours of:  
09.00hrs to 22.00hrs Monday – Friday  
10.00hrs to 22.00hrs Saturday & Sunday
- opening to the public between the hours of:  
09.00hrs to 22.00hrs Monday – Friday  
10.00hrs to 22.00hrs Saturday & Sunday

4.2 As recommended by the Guidance issued under section 182 of the Licensing Act 2003 the applicant has completed an operating schedule as to how it is intended to address the Licensing Objectives if this application were granted.

4.3 The proposed designated supervisor detailed in the application is Mr Stefan Balan. He does not hold a personal licence at present but has started the process. If a premises licence was granted today Mr Balan is aware that the sale of alcohol could not commence until such time as a DPS was named on the premises licence that holds a valid personal licence.

#### 5. **Promotion of the Licensing Objectives**

5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:

- prevention of crime and disorder;
- public safety;
- prevention of public nuisance;
- protection of children from harm.

5.2 In carrying out its licensing functions, the licensing authority must also have regard to the Guidance issued by the Secretary of State and its own Statement of Licensing Policy. Members are advised that the following sections of the Worthing Borough Council's Policy may be particularly relevant to consideration of this matter, though of course the Policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the Policy itself:

## **Prevention of Crime & Disorder**

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

## **Prevention of Public Nuisance**

- 4.17 *Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of disturbances impacting upon people living, working or sleeping in the vicinity of the premises or wider afield.*
- 4.19 *When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type/construction of their premises, proposed activities and nature of locality) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.*
- 4.20 *Anti-social behaviour such as excessive noise from access and egress or patrons littering should also be addressed in the Operating Schedule.*

## **DEMAND, SATURATION & HOURS**

- 6.1 *In accordance with the Government's guidance the Council recognises that demand is not a relevant criterion in considering an application under the Act.*
- 6.18 *The Council will generally consider the licensing of shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. However, it may consider that in some circumstances there are very good reasons for restricting those hours and these are detailed in paragraphs 7.1 to 7.13 below. .*

## **SPECIFIC CONSIDERATIONS**

### **Off sales of alcohol – Stores & Supermarkets**

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

*consumption of alcohol on the street and in open spaces can directly lead to these groups of drinkers causing various types of crime, public nuisance and anti-social behaviour.*

- 7.7 *Pre-loading and post-loading, the sale of alcohol to people who consume it on the way to or from venues licensed for the consumption of alcohol on the premises, gives rise to problems of drunkenness and disorderly behaviour. The proliferation of stores selling alcohol for consumption off the premises is of concern if it leads to drinking on the streets or alcohol being carried into premises such as pubs and nightclubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the town and adversely affects the licensing objectives.*
- 7.8 *Where the police or others make representations against the grant of a further licence for off sales, because of their serious concerns over any of the problems listed above and the disorder associated with the off sale of alcohol in the area, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. The council will want to be assured that the Operating Schedule of premises, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. The earliest and latest hours of opening will be of particular concern. This is because problematic street drinkers and others who are seriously addicted to alcohol, may be drawn to shops that sell alcohol earlier in the morning and later in the evening than other premises and consequently create public nuisance. Where there are representations on problems of disorder the hours when alcohol may be sold for consumption off the premises may be conditioned to be less than the generally granted hours issued to public houses and restaurants in the area.*
- 7.9 *Due to these concerns and their link to crime, disorder and disturbance, the Council will not, as a general rule, grant applications for the 24-hour sale of alcohol for consumption off the premises. It will consider very seriously any representation made by Sussex Police, other responsible authorities, and relevant representations from the public before determining such applications.*
- 7.10 *To address the problems of street drinkers, underage drinkers and pre/post-loaders the council has introduced a controlled drinking zone across the whole borough giving the police powers to stop street drinking and seize alcohol and receptacles under the powers of the Criminal Justice and Police Act 2001. In addition short term Dispersal Zones have and will be used in parts of the town where the breakup of street drinking groups is required to disrupt any emerging patterns of street drinking.*
- 7.11 *When requested by the police, or other authorities, the Licensing Authority may impose on new applications, or on existing licences at review, conditions requiring:*
- *No sales of alcoholic beverages (beers, lagers & ciders) over a specified limit of alcohol by volume or of specified quantities (e.g. of beers, lagers and ciders over 6.0% alcoholic content by volume).*
  - *No sales of single cans or bottles of beer, lager and cider in containers containing less than 500ml.*
  - *No sales of miniature bottles of wine or spirit in units of less than 35cl.*

- *Other conditions may be imposed directed at reducing problematic street drinking.*
- *Conditions stopping irresponsible drink promotions that do not follow best practice, that would appeal to underage drinkers or street drinkers or encourage excessive consumption.*
- *Conditions relating to the positioning of alcohol within the shop and the types of displays of alcohol within the store. Particularly those displays that might appeal to younger consumers.*

7.12 *From October 2010 it became a mandatory condition that all licence holders selling alcohol put in place an age verification policy for the premises. In some circumstances the Council will impose, where necessary to promote the licensing objectives, implicit conditions on the checking of the age of those who appear under 21 or 25 to ensure that alcohol is not sold to those under 18 years of age.*

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

## **6. Consultation**

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

Other Persons – 2 X Representations from residents.  
Responsible Authorities – 2 X Representations from the Responsible Authorities (Sussex Police & West Sussex Fire & Rescue Service)

## **7. Relevant Representations**

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

***Prevention of Crime & Disorder.***

***Prevention of Public Nuisance***

***Public Safety***

***Protection of Children from Harm***

7.2 Sussex Police made a number of comments and listed a number of conditions that they consider required to enable this premise to meet the licensing objectives if members were of a mind to grant a licence.



- 7.3 West Sussex Fire & Rescue Service made a number of comments and listed a number of actions they consider required to enable this premise to meet the licensing objectives.
- 7.4 Two local residents made a number of comments in her representation including comments regarding necessity which is not a relevant consideration to this particular application under the Licensing Act. However, the letters do express concerns regarding antisocial behaviour and public nuisance and these matters may be considered by members.
- 7.4 The applicant, Sussex Police, West Sussex Fire & Rescue Service and the residents that made relevant representation have been formally notified of this hearing and invited to attend.

## 8. Mediation

- 8.1 The Licensing Act 2003 encourages mediation.
- 8.2 Sussex Police have successfully mediated with Mr Balan and as a result the following conditions have been volunteered to the applicant's operating schedule:
1. *The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.*
  2. *A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the Designated Premises Supervisor (DPS) with the date such authorisation commences. Each of these staff members shall receive full training pertinent to the Licensing Act before being permitted to start selling alcohol, specifically with regard to age-restricted sales and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to any sale of alcohol being authorised. Refresher training shall be undertaken thereafter at intervals of no more than twelve (12) weeks whereby staff are reminded of their responsibilities. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. These records shall be kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff.*
  3. *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.*
    - *The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.*
    - *CCTV footage will be stored for a minimum of 31 days*

- *The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.*
- *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
- *Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.*
- *Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.*

4. *The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the DPS at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff.*

5. *Alcohol products will not be displayed within a two (2) metre radius of the front entrance other than behind the serving counter out of reach of the public.*

6. *The premises will actively participate in a local Shopwatch scheme, where one exists, and will not sell alcohol to targeted street drinkers identified through the scheme.*

7. *No beer or cider cans to be sold in single units. Beer and cider only be sold in multiple packs of a minimum of 4 cans.*

8. *No beers, lagers or ciders will be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5 % or in bottles larger than 750ml with an ABV in excess of 6.5%.*

8.3 These would become enforceable conditions of any licence members may consider granting and consequently Sussex Police have confirmed that their concerns have been addressed and they have withdrawn their objection to the amended application being granted.

8.4 Mediation between Mr Balac and West Sussex Fire & Rescue Service had not resulted in a settlement at the time of drafting this report but members will be informed of any developments.

8.5 Mediation between Mr Balac and the members of the public that made relevant representation had not occurred at the time of drafting this report but members will be informed of any developments.

## **9. Consideration**

9.1 Members must take into consideration the following when determining this application:

- The four statutory licensing objectives
- Worthing Borough Council's Statement of Licensing Policy
- Guidance issued by the Home Secretary

- The relevant representations from all parties and the mediated agreement reached.

9.2 These are the only matters to be addressed by the authority when considering this application. The statutory Licensing objectives are the only grounds on which representations can be made, and the only grounds on which an authority will be able to refuse an application or impose conditions in addition to statutory conditions and those proposed by the applicant in the Operating Schedule.

9.3 When considering this application for a premises licence the following options are available to the Sub-Committee:

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

Members may also:

- Grant the licence but exclude certain licensable activities from the licence,
- Refuse to specify a particular person as a premises supervisor,
- Approve different parts of the premises for different activities.

9.4 Members are required to give reasons for their decision.

## 10. Legal Implications

10.1 Under Section 181 and Schedule 5 of the Act, the following rights of appeal to the Magistrates' Court in respect of applications for a premises licence includes:

- (1) The applicant may appeal against any decision to modify the conditions of the licence.
- (2) The applicant may appeal against a rejection in whole or part of an application.
- (3) A person who has made relevant representations may appeal against a licence being granted, or against the modification or lack of modification of any conditions.

10.2 The Act allows for the local licensing authority to undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police or the fire authority, or any other party, such as a resident living in the vicinity of the premises. The government's guidance states:

*"The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with licensing objectives are occurring after the grant or variation of a premises licence.*

*At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the*

*licence because of a matter arising at the premises in connection with any of the four licensing objectives.*

- 10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.
- 10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 10.5 All applications, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from interested parties and the responsible authorities particularly the Police.

## **11. Other Implications**

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

## **12. Recommendation**

- 12.1 **Members are requested to determine the application for a new Premises Licence made on behalf of by Mr Stefan Balan for his convenience store known as 'La Bunica' situated at 15 Rowlands Road, Worthing and give reasons for that determination.**

**Mary D'Arcy  
Director for Communities**

### **Principal Author and Contact Officer:**

Simon Jones  
Public Health & Regulation – Team Leader Licensing  
Tel: 01273 263191 or [simon.jones@adur-worthing.gov.uk](mailto:simon.jones@adur-worthing.gov.uk)

**Background Papers:**

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

**Appendices:**

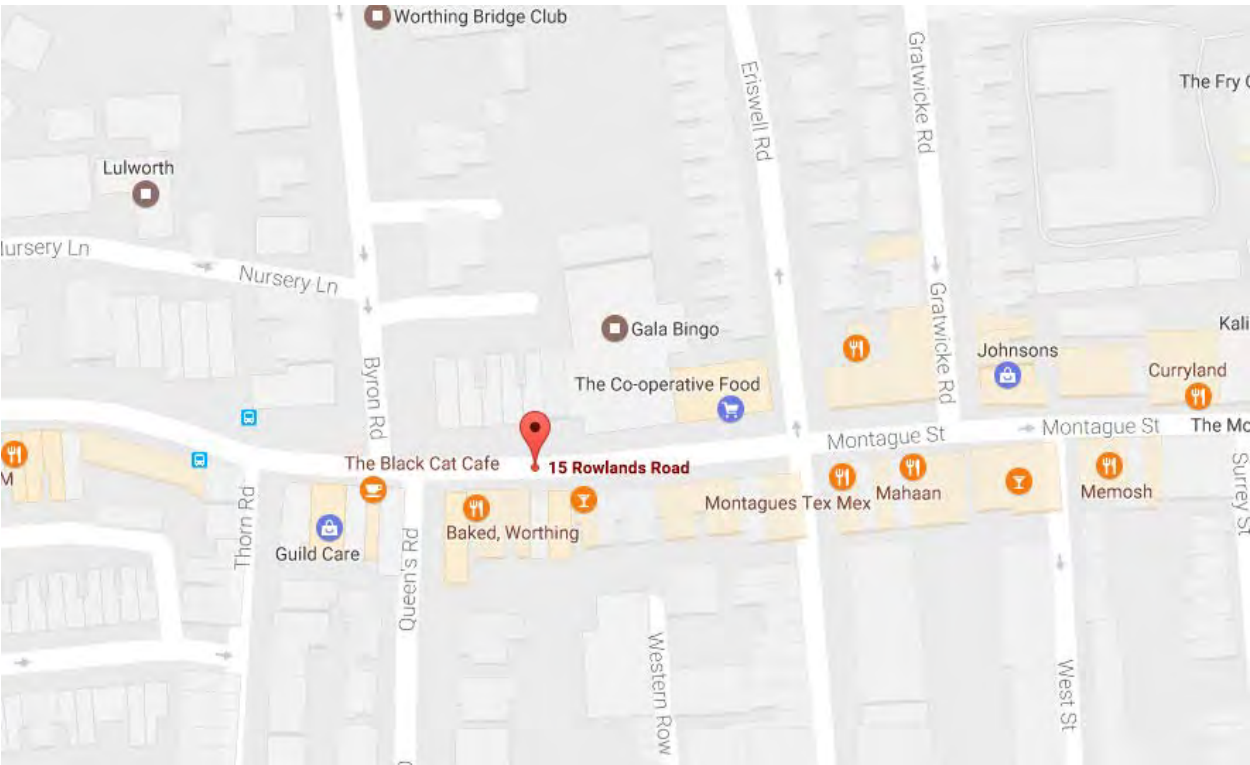
- Appendix A - Plan of area.
- Appendix B - Plan of the building.
- Appendix C - Application Form.
- Appendix D – Representation received from Sussex Police, West Sussex Fire & Rescue Service and an agreement reached
- Appendix E – Representations received from local neighbours

Commerce Way, Lancing

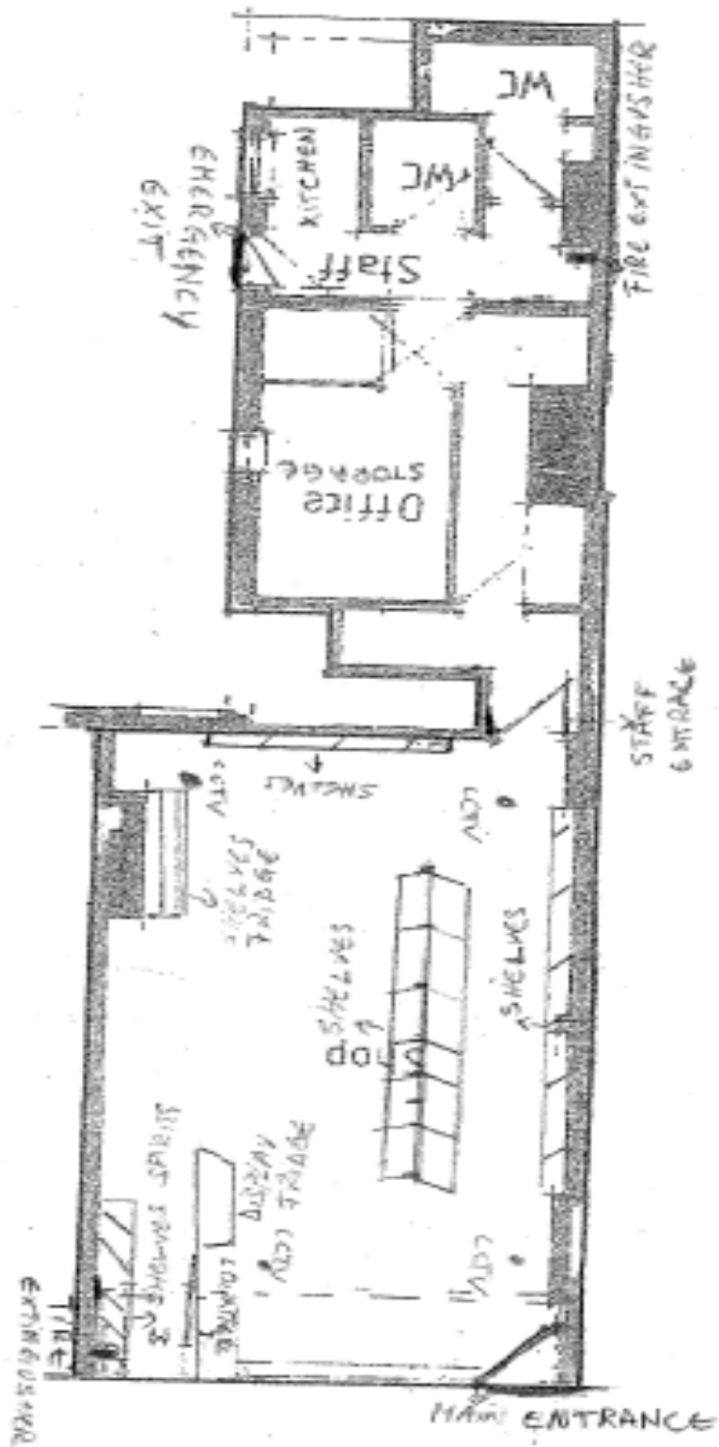
Ref: SJ/Lic.U/LA03/NEW – La Bunica

Date: 10 Feb 2017.

**Appendix A  
Plan of Area**



Appendix B  
Plan of Premises





ADUR  
DISTRICT COUNCIL



RECEIVED  
03 JAN 2017

9 Commerce Way, Lancing, BN15 8TA

Licensing Act 2003 -  
New Premises Licence Application pack including  
Application Form & Designated Premises Supervisor Consent

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure 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 STEFAN BALAN  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
15 La Bunicca La Bunicca			
ROWLANDS ROAD			
Post town	WORTHING	Postcode	BN11 3JJ
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *      | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | <input type="checkbox"/>            | please complete section (B) |
| i. as a limited company                | <input type="checkbox"/>            | please complete section (B) |
| ii. as a partnership                   | <input type="checkbox"/>            | please complete section (B) |



- iii. as an unincorporated association or  please complete section (B)
- iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname BALAN			First names STEFAN		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		[REDACTED]			
Post town	WORTHING		Postcode	BN11 4BJ	
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)		[REDACTED]			

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
15	02	2017

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

DD	MM	YYYY
-	-	-

Please give a general description of the premises (please read guidance note 1)

1 OPEN A RETAIL SHOP, SELLING FOOD AND BEVERAGES.  
 ROMANIAN TRADITIONAL FOOD

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

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

Provision of 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

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption –</b> <u>please tick</u> (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon	9:00	22:00						
Tue	9:00	22:00						
Wed	9:00	22:00						
Thur	9:00	22:00				<b>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</b> (please read guidance note 5)		
Fri	9:00	22:00						
Sat	10:00	22:00 <del>19:00</del>						
Sun	10:00	22:00 <del>19:00</del>						

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

Name		STEFAN BALAN	
Address		[REDACTED]	
Postcode	[REDACTED]		
Personal licence number (if known)		To be applied for.	
Issuing licensing authority (if known)			

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

**b) The prevention of crime and disorder**

We have CCTV  
24h per day

**c) Public safety**

Emergency exits will be kept clear

**d) The prevention of public nuisance**

We are not going to sell alcoholic drinks  
to people under the influence of alcohol or  
drugs

**e) The protection of children from harm**

Do not sell alcohol to children  
we will operate challenge 25

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 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	09.00	<del>20.00</del>	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 5)
		22.00	
Tue	09.00	<del>20.00</del>	
		22.00	
Wed	09.00	<del>20.00</del>	
		22.00	
Thur	09.00	<del>20.00</del>	
		22.00	
Fri	09.00	<del>20.00</del>	
		22.00	
Sat	10.00	<del>14.00</del>	
		22.00	
Sun	10.00	<del>14.00</del>	
		22.00	

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON 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 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	[REDACTED]
Date	21.12.16
Capacity	SHOP OWNER

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

15 ROWLANDS RD

Post town	WORTHING	Postcode	BN11 3J5
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			



Licensing Unit,  
Adur and Worthing Councils  
Portland House,  
Richmond Road,  
Worthing,  
BN11 1LF

**West Sussex Division  
Neighbourhood Licensing Team**

19<sup>th</sup> January 2016

**APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 FOR LA  
BUNICA, 15 ROWLANDS ROAD, WORTHING, BN11 3JJ**

Dear Mr Jones,

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 the licensing objectives of the Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm.

Sussex Police have no objection to the principal of the application, however while the operating schedule provided identifies a number steps to address the licensing objectives, it is considered that additional measures are necessary. Sussex Police propose the following conditions which should not prove onerous on the day-to-day operation of the premises. These reflect the steps proffered in the application and also include some additional steps:

1. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it.
2. A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the Designated Premises Supervisor (DPS) with the date such authorisation commences. Each of these staff members shall receive full training pertinent to the Licensing Act before being permitted to start selling alcohol, specifically with regard to age-restricted sales and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to any sale of alcohol being authorised. Refresher training shall be undertaken thereafter at intervals of no more than twelve (12) weeks whereby staff are reminded of their responsibilities. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. These records shall be kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff.

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

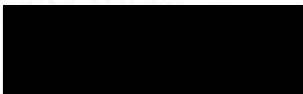


3. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
  - o The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
  - o CCTV footage will be stored for a minimum of 31 days
  - o The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
  - o The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
  - o Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
  - o Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
4. The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the DPS at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff.
5. Alcohol products will not be displayed within a two (2) metre radius of the front entrance other than behind the serving counter out of reach of the public.
6. The premises will actively participate in a local Shopwatch scheme, where one exists, and will not sell alcohol to targeted street drinkers identified through the scheme.
7. No beer or cider cans to be sold in single units. Beer and cider only be sold in multiple packs of a minimum of 4 cans.
8. No beers, lagers or ciders will be sold in cans with an Alcohol By Volume (ABV) in excess of 6.5 % or in bottles larger than 750ml with an ABV in excess of 6.5%.

If the applicant is agreeable to the proposed conditions, Sussex Police can resolve this representation subject to these conditions being attached to the premises licence.

Please contact this office on the number below or via email to [ws\\_licensing\\_wor@sussex.pnn.police.uk](mailto:ws_licensing_wor@sussex.pnn.police.uk) should you wish to discuss this representation

Yours sincerely



Chief Inspector Burtenshaw  
District Commander

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





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

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**FW: La Bunica, BN11 3JJ representation**

1 message

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**WS\_Licensing\_WOR@sussex.pnn.police.uk** <WS\_Licensing\_WOR@sussex.pnn.police.uk> 24 January 2017 at 08:55  
To: licensing.unit@adur-worthing.gov.uk  
Cc: simon.jones@adur-worthing.gov.uk, [REDACTED]

Good Morning,

Please see email below agreeing the conditions in the representation raised by Sussex Police. I can therefore confirm that Sussex Police are able to resolve this representation subject to the conditions being attached to the premises licence.

Kind regards

Pauline Giddings

Divisional Licensing Officer

101 x 581443

**From:** Stefan Balan [mailto:[REDACTED]]  
**Sent:** 23 January 2017 11:16  
**To:** WS\_Licensing\_WOR <WS\_Licensing\_WOR@sussex.pnn.police.uk>  
**Subject:** Re: La Bunica, BN11 3JJ representation

Good morning Ms Squibb,

Thank you very much for your email.

Will be totally fine for me to promote and to stick to all the things that are required.

If possible, would also be helpful for me if someone could pop into the shop to give me some advises.

Looking forward to hearing from you!

Kindest regards,

Stefan Balan



Simon Jones &lt;simon.jones@adur-worthing.gov.uk&gt;

## A 1493 La Bunica Premise Licence Application

1 message

**Business Fire Safety** <BusinessFireSafety@westsussex.gov.uk> 5 January 2017 at 09:06  
 To: "Simon Jones (Simon.Jones@adur-worthing.gov.uk)" <Simon.Jones@adur-worthing.gov.uk>

LICENSING ACT 2003

The Fire Authority objects to the application for a Premises Licence in respect of the above premises. The following observations are made;

1. Details of a suitable fire alarm system for the premise to be forwarded.
2. A Fire Risk Assessment, undertaken by a qualified person, to be forwarded.
3. Detail of staff training to be forwarded.

Objections will be removed when the above have been received and found to be satisfactory and/or installed in the premise.

The applicant should be advised that current fire legislation requires an employer, or other responsible person, to carry out a review of their fire risk assessment following any material change.

Any resultant changes to the workplace, the responsible person must review the fire safety arrangements to reduce any increased risk.

Should you require any further advice or assistance please do not hesitate to contact the Protection Team at the above address.

Ray Jackson

Inspecting Officer

Ray Jackson -Inspecting Officer- Business Fire Safety.  
 West Sussex Fire and Rescue Service.  
 Tel Mob: 07711 034554  
[West Sussex County Council](#)  
 Horsham Fire Station, Hurst Road, Horsham, West Sussex. RH12 2DN  
 Phone: 0330 222 3333 or Email: [businessfiresafety@westsussex.gov.uk](mailto:businessfiresafety@westsussex.gov.uk)  
 Further Information: West Sussex County Council: [Business Fire Safety](#)  
 Do you know anyone that would benefit from a Home Fire Safety Check?  
 If so, please click here [West Sussex County Council: Home Fire Safety Checks](#)





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

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**Re: Licensing Act 2003 - Making Objection**

1 message

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viva southern ltd [REDACTED]  
To: Simon Jones <simon.jones@adur-worthing.gov.uk>

14 January 2017 at 17:26

TITLE: Application for Premises Licence. La Bunica shop .15 Rowlands Road worthing

Dear Licensing Officer,

Please accept this letter as my representation against the above application for a premises licence.

I am the owner of Viva, a delicatessen on Rowlands Road. A new shop has opened in the road and I notice that they have applied for a licence to sell alcohol. Many times over the past few weeks I have seen people drinking beer outside the shop and my concern is that it will get worse if they start selling alcohol. Along this road there are already a large number of stores already selling alcohol and the area already suffers with problems associated with street drinkers and drunks: general disorder, crime etc. I would like to object in the strongest terms to the above-proposed application on the grounds of: (a) prevention of crime and disorder; (b) prevention of public nuisance.

Thank you for your attention in this matter.

Your truly,

[REDACTED]  
viva 33 rowlands road worthing  
bn113jj

