

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

Council Chamber, Town Hall, Chapel Road, Worthing

01 March 2017

Councillor Paul High (Chairman)

Robert Smytherman

Paul Westover

*Absent

LCCB/16-17/14 Declarations of Interest

There were no declarations of interest.

LCCB/16-17/15 Public Question Time

There were no questions from members of the public.

**LCCB/16-17/16 Licensing Act 2003 – Application for a new Premises Licence at La
Bunica 15 Rowlands Road, Worthing**

Before the sub committee was a report by the Director for Communities, a copy of which was circulated to all members, a copy of which is attached to the signed copy of these minutes as item 3.

The report before members asked the sub committee of Licensing & Control Committee “B” consider and determine the application made for a new Premises Licence to authorise the sale of alcohol for consumption off the premises. The application had been the subject of formal representation by two responsible authorities and two local residents and it therefore had fallen to the sub-committee to determine.

Licensing Officer introduces report

The licensing officer outlined the report for the sub committee which included updates concerning mediation. Members were told that the applicant had agreed to conditions asked for by Sussex police and that a representation from the West Sussex Fire and Rescue had been withdrawn. Members were told that two residents that had made representations were not present at the hearing.

Questions on the report from Members

A member asked that a typographical error within the report be amended.

Representation by the Applicant

The applicant’s representative made a representation to the sub committee which is summarised as follows:

- In relation to the representation from West Sussex Fire and Rescue Service members were told that the property had been assessed by way of a fire risk assessment and that the applicant was in the process of confirming the correct type of fire alarm to install;
- Members were told that the applicant was advanced in the acquisition of a personal licence;
- The sub committee was told details of the training that would be provided to staff and how the applicant intended to take measures to uphold the licensing objectives;

The applicant had brought along two witnesses who had businesses close to the premises. The witnesses told members that they had not witnessed street drinkers outside the premises as had been claimed by a representation in the papers before members.

Questions for the applicant from Members

A member asked about the conditions requested by the police and asked if the applicant would be willing to amend the conditions as follows:

Condition 7 be amended to read:

‘No beers, lager or cider to be sold in single units. Beer, lager and cider only to be sold in multiple packs of a minimum of 4 cans or bottles.’

Condition 8 be amended to read:

‘No beers, lager or cider will be sold in cans or bottles with an Alcohol by Volume (ABV) in excess of 6.5%’

The applicant agreed to the proposed amendments.

A member asked if the applicant had experience in selling liquor. The applicant told members that he had worked in hospitality including bar work which included selling alcohol.

A member asked the applicant about the type of premises that was being planned. The applicant told members that the shop sold romanian products.

Summing up of the Applicant

The applicant’s representative told members that he had nothing to add.

The Chairman confirmed with all parties that they had nothing else to add.

The meeting adjourned at 7:00pm to consider its decision

The meeting reconvened at 7.13pm

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

Resolved: that the premises licence should be:

Granted for the sale of alcohol between:

0900hours to 2200hours Monday to Friday

1000hours to 2200hours Saturday and Sunday

The licence will contain all of the conditions that are detailed at points 1 to 8 of the email from Sussex Police dated 19 January and at paragraph 8.2 of the Committee report. These were agreed by the applicant prior to the hearing in an email dated 23 January 2017.

Condition 7 is amended to read:

'No beers, lager or cider to be sold in single units. Beer, lager and cider only to be sold in multiple packs of a minimum of 4 cans or bottles.'

Condition 8 is amended to read:

'No beers, lager or cider will be sold in cans or bottles with an Alcohol by Volume (ABV) in excess of 6.5%'

Reasons for decision: The applicant has taken into account the concerns of the Police and conditions were agreed prior to the hearing.

The licensing sub-committee has considered the representations made by the residents. The sub-committee is satisfied that the additional conditions specifically address the concerns raised by the residents and as such the licensing objectives would not be undermined by the grant of this premises licence.

Advice to Parties: Those who have made representations in connection with this application are reminded that they may appeal against this decision within 21 days by giving notice to the Magistrates Court.

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

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

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

The meeting was declared closed at by the Chairman at 7:17pm, it having commenced at 6.30pm.

Chairman