



WORTHING BOROUGH COUNCIL

25 September 2017

Licensing and Control Sub Committee

Date:	3 October 2017
Time:	6.30pm
Venue:	Council Chamber, Worthing Town Hall

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

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 Variation of a Premises Licence under Section 34 - The Alexandra

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Part B - Not for publication - Exempt Information Reports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	Ruth Pallister Solicitor 01903 221050 ruth.pallister@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**

**The Alexandra
28 Lyndhurst Road
Worthing
BN11 2DF**

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:

Punch Taverns Plc

for a variation of their Premises Licence no. LN/100001128. The licence authorises the sale of alcohol for consumption on & off the premise and the provision of regulated entertainment at the public house.

2. Reasons for the Hearing

- 2.1 The application has been the subject of formal representation and it therefore falls to this authority to determine the application.

3. Background

- 3.1 An application was made on behalf of Punch Taverns to Worthing Borough Council on the 10 August 2017. The application is for grant of a full variation to the existing Premises Licence.
- 3.2 A licensed premises has occupied this site since the 1800s and is currently operated as a traditional community public house. The public areas occupy the ground floor of the building and the pub features a substantial south facing trade garden to the rear. The building is situated on the corner of Lyndhurst Road and Selden Road and forms part of a small parade of shops, takeaways and other businesses in a mixed commercial and residential neighbourhood.

3.3 The venue currently operates under the authority of premises licence LN/100001128 which is the subject of this application. This licence authorises:

- Sales of Alcohol for consumption on & off the premise
 - Sunday between 12:00hrs and 23:30hrs
 - Monday – Wednesday between 10:00hrs and 23:00hrs
 - Thursday – Saturday between 11:00hrs and 00:00hrs (midnight)
- Provision of Regulated Entertainment (in the form of recorded music, live music and Indoor Sports Events)
 - Sunday between 12:00hrs and 23:30hrs
 - Monday – Wednesday between 10:00hrs and 23:00hrs
 - Thursday – Saturday between 11:00hrs and 00:00hrs (midnight)
- Opening to the Public
 - Sunday between 08:00hrs and 00:00hrs (midnight)
 - Monday – Wednesday between 08:00hrs and 23:30hrs
 - Thursday – Saturday between 08:00hrs and 00:30hrs of the following morning

3.4 Mr Darren Tovey - Yeoumans is the Designated Premises Supervisor of the venue. He has been in post since March 2016 and holds a Personal Licence issued by Worthing Borough Council.

3.5 Attached to the report is :

- A Plan of the area (Appendix A)
- A Plan of the venue (Appendix B)
- The Variation Application (Appendix C)
- The Current premises licence (Appendix D)
- A copy of the representation received (Appendix E)
- A copy of the applicant's mediation letter (Appendix F)

4. The Application

4.1 The application is attached at Appendix C. However, in summary Punch Taverns Plc are seeking to vary Premises Licence to authorise:

- Changes to the layout and design of the premises in accordance with the submitted plan. The change consists of the addition of an external bar-servery in the garden as shown in the plan.
- Add a number of conditions to the licence in connection with the external bar these being:
 - The external bar will only operate on a Friday, Saturday and Sunday
 - The external bar will not be used beyond 23:00hrs on any day if operated.

- Regular checks of the garden will include the removal of empty glasses and bottles when external bar is operated.
- A minimum of two staff working when the external bar is in operation.

No changes to the hours for licensable activity or types of regulated activity provided were proposed by this application and all other conditions of licence to remain unchanged.

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 Public Nuisance

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

- 4.20 *Anti-social behaviour such as excessive noise from access and egress or patrons littering should also be addressed in the Operating Schedule.*
- 4.21 *Other matters that may give rise to nuisance are cooking odours, light pollution, waste collection and early morning/late night deliveries. The minimisation or prevention of such nuisance should also be addressed in the Operating Schedule if appropriate.*
- 4.22 *Patrons may no longer smoke inside licensed premises and consequently may go outside to smoke. Applicants and existing licence holders are encouraged to assess whether the noise from such patrons could potentially disturb nearby residents and whether there is potential for smoke to drift to nearby residential properties.*
- 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.*

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:
- Responsible Authorities - One

7. Relevant Representations

- 7.1 Details of the representation received from the Adur & Worthing Public Health & Regulation Environmental Protection Team are reproduced in full at Appendices E. The comments made objecting are considered to relate to the statutory licensing objectives as follows:
- Prevention of Public Nuisance
- 7.2 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 Mediation has been embarked on between the parties and the applicant's mediation letter is enclosed at Appendix F but no information regarding progress has been made available at the time of the drafting of this report but members will be updated in due course if there are 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
- Relevant representations made by 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 Punch Taverns Plc. for a variation to the Premises Licence at the Alexandra public house situated in Lyndhurst Road, Worthing and give reasons for that determination.**

Mary D'Arcy
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>

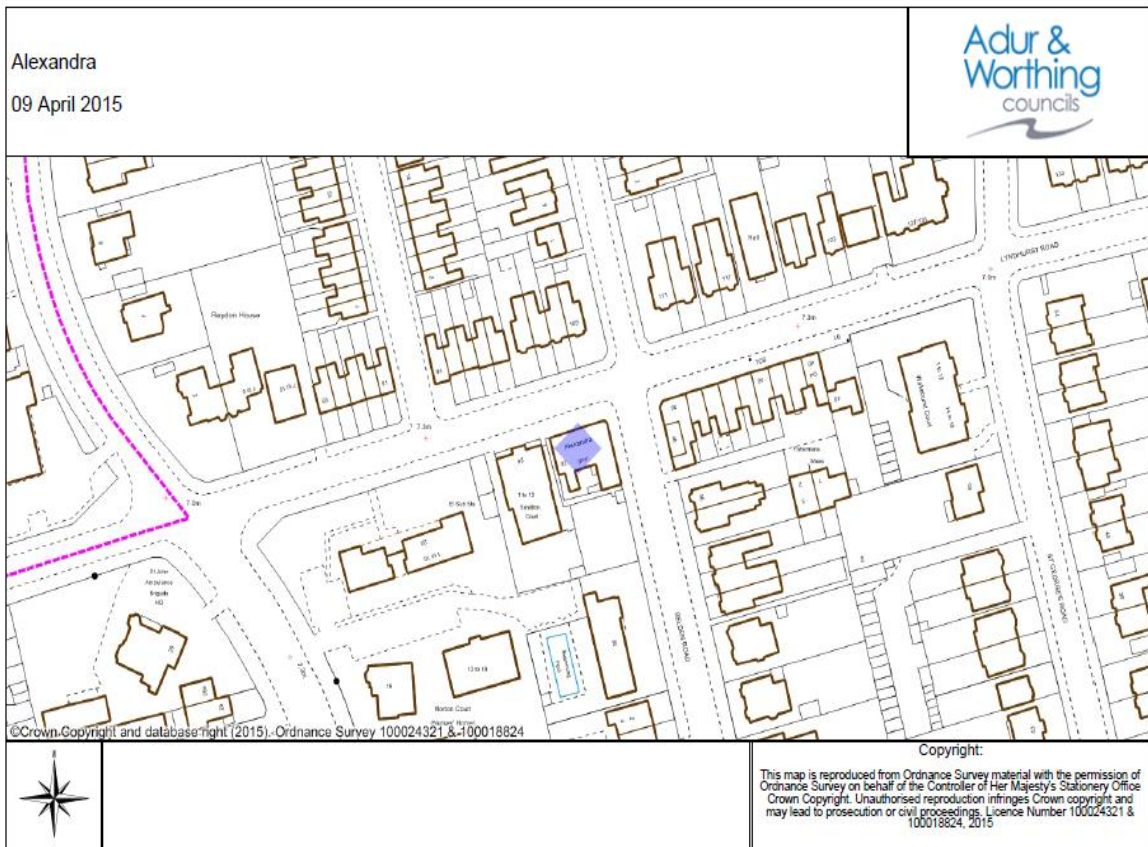
Appendices:

- Appendix A - Plan of area
- Appendix B – Plan of premise.
- Appendix C - Application Form
- Appendix D - Current Premises Licence
- Appendix E – Environmental Protection Team’s Representation
- Appendix F – Applicant’s Mediation letter

Ref: SJ/Lic.U/LA03/Variation – Alexandra

Date: 21 September 2017.

Appendix A – Map of Area



Appendix C – Application

Application to vary a premises licence under the Licensing Act 2003

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 **Punch Taverns Plc**

(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/100001128
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Alexandra 28 Lyndhurst Road			
Post town	Worthing	Postcode	BN11 2DF

Telephone number at premises (if any)	n/a
Non-domestic rateable value of premises	

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)	PunchLicensing@TLTsolicitors.com		
Current postal address if different from premises address	Jubilee House Second Avenue		
Post town	Burton Upon Trent	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
[][] [][] [][][][]

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

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

This is an application to vary the layout and design of the premises in accordance with the submitted plan. The change consists of the addition of an external bar servery, as shown on the submitted plan.

The locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

To add the following conditions:-

- The external bar will only be operated on a Friday, Saturday and Sunday
- The external bar will not be used beyond 11pm on any day it is operated
- Regular checks of the garden will include the removal of empty glasses and bottles, when the external bar is operated.
- A minimum of two staff working when the external bar is in operation.

All other hours, activities and conditions permitted by the premises are to remain unchanged by this application.

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 see guidance note 3) | 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 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

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

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 11)

The locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment. Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

- The external bar will only be operated on a Friday, Saturday and Sunday
- The external bar will not be used beyond 11pm on any day it is operated
- Regular checks of the garden will include the removal of empty glasses and bottles, when the external bar is operated.
- A minimum of two staff working when the external bar is in operation.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or (paid online)
- 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 (submitted online)
- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature		
Date		
Capacity		

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 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Paul Urén TLT LLP One Redcliff Street			
Post town	Bristol	Post code	BS1 6TP



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

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

Premises Licence Number - LN/100001128

Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
The Alexandra 28 Lyndhurst Road Worthing BN11 2DF	
Telephone number	01903 234833

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		
Day	Start	Finish
Sunday	12:00	00:00
Monday	08:00	23:30
Tuesday	08:00	23:30
Wednesday	08:00	23:30
Thursday	08:00	00:30
Friday	08:00	00:30
Saturday	08:00	00:30

Non Standard Timings & Seasonal Variations
An additional hour after the normal closing time – <ul style="list-style-type: none"> • Every Friday, Saturday, Sunday and Monday for each Bank Holiday weekend. • Thursday prior to the Easter Bank Holiday weekend • Christmas Eve & Boxing Day <p>New Year's Eve from normal closing time to the normal opening time New Year's Day.</p>

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

Premises Licence Holder Details**Name**

Punch Taverns Plc

Registered AddressJubilee House
Second Avenue
Burton Upon Trent
DE14 2WF**Registered number of holder, for example company number, charity number (where applicable)**

0375265

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

Mr Darren Tovey - Yeoumans

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/201600050**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:	Bars	
Activities:	Alcohol Sales	
Day	Start	Finish
Sunday	12:00	23:30
Monday	10:00	23:00
Tuesday	10:00	23:00
Wednesday	10:00	23:00
Thursday	10:00	00:00
Friday	10:00	00:00
Saturday	10:00	00:00
Non Standard Timings & Seasonal Variations		
An additional hour after the normal terminal hour:		
<ul style="list-style-type: none">• Every Friday, Saturday, Sunday and Monday for each Bank Holiday weekend.• Thursday prior to the Easter Bank Holiday weekend.• Christmas Eve & Boxing Day.		
New Year's Eve from the normal terminal hour to the start of permitted hours New Year's Day.		

Location:	Ground Floor Bar Rooms	
Activities:	Recorded Music, Live Music, Indoor Sports Event	
Day	Start	Finish
Sunday	12:00	23:30
Monday	10:00	23:00
Tuesday	10:00	23:00
Wednesday	10:00	23:00
Thursday	10:00	00:00
Friday	10:00	00:00
Saturday	10:00	00:00
Non Standard Timings & Seasonal Variations		
An additional hour after the normal terminal hour:		
<ul style="list-style-type: none">• Every Friday, Saturday, Sunday and Monday for each Bank Holiday weekend.• Thursday prior to the Easter Bank Holiday weekend.• Christmas Eve & Boxing Day.		
New Year's Eve from the normal terminal hour to the start of permitted hours New Year's Day.		

Signed on behalf of the issuing licensing authority

Senior Licensing Officer

Date: 20 May 2016

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 ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion is any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

- Drinking Games including any game or activity that requires or encourages (or is designed to require or encourage) individuals to drink a quantity of alcohol within a time limit, or to drink as much as possible. This does not include “drinking up time”, shortly before the end of licensed hours.
- Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
- Promotional posters or promotional material on, or in the vicinity of, the premises which can be reasonably considered to condone, encourage or glamorise antisocial behaviour or refer to drunkenness favourably.
- Dispensing alcohol directly into the mouth of a customer by a member of staff. This includes activities such as the “dentist’s chair”. This prohibition does not apply where a person is not able to drink without assistance because of a disability.

D. Mandatory conditions: Free Drinking Water

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

E. Mandatory conditions: Age Verification

An age verification policy for the premises must be produced, implemented and details made available to authorised officers upon request. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- a holographic mark, or
- an ultraviolet feature.

F. Mandatory conditions: Small Alcohol Measures

The responsible person must ensure that where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises. Customers must be made aware that these measures are available.

Where a customer orders a drink listed above but does not specify the alcohol measure, the customer must be made aware of the range of measures available. This can be either verbally or by ensuring they have seen the printed materials on which their availability is listed. If the responsible person is satisfied that the customer has been made, and continues to be, aware of the range of measures available, the responsible person does not need to repeat that information in relation to each sale.

G. Mandatory conditions: Permitted Price

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- I. P is the permitted price*
- II. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and*
- III. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;*

“relevant person” means, in relation to premises in respect of which there is in force a premises licence —

- I. the holder of the premises licence*
- II. the designated premises supervisor (if any) in respect of such a licence, or*
- III. the personal licence holder who makes or authorises a supply of alcohol under such a licence;*

Full details regarding this condition can be found in the Home office Guidance on banning the sale of alcohol below the cost of duty plus VAT for suppliers of alcohol and enforcement authorities in England & Wales dated May 2014.

H. Conditions consistent with the Embedded Restrictions of the Justices' 'On' Licence (Licensing Act 1964)

1. Permitted Hours

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

The above restriction does not prohibit the sale of alcohol on New Year's Eve from the end of permitted hours to the start of permitted hours on the following day.

Restrictions

The above restrictions do not prohibit:

- a) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- e) the taking of alcohol from the premises by a person residing there; or
- f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. Late Night Refreshment

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above, and on New Year's Eve until 05.00hrs on New Year's Day.

3. Recorded Music

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Source Section 182 Licensing Act 1964

Annexe 2 : Conditions consistent with the 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, EU identity cards 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 attached.
2. A list of staff members who are authorised to sell alcohol on the premises shall be kept. Each of these staff members shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more than 6 months. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. All training records shall be kept for a minimum of 12 months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
3. 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 Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept for a minimum of 12 months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers
4. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System, operated and maintained throughout the premises to cover all public areas, including the entrance to the premises and shall as a minimum cover the counter the entrances/exits. 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 28 days
 - The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - The CCTV images will record and display dates and times, and these 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.

5. A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
6. The licensee has the right to move safety equipment; AWP machines, cigarette machines and or any similar objects temporarily to improve the accessibility of emergency escape routes. AWP machines are to be sited in clear view of the bar.
7. Exterior areas of the premises are to be illuminated whilst the premises are open to the public.
8. The Licensees/DPS to maintain membership and attend meetings of Pubwatch so long as that organisation is in existence.
9. The customer toilets to be checked regularly.
10. A Drug prevention policy is to be in place and to be maintained.
11. Non-alcoholic drinks are to be stocked at all times.
12. A Health and Safety policy is to be in place and adhered to at all times.
13. All exits signs are to be illuminated and all firefighting equipment is to be serviced by a specialist contractor annually and/or when necessary.
14. A first aid kit & facilities are to be maintained on the premises at all times.
15. An Accident book is to be maintained recording staff & public incidents.
16. Policy of staff assisting and encouraging customers to vacate the premises quickly and quietly at closing time to be implemented and maintained.
17. No irresponsible drinks promotions are to be permitted.
18. Children (under 16) will only be permitted entry when accompanied by an adult.
19. Accompanied children will be permitted up until 21.00hrs each day unless they are taking a meal or attending a function, when they will be permitted to stay until the end of the meal or function.
20. The noise of regulated entertainment from the premises shall neither exceed 45dB LAeq (5min) after 2300hrs nor 50dB LAeq (5min) before 2300hrs. The noise level shall be measured 1.2 - 1.5 M above ground level at any position on the east pavement of Selden Road, or the north pavement of Lyndhurst Road.
21. There shall be no regulated entertainment outdoors.

Annexe 3 : Conditions attached after a hearing by the Licensing Authority

None

Annexe 4 : Plans

Attached plan no. 15:06/09 A dated 12.03.2015.

Appendix E – Environmental Protection Representation

Application for Variation to a Premises Licence - The Alexandra, Lyndhurst Road, Worthing

1 message

Nadeem Shad <nadeem.shad@adur-worthing.gov.uk>

25 August 2017 at 16:03

To: Licensing Unit <Licensing.Unit@adur-worthing.gov.uk>, Simon Jones <simon.jones@adur-worthing.gov.uk>

Licensing Act 2003

Application for Variation to a Premises Licence - The Alexandra, Lyndhurst Road, Worthing

I refer to the above application and make the following comments on behalf of the Public Health and Regulation Department concerning the prevention of Public Nuisance.

The application proposes an external bar in the rear garden. The premises are bounded by residential premises to the west and south. There is therefore the potential for noise from use associated with the bar to affect these residents.

The external bar will have the effect of attracting people to the rear garden and thus intensify its use. The use of the garden has given rise to complaints in the past (noise from people and smoke from barbecues). Subsequent negotiations with the management appear to have resolved these for now. However any intensified use of the garden is likely to result in increased noise from people and the likelihood of this resulting in a public nuisance is therefore increased.

This premises is located in a mixed residential/commercial area. The background noise at this location in the evening will be low, meaning any noise produced by customers is likely to be audible at neighbouring properties and therefore result in a public nuisance. The proposal is to operate the bar until 23:00 on Fridays, Saturday and Sunday. Operating into the late evening when background noise is lower is likely to result in a public nuisance. The current premises licence contains no controls for noise from the garden and this application does not propose the addition of any controls. As a result it is my opinion that the operating schedule for the prevention of public nuisance is inadequate.

Therefore I am unable to support the application in its current form and make this representation against the application on the grounds of public nuisance.

Nadeem Shad

Team Leader (Environmental Protection Specialist), Adur & Worthing Councils

Phone: 01273 263303

Email: nadeem.shad@adur-worthing.gov.uk

Website: <http://www.adur-worthing.gov.uk/environmental-health/>

Address: Public Health & Regulation, Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS

Appendix F – Mediation

RE: Licensing Act 2003 Variation to the Premises Licence - The Alexandra

1 message

Paul Uren <paul.uren@tltsolicitors.com>

13 September 2017 at 10:37

To: Nadeem Shad <nadeem.shad@adur-worthing.gov.uk>

Cc: Licensing Unit <licensing.unit@adur-worthing.gov.uk>, Simon Jones <simon.jones@adur-worthing.gov.uk>

Dear Mr Shad,

We act on behalf of Punch Taverns Limited in respect of the above application and have received the below email and your representation.

I thought it would be useful to write to give you some background to the application.

Our client is seeking to position a permanent external bar, within the existing footprint of the building, to service the garden area. This will alleviate pressure points at the internal bar servery during busy periods, particularly on days when there is good weather. Previously, a temporary bar has been operated within the external garden area yet this application seeks to confirm a permanent position for a bar on the licensing plan.

This application proposes more stringent conditions than those currently in place on the licence in that it restricts the use of the bar to weekends only (see below proposed conditions) whereas currently, with the external area being already permitted for licensable activity, any temporary bar within the area could benefit from use 7 days a week until the terminal hour on the licence for the sale and supply of alcohol, which is 11.30pm Sunday, 11pm Monday, Tuesday, Wednesday and midnight Thursday, Friday and Saturday

The application contains the following conditions with regards to the operation of the external bar:

- The external bar will only be operated on a Friday, Saturday and Sunday
- The external bar will not be used beyond 11pm on any day it is operated
- Regular checks of the garden will include the removal of empty glasses and bottles, when the external bar is operated.
- A minimum of two staff working when the external bar is in operation

Please see below the conditions within the current operating schedule of the premises licence to promote the licensing objectives in relation to public nuisance;

- There shall be no regulated entertainment outdoors
- Policy of staff assisting and encouraging customers to vacate the premises quickly and quietly at closing time to be implemented and maintained

If there are any other conditions that you would like to see within the operating schedule, please do forward to me so that I can consult with our client to see if agreement can be reached.

I look forward to hearing from you shortly.

Kind regards

Paul Uren
Real Estate Group
for TLT LLP

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