



WORTHING BOROUGH COUNCIL

29 January 2019

Licensing and Control Sub Committee

Date:	6 February 2019
Time:	6.30pm
Venue:	Gordon Room

Committee Membership: Councillors Paul High, Lionel Harman, Mike Barrett

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: Fernando's Express - 2 Connaught Buildings, Chapel Road, Worthing, BN11 1BA

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Part B - Not for publication - Exempt Information Reports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	Louise Mathie Senior Lawyer & Deputy Monitoring Officer 01903 221050 louise.mathie@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 new Premises Licence at:

**Fernando's Express
2 Connaught Buildings, Chapel Road, Worthing, BN11 1BA**

Report by the Director for Communities

1. Recommendation

- 1.1 That a Sub Committee of Licensing & Control Committee "B" consider and determine the application made by :
Mr Ali Tembel & Ms Kerry Knight
for a new Premises Licence to authorise the sale late night refreshment for consumption on & off the premise.

2. Reasons for Hearing

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

3. Background

- 3.1 An application was made by Mr Ali Tembel & Ms Kerry Knight to the Licensing Authority, Worthing Borough Council, on the 20 December 2018 for the grant of a new premises licence.
- 3.2 The café/takeaway is situated in Chapel Road a main thoroughfare in the town centre's commercial area but there are residential premises in the vicinity to the south above the Three Fishes public house and in Ambrose place to the west.
- 3.3 The restaurant is located mid terrace on the ground floor of a building containing multiple commercial units. There is a cinema directly above
- 3.4 The business is intending to operate as a café & takeaway but also operating as a late night takeaway.
- 3.5 Attached to the report are:
- A plan of the area (Appendix A)
 - A plan of the café/takeaway (Appendix B)
 - A copy of the application (Appendix C)

- Copies of the representations made by the Responsible Authorities, namely Sussex Police, PH&R's Environmental Protection Team and Planning Services (Appendix D 1 - 3)

4. The Application

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

- Sale of late night refreshment between the hours of:
23.00hrs to 00.00hrs, midnight, Sunday
23:00hrs to 01:00hrs of the following morning, Monday-Wednesday
23:00hrs to 02:00hrs, of the following morning, Thursday
23:00hrs to 04:00hrs, of the following morning, Friday & Saturday
- It is proposed that the restaurant will open to the public between the hours of:
11.00hrs to 00.00hrs, midnight, Sunday
11:00hrs to 01:00hrs, of the following morning, Monday-Wednesday
11:00hrs to 02:00hrs, of the following morning, Thursday
11:30hrs to 04:00hrs, of the following morning, Friday & Saturday

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.

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:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the 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

4.8 *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.*

4.10 *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.

- 4.11 *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.*
- 4.16 *The Licensing Authority 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

- 4.24 *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.*
- 4.25 *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.*
- 4.26 *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.*
- 4.27 *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.*
- 6.4 *Consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises, or its environs, by concentrations of people either present or leaving during normal night-time sleeping periods (23.00hrs to 07.00hrs).*

SPECIFIC CONSIDERATIONS

Late Night Refreshment – Cafes & Takeaways

- 7.18 *Fast food premises which are open after 23.00hrs can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not so attractive to people who have been drinking as those providing hot food and drink. The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are consequently more likely to be involved in anti-social behaviour.*
- 7.19 *Sussex Police have in the past raised concerns about the levels of crime & disorder that can occur outside fast food premises late at night due to alcohol fuelled behaviour, and the opportunities for crime afforded by the congregation of people. Fast food premises have a comparatively high association with reports of crimes of violence against the person. The consumption of food outside premises can result in food waste and litter on pavements, to an extent that amounts to a public nuisance.*
- 7.20 *In addition, where there are fast food premises in the vicinity of public houses and nightclubs the rapid dispersal of people leaving these venues is significantly hindered. This delay in dispersal causes the potential for the licensing objectives to be compromised.*
- 7.21 *Where the police or others make representations against the grant or variation of a licence for late night refreshment regarding a premise in the vicinity of alcohol licensed premises because of serious concerns over dispersal problems the council will want to be assured that the Operating Schedule of the premise, 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. Applications for extended hours may be refused in such circumstances where relevant representations on problems of late night disorder in an area are expressed. Alternatively the licence may be conditioned to include measures to address any concerns. Such as the provision of SIA door supervisors for example.*
- 7.22 *Each application will be considered on its merits, but the Council will generally refuse to grant licences to late night fast food vans/trailers that encourage*

persons to congregate and remain within the locality of licensed premises after they close due to the potential for the licensing objectives regarding the Prevention of Public Nuisance or of Crime & Disorder to be compromised.

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:

Responsible Authorities – 3 X Representations

7. Relevant Representations

- 7.1 Detail of the relevant representations received is reproduced at Appendices D 1 - 3. They are considered to relate to the statutory licensing objectives as follows:

Prevention of Crime & Disorder.

Prevention of Public Nuisance

- 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 The council's Environmental Protection Team have expressed concerns regarding possible public nuisance that can be associated with late night takeaways situated in the vicinity of residential properties. They are seeking more information from the applicant and mediation.
- 7.4 The council's Planning Services have made representation highlighting the conditions in force on this premises' planning permission.
- 7.5 The applicant and all those that made relevant representations 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 Tembel & Ms Knight and have agreed that if a licence were granted the following conditions would be placed in the Operating Schedule as enforceable conditions of licence.
- 1) *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, and the entrance to the premises. The CCTV will also cover the route from the public area inside the premises to the door of the toilet (but not inside the toilet itself) if the public are permitted to use them.*

The system shall be on and recording at all times the premises licence is in operation or if members of the public are on the premises.

- 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. A member of staff must be present at all times who can operate the system and supply copies of these images on request to either Sussex Police or officers of the local authority.*
 - 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.*
 - In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.*
- 2) At least one SIA Trained and Registered Door Supervisor will be deployed on the premises every evening from 22:00 hrs until the close of daily business. The Door Supervisor will not perform any other role when engaged for the purpose of Door Supervision activities. The door supervisor(s) will wear a yellow florescent tabard whilst on duty to clearly distinguish their role and will clearly display their SIA badge at all times. The start and finish time of the door supervisor will be recorded daily by the manager in charge in the incident book and signed off by the Door Supervisor employed.*
- 3) All staff however frequently or infrequently employed in a customer service capacity (including customer service staff, supervisors, chefs and security) shall receive training in the hours of operation permitted, the law and conditions on the licence. This training will be documented in full and a written record kept in a separate file for each member of staff who will not commence working at the premises until the training is received and acknowledged and thereafter will be refreshed at intervals of no longer that three months. All details of training and the written records will be kept for at least twelve months at the premises and made available for immediate inspection by officers of any responsible authority.*
- 4) An incident log will be maintained by the premises showing a detailed note of incidents that occur at the premises. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week with the date of the signing off clearly noted in the log. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority An incident to be defined as being one which involves an allegation of a criminal offence.*
- 5) A risk assessment must be written by the Designated Premise Supervisor and agreed by Sussex Police in writing which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives, including the provision of SIA registered door staff at the premises over and above the minimum requirement specified in the licence conditions. The risk assessment will consider when it is appropriate to employ two or more SIA door staff instead of one after 23:00hrs until close as required by the licence condition. It will include a written risk assessment demonstrating what considerations have been made for both normal day*

to day activities and any busy periods such as Bank Holidays, Town Centre Events, Special Events or functions which may arise during the year. The written risk assessment will be reviewed at least once every calendar year. This document shall be immediately available for inspection at the premises by officers of any responsible authority.

- 6) *If external seating is provided, all tables and chairs for this purpose must be removed from outside the premise by 23.00 hrs each evening.*
- 7) *There will be no music played.*
- 8) *The licence holder must display prominent notices inside the premises asking customers to leave quietly and not to disturb residents.*
- 9) *There must be regular litter patrols outside the shop during opening hours and at close of business each day to collect all litter generated from the premises.*
- 10) *The Premises Licence Holder will ensure that the premises is closed to the public with the front door locked shut and all customers off the premises at 1am, 2am or 4am respectively at the end of permitted hours for late night refreshment and opening hours on each day. After the expiration of the permitted times for licensable activities and opening, no further hot food or drink will be supplied, and no customers will be permitted to wait either inside or outside of the premises whilst food is being cooked or prepared after permitted hours/opening times.*
- 11) *No children under the age of 18 to be served after 23.00 hrs unless they are accompanied by an adult.*

As a result Sussex Police have withdrawn their objections.

- 8.3 Mediation between the applicants and the other Responsible Authorities that made relevant representation has been ongoing until the time of drafting this report but members will be informed of any further 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 any mediated agreement reached.

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

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

- a. Grant the licence, as requested,
- b. Grant the licence, 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.

Members may also:

- d. Grant the licence but exclude certain licensable activities from the licence,
- e. 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. There are no significant direct race relations or equal opportunity implications that have been identified.

12. Recommendation

- 12.1 **Members are requested to determine the application for a new Premises Licence made by Mr Ali Tembel & Ms Kerry Knight for a café/takeaway known as 'Fernando's Express' situated at 2 Connaught Buildings, Chapel Road, Worthing and give reasons for that determination.**

Director for Communities

Principal Author and Contact Officer:

Simon Jones

Senior Licensing Officer - Tel: 01273 263191 or simon.jones@adur-worthing.gov.uk

Background Papers:

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

Appendices:

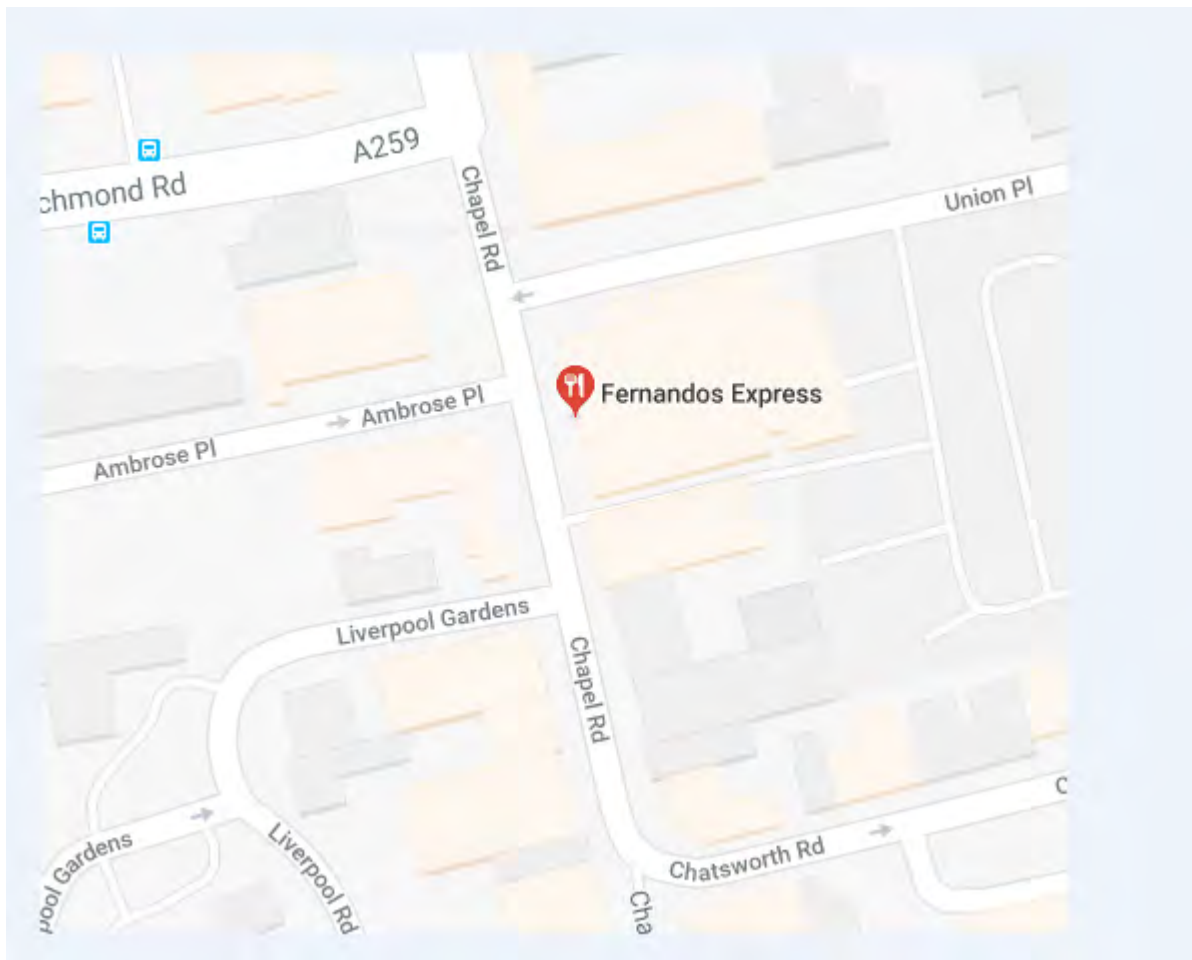
- Appendix A - Plan of area.
- Appendix B - Plan of the building.
- Appendix C - The Application Form.
- Appendix D - Representations received from Sussex Police & Adur & Worthing Councils' Pollution Team & Planning Services

Portland House, Worthing

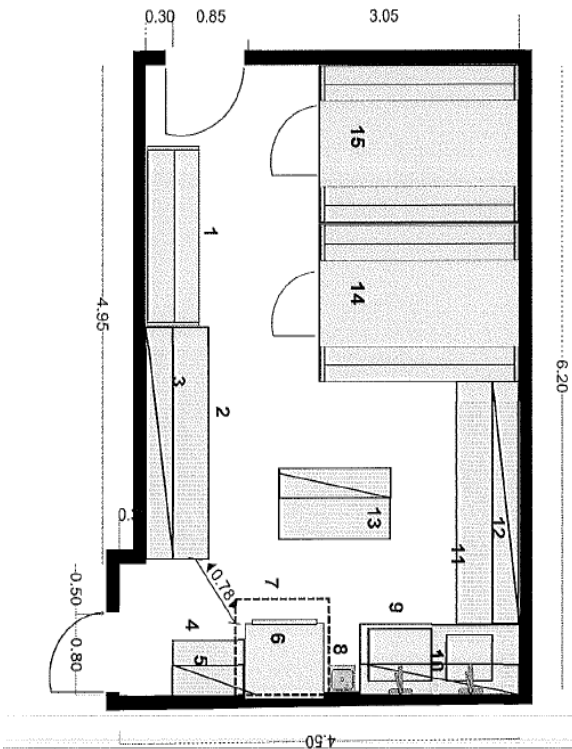
Ref: SJ/Lic.U/LA03/NEW – Fernando's Express

Date: 24 January 2019.

Plan of Area

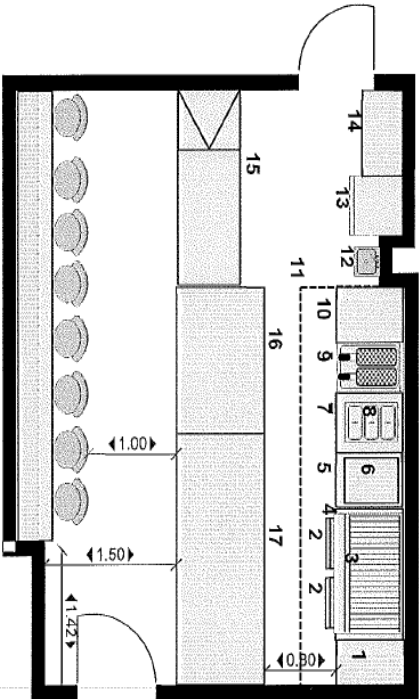


Plan of Premises



- 1 Racking
- 2 Wall Table
- 3 Shelving
- 4 Wall Table
- 5 Shelving
- 6 Combination Oven
- 7 Extraction Canopy
- 8 Wash Hand Basin
- 9 Sink Table
- 10 Wall Shelving
- 11 Wall Table
- 12 Wall shelves
- 13 Table with 2 tier ambient shelving
- 14 Walkin Coldroom
- 15 Walkin Freezer Room

Fernandos Takeaway High Street Worthing Kitchen Layout



- 1 Wall Table
- 2 Warning drawers
- 3 Gas Chargrill
- 4 Table for Chargrill
- 5 Table
- 6 Kebab machine by others
- 7 Table
- 8 Bain Marie
- 9 Electric Fryer
- 10 Chip scuttle
- 11 Extraction Canopy
- 12 Wash Hand Basin
- 13 Drink Fridge
- 14 Table
- 15 Be-spoke counter by others
- 16 Desert Display
- 17 Meat Display Counter

Application

WK/201812893



Worthing
Application for a premises licence
Licensing Act 2003

For help contact
licensing.unit@adur-worthing.gov.uk
Telephone: 01273 263331

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

☒ Yes

☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business	<input type="text" value="Director"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Registered Address		Address registered with Companies House.
Building number or name	<input type="text" value=""/>	
Street	<input type="text" value=""/>	
District	<input type="text" value=""/>	
City or town	<input type="text" value=""/>	
County or administrative area	<input type="text" value=""/>	
Postcode	<input type="text" value=""/>	
Country	<input type="text" value=""/>	

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	<input type="text" value="Fernandos Express"/>
Street	<input type="text" value="2 Connaught Buildings"/>
District	<input type="text" value=""/>
City or town	<input type="text" value="Worthing"/>
County or administrative area	<input type="text" value="West Sussex"/>
Postcode	<input type="text" value="BN11 1BA"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text" value="01903 210888"/>
Non-domestic rateable value of premises (£)	<input type="text" value="0"/>

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

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

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- ☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

All

Family name

Tembel

Is the applicant 18 years of age or older?

- ☒ Yes ☐ No
-

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="Flat 4"/>
Street	<input type="text" value="5 Mill road"/>
District	<input type="text"/>
City or town	<input type="text" value="Worthing"/>
County or administrative area	<input type="text" value="West Sussex"/>
Postcode	<input type="text" value="BN11 1BA"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="contact@fernandosexpressworthing.co.uk"/>
Telephone number	<input type="text" value=""/>
Other telephone number	<input type="text" value=""/>
* Date of birth	<input type="text" value=""/>
* Nationality	<input type="text" value=""/>

Documents that demonstrate entitlement to work in the UK

Second Applicant Name

Is the name the same as (or similar to) the details given in section one?

☐ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name	<input type="text" value="Kerry"/>
Family name	<input type="text" value="Knight"/>

Is the applicant 18 years of age or older?

☒ Yes

☐ No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Second Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth

* Nationality

Documents that demonstrate entitlement to work in the UK

Remove this applicant

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

/ /
dd mm yyyy

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

/ /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

A town center(chapel road) late night takeaway shop

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Continued from previous page...

Will you be providing recorded music?

☐ Yes

☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes

☒ No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes

☒ No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

☒ Electronically, by the proposed designated premises supervisor

Continued from previous page...

☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start 11:30

End 00:00

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We will keep;
Strong management controls and effective training of all staff so that they are aware of the premises license and the requirements to meet the four licensing objectives with particular attention to:
a/ no drunk and disorderly behavior on the premises area
b/ no violent and anti-social behaviour
c/noise to be kept to a minimum
d/ no any harm to children

b) The prevention of crime and disorder

Our CCTV System will monitor entrances, exits, and other parts of the premises in order to address the prevention of crime. Staff will be trained in asking customers to use premises in an orderly and respectful manner.

c) Public safety

Internal and external lighting fixed to promote the public safety. Well trained staff to adherence to environmental health requirements.
All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Continued from previous page...

Noise reduction measures to address the public nuisance objective.
Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
The Licensee will ensure that staff who leave in the early hours of the morning, when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
Customers will be asked not to stand around loudly talking in the street outside the premises.
Customers will not be admitted to premises above opening hours.
The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

e) The protection of children from harm

No children will be allowed unaccompanied/ unsupervised on the premises after 11:00pm

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

Full name
* Capacity
* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/worthing/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED



West Sussex Licensing Team
Centenary House
Durrington Lane
Worthing
West Sussex
BN13 2PQ

Tel: 01273 404 030

Email:
WS_Licensing_WOR@sussex.pnn.police.uk

11th January 2019

Mr Simon Jones
Licensing Unit
Adur and Worthing Councils
Portland House
Richmond Road
Worthing
BN11 1LF

Dear Mr Jones,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR FERNANDOES EXPRESS, 2 CONNAUGHT BUILDINGS, CHAPEL ROAD, WORTHING, BN11 1BA. LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation in respect of this new application on the grounds of all four licensing objectives.

This is a new application for late night refreshment at a Worthing town centre premises approximately thirty metres south of the main Post Office on Chapel Road. The committee will be aware that this site is surrounded by a number of late night pubs, bars and night clubs.

The application is for late night refreshment with corresponding opening hours as follows:

Sunday	23:00 -	midnight
Monday	23:00 -	01:00
Tuesday	23:00 -	01:00
Wednesday	23:00 -	01:00
Thursday	23:00 -	02:00
Friday	23:00 -	04:00
Saturday	23:00 -	04:00

The opening hours being applied for mirror the above for closing times, with the opening time being 11:00 Monday to Saturday and 11:30 on a Sunday.

There was no prior contact or consultation from the applicant with Sussex police before the application was submitted. We have serious concerns about the very late hours being applied for, opening until 02:00 on Friday mornings, and 04:00 on Saturday and Sunday mornings.

We anticipate that the 04:00 closing time is specifically to cater for night-time economy patrons, with the intention of attracting customers as they leave the late night clubs, bars and night clubs. Inevitably customers who leave these establishments and make their way to Fernando's at 03:00 or thereabouts will almost certainly have been consuming alcohol for some hours. Another late night premises open until 4am will also encourage people to congregate and gravitate to the area, rather than disperse out of the area as they make their way home.

The committee will be aware that there is an entire street [Ambrose Place] of residential properties directly opposite this premises in. We believe that there are also residential properties to the side of St Paul's Church on the corner of Richmond Road.

It is important to note at this point that the premises is not applying to sell alcohol. However the Licensing Act 2003 S.182 Guidance states at 3.21 that:

The provision of late night refreshment is regulated primarily because it is often linked to alcohol-fuelled crime and disorder in the night-time economy, such as fast-food takeaways where late-night drinkers congregate.

The experience of Sussex Police is that violence and disorder does take place at some late night refreshment venues in Sussex. On occasion the level of violence used has been very serious, and the injuries and consequences of the incident for the victim life changing. We are currently dealing in Worthing with another late night refreshment licensed premises where there are complaints from nearby residents about continual late night noise and anti social behaviour from patrons of the premises both going to, inside and hanging around outside the premises even after the premises has closed.

Referring to section 18 of this application and the steps the applicant proposes to take to promote the four licensing objectives, we have a number of serious concerns. The CCTV will "monitor entrances, exits, and other parts of the premises in order to address the prevention of crime". Will the CCTV monitor the counter area, the seating area and the area where customers wait to place their orders and wait for food to be cooked? This is where the majority of arguments and confrontations leading to violent incidents occur

inside late night refreshment premises. What will the specification of the CCTV system be?

It is stated that "Staff will be trained in asking customers to use premises in an orderly and respectful manner". Later it is stated "Customers will be asked not to stand around loudly talking in the street outside the premises". These statements are admirable and no doubt written with the best and genuine of intentions. However inevitably there will instances where persons attending the premises will be drunk and aggressive, they will not be orderly or respectful and they will be loud and anti social outside the premises. Unfortunately the operating schedule in the application makes no reference to what will happen and what staff will do in these circumstances. Furthermore, there is no mention of what measures will be taken to protect both staff and other customers in the event of confrontations and violence occurring either inside or directly outside the premises.

May I refer you to 8.13 of the new Worthing Council Statement of Licensing Policy which states:

Late Night Refreshment Cafes & Takeaways

7.18. Fast food premises which are open after 23.00hrs can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not so attractive to people who have been drinking as those providing hot food and drink. The Licensing Authority considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are consequently more likely to be involved in anti-social behaviour.

7.19. Sussex Police have in the past raised concerns about the levels of crime & disorder that can occur outside fast food premises late at night due to alcohol fuelled behaviour, and the opportunities for crime afforded by the congregation of people. Fast food premises have a comparatively high association with reports of crimes of violence against the person. The consumption of food outside premises can result in food waste and litter on pavements, to an extent that amounts to a public nuisance.

7.20. In addition, where there are fast food premises in the vicinity of public houses and nightclubs the rapid dispersal of people leaving these venues is significantly hindered. This delay in dispersal causes the potential for the licensing objectives to be compromised.

7.21. Where the Police or others make representations against the grant or variation of a licence for late night refreshment regarding a premise in the vicinity of alcohol licensed premises because of serious concerns over dispersal problems the Licensing Authority will want to be assured that the Operating Schedule of the premise, 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. Applications for extended hours may be refused in such circumstances where relevant representations on problems of late night disorder in an area are expressed. Alternatively the licence may be conditioned to include measures to address any concerns. Such as the provision of SIA door supervisors for example.

Sussex police, having taken into account all of the above points, propose the following new and revised conditions to go on the new late night refreshment licence, should it be granted in due course:

The Prevention of Crime & Disorder

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, and the entrance to the premises. The CCTV will also cover the route from the public area inside the premises to the door of the toilet (but not inside the toilet itself) if the public are permitted to use them. The system shall be on and recording at all times the premises licence is in operation or if members of the public are on the premises.

- 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. A member of staff must be present at all times who can operate the system and supply copies of these images on request to either Sussex Police or officers of the local authority.
- 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.
- In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

At least one SIA Trained and Registered Door Supervisor will be deployed on the premises every evening from 22.00hrs until the close of daily business. The Door

Supervisor will not perform any other role when engaged for the purpose of Door Supervision activities.

The door supervisor(s) will wear a yellow florescent tabard whilst on duty to clearly distinguish their role and will clearly display their SIA badge at all times.

The start and finish time of the door supervisor will be recorded daily by the manager in charge in the incident book and signed off by the Door Supervisor employed.

All staff however frequently or infrequently employed in a customer service capacity (including customer service staff, supervisors, chefs and security) shall receive training in the hours of operation permitted, the law and conditions on the licence. This training will be documented in full and a written record kept in a separate file for each member of staff who will not commence working at the premises until the training is received and acknowledged and thereafter will be refreshed at intervals of no longer than three months. All details of training and the written records will be kept for at least twelve months at the premises and made available for immediate inspection by officers of any responsible authority.

An incident log will be maintained by the premises showing a detailed note of incidents that occur at the premises. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week with the date of the signing off clearly noted in the log. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident to be defined as being one which involves an allegation of a criminal offence.

A risk assessment must be written by the Designated Premise Supervisor and agreed by Sussex Police in writing which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives, including the provision of SIA registered door staff at the premises over and above the minimum requirement specified in the licence conditions. The risk assessment will consider when it is appropriate to employ two or more SIA door staff instead of one after 23:00 until close as required by the licence condition. It will include a written risk assessment demonstrating what considerations have been made for both normal day to day activities and any busy periods such as Bank Holidays, Town Centre Events, Special Events or functions which may arise during the year. The written risk assessment will be reviewed at least once every calendar year. This document shall be immediately available for inspection at the premises by officers of any responsible authority.

The Prevention of Public Nuisance

If external seating is provided, all tables and chairs for this purpose must be removed from outside the premise by 23.00hrs each evening.

There will be no music played.

The licence holder must display prominent notices inside the premises asking customers to leave quietly and not to disturb residents.

There must be regular litter patrols outside the shop during opening hours and at close of business each day to collect all litter generated from the premises.

The Premises Licence Holder will ensure that the premises is closed to the public with the front door locked shut and all customers off the premises at 1am, 2am or 4am respectively at the end of permitted hours for late night refreshment and opening hours on each day. After the expiration of the permitted times for licensable activities and opening, no further hot food or drink will be supplied, and no customers will be permitted to wait either inside or outside of the premises whilst food is being cooked or prepared after permitted hours/opening times.

The Protection of Children from Harm

No children under the age of 18 to be served after 23.00hrs unless they are accompanied by an adult.

We note that in relation to the very late opening hours being applied for that the premises currently does not have planning permission for the hours now being requested. We have made enquiries with Worthing Council Planning Department, and if I may replicate the information provided to us by Council Planning:

03. The restaurant use hereby permitted shall not be open for trade or business except between the following hours:-

- on Mondays, Tuesdays, Wednesdays and Thursdays between 09.00 hrs and 01.00 hrs the following day;
- on Fridays and Saturdays between 09.00 hrs and 02.00 hrs the following day;
- on Sundays, Bank and Public Holidays between 09.00 and 00.30 hrs the following day.

Reason: *In the interests of amenity having regard to saved policies RES7 and H18 of the Worthing Local Plan.*

and

07. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for restaurant/café purposes within Class A3 as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification. Hot food takeaway sales shall only be ancillary to the primary use of the premises as a restaurant/cafe within Class A3.

Reason: *To safeguard the retail character and function of the town centre having regard to policy 6 of the Worthing Core Strategy.*

May I refer you to 8.13 of the new Worthing Council Statement of Licensing Policy which states:

It is recognised that there should be a clear separation of the land use planning and licensing regimes. It is expected that any necessary planning consents will be obtained prior to any licence application.

May I also refer you to paragraph 9.45 of the revised S.182 Guidance which states:

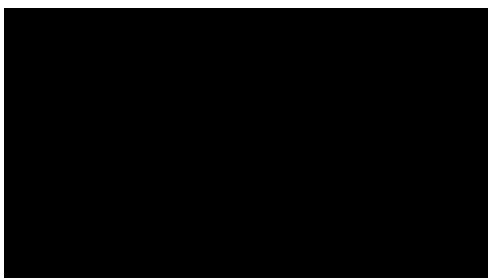
Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they are intending to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

In conclusion, Sussex police are concerned about this application for late night refreshment until 4am at weekends in relation to:

- The very poor operating schedule and conditions offered by the applicant, to which our response to assist the Committee is to suggest new and comprehensive conditions.
- The risk that another late night premises in Worthing town centre, opening until 4am at weekends, will encourage patrons of the late night economy to congregate in the area rather than disperse and make their way home.
- The risk of noise disturbance and nuisance, especially in view of the close proximity of residential dwellings to the premises. We note that Nadeem Shad from Environmental Protection at Adur & Worthing Council has also submitted a representation mirroring our concerns.
- The issue of planning permission, with results of our enquiries set out above to assist the Committee.

We contend that in its current form and without consideration of the above points and substantial amendment and improvement, the Committee should refuse the application.

Yours sincerely,



Chief Inspector Ockwell
District Commander

cc: Elaine Rousseau, Planning, Adur & Worthing Council

The Licensing Unit
Adur & Worthing Councils

Appendix D2 PH & R Environmental Protection

Fernandos Express, 2 Connaught Buildings, Chapel Road, Worthing

1 message

Nadeem Shad <nadeem.shad@adur-worthing.gov.uk> 4 January 2019 at 15:32
To: Licensing Unit <Licensing.Unit@adur-worthing.gov.uk>
Cc: Simon Jones <simon.jones@adur-worthing.gov.uk>, Police Licensing <WS_Licensing_WOR@sussex.pnn.police.uk>

Licensing Act 2003 New Premises Licence Application Fernandos Express, 2 Connaught Buildings, Chapel Road, Worthing

I refer to the above application copied to us for comment and raise this representation on the grounds of the prevention of public nuisance.

The application site is located in a mixed commercial/residential location. There are residential properties adjacent (above The Three Fishes) and also in Ambrose Place opposite. Noise is likely from customers within the premises, from those arriving and departing (on foot and by car) and anyone congregating outside. The street is very quiet during the early hours after the nearby licensed premises have closed, so any noise is more noticeable and could result in a public nuisance.

The part of the application of concern is that which seeks to extend the current opening hours to 4am on Friday and Saturday. As the application requests opening into a period of the day when the street is relatively quiet, the operating schedule for the prevention of public nuisance (Section 18) needs to fully address the potential for noise and more importantly, provide adequate safeguards to ensure noise does not cause a public nuisance. I do not consider the proposed operating schedule to be sufficient for this purpose.

For these reasons I must raise this representation on the grounds of the prevention of public nuisance. I suggest that the applicant consult with us at the earliest opportunity should they wish to discuss, clarify or amend the current application.

I must point out that the applicant will also need to apply for planning permission for the proposed hours.

Nadeem Shad

Team Leader (Environmental Protection), 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 D3 Planning Services

Fwd: FW: Sussex police representation for Fernando's Express

1 message

Gary Peck <gary.peck@adur-worthing.gov.uk> 14 January 2019 at 16:17
To: Simon Jones <simon.jones@adur-worthing.gov.uk>

Hi Simon

We have received this below. It seems you are already aware that the licence application is not line with the most recent planning permission which allows the following hours for the restaurant:
on Mondays, Tuesdays, Wednesdays and Thursdays between 09.00 hrs and 01.00 hrs the following day;
on Fridays and Saturdays between 09.00 hrs and 02.00 hrs the following day;
on Sundays, Bank and Public Holidays between 09.00 and 00.30 hrs the following day.
The applicant should be aware that the requirement for planning permission will remain and will be unaffected in its consideration by the grant of any licence.
Gary