

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

Council Chamber, Town Hall, Chapel Road, Worthing

7 March 2019

Councillor Paul High (Chairman)

Mike Barrett

Joshua High

*Absent

LCCB/18-19/13 Declarations of Interest

There were no declarations of interest

LCCB/18-19/14 Public Question Time

There were no questions from members of the public.

**LCCB/18-19/15 Licensing Act 2003 – Application for a new Premises Licence at:
Broadwater Deli & Wine Bar, 64 Broadwater Road, Worthing**

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

Licensing Officer introduces report

The Presenting Officer introduced the report to the Committee and set out the background to the case. With regards to mediation members were told that the applicant had volunteered to accept suggested conditions from the Police.

When asked, the applicant's representative confirmed that the officer had presented an accurate outline of the application.

Questions on the report from Members

There were no questions from members for the officer.

Representation by local residents - A

The local resident made a representation that is summarised as follows

- The resident's property backed onto the rear of the garden of the property and expressed concerns relating to noise and crime.
- The resident was objecting to the application on the grounds of public nuisance and crime and disorder;
- 1am was too late for the premises to be closing;

- There would be nuisance from dispersal and clearing up (particularly bottles being smashed when disposed of in bins);
- There was insufficient parking;
- Food waste from the venue would encourage vermin (as was the case with other premises in the area);

Questions from Members local resident A

A Member asked the resident if there were existing problems from the 12-13 other premises in the parade. The resident told the sub committee that there were noise problems from the rear gardens of the premises, there were also problems with delivery drivers parked in the rear waiting for orders.

Questions from the Applicant for local resident A

The applicant asked the resident if he was aware that the rear of the premises would not be open to customers and that there would be soundproofing in the premises. Discussion ensued and the applicant's representative confirmed that the condition prohibiting the use of the garden as a smoking area was volunteered by the applicant.

Representation by local residents - B

The local resident made a representation that is summarised as follows

- The local resident stated that she had a child with ADHD that found it very difficult to sleep;
- Noise disturbance was caused by people from both the front and the rear of the parade of shops;
- More traffic being brought by the premises would cause more noise;
- A 1am closing time 7 days a week would be detrimental to the sleep patterns to her child;
- An increase in food waste would cause a problem with rats;
- People congregating in the passageway behind the premises would cause disturbance;
- Soundproofing wasn't useful when people outside the premises would be making noise;

Questions from Members local resident B

Members questioned the resident on the problems presented by premises already open on the parade

Questions from the Applicant for local resident B

There were none

Representation by local residents - C

A resident made a representation which is summarised as follows:

- The proposed conditions were not sufficient to counter issues presented by the premises;

- Staff from other premises smoking in the back alley caused a disturbance;
- Members were asked to bear in mind the Human Rights Act and the Equalities Act, particularly as there were people with children living in flats above the premises;

Questions from Members for local resident C

- There were none

Questions from the Applicant for local resident C

- There were none

Representation by local residents - D

A resident made a representation which is summarised as follows:

- The resident told members he ran a premises in the parade and worked until 9pm. Because of the noise generated after that time he and his family were unable to sleep;
- Concern was raised about the later proposed opening time and the problems that may come from that;
- Members were reminded that every premises in the parade had a flat above it.

Questions from Members for local resident D

A member asked about the kebab shop in the parade and the type of problems that it caused. The resident told member that there were late night visitors who were drunk and smoked and fought outside of the shop. It caused worry for residents.

Questions from the Applicant for local resident D

- There were none

Representation of the Applicant

The applicant made a representation which is summarised as follows:

- It was explained that the resident used to live in France and wanted to replicate businesses he had seen operating there;
- The applicant had been running a premises successfully in Worthing for the previous 10 years;
- The business would sell quality wine and beers and it was planned that it would have a similar atmosphere to micropubs, which had been growing in popularity;
- The premises would be a place where people could eat, drink and have a little social time;
- There would be no vertical drinking, the premises would be all seating;
- It was expected that the business be local and would draw customers from the local area;
- Conditions asked for by the Police were accepted;
- The applicant was introducing noise proofing in the premises and if it didn't work it would cause a problem for the applicant which is something he wanted to avoid;
- Acceptance of a conditions stipulating door supervisor would help manage disturbance if any were to occur;

- The premises was not the place for young troublemakers;
- The applicant stated that they would be willing to amend conditions about recorded entertainment reducing the applied for hours and agreeing to put in Temporary Event Notices for requirements outside of the agreement;
- Anti vibration speakers would be used in the premises;
- Opening of the doors to the front entrance would be restricted so as to prevent noise escaping;

Questions for the applicant from Members

- A Member asked questions about the type of soundproofing being used for the building.
- The applicant confirmed that they would be happy to include a condition setting a noise limiter to the sound system amplifier;
- The applicant confirmed that he was happy to have a condition prohibiting bottles being disposed of outside past 9pm;
- The applicant was asked whether off sales would be allowed and stated that this would be the case but that this would be for premium wines and beers;

Questions for the Applicant from local resident A

The applicant's representative was asked about special events and the type of speakers being used. The Applicant's representative told members that the need to apply for things not covered in the licence (for special events) the applicant would apply for a Temporary Event Notice. The speakers being used would assist in preventing noise leaking from the premises.

Questions for the Applicant from local resident B

The applicant was questioned about control over smoking outside of the building and stated that an experienced bar manager and SIA security staff would be in place to help manage the smoking area. Residents were encouraged to come forward if they felt there were any problems in the future. The presenting officer told members that the smoking area was not covered by the licensing authority.

Questions for the Applicant from local resident C

Questions were asked about noise leaking from open doors and windows. The meeting was told by the presenting officer that a condition could be added relating to open doors and windows for later hours.

The applicant was asked whether he would be willing to put up a sign asking patrons to leave the premises quietly. The applicant confirmed that he would be willing to do this.

Summing up of local resident A

The resident hoped that if the application were allowed then conditions of the licence would be effective as claimed

Summing up of local resident B

The resident stated the belief that proposed conditions would have no effect on the noise of patrons entering and leaving the premises and believed that disturbance would affect the sleep of her child.

Summing up of local resident C

The resident stated that he was pleased to hear of the introduction soundproofing but that time would tell if people leaving the premises would create a disturbance. There were still concerns that the premises could affect sleep.

Summing up of local resident D

The resident expressed concerns about the application particularly about people going to and from the premises.

Summing up of the applicant

The applicant's representative summed up which is summarised as follows:

- The applicant had volunteered conditions asked for the Police. Members were asked to note that no other responsible authorities had made representations in respect of the application;
- The applicant took the concerns of local residents seriously and as such had volunteered conditions and made alterations to the property to address those concerns;

The meeting adjourned at 7:43pm to consider its decision

The meeting reconvened at 8:45pm

The meeting was told that in reaching its decision the Licensing Sub-Committee has given due regard to the following: The statutory licensing objectives, Worthing Borough Council's Statement of Licensing Policy, Guidance under section 182 by the Home Secretary and Licensing Act 2003, the application, written/oral representations made at the hearing and in writing. The Committee also gave regard to human rights legislation and the rules of natural justice. In discharging its functions the Committee did so with a view to promoting the Licensing objectives, the relevant objectives here were the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm.

Resolved: that the licence be granted with the following terms:

The premises are permitted to be open to the public between 1100 and 0020 of the following morning Thursday, Friday and Saturday. Sunday to Wednesday between 1100 and 2320.

The sale and supply of alcohol is permitted (on and off the premises) between the hours of 1100 and 0000 Thursday, Friday and Saturday. On Sunday to Wednesday 1100 and 2300.

The provision of late night refreshment is permitted between 2300 and 0000 of the following morning Thursday, Friday and Saturday.

The provision of regulated entertainment in the form of live and recorded music is permitted between the hours of 2300 and 0000 of the following morning Friday, Saturday and Bank Holidays.

The licence is granted subject to the following conditions:

1. *All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to engaging in any sale of alcohol. Refresher training shall be conducted thereafter at intervals of no more than eight (8) weeks. 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 made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff.*
2. *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.*
 - *The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.*
 - *CCTV footage will be stored for a minimum of 31 days.*
 - *The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.*
 - *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
 - *Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.*
 - *Any breakdown or system failure will be notified to the police and the council's licensing authority immediately & remedied as soon as practicable.*
3. *A minimum of one Security Industry Authority (SIA) door supervisors shall be deployed at the premises from 21:00 hours until 30 minutes after closing time (or until patrons have left the immediate area) every Friday and Saturday evenings, Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday and all other bank holidays, plus the day preceding a bank holiday and on any occasion when live music is being played.*
4. *Those performing the role of SIA Door Supervisor will not perform any other role when engaged for the purpose of Door Supervision activities*
5. *SIA door supervisors shall complete incident logs prior to the end of their shift*
6. *After 21:00 hours all children under 18 years must be accompanied by a responsible adult and may only remain on the premises if partaking in a sit down meal or attending a pre-booked function or event. (such private functions must be booked at least 24 hours in advance and a risk assessment must be performed by the premises staff, with the promotion of the licensing objectives to be addressed.)*
7. *The sale/supply of alcohol will cease 20 minutes prior to the closure of the premises*

8. *Hot and cold food must be offered for consumption up until at least 40 minutes before closing each day.*
9. *The premises will operate as a deli/wine bar and any promotions and advertising will refer to it as such.*
10. *No customer shall be admitted or readmitted to the premises at any time after 23:59 hours each day, with the exception only of persons using the external smoking area.*
11. *The Premises will be an active member of a Pubwatch Scheme or similar Group where there is one in operation. The premises shall be represented at 75% of all meetings as a minimum. The premises shall comply with all decisions collectively made by the group.*
12. *The rear garden is not to be used customers at any time.*
13. *No refuse or recycling activities to be conducted except between the hours of 0800 – 1800.*
14. *To install a noise limiter at the premises which is to be used when regulated entertainment is being provided. The noise limiter is to be set by the council's environmental health team.*
15. *When any regulated entertainment is being provided after 2300, the windows and doors to the premises are to be closed.*
16. *The premises is to display notices at the exit of the premises asking customers to leave the premises quietly.*
17. *The premises shall operate a challenge 25 policy.*
18. *No open vessels of alcohol shall be allowed off the premises. For the avoidance of doubt, this includes the removal of drinks from the premises to the smoking area.*

The grant of the licence is also subject to all mandatory conditions required by the Licensing Act 2003 and all other relevant legislation.

Reasons for decision:

We have imposed these timings and conditions to further the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance, the protection of children from harm having considered the application, the written representations made by the responsible authority, the members of the public and the oral representations made at the hearing.

We would encourage the applicant to make contact with the council's Environmental Health department to discuss sound proofing of the premises and to carry out work recommended by the council.

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

You are reminded that if you carry out any licensable activity when you do not have a licence in place, you commit an offence under the Licensing Act and you may be prosecuted.

The meeting was declared closed at by the Chairman at 8:50pm, it having commenced at 6.30pm.

Chairman