



WORTHING BOROUGH
COUNCIL

14 May 2019

Licensing and Control Sub Committee

Date:	22 May 2019
Time:	6.30pm
Venue:	Council Chamber, Worthing Town Hall

Committee Membership: Councillors Sean McDonald (Chairman), Richard Mulholland, Jane Sim (NB. Memberships subject to Annual Council Appointments)

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 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 – MRH Brooklands – Service Station 331 Brighton Road Worthing BN11 2HP

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Part B - Not for publication - Exempt Information Reports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	Shelley-Ann Flanagan Lawyer 01903 221095 shelley-ann.flanagan@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

‘MRH Brooklands – Service Station’
331 Brighton Road
Worthing BN11 2HP

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:

Malthouse Ltd.

for a variation of the above Premises Licence (No. LN/100001149) which currently authorises the sale of alcohol for consumption off the premise at the above forecourt store.

2. Reasons for the Hearing

- 2.1 The application has been the subject of formal representation by two responsible authorities. Three letters of representation have been received from members of the public and three petitions received signed by forty one local residents. It therefore falls to this authority to determine the application.

3. Background

- 3.1 An application was made on behalf of Malthurst Ltd. to the Licensing Authority, Worthing Borough Council, on the 5 March 2019 for grant of a full variation to their existing Premises Licence.
- 3.2 This premise has been operated for many years as a service station with convenience store and has recently benefitted from a refurbishment and brand change to ‘Budgens’. It is situated on the very busy main coast road, Brighton Road, directly west of Brooklands Park and directly opposite the beach. To the north and east there are residential flats and houses.
- 3.3 Malthurst Ltd. have been the licence holders of the store since August 2017.

3.4 The premises is currently authorised to provide:

- Alcohol sales
 - 08:00hrs until 23:00hrs Monday – Sunday incl.
- Opening to the public
 - 06.00hrs until 23:00hrs Monday – Sunday incl.

In line with the hours of use attached to the site's planning permission.

3.5 Attached to the report are:

- A plan of the area (Appendix A)
- A plan of the store (Appendix B)
- A copy of the application (Appendix C)
- A copy of the current premises licence (Appendix D)
- Copies of the representations received from the responsible authorities (Appendix E1&2)
- Copies of the representations received from local resident.

(Appendix F 1- 6)

- Copies of mediation correspondents between applicant & Responsible Authorities (Appendix G 1 & 2)

4. The Application

4.1 The application is attached at Appendix C. However, in summary, Malthurst Ltd. are seeking authorisation for:

- An extension of the opening hours of the store and the hours for the sale of alcohol to 24 hours a day Monday – Sunday incl.
- Provision of late night refreshment from 23:00hrs to 05:00hrs (of the following morning) Monday – Sunday incl.
- Removal of the embedded restrictions on the licence.
- To remove the conditions listed in Annex 2 of the current premises licence and replacement with a new operating schedule with updated conditions of licence.
- To make alterations to the premises as part of a refurbishment.

No further changes to the licence are proposed by this application.

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;
- prevention of public nuisance;
- public safety
- 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 Crime & Disorder

- 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 the public and the responsible authorities, particularly the Police.*
- 4.15 *In addition to the requirements for the Council to promote the licensing objectives, it also has a duty, as detailed in paragraph 4.10, under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. The Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder within the vicinity if relevant representations are received. Whether or not incidents can be regarded as being in the vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case.*
- 4.9 *The Council recognises that the Licensing Act is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night time economy in town centres.*

Prevention of Public Nuisance

- 4.24 *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.*
- 4.30 *The Licensing Authority 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.*

DEMAND, SATURATION & HOURS

- 6.1 *In accordance with the Government's guidance the Licensing Authority recognises that demand is not a relevant criterion in considering an application under the Act.*

Alcohol Stores & Supermarkets – Off Sales

- 7.3 *The Home Office Guidance to the Act recommends that shops, stores and supermarkets selling alcohol should generally be permitted to match the hours during which they may sell alcohol with their normal trading hours, unless there are exceptional reasons related to the Licensing Objectives, in particular 'the prevention of crime and disorder' and 'the prevention of public nuisance'.*
- 7.4 *The Licensing Authority will consider all applications on their own merit and will not consider 'need or demand' but if an area is experiencing problems and this is linked to the number of premises in the area already selling alcohol, for consumption off the premises, the Licensing Authority will carefully consider the cumulative impact on the Licensing Objectives of any new application if relevant representation is received.*
- 7.5 *The Licensing Authority will be particularly concerned with regard to the granting of new licences to stores and supermarkets in localities where the following problems have been identified:*
- *Alcohol sales to persons who are drunk*
 - *Underage drinking*
 - *Street drinking*
 - *Pre-loading & post-loading*

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:
- Members of the public – Six representations of which three are petitions
 - Responsible Authorities – Two representations.

7. Relevant Representations

7.1 Details of the representations received are reproduced in full at Appendices E & F. The comments made are considered to relate to the statutory licensing objectives as follows:

- Prevention of Crime & Disorder
- Prevention of Public Nuisance.

and relate to the parts of the application listed:

- The extension of the opening hours of the store and the hours for the sale of alcohol to 24 hours a day Monday – Sunday incl.
- Provision of late night refreshment from 23:00hrs to 05:00hrs (of the following morning) Monday – Sunday incl.

No representation has been made regarding the application to:

- Remove the embedded restrictions on the licence.
- Remove the conditions listed in Annex 2.
- Include in Annex 2 the conditions in boxes b to e of Section 16 of the application.
- Make alterations to the premises.

7.2 Sussex Police made representation against the grant of parts of the variation application on the grounds of:

- Prevention of Crime & Disorder

7.3 The Public Health & Regulation's Environmental Protection Team have expressed concerns that the application does not adequately address the objective of:

- Prevention of public nuisance

caused by noise and that if the variation is granted as applied for a public nuisance would be caused to residents within the vicinity of the store.

7.4 Forty four local residents expressed concerns regarding the noise and disturbance associated with the site and request the extended hours for opening, alcohol, late night refreshment be refused. Members have been supplied with copies of the letters and petitions in their entirety. Some of the content of the representations relates to planning issues and whilst some of this information is considered irrelevant to this application, nothing has been excluded from the letters. Consequently members are reminded that they will need to consider carefully the weight, if any, they apportion to some of the information.

7.5 All parties have been invited to attend the Sub-Committee and included in this report are the letters of representation & petitions reproduced in full.

8. Mediation

8.1 The Licensing Act 2003 encourages mediation.

8.2 Sussex Police and the applicant have been in mediation and have come to an agreement. The Police note that the operating schedule already includes conditions relating to:

- Age verification (challenge 25).

in addition the following conditions have been volunteered to the operating schedule should members be of a mind to grant a variation:

1. CCTV

- The premises licence holder shall install and maintain a CCTV system giving coverage of all areas, including the entry and exit, to which the public have access.
- CCTV coverage shall enable frontal identification of customers entering the premises in any light conditions.
- The CCTV system shall continually record whilst the premises are open for licensed activities.
- All CCTV recordings shall be stored for a minimum period of 31 days with the date and time stamping.
- CCTV recordings shall be made available for viewing immediately upon the receipt of a request made by the Police or an authorised officer of the Council.
- A staff member who is conversant with the operation of the CCTV system shall be at the premises at all times when the premises are open to the public and shall be able to facilitate viewing of footage upon the receipt of request from the Police or an authorised officer of the Council.

2. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

3. All staff engaged or to be engaged in the sale of alcohol on the premises must receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records must be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

4. All cashiers must be trained to record refusals of sales of alcohol in a refusals book/register. The book/register must contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

The book/register must be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.

5. An incident book/register must be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

The book/register must be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.

6. There shall be no self-service of spirits except for spirit mixtures.

7. The entrance door to the shop will be closed to customers between the hours of 2300 and 0500. Any sales between these hours will be made through the night pay window.

These would become enforceable conditions of any licence variation granted and consequently Sussex Police have withdrawn their representation.

8.3 I am aware that the applicant has been in communication with the PH&R Environmental Protection Team to mediate but at the time of the drafting of this report no further information was available as to how this mediation had progressed. Members will be updated in due course.

8.4 I am unaware of any mediation between the applicant and the local residents that have made representation and considering the nature of the public representations made a mediated agreement is considered unlikely but Members will be updated of any developments.

9. Consideration

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

- The four statutory licensing objectives
- Worthing Borough Council's Statement of Licensing Policy
- Guidance issued by the Home Secretary
- Relevant representations made by all the parties
- The results of the mediation that has taken place

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 Malthouse Ltd. for a variation to the Premises Licence at MRH Brooklands – Service Station, Brighton Road, Worthing and give reasons for that determination.

**Mary D’Arcy
Director for Communities**

Principal Author and Contact Officer:

Simon Jones
Public Health & Regulation Team Leader - Licensing
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 1&2 – Representations from Responsible Authorities.
- Appendix F 1-6 - Representations from members of the public.
- Appendix G 1&2 – Applicants & Responsible Authority’s mediation

Public Health & Regulation – Licensing Team, Portland House, Worthing

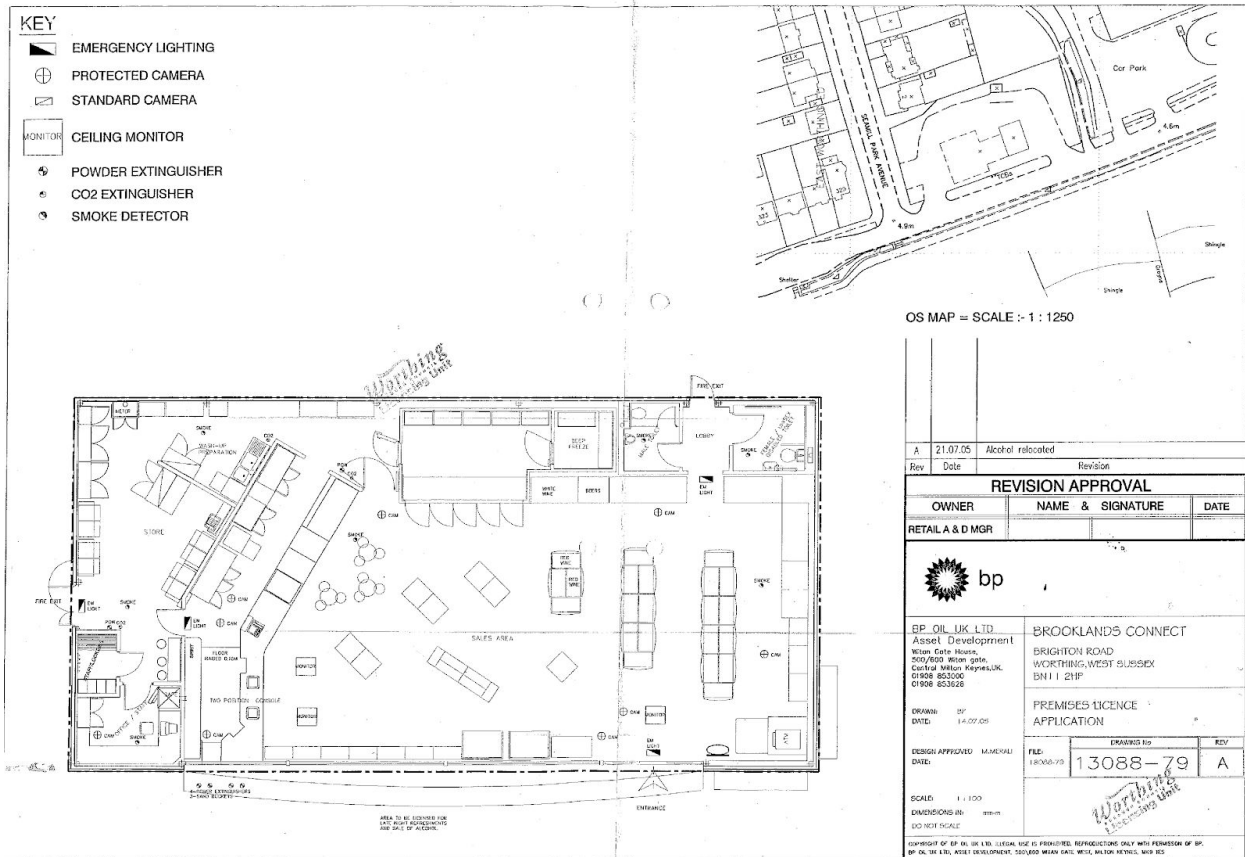
Ref: SJ/Lic.U/LA03/Variation – MRH Brooklands Service Station

Date: 8 May 2019.

Appendix A – Map of Area



Appendix B Existing Plan of Store



Proposed Plan of Store

THE ENTIRE PREMISES MAY BE USED FOR THE SALE OF ALCOHOL AND THE PROVISION OF LATE NIGHT REFRESHMENT

BROOKLANDS PL DRAWING



Appendix C – Application



Worthing
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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 the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's 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 the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent 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:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent 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="Licensing Assistant"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Agent Registered Address		Address registered with Companies House.
Building number or name	<input type="text" value="Minerva House"/>	
Street	<input type="text" value="5 Montague Close"/>	
District	<input type="text"/>	
City or town	<input type="text" value="London"/>	
County or administrative area	<input type="text"/>	
Postcode	<input type="text" value="SE1 9BB"/>	
Country	<input type="text" value="United Kingdom"/>	

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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="MRH Brooklands"/>
Street	<input type="text" value="331 Brighton Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Worthing"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="BN11 2HP"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number	<input type="text"/>
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Continued from previous page...

Non-domestic rateable value of premises (£)

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VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. 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.

The premises is a petrol forecourt store located at 331 Brighton Road, Worthing, BN11 2HP.

The Variation is to do the following:

1. Extension of the hours for the sale of alcohol to 24 hours daily.
2. Provision of late night refreshment between the hours of 2300 and 0500 daily.
3. To remove the embedded restrictions on the licence.
4. To remove the conditions listed in Annex 2.
5. To include in Annex 2 the conditions in boxes b to e of Section 16 of the application.
6. To make alterations to the premises.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes

No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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

SUNDAY

Start

End

Start

End

Continued from previous page...

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 select 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.

The provision will take place inside the premises but customers may leave the premises with items purchased.

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 provision of late night refreshment at different times from those listed above, 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 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide 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.

Continued from previous page...

WEDNESDAY

Start 00:00

End 24:00

Start

End

THURSDAY

Start 00:00

End 24:00

Start

End

FRIDAY

Start 00:00

End 24:00

Start

End

SATURDAY

Start 00:00

End 24:00

Start

End

SUNDAY

Start 00:00

End 24:00

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

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 alcohol at different times from those listed above, list below.

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

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ADULT ENTERTAINMENT

Continued from previous page...

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.

Provide 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.

The premises sells alcohol and other age restricted products.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

Continued from previous page...

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

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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

1. The embedded restrictions listed under Annex 1, Section E.
2. The conditions listed under Annex 2.

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

The premises licence was returned to update the licence holders registered office.

Section 16 of 18

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.

b) The prevention of crime and disorder

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

Continued from previous page...

4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

DECLARATION

* 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?"

Continued from previous page...

* Full name	<input type="text" value="Winckworth Sherwood LLP"/>
* Capacity	<input type="text" value="Agent"/>
* Date	<input type="text" value="05"/> / <input type="text" value="03"/> / <input type="text" value="2019"/> 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/change-1> to upload this file and continue with your application.

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

Appendix D Existing Premises Licence



WORTHING BOROUGH
COUNCIL

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

Public Health & Regulation
Portland House, Richmond Road
Worthing
BN11 1HS

Premises Licence Number - LN/100001149

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
Brooklands Service Station 331 Brighton Road Worthing BN11 2HP	
Telephone number	01903 228050

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 : Service Station		
Day	Start	Finish
Sunday	06:00	23:00
Monday	06:00	23:00
Tuesday	06:00	23:00
Wednesday	06:00	23:00
Thursday	06:00	23:00
Friday	06:00	23:00
Saturday	06:00	23:00
Non Standard Timings & Seasonal Variations		

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

Part 2 – Premises Licence Holder Details


Name
Malthurst Ltd.


Registered Address
Vincent House 4 Grove Lane Epping Essex CM16 4LH

Registered number of holder, for example company number, charity number (where applicable)
03445529

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

Name
Mr Kishokkumar Muthusamy

Registered Address


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 :	
Licensing Authority :	Brighton & Hove City Council

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location : Petrol forecourt store		
Activities : Alcohol OFF Sales/Supply (M)		
Day	Start	Finish
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	23:00
Saturday	08:00	23:00
Non Standard Timings & Seasonal Variations		

Signed on behalf of the issuing licensing authority

Senior Licensing Officer

Date : 6 April 2018

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

When employed each such individual must be licensed by the Security Industry Authority.

C. 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.

D. 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.

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

Permitted Hours

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

Restrictions

The above restrictions do not prohibit:

- a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the 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;

Source Section 60,63,86 Licensing Act 1964

- 2.** Alcohol shall not be sold in an open container or be consumed on the licensed premises.

Source Section 164 Licensing Act 1964

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 plan submitted to the Licensing Authority indicates the proposed position for the display and storage of alcohol.
2. The anti-theft measures currently in place to be maintained or only altered following consultation with the Police.
3. A fully operational and maintained CCTV system to be provided, fit for purpose, incorporating a camera covering the entrance door and being capable of providing an image which is of a recognised identification standard. The system to incorporate a recording facility and any recordings to be retained and stored in a suitable and secure manner for a minimum of one calendar month; a system to be put in place to maintain the quality of the recorded image and a complete audit trail maintained. The CCTV system to be fully operational and maintained throughout the hours the premises are open for any licensable activities, with the precise position of the cameras being agreed in consultation with the Police from time to time.
4. At all times, adequate levels of staff to be maintained; such staff levels to be disclosed, on request, to both the Licensing Authority and the Police.
5. Adequate waste receptacles for customer use to be provided in and immediately outside the premises.
6. All staff to be trained to ask for evidence of age from any person seeking to buy alcohol and appearing to be under the age of 18. Such evidence is to be of a photographic nature such as a passport or photographic driving licence until other effective identification technology, such as thumbprint or pupil recognition, is introduced.

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

None

Annexe 4 : Plans

See attached plan no. 13088-79 A

Fwd: FW: MRH Brooklands Brighton Road, Worthing

1 message

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

15 March 2019 at 12:10

Please see below

----- Forwarded message -----

From: <Clare.Godfrey01@sussex.pnn.police.uk>
Date: Fri, 15 Mar 2019 at 11:57
Subject: FW: MRH Brooklands Brighton Road, Worthing
To: <licensing.unit@adur-worthing.gov.uk>

Hello Simon,

As you can see from the below email Robert Botkai has rather jumped the gun before I have even sent you our representation.

We are in agreement on the below conditions, so I am wondering if for clarification you would like me to send you our representation retrospectively?

Happy to do what-ever works best for you.

Regards,

Clare



Clare Godfrey

Licensing Officer

Prevention Licensing Team | West Sussex Police

Centenary House | Worthing | BN13 2PQ

Tel No: 101 ext 581419

clare.godfrey01@sussex.pnn.police.uk

From: Robert Botkai [mailto:rbotkai@wslaw.co.uk]
Sent: 08 March 2019 15:11
To: Godfrey Clare 37110 <Clare.Godfrey01@sussex.pnn.police.uk>
Cc: Andrew Sanders <asanders@wslaw.co.uk>; Elaine Finlay <efinlay@wslaw.co.uk>
Subject: MRH Brooklands Brighton Road, Worthing

Hi Clare

I suggest we amend the application in the same way as for Worthing:

The operating schedule already includes conditions relating to:

- CCTV
- Age verification (challenge 25).

I am authorised to amend the application to include the following additional conditions:

1. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.
2. All staff engaged or to be engaged in the sale of alcohol on the premises must receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.

Training records must be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

3. All cashiers must be trained to record refusals of sales of alcohol in a refusals book/register. The book/register must contain:
 - details of the time and date the refusal was made;
 - the identity of the staff member refusing the sale;
 - details of the alcohol the person attempted to purchase.

The book/register must be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

4. An incident book/register must be maintained to record:
- all incidents of crime and disorder occurring at the premises
 - details of occasions when the police are called to the premises

The book/register must be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.

5. There shall be no self-service of spirits except for spirit mixtures.

6. The entrance door to the shop will be closed to customers between the hours of 2300 and 0500. Any sales between these hours will be made through the night pay window.

We can amend the CCTV condition to provide that the system is to be to the reasonable satisfaction of West Sussex Police.

I will email the licensing officer and will copy you in.

Thanks

Robert

From: Clare.Godfrey01@sussex.pnn.police.uk <Clare.Godfrey01@sussex.pnn.police.uk>
Sent: 06 March 2019 09:58
To: Andrew Sanders <asanders@wslaw.co.uk>
Subject: MRH Brooklands BP Brighton Road, Worthing

This message originated outside Winckworth Sherwood

Good Morning,

Can you please confirm if this premises will be operating a night hatch after certain hours? Or if there is a policy where by doors will be locked if there is only one member of staff working?

Many Thanks,

Clare



Clare Godfrey

Licensing Officer

Prevention Licensing Team | West Sussex Police

Centenary House | Worthing | BN13 2PQ

Tel No: 101 ext 581419

clare.godfrey01@sussex.pnn.police.uk

MRH Brooklands, 331 Brighton Road, Worthing

1 message

Nadeem Shad <nadeem.shad@adur-worthing.gov.uk>
To: Licensing Unit <Licensing.Unit@adur-worthing.gov.uk>
Cc: Simon Jones <simon.jones@adur-worthing.gov.uk>

28 March 2019 at 11:55

Licensing Act 2003 - Application for Variation of Premises Licence **MRH Brooklands, 331 Brighton 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 immediately adjacent to residential properties. The immediate vicinity is very quiet late at night and during the early hours, so noise is more noticeable and could result in a public nuisance. Noise will be produced from vehicles arriving and departing, loud music from within the vehicles and noise from people. The application contains no information on what controls are to be in place to prevent a public nuisance being caused by noise.

The parts of the application of concern relate to the extension of hours for the sale of alcohol and the provision of late night refreshment. As the application requests opening into a period of the day when the vicinity is relatively quiet, the operating schedule for the prevention of public nuisance (Section 16) must 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 have tried to address this matter with the applicant but have received no response. I suggest that the applicant consult with us at the earliest opportunity should they wish to discuss, clarify or amend the current application.

Furthermore the planning permission for this premises does not permit 24 hour operation and neighbours are likely to raise objections to 24 hour opening should a planning application be submitted.

Nadeem Shad

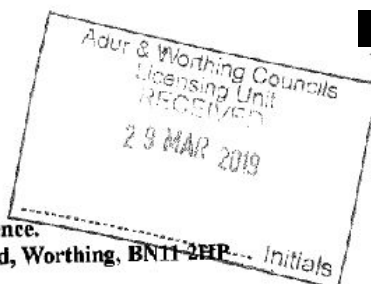
Team Leader (Environmental Protection), Adur & Worthing Councils
Phone: 01273 263303

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

Licensing Team
 Worthing Borough Council
 Portland House
 44 Richmond Road
 Worthing
 BN11 1HS



Seamill Park Avenue
 Worthing
 BN11 2PU

29 March 2019

**Re: Application to vary Premises Licence,
 MRH, Brooklands, 331 Brighton Road, Worthing, BN11 2EP**

Ref: AGS/28715/173/RPB

Dear Sir or Madam

As a Resident, living immediately adjacent to the Petrol Station, I am writing to object in the strongest terms to the proposed variation of the Premises Licence, in particular for the sale of alcohol on a 24 hour basis and, the provision of late night refreshment between 23.00 and 05.00 daily

When BP was granted planning permission for the reconstruction of the petrol station in 2003 one of the Conditions of Planning to which BP agreed was that Fuel and Retail Sales would be limited to between 06.00 and 23.00. The petrol station would therefore be closed between 23.00 and 06.00.

This condition was imposed to minimise continual late night disturbance caused by unruly and noisy customers, which residents had had to endure for the previous years when the petrol station was being operated on a 24 hour basis.

I had occasion to write to Mr Appleton in August 2017 when a new franchisee started to remain open all night, in breach the conditions of Planning Control. Tracey Consterdine, Planning Enforcement Officer, visited the site, and wrote to the new franchisee advising that they do not have permission to operate past the permitted hours, since when the site has complied with the permitted opening hours. (except that all the lights to the forecourt and signs remain on all night, which I consider unnecessary, and a point I have have also raised with the operators, to no avail.)

I enclose for your information copies of correspondence between myself and the Planning Department in respect of the above.

I cannot understand why it would be deemed acceptable to now grant a new Licence, increasing the hours of trading, which would obviously cause the same type of noisy night-time disturbance to which myself and other local residents were subjected previously, when the petrol station operated by the previous owner, Mobil on a 24 hour basis.

At that time I was frequent contact with the Environmental Health Department, complaining of the constant night-time disturbance. If the extension to the Licence is granted I would envisage having to do the same thing again in the future, although I would much prefer quiet nights' sleep.

I apologise for not writing to you earlier but I have only just seen the notice which is pinned to the contractor's fencing. None of my neighbours in the road had seen it either!
 I should have thought that with such a far-reaching proposal, as an affected adjacent neighbour, I should have received a personal letter from the Licensing Department advising of the proposed changes to the opening hours.

Yours sincerely



Seamill Park Avenue
Worthing
BN11 2PU

Licensing Team
Worthing Borough Council
Portland House
44 Richmond Road
Worthing
BN11 1HS



31st March 2019

Dear Sir or Madam,

RE: AGS/28715/173/RPB Brooklands BP Petrol Station

We are writing to object to the proposed variation of the Premises Licence at the Brooklands BP Petrol Station on Brighton Road, Worthing.

We particularly object sale of alcohol on a 24 hour basis and the provision of night refreshment between 23.00hrs and 05.00hrs. This is likely to cause noise and disturbance and increase the unsociable behaviour that already takes place in and around the car park of Brooklands Park. Both young and old and the homeless use this area to take drugs and consume alcohol. With alcohol even more readily available this will only increase such behaviour.

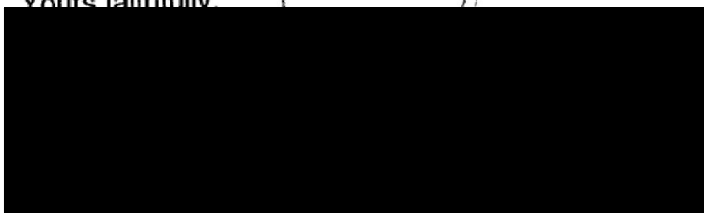
Extended opening hours and sale of alcohol is also likely to increase the amount of litter in the area and on the beach. This is a continual problem which I have frequently drawn to the attention of BP and the managers of the premises.

Due to the disturbance and noise that occurred when the premises were open 24 hours prior to 2003, BP was granted planning permission for the refurbishment of the petrol station at that time only **on condition that fuel and retail sales would be limited between 06.00hrs – 23.00hrs**. There can be no justification for extending the opening hours and sale of alcohol.

It was a neighbour who alerted me to this application, the Notice being pinned to the contractors fencing and where it is not easily seen. With the potential impact on those living in Seamill Park Avenue surely you should have notified each property personally?

We would like a written response to this letter please.

Yours faithfully,



Appendix F3

Seamill Park Avenue
Worthing
West Sussex BN11 2PU

Licensing Team
Worthing Borough Council
Portland House
44 Richmond Road
Worthing
West Sussex BN11 2HP



31st March 2019

Dear Sirs,

I am writing in respect of the application to vary a Premises License submitted by Malthurst Ltd in respect of the site MRH Brooklands, 331 Brighton Road, Worthing, West Sussex BN11 2HP (i.e. the BP Garage site).

It is my understanding that the current license limits opening hours from 5.00AM to 10.30PM (or similar). I believe it is the case that the applicant has, in the past, made attempts to vary their license with the intention of extending the opening hours to 24 hours a day, and I am grateful that the Council have deemed the proposals inappropriate and rejected those application(s).

I understand that under the current application, the applicant has applied to:-

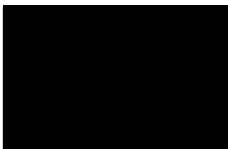
1. Extend the sale of alcohol between the hours of 0000 and 2400 daily for consumption off the premises;
2. The provision of late night refreshments between the hours of 2300 and 0500 daily;
3. To vary the license conditions;
4. To make alterations to the premises;

In respect of the 1st three items, I wish to raise my strong objections to these proposals. The garage site is on the corner of Brighton Road and Seamill Park Avenue, the latter being a quiet residential Road. I have very concerned that if this proposal was to receive approval, the houses in Seamill Park Avenue would be blighted by noise and traffic 24 hours a day with no let-up for residents. I also suspect that an outlet which intends to extend the sale of alcohol 24 hours a day could well attract undesirable elements of the community to this peaceful residential area.

I would urge the Council to maintain the restrictions on opening hours currently in place for this site and reject any application to extend them. It would seem to me to be wholly inappropriate to grant a retail

outlet a license for 24 hour operation when located so close to an established and peaceful residential area.

Yours faithfully



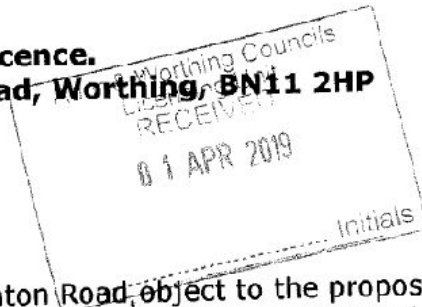
Licensing Team
Worthing Borough Council
Portland House
44 Richmond Road
Worthing
BN11 1HS

Brighton Road
Worthing
BN11 2HP

30 March 2019

**Re: Application to vary Premises Licence,
MRH, Brooklands, 331 Brighton Road, Worthing, BN11 2HP**

Ref: AGS/28715/173/RPB

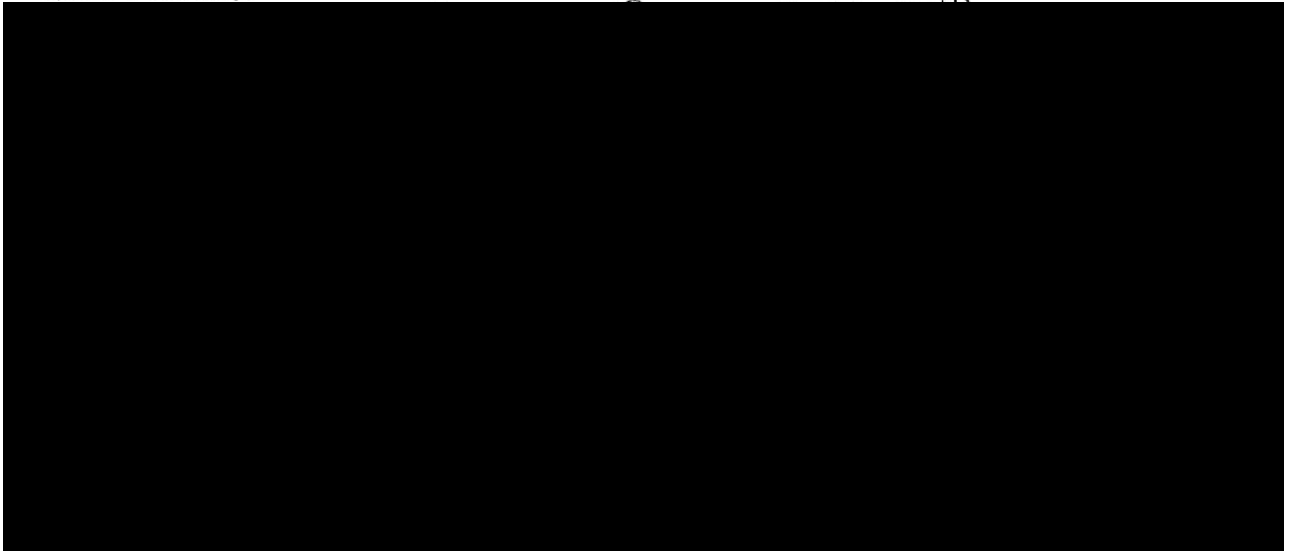


Dear Sir or Madam

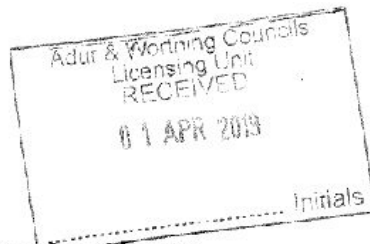
We, the undersigned residents of Brighton Road, object to the proposal to extend the Licensing Hours at Brooklands Petrol Station to enable Alcohol to be purchased 24 Hours a day, and to extend the opening hours of the Internet Cafe from 23.00 to 05.00, seven days a week.

Our reason for objecting is that it is likely that after the pubs close the area will become a magnet for people to congregate at this location to drink and maybe take drugs etc. At present the area is very quiet at night. Extending the opening hours will likely generate considerable disturbance to the neighbourhood, as witnessed in the past when the petrol station traded on a 24 hour basis. We don't need a repeat of the past troubles.

Yours sincerely,



Licensing Team
Worthing Borough Council
Portland House
44 Richmond Road
Worthing
BN11 1HS



Seamill Park Crescent
Worthing
BN11

30 March 2019

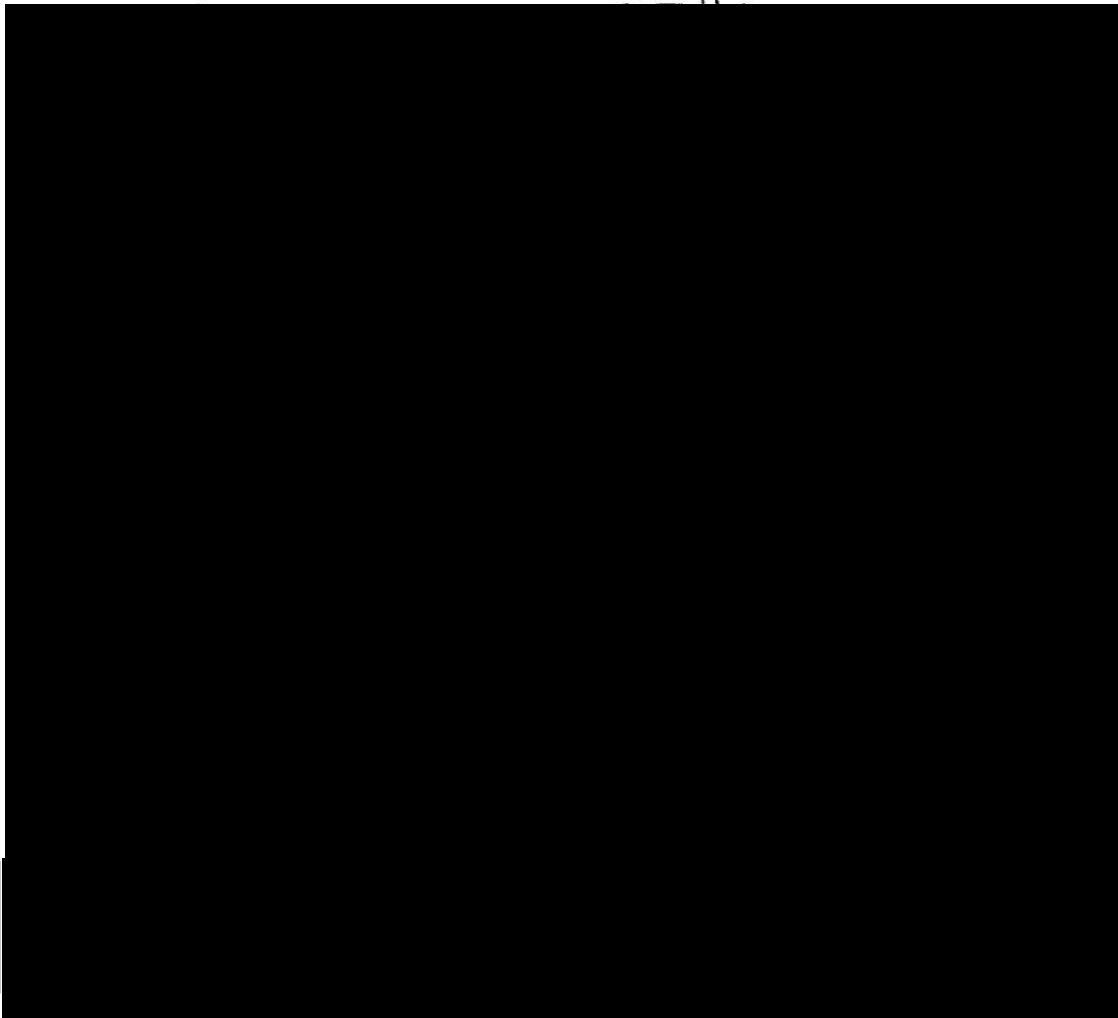
**Re: Application to vary Premises Licence.
MRH, Brooklands, 331 Brighton Road, Worthing, BN11 2HP**

Ref: AGS/28715/173/RPB

Dear Sir or Madam

We, the undersigned residents of Seamill Park ^{crescent} ~~Brooklands~~ object to the proposal to extend the Licensing Hours at Brooklands Petrol Station to enable Alcohol to be purchased 24 Hours a day, and to extend the opening hours of the Internet Cafe from 23.00 to 05.00. seven days a week.

Our reason for objecting is that it is likely that after the pubs close the area will become a magnet for people to congregate at this location to drink and maybe take drugs etc. At present the area is very quiet at night. Extending the opening hours will likely generate considerable disturbance to the neighbourhood, as witnessed in the past when the petrol station traded on a 24 hour basis. We don't need a repeat of the past troubles!



Licensing Team
Worthing Borough Council
Portland House
44 Richmond Road
Worthing
BN11 1HS

Seamill Park Avenue
Worthing
BN11 2PU

30 March 2019

**Re: Application to vary Premises Licence.
MRH, Brooklands, 331 Brighton Road, Worthing, BN11 2HP**

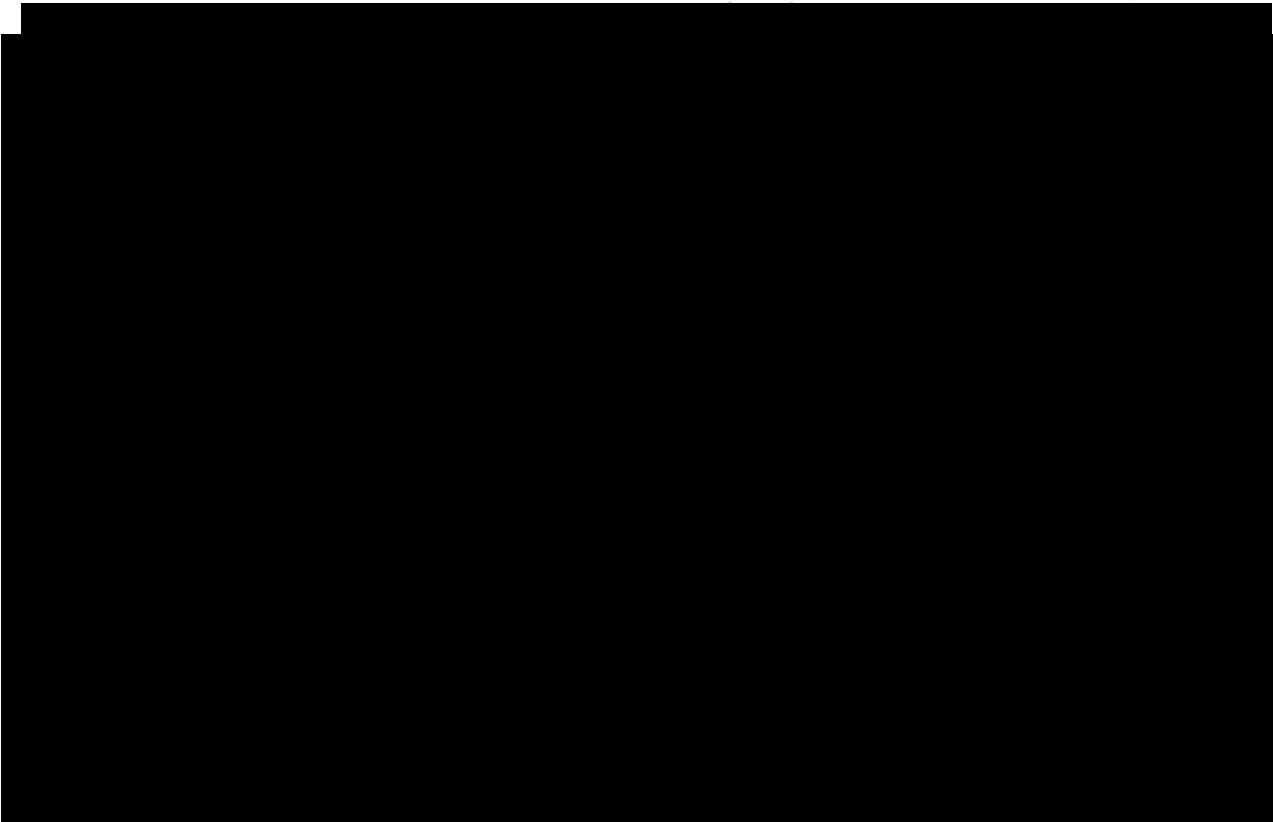
Ref: AGS/28715/173/RPB

Adur & Worthing Councils
Licensing Unit
RECEIVED
01 APR 2019

Dear Sir or Madam

We, the undersigned residents of Seamill Park Avenue object, to the proposal to extend the Licensing Hours at Brooklands Petrol Station to enable Alcohol to be purchased 24 Hours a day, and to extend the opening hours of the Internet Cafe from 23.00 to 05.00, Seven days a week.

Our reason for objecting is that it is likely that after the pubs close, the area will become a magnet for people to congregate at this location to drink and maybe take drugs etc. At present the area is very quiet at night. Extending the opening hours will likely generate considerable disturbance to the neighbourhood, as witnessed in the past when the petrol station traded on a 24 hour basis. We don't need a repeat of the past troubles!



Appendix G 1 Police Mediated Agreement

MRH Brooklands BP

1 message

Clare.Godfrey01@sussex.pnn.police.uk <Clare.Godfrey01@sussex.pnn.police.uk>
To: simon.jones@adur-worthing.gov.uk

27 March 2019 at 13:33

Simon,

Further to our telephone call earlier this morning, I am emailing to confirm that in line with the below email from Robert Botkai, Sussex Police will not be submitting a representation. The below conditions have been agreed, providing they sit alongside and in addition to the points documented in the application. In particular, Sussex Police request that the 6 points regarding CCTV are included as part of the licence.

From: Robert Botkai [mailto:rbotkai@wslaw.co.uk]
Sent: 08 March 2019 15:11
To: Godfrey Clare 37110 <Clare.Godfrey01@sussex.pnn.police.uk>
Cc: Andrew Sanders <asanders@wslaw.co.uk>; Elaine Finlay <efinlay@wslaw.co.uk>
Subject: MRH Brooklands Brighton Road, Worthing

Hi Clare

I suggest we amend the application in the same way as for Worthing:

The operating schedule already includes conditions relating to:

- CCTV
- Age verification (challenge 25).

I am authorised to amend the application to include the following additional conditions:

1. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.
2. All staff engaged or to be engaged in the sale of alcohol on the premises must receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.

Training records must be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.

3. All cashiers must be trained to record refusals of sales of alcohol in a refusals book/register. The book/register must contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

The book/register must be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.

4. An incident book/register must be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

The book/register must be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.

5. There shall be no self-service of spirits except for spirit mixtures.

6. The entrance door to the shop will be closed to customers between the hours of 2300 and 0500. Any sales between these hours will be made through the night pay window.

We can amend the CCTV condition to provide that the system is to be to the reasonable satisfaction of West Sussex Police.

I will email the licensing officer and will copy you in.

Thanks

Robert

Many Thanks,

Clare

Clare Godfrey

Appendix G 2
Mediation with Environmental Protection Team

Re: MRH Brooklands Variation

1 message

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

3 May 2019 at 10:41

To: Robert Botkai <rbotkai@wslaw.co.uk>

Cc: Andrew Sanders <asanders@wslaw.co.uk>, Elaine Finlay <efinlay@wslaw.co.uk>, Licensing Unit <Licensing.Unit@adur-worthing.gov.uk>, Simon Jones <simon.jones@adur-worthing.gov.uk>

Dear Robert

Many thanks for this. However it does not address the issues I raised, namely noise affecting residents and causing a public nuisance. I am aware the residents have also raised this in their representations.

Regards

Nadeem

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



On Wed, 1 May 2019 at 17:13, Robert Botkai <rbotkai@wslaw.co.uk> wrote:

Dear Nadeem

I have received a copy of your representation dated 28 March. We act for the applicant.

We have agreed additional conditions with the police as follows:

1. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.
2. All staff engaged or to be engaged in the sale of alcohol on the premises must receive the following training in age restricted sales:
 - Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
 - Refresher/reinforcement training at intervals of no more than 6 months.Training records must be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.
3. All cashiers must be trained to record refusals of sales of alcohol in a refusals book/register. The book/register must contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

The book/register must be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.

4. An incident book/register must be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

The book/register must be retained at the premises or at the officers of the licence holder for a minimum period of 12 months.

5. There shall be no self-service of spirits except for spirit mixtures.

6. The entrance door to the shop will be closed to customers between the hours of 2300 and 0500. Any sales between these hours will be made through the night pay window.

Finally in box (b) of the operating schedule under the heading "The prevention of crime and disorder) the 1st paragraph to read as follows:

- A CCTV system will be installed, or the existing system maintained, such system to be fit for purpose and to be to the reasonable satisfaction of West Sussex Police.

I hope that this will assist.

Kind regards

Robert

Robert Botkai

Partner

T +44 (0) 20 7593 5004

M +44 (0) 7768 173936

rbotkai@wslaw.co.uk

Winckworth
Sherwood

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