
**Licensing Act 2003 – Application for a new Premises Licence at:
Sainsbury's, 341 Goring Road, Goring-by-Sea, Worthing, BN12 4NX**

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 on behalf of :
- Sainsbury's Supermarkets Ltd.**
- for a new Premises Licence to authorise the sale of alcohol for consumption off the premise.

2. Reasons for Hearing

- 2.1 The application has been the subject of formal representation by a responsible authority and a local residents' association. It therefore falls to this sub-committee to determine.

3. Background

- 3.1 The proposed store is situated on the junction of Mulberry Lane and Goring Road in a parade of shops in a mixed commercial/residential area.
- 3.2 The building is currently unoccupied but previously operated as a car showroom.
- 3.3 The application was made on behalf of Sainsbury's Supermarkets Ltd. to Worthing Borough Council on the 12 March 2015 for a new Premises Licence to authorise the sale of alcohol, for consumption off the premise, at a proposed new supermarket.
- 3.4 Documentation attached to the report are:
- Map of the area (Appendix A)
 - Plan of the store (Appendix B)
 - The application (Appendix C)
 - Representation made by a Responsible Authority, namely Sussex Police (Appendix D)
 - Representation made by the residents association (Appendix E)
 - Mediation correspondents (Appendices F)

4. **The Application**

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

- the sale of alcohol between the hours of:
07.00hrs and 23.00hrs Monday to Sunday incl.
- It is proposed that the store could open to the public 24 hours a day.

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.

4.3 The proposed designated supervisor detailed in the application is Ms Joanne Surguy, who holds a personal licence issued by the London Borough of Bexley.

5. **Promotion of the Licensing Objectives**

5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:

- prevention of crime and disorder;
- public safety;
- prevention of public nuisance;
- protection of children from harm.

5.2 In carrying out its licensing functions, the licensing authority must also have regard to 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

4.2 *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.*

4.3 *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.*

- 4.4 *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.*
- 4.9 *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

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

Protection of Children from Harm

- 4.24 *The wide range of premises that require licensing means that children can be expected to visit many of these, perhaps on their own, for food and/or entertainment.*
- 4.28 *It is an offence to sell alcohol to an individual aged under 18. Licence holders are required to consider carefully ways to ensure that the sale of alcohol is restricted to*

those over the age of 18. Popular schemes include the 'Challenge 25 scheme' whereby if the individual looks under 25; they are required to prove that they are over the age of 18 when buying alcohol or tobacco. Acceptable forms of proof are: a photo card driver's licence, passport or PASS. PASS is the national guarantee scheme for proof-of-age, which is fully supported by the Home Office. Applicants are encouraged to introduce such schemes and detail them in operating schedules. The council may impose conditions requiring such schemes if relevant representation is received. Special care should be exercised and the licensed trade should be alert to counterfeit IDs and their fraudulent use.

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.*
- 6.14 *Following relevant representations the Council will deal with the issue of licensing hours having due regard to the individual merits of each application. However, 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).*
- 6.18 *The Council will generally consider the licensing of shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping. However, it may consider that in some circumstances there are very good reasons for restricting those hours and these are detailed in paragraphs 7.1 to 7.13 below. .*

SPECIFIC CONSIDERATIONS

Off sales of alcohol – Stores & Supermarkets

- 7.1 *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 good reasons, based on the licensing objectives, for restricting those hours.*
- 7.2 *The council 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 council will carefully consider the cumulative impact on the licensing objectives of any new application if relevant representation is received.*
- 7.3 *The council 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*

- 7.4 *Selling alcohol to a person who is drunk or to a person who is under the age of 18 are both offences under the Licensing Act. The council recognises that the vast majority of licensees are very aware of their responsibilities and the duty of care they have selling alcohol to the public. However, the council takes both these issues extremely seriously.*
- 7.5 *The Council considers it vital that licence holders provide formal and effective training to all staff involved in the sale of alcohol to recognise members of the public who are drunk or underage and give their staff the ability and confidence to refuse service. The council will expect operating schedules to demonstrate that the licence holder has considered such matters and addressed them as far as possible and that formal training records are kept on the premise and are to be made available for inspection by Police and/or Licensing Unit officers on request.*
- 7.6 *Over recent years problems associated with street drinking have been experienced across the borough but particularly in the town centre, on the promenade, the beach and Worthing's public parks & gardens. While there are some areas with recurring problems with regard to street drinking groups they also crop up in different areas at different times. These individuals and the shops that supply them can be a focus of antisocial behaviour, disorder and disturbance. The supply of alcohol to individuals involved in the day-long consumption of alcohol on the street and in open spaces can directly lead to these groups of drinkers causing various types of crime, public nuisance and anti-social behaviour.*
- 7.7 *Pre-loading and post-loading, the sale of alcohol to people who consume it on the way to or from venues licensed for the consumption of alcohol on the premises, gives rise to problems of drunkenness and disorderly behaviour. The proliferation of stores selling alcohol for consumption off the premises is of concern if it leads to drinking on the streets or alcohol being carried into premises such as pubs and nightclubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the town and adversely affects the licensing objectives.*
- 7.8 *Where the police or others make representations against the grant of a further licence for off sales, because of their serious concerns over any of the problems listed above and the disorder associated with the off sale of alcohol in the area, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. The council will want to be assured that the Operating Schedule of premises, 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. The earliest and latest hours of opening will be of particular concern. This is because problematic street drinkers and others who are seriously addicted to alcohol, may be drawn to shops that sell alcohol earlier in the morning and later in the evening than other premises and consequently create public nuisance. Where there are representations on problems of disorder the hours when alcohol may be sold for consumption off the premises may be conditioned to be less than the generally granted hours issued to public houses and restaurants in the area.*
- 7.9 *Due to these concerns and their link to crime, disorder and disturbance, the Council will not, as a general rule, grant applications for the 24-hour sale of alcohol for consumption off the premises. It will consider very seriously any representation made by Sussex Police, other responsible authorities, and relevant representations from the public before determining such applications.*

- 7.10 *To address the problems of street drinkers, underage drinkers and pre/post-loaders the council has introduced a controlled drinking zone across the whole borough giving the police powers to stop street drinking and seize alcohol and receptacles under the powers of the Criminal Justice and Police Act 2001. In addition short term Dispersal Zones have and will be used in parts of the town where the break-up of street drinking groups is required to disrupt any emerging patterns of street drinking.*
- 7.11 *When requested by the police, or other authorities, the Licensing Authority may impose on new applications, or on existing licences at review, conditions requiring:*
- *No sales of alcoholic beverages (beers, lagers & ciders) over a specified limit of alcohol by volume or of specified quantities (e.g. of beers, lagers and ciders over 6.0% alcoholic content by volume).*
 - *No sales of single cans or bottles of beer, lager and cider in containers containing less than 500ml.*
 - *No sales of miniature bottles of wine or spirit in units of less than 35cl.*
 - *Other conditions may be imposed directed at reducing problematic street drinking.*
 - *Conditions stopping irresponsible drink promotions that do not follow best practice, that would appeal to underage drinkers or street drinkers or encourage excessive consumption.*
 - *Conditions relating to the positioning of alcohol within the shop and the types of displays of alcohol within the store. Particularly those displays that might appeal to younger consumers.*
- 7.12 *From October 2010 it became a mandatory condition that all licence holders selling alcohol put in place an age verification policy for the premises. In some circumstances the Council will impose, where necessary to promote the licensing objectives, implicit conditions on the checking of the age of those who appear under 21 or 25 to ensure that alcohol is not sold to those under 18 years of age.*
- 7.13 *Licence holders need to have sufficient day to day control of operations at their premise. They will be held responsible for breaches of the licence and ensuring there is adequate staffing and training. The authorities will continue to use young people for the 'test purchasing' of alcohol and CCTV evidence, which has proved its usefulness in prosecutions for unlawful sales of alcohol. The likely consequences of a review of licence for underage sales include the imposition of additional conditions such as the attendance of a personal licence holder, licence suspensions and in some cases revocation to act as deterrence.*

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:

Other Persons – 1 X Representation

Responsible Authorities – 1 X Representation from Sussex Police

7. Relevant Representations

7.1 Detail regarding the relevant representations received is reproduced at Appendices D & E. They are considered to relate to the statutory licensing objectives as follows:

Prevention of Crime and Disorder.

Prevention of Public Nuisance

Protection of Children from Harm

7.2 Sussex Police made a representation listing a number of conditions that they considered required to enable this premise to meet the licensing objectives if members were of a mind to grant a licence. These being:

- *A list of staff members who are authorised to sell alcohol on the premises shall be kept. Each of these staff members shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more than twelve (12) weeks. All restricted sales training undertaken by staff members shall be full documented and signed by the employee and the DPS. All training records shall be kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.*
- *The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers*
- *Alcohol shall not be located in the immediate vicinity of the entrances and exits to the premises, but shall be in an area in which it shall be monitored by staff on a frequent and daily basis while licensable activities are taking place.*
- *Spirits will be stored and displayed behind the servery, or out of the reach of the public.*

7.3 A letter of representation was received from the chair of the Ilex Conservation Association objecting to the application.

7.5 All those making relevant representation have been invited to attend this hearing.

8. Mediation

8.1 The Licensing Act 2003 encourages mediation.

8.2 The applicant and Sussex Police have been in mediation and agreement has been reached with the applicant volunteering a number of alternative conditions to address the Police concerns. These being:

1. *All staff engaged or to be engaged in the sale of alcohol on the premises shall 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 will be kept at the premises available for inspection by a police officer or other authorised officer on request.*
2. *All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will 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.**This register will be available for inspection by a police officer or other authorised officer on request.*
3. *An incidents register shall be maintained at the premises recording:*
 - *all incidents of crime and disorder occurring at the premises;*
 - *details of occasions when the police are called to the premises.**This register will be available for inspection by a police officer or other authorised officer on request.*
4. *There shall be no self-service of spirits except for spirit mixtures with an ABV not exceeding 5.5% ABV*
5. *There shall be no alcohol available by self-service within 3 metres of the store entrance.*

These conditions would become enforceable conditions of any licence granted and as a result Sussex Police have withdrawn their representation.

8.3 Officers have written to the Ilex Conservation Group to mediate and if there are developments it will be reported to members prior to or at the hearing.

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. Refuse to specify a particular person as a premises supervisor,
- f. 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 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 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.

12. Recommendation

- 12.1 Members are requested to determine the application for a new Premises Licence made on behalf of Sainsbury's Supermarkets Ltd. for their proposed new supermarket situated at 341 Goring Road, Worthing and give reasons for that determination.**

**John Mitchell
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:

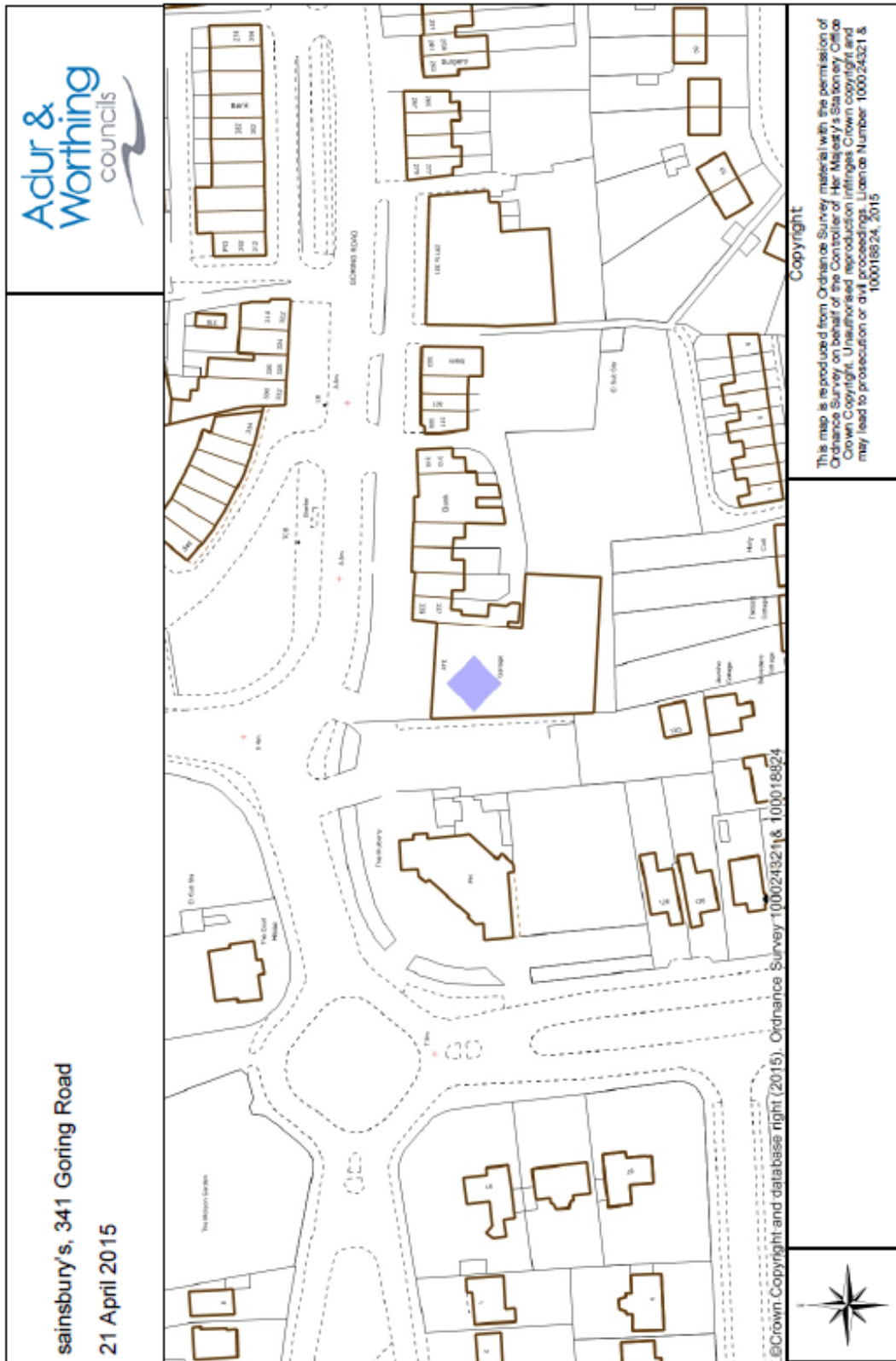
- Appendix A - Map of area.
- Appendix B - Plan of the building.
- Appendix C - The Application Form.
- Appendix D – Representation received from Sussex Police
- Appendix E – Representation from members of the public.
- Appendix F – Mediation correspondents

Commerce Way, Lancing

Ref: SJ/Lic.U/LA03/NEW – Sainsbury's Goring Road

Date: 17 April 2015.

**Appendix A
Map of Area**



Licensing Unit
RECEIVED
12 MAR 2015

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST..... Initials

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Sainsbury's Supermarkets Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Sainsbury's 341 Goring Road Goring by Sea			
Post town	Worthing	Post code	BN12 4NX

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£83,000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Sainsbury's Supermarkets Ltd
Address 33 Holborn London EC1N 2HT
Registered number (where applicable) 03261722
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) 020 7695 6000
E-mail address (optional) N/A

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year		
1	0	0	4	2	0	15

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

Day		Month		Year		
↓	↓	↓	↓	↓	↓	↓

Please give a general description of the premises (please read guidance note1)

A supermarket which is to sell a broad range of groceries, household products and alcohol.

Situated at 341 Goring Road, Goring by Sea, Worthing, BN12 4NX.

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	0700	2300			
Tue	0700	2300			
Wed	0700	2300			
Thur	0700	2300			
Fri	0700	2300			
Sat	0700	2300			
Sun	0700	2300			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Joanne Surguy	
Address [REDACTED]	
Postcode	[REDACTED]
Personal Licence number (if known) [REDACTED]	
Issuing licensing authority (if known) London Borough of Bexley	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)	
Day	Start	Finish	The opening hours of the store are not a licensable activity and the applicant asks that the hours not be restricted by the premises licence.	
Mon	0000	2400		
Tue	0000	2400		
Wed	0000	2400		
Thur	0000	2400		Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	0000	2400		
Sat	0000	2400		
Sun	0000	2400		

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

1. The licence holder will ensure that the premises benefit from a CCTV system that operates at all times when licensable activities are taking place.
2. The system will incorporate a camera covering each of the entrance doors and the main alcohol display area and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
3. The system will incorporate a recording facility and any recording will be retained and stored in a suitable and secure manner for a minimum of 30 days and will be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The system must be able to export recorded images to a removable means e.g. CD/DVD and have its own software enabled to allow playback/review.
5. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are open to the public.
6. The system will display, on any recording, the correct time and date of the recording.

c) Public safety

The premises licence holder will at all times maintain adequate levels of staff and security. Such staff and security levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Signage will be displayed at the exit of the premises requesting customers leaving the premises late at night to do so quietly and with consideration so as not to disturb nearby residents.

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.


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	11 March 2015
Capacity	Solicitors duly authorised on behalf of the Applicant



MEMORANDUM

To: **Simon Jones, Licensing Officer, Adur District and Worthing Borough Council.**

From: **West Sussex Neighbourhood Licensing Team**

Extension: **101 x581179**

Date: **Thursday 26th March 2015**

Dear Mr Jones

**APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 FOR
SAINSBURY'S, 341 GORING ROAD, GORGING BY SEA WORTHING, BN12 4NX**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of Prevention of Crime and Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

In principle Sussex Police have no objections to the application and what it is proposing however, the operating schedule provided is insufficient. While it identifies a few steps, it fails to satisfy Sussex Police that sufficient measures have been proffered in order to effectively promote the licensing objectives. Sussex Police propose the below conditions which we believe are enforceable, clear and concise and ensure all four licensing objectives are promoted.

If the applicant is agreeable to the proposed conditions Sussex Police can resolve this representation.

- A list of staff members who are authorised to sell alcohol on the premises shall be kept. Each of these staff members shall receive full training pertinent to the Licensing Act, specifically in regard to age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed and refresher training thereafter at intervals of no more than twelve (12) 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 kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers.
- The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept to record all refusals and incidents of crime or disorder. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Licensing Officers

Listen Inspire confidence Support with information Take ownership Explain Notify people



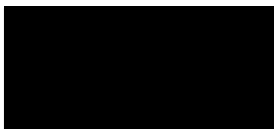
Sussex Police
Serving Sussex

www.sussex.police.uk

- Alcohol shall not be located in the immediate vicinity of the entrances and exits to the premises, but shall be in an area in which it shall be monitored by staff on a frequent and daily basis while licensable activities are taking place.
- Spirits will be stored and displayed behind the servery, or out of the reach of the public.

If you wish to discuss this further please do not hesitate to contact me.

Yours sincerely

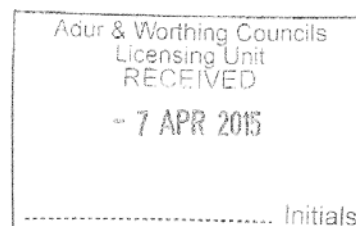


Chief Inspector Banks
District Commander
Sussex Police.

THE ILEX CONSERVATION GROUP
Conserving the beauty and present character of Ilex Avenue,
the trees in Sea Lane and the Goring Gap

Sea Lane
Goring by Sea
Worthing
West Sussex
BN12 4QD
2nd April 2015

Licensing Unit,
Environmental Health,
Adur & Worthing Councils,
9 Commerce Way,
Lancing Business Park,
Lancing,
West Sussex,
BN15 8TA



Dear Sirs,

Re: New Premises Licence at Sainsbury's

Proposal: An application for a new premises licence to allow alcohol sales at a proposed new supermarket/convenience store. The shop to be situated at 341 Goring Road, Worthing, BN12 4NX

We note that Sainsbury's are asking for 7am to 11pm licensing including Sundays and they also suggest 24 hour opening for the shop. Our current convenience store, Spar, is open 7am to 10 pm Mon to Sat and opens at 8am on a Sunday. We presume that their licensing hours correspond. The other retailer of alcohol in the local shopping area, Hartleys, opens from 10am to 9pm Monday to Saturday and from 12 to 9pm on a Sunday.

As a local resident group, we have noted over a number of years that, especially during the summer, there is drinking (often underage) occurring either on the beach or to and from it. We suggest that hours corresponding to those currently existing for Spar may well be an aid to discourage street drinking and public nuisance and to protect local business. A 10 pm finish will tend to deter "post loading" following beach sessions and consequent nuisance and distress to local residents.

There are already 2 outlets with off sales. Should Sainsbury's be allowed longer hours than Spar then, it is possible that Spar will apply for extended hours (to the detriment of the locality) or they risk losing trade to Sainsbury's. Hartleys, being a specialist off-licence may or may not follow suit.

We also note that in the next local shopping area in Goring Way, ten to fifteen minutes' walk from the Mulberry shops, the Tesco store closes at 10pm.

We hope that the Committee will take our concerns into consideration when determining the licensing hours for the proposed store

Yours faithfully

(Chairman)

Simon Jones

From: Helen.Manley@sussex.pnn.police.uk
Sent: 02 April 2015 12:04
To: Simon Jones
Cc: Licensing Unit
Subject: FW: Sainsbury's Goring By Sea

Afternoon,

Please see below agreement reached regarding Sainsbury, Gorging by Sea. I can confirm subject to the agreed conditions being attached to the premises licence Sussex police have resolved our representation.

Kind Regards

Helen

Helen Manley
Assistant Licensing Officer
Neighbourhood Licensing Team, W. Sussex

Tel: 101 Ext. 581179
Mobile: 07771807982
Direct Dial: 01273 404030

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From: Robert Botkai
Sent: 27 March 2015 17:05
To: 'helen.manley@sussex.pnn.police.uk'
Cc: Elaine Finlay
Subject: Sainsbury's Goring By Sea

Helen

Thank you for your email dated 26 March.

I am authorised by Sainsbury's to agree the following additional conditions:

1. All staff engaged or to be engaged in the sale of alcohol on the premises shall 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 will be kept at the premises available for inspection by a police officer or other authorised officer on request.

1

2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will 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.

This register will be available for inspection by a police officer or other authorised officer on request.

3. An incidents register shall be maintained at the premises recording:

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

This register will be available for inspection by a police officer or other authorised officer on request.

4. There shall be no self-service of spirits except for spirit mixtures with an ABV not exceeding 5.5% ABV

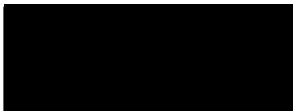
5. There shall be no alcohol available by self-service within 3 metres of the store entrance.

Please confirm that the application as amended will be satisfactory to the police and I will then notify the licensing officer of the additional conditions.

Thanks

Robert

Robert Botkai
Partner



Winckworth
Sherwood

www.wslaw.co.uk

██████████ Chairman)
The Ilex Conservation Group
██████ Sea Lane
Goring by Sea
Worthing
BN12 4QD

15 April 2015

Dear Ms Walker

**Re: Licensing Act 2003 – Premises Licence Application
Sainsbury's, 341 Goring Road, Worthing**

Consultation on the above application has closed. Two relevant representations were received objecting to the grant of a premises licence to authorise the sale of alcohol at the above store - from your group and Sussex Police. The Licensing Act encourages mediation and if agreement can be reached between the parties an amended licence can be issued incorporating the results of the mediation but if no agreement can be reached the application is then referred to a Licensing Committee Hearing for members to decide. At the hearing all parties are given the opportunity to address the committee and discuss matters with each other. A hearing for this application has been pencilled in for Wednesday 29 April at 18.30hrs at the town hall.

Under the Licensing Act for a representation to be relevant it must raise concerns under at least one of the four licensing objectives that the proposed licence could undermine:

1. The Prevention of Crime & Disorder
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children from Harm

No other matters are relevant.

As the Act suggests mediation is now being conducted and negotiations between the applicant and Sussex Police has taken place. The Police have suggested the following conditions be placed on the licence as enforceable terms of licence:

- All staff engaged or to be engaged in the sale of alcohol on the premises shall 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 will be kept at the premises available for inspection by a police officer or other authorised officer on request.

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 - 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.

This register will be available for inspection by a police officer or other authorised officer on request.

2. An incidents register shall be maintained at the premises recording:

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

This register will be available for inspection by a police officer or other authorised officer on request.

3. There shall be no self-service of spirits except for spirit mixtures with an ABV not exceeding 5.5% ABV
4. There shall be no alcohol available by self-service within 3 metres of the store entrance.

The applicant has agreed to these becoming enforceable terms of any licence that may be granted and as a result Sussex Police will withdraw their objection.

The applicant's solicitor has asked me to pass on the following comments for your consideration:

1. *There is no requirement for Sainsbury's to match the trading hours of existing retailers.*
2. *Worthing Borough Council's licensing policy states:*

18.1 Shops, stores and supermarkets should be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons for restricting those hours. Accordingly, if the law permits the shop to open for 24 hours or limits such opening, for example, on Sunday's, the authority will generally permit the sale of alcohol during those hours.

18.2 Good reasons for imposing a limitation may be appropriate, for example, following police representations in the case of isolated shops known to be a focus of disorder or disturbance because youths gather there and engage in anti-social behaviour, including pressurising shop staff to make unlawful sales of alcohol.

3. *Sainsbury's has engaged with the police and agreed conditions in addition to those already in the operating schedule. I hope that these conditions will reduce some of the concerns of The Ilex Conservation Group.*
4. *The representation refers to 24 hour opening. It has never been the intention to open 24 hours. The application is for the sale of alcohol. The actual opening hours is not a licensable activity. Most Local stores of this nature trade from 7-11.*
5. *The grant of a licence to Sainsbury's does not mean that the Spar and/or Hartley's will apply for extended hours. In fact their licences may already allow them to trade to 11pm and they have opted not to do so. Even if they do apply for extended hours those applications would be advertised in the required manner and would be dealt with on their own merits.*
6. *Reference is made to Tesco and again I have not seen a copy of their licence but it may also be to 11pm? We are happy to attend the hearing but I do hope that The Ilex Conservation Group can be reassured that the grant of the licence as agreed with the police will not result in their fears materialising.*

I would be happy to arrange for The Ilex Conservation Group to have a direct contact at Sainsbury's in order for them to liaise both before the store opens and after

Your group's representation appears to be objecting to the grant of the licence because of the timings and the possible nuisance such a licence might create. As part of the process I need to enquire as to whether the above conditions being placed on the licence and the comments the applicant makes would address your concerns, whether there are any further conditions that might address your concerns or whether you still object to a licence and would like this application to be referred to a hearing to have the opportunity to address the Licensing Committee with your objection.

I look forward to your advice and if you would like to discuss please do not hesitate to contact me or the applicant's solicitor [REDACTED] directly on [REDACTED].

Yours sincerely

Simon Jones
Senior Licensing Officer
Adur & Worthing Councils
Tel: 01273 263191

cc: [REDACTED], [REDACTED]