

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

**Council Chamber, Town Hall, Chapel Road, Worthing**

**Wednesday 13 May 2015**

Councillor Paul High (Chairman)

Councillor Diane Guest

Councillor Susan Jelliss

**LCCB/14-15/31      Declarations of Interest / Substitute Members**

There were no declarations of interest

**LCCB/14-15/32      Licensing Act 2003 – Application for a new Premises Licence at:  
Central Pavilion, Beach House Park, Lyndhurst Road, Worthing,  
BN11 2DB**

Before the Sub Committee was a report by the Director for Communities, a copy of which had been distributed to all members, and a copy of which is attached to the signed copy of these minutes as item 3.

The application before members had been the subject of formal representation by two responsible authorities and a local resident. It therefore fell to the sub-committee to determine.

The proposed café/function room was to be situated in the existing pavilion in the grounds of Beach House Park. The application comprised of a ground floor café with first floor function room and outside patio area and the applicant was seeking a new Premises Licence to authorise the sale of alcohol, for consumption on the premise.

Representations were received from Sussex Police, the Environmental Protection team and two local residents. The applicant had mediated with Sussex Police and the Environmental Protection team and had sought to mediate with local residents but had been only partially successful.

The Senior Licensing Officer introduced the report before Committee. It was emphasised to Members that a recent change to the legislation meant that recorded music where alcohol was being served did not have to be licenced between 8:00am and 11pm. and confirmed with the applicant that it was an accurate outline of the application.

Mr Jacob made his representation to the Committee which is summarised below

- Concerns were raised that an application for alcohol had been made for between 7:00am and 11:00pm, these times did not match the opening times of beach house park which closed at dusk. It was purported that without proper marshalling there

was the potential that people could gain access to the park and its environs (including the bowling greens) after dark. This could create problems with anti-social behaviour;

- There was currently no lighting in the park so patrons entering for the late night would not be able to see properly;
- There were concerns about the level of noise agreed with the Environmental protection and where those noise measurements could be taken from. It was related that Lyndhurst was further away from the Jacob's property and the higher level of noise could disturb their peace;
- Mr Jacob told members that the applicant had explained that the activities at the premises would not match the full extent of the licence. Mr Jacob felt that these assertions should be included on the licence and asked the Committee to send the application away so that it could be resubmitted with more detailed conditions.

A Member asked Mr Jacobs what additional conditions he felt needed to be on the licence. Mr Jacobs asked that functions should be announced in advance so that residents knew in advance. He asked that matters regarding access to the pavilion and lighting be clarified and that there be restrictions on the times.

The applicant made his representation to the Committee as summarised below:

- the application was for a 'high end' cafe situated in the pavilion of the beach house grounds.
- the applicant had applied for 25 per year to be held in the small function room on the first floor of the building;
- the plan was to hold tea dances at the venue
- Members were told that functions would be supervised and managed. The gates would be manned after dusk, opened for people attending functions and closed and locked when function attendees were present at the function. The gates would be opened again at the conclusion of the function to let people out.
- Local Residents would be provided advice about 'what's happening' and would be provided with the contact details of the prospective licence holder;
- there would be no 'upright drinking' at the premises;

During questioning by Members it was established that if the tea rooms were busy they would be kept open after dusk.

A Member noted that 25 events had been agreed with the Police per year and asked if Temporary Event Notices (TENs) could be applied for in addition. It was established that an additional 15 TENs could be applied for.

Members asked about seating areas and it was established that there was a total of 75 seats available if the outside seating area was included and the lighting was limited to small lights set into the outside decking area. Members were told that there were small speakers situated inside of the building.

Mr Jacob questioned the applicant and asked why the manning of the gate at late hours was not being offered as a condition of the licence. the applicant stated that he would manage the operation well and according to demand. He informed members that the premises would run a primarily daytime operation and that it was not in his interest to allow problems of noise and anti social behaviour.

In summing up the applicant stated that he had complied with the requests of Responsible Authorities. He was not a big remote company but would be living in the premises whilst managing it. That applicant told members that he would leave contact details with local residents and would make an opportunity to visit the complete premises to give feedback.

In summing up Mr Jacob stated that he would welcomed a cafe to the park but not one that served alcohol between 12pm and 11pm and played music between 7am and 11pm. Members were told that the licence should contain conditions that matched the undertakings made by the applicant and its current form was not prescriptive enough.

*The meeting adjourned at 7.20pm and reconvened at 7.41pm*

The meeting was told that in reaching its decision, the Licensing Sub Committee had given due regard to the Home Office guidance, the Council's own Licensing Policy and relevant licensing legislation. The Committee had also given regard to Human Rights legislation and the rules of natural justice. Due consideration had been given to all representations made at the hearing and in writing. In discharging its functions the Sub Committee did so with a view to promoting the Licensing Objectives, the relevant objectives here were the Prevention of Crime and Disorder, Prevention of Public Nuisance and the Protection of Children from Harm.

**Resolved:** that the premises licence should be:

- i) Granted, as requested, for the sale of alcohol between the hours of 1200 and 2300 Monday to Sunday inclusive;
- ii) The application to play recorded music and performance of dance is refused between 0700 and 0800hours. Between 0800 and 2300hours recorded music and the performance of dance is permitted in any event as these are exempt activities;
- ii) The licence will contain the conditions that were agreed between the applicant and Sussex Police. These conditions are detailed at paragraph 7.3 of the report with the amendment at paragraph 8.3, attached to the signed copy of these minutes.

**Reasons for Decision:**

- i) The licensing sub-committee is satisfied that with the additional conditions that have been agreed the premises licence for the sale of alcohol would not undermine the licensing objectives.
- ii) The licensing sub-committee has refused the playing of recorded music and performance of dance between 0700 and 0800 hours as it believes this would undermine the licensing objective of prevention of public nuisance due to the time of day.

**Advice to Parties Present:**

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

Interested parties are reminded that they may apply for a review of this licence 'after a reasonable interval' pursuant to section 51 of the Licensing Act

Any licence granted under the Licensing Act 2003 does not override any planning restrictions on the premises nor any restrictions that may be attached to the lease of these premises

The applicant is reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises in breach of a premises licence