

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

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

**09 March 2017**

Councillor Paul High (Chairman)

Like Proudfoot

Tom Wye

\*Absent

**LCCB/16-17/20      Declarations of Interest**

Cllr High declared an interest as he had previously completed some work for some residents that had made representations and as a member of West Sussex County Council.

**LCCB/16-17/21      Public Question Time**

There were no questions from members of the public.

**LCCB/16-17/22      Licensing Act 2003 - Application for a Variation of a Premises Licence  
under Section 34 - St Paul's Arts Centre, 55B Chapel Road Worthing**

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

The report before members asked the sub committee of licensing & control committee "B" consider and determine the variation application made for a new Premises Licence to authorise the sale of alcohol for consumption off the premises. The application had been the subject of formal representation by two responsible authorities and five local residents and it therefore had fallen to the sub-committee to determine.

**Licensing Officer introduces report**

The licensing officer outlined the report for the sub committee which included updates concerning mediation. Members were told that the applicant had agreed to conditions asked for by sussex police and that a representation from the west sussex fire and rescue service had been withdrawn, emails attesting to this information were distributed to all members prior to the hearing and a copy is attached to the signed copy of these minutes. Members were told that five residents had made representations.

**Questions on the report from Members**

A Member asked about the mediation with sussex police which included the removal of a proposed condition limiting the venue to 26 events in a calendar year and if this information had been passed to the residents who made a representation. The licensing officer told members

that there had been an omission in the report regarding this information but it was not normally the case that all parties would be notified of mediation with other parties.

### **Representation by local residents - Mrs Owen**

Mrs Owen made her representation which is summarised as follows:

- The building in question was an old church and that the fabric of the building could not control the noise from events held and planned at the venue, there were 12 large windows and no sound insulation;
- A recent event had created an unacceptable noise nuisance in her home;
- Amplified modern music was played at events at the venue made 'lives a misery';
- The extended late hours would mean that people leaving the venue would egress via her street when there were no street lights this would prove to create an increase in anti-social behaviour under the cover of darkness;
- The increase in the capacity of the venue would lead to more noise from customers talking loudly.

### **Questions from Members for Mrs Owen**

A Member asked if the resident was aware if other types of concerts created a noise disturbance. Mrs Owen related that the venue held other types of concerts but it was the amplified events with thumping music that caused the most nuisance.

### **Questions from the Applicant for Mrs Owen**

The applicant told Mrs Owen that that he had made contact with west sussex county council to investigate keeping the streetlights on a little longer and that he was in the process of applying for a grant to pay for sound insulation.

### **Representation by local residents - Mrs Irvine speaking on behalf of Mrs Pringle**

The resident told members that the proposal was inappropriate for ambrose place because of the potential noise nuisance.

### **Questions for Mrs Irvine**

There were no questions for Mrs Irvine from members or the applicant

### **Representation of the Applicant**

The applicant made a representation, summarised as follows:

- St Paul's was an important community hub that aimed to cater for all echelons of Worthing society;
- It needed to be more profitable in order for it survive, to fund its charitable work and to save the building from closure;
- Failure to grant the licence would be to the detriment to the centre;
- The applicant didn't want to have late night events on a Sunday and were happy to bring back the terminal hour applied for to 10.30pm on a Sunday;

## **Questions for the applicant from Members**

A member asked if the application would mean that the applicant would be able to hold an event every night of the week. The applicant said that the terms of the licence would mean that it would be possible to do so.

A member asked about the status of the application for grants to soundproof the building. Members were told that consultation with sound experts were pending and that the organisation was in a good position to secure funding for alterations although there was no absolute guarantee.

A member asked if a sound regulator could be installed to keep sound to acceptable levels. The applicant told member that there was a limiter currently used to keep sound levels to the legal limit.

## **Residents questions for the applicant**

Mrs Owen explained why she felt the application would be detrimental and drew comparisons with problems that residents had in the past in relation to the Wheatsheaf pub in Portland Road. The applicant told members that the two premises were not comparable, that St Paul's would be putting on a wide variety of events and was not solely reliant on the night time economy. The organisation wished to provide events for all ages set in controlled and safe environment.

Mrs Irvine asked what would happen to the sound insulation if the funding could not be sourced. The applicant told members that a more affordable solution would be sought.

## **Summing up of the Applicant**

The applicant's representative told members that he had nothing to add.

## **Summing up of Mrs Owen**

Mrs Owen stated that she should have the right to peaceful enjoyment of her property which, if granted, the application would detract from.

The chairman confirmed with all parties that they had nothing else to add.

*The meeting adjourned at 7:30pm to consider its decision*

*The meeting reconvened at 8.35pm*

The meeting was told that in reaching its decision, the Licensing Sub Committee gave due regard to the Home Office guidance, the Council's own Licensing Policy and relevant licensing legislation. The Committee also gave regard to Human Rights legislation and the rules of natural justice. Due consideration was 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, the Prevention of Public Nuisance and Public Safety.

**Resolved:** Amalgamate all licensable activity offered at the centre onto one premises licence LN100002155

### **Authorise regulated entertainment**

11:00hrs to 22:30hrs – Sunday – as agreed voluntarily by the licence holder  
11:00hrs to 23:30hrs - Monday – Thursday  
11:00hrs to 00:00hrs (midnight) Friday & Saturday

### **Authorise the Sale of Late Night Refreshment**

11:00hrs to 22:30hrs – Sunday – as agreed voluntarily by the licence holder  
23:00hrs to 23:30hrs - Monday – Thursday  
23:00hrs to 00:00 - (Midnight) Friday & Saturday

### **Extend the hours of sale of Alcohol between**

11:00hrs to 22:30hrs – Sunday – as agreed voluntarily by the licence holder  
11:00hrs to 23:30hrs - Monday – Thursday  
11:00hrs to 00:00 - (Midnight) Friday & Saturday

### **Extend the opening hours on Friday and Saturday to:**

07:30hrs to 23:00hrs - Sunday  
07:30hrs to 00:00hrs - (Midnight) Monday – Thursday  
07:30hrs to 00:30hrs -(of the following morning) Friday & Saturday

### **Authorise non-standard timings for the Sale of Alcohol & provision of Regulated Entertainment:**

Christmas Eve – 11:00hrs to 02:00hrs of the following morning  
New Year's Eve -11:00hrs to 02:00hrs of the following morning

The following conditions will be removed as obsolete or covered by other legislation and are detailed on pages 5 through to 6 of the Licensing Sub-Committee Report namely paragraphs numbered 24, 25,26,27,67,75,76,77,78,79, retaining paragraphs 68,73,74.

The Council has a duty to remind the licence holder of the existing provisions contained within paragraph 60, 65 and 66 of premises licence number LN/100002155 which were read out from pages 40 and 41 of the Licensing Sub-Committee Report. Conditions 6 and 7 outlined on page 6 of the Licensing Sub-Committee Report will be removed and replaced with:

*'The number of persons admitted to the premises on any one occasion shall not exceed the maximum occupancy figure identified in the premises risk assessment. This capacity to be set in agreement with the responsible authorities available floor space and the sanitary accommodation available.'*

All other condition's to remain unaltered.

The licence will contain all of the conditions that are detailed at points 1 to 10 of the Licensing Sub-Committee Report (at pages 10 through to 12) (and as outlined in a letter from the Police on page 49) of the Committee report. The only exception is point 8 that was conceded by the Police. The conditions were agreed at mediation by both the Police and the Applicant.

**Reasons for decision:** The applicant has taken into account the concerns of the Police, Fire Services and Local Residents. The Council received 7 representations in total one from West Sussex Police, one from West Sussex Fire Rescue Services, five from Local Residents. Concerns raised by representations included crime and disorder, nuisance, public safety and alleged breaches of article 8 of the Human Rights Act. These concerns are relevant to this application and have been regarded by the sub-committee. Residents also raised concerns of noise disturbance and an increase in anti-social behaviour, as outlined more fully in the Committee report (Appendix F 1-5) those concerns are relevant to this application and have been considered.

The licensing sub-committee has considered those representations but is satisfied with the additional conditions agreed by the applicant the premises licence for the amalgamation of all licensable activities, grant of the sale of alcohol, extended hours for sale of alcohol and regulated entertainment would not undermine the licensing objectives.

The sub-committee has taken into account the concerns of the Police, Fire Service and residents and believes that by making the changes outlined this does not undermine the licensing objectives of crime and disorder, public safety and public nuisance.

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

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.

The meeting was declared closed at by the Chairman at 8:45pm, it having commenced at 6.30pm.

**Chairman**