



WORTHING BOROUGH
C O U N C I L

5 May 2023

Worthing Licensing and Control Sub-Committee B

Date:	15 May 2023
Time:	6.30 pm
Venue:	Gordon Room, Worthing Town Hall

Committee Membership: Councillors Mike Barrett, Kevin Jenkins and Rosey Whorlow (Chair)

Agenda

Part A

4. Licensing Act 2003 – Application for a new Premises Licence. (Pages 3 - 10)

To consider a report by the Director for Communities, copy attached as item 4.

Recording of this meeting
Please note that this meeting is being audio live streamed and a recording of the meeting will be available on the Council's website. This meeting will remain on our website for one year and will be deleted after that period. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Katy McMullan Democratic Services Officer 01903 221364 katy.mcmullan@adur-worthing.gov.uk	Shelley-Ann Flanagan Lawyer 01903 221095 shelley-ann.flanagan@adur-worthing.gov.uk

Duration of the Meeting: Three 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.



ADUR & WORTHING
COUNCILS

Agenda Item 4

Adur & Worthing Councils
Worthing Town Hall
Chapel Road
Worthing
West Sussex, BN11 1HA
www.adur-worthing.gov.uk

Licensing Unit
Adur & Worthing Councils

By email

Date: 11 May 2023
Service: Public Health & Regulation
Tel: 01903 221064
Email: publichealth.regulation@adur-worthing.gov.uk

Our Reference: 146208

Dear Simon

Re: LA 2003 New Premises Licence Application
Premises: Karma Lounge, 171 -173 Tarring Road, Worthing, BN11 4HH
Applicant: Mr Omar Rafique

Please accept this letter as to the withdrawal of my objection from the Food and Health & Safety Team of Public Health & Regulation to the granting of a Premises Licence seeking to authorise alcohol sales & regulated entertainment for the above mentioned premises.

The business must comply with section 20 of the Local Government (Miscellaneous Provisions) Act 1976; Provision of sanitary appliances at places of entertainment. The Local Government (Miscellaneous Provisions) Act 1976 does not specify the level of provision of sanitary appliances that would be required, but British Standard BS 6465-1:2006+A1:2009 does consider this. Adur & Worthing Councils have adopted minimum standards of customer WC provision in restaurants, public houses etc based on the British Standard. The guidance is attached to this email and the minimum WC provisions are listed in the tables below:

Restaurants, Cafés etc.

Covers	MALE			FEMALE	
	WCs	Urinals	WHBs	WCs	WHBs
0-12	No minimum requirement				
12 – 24	1 Unisex WC and WHB				
25 – 49	1	0	1	1	1
50 – 99	1	1	1	2	1
100 – 149	1	2	2	2	1
150 – 199	1	3	2	2	1

Public Houses and Places of Entertainment

Customers (see notes 4 & 5 below)	MALE			FEMALE	
	WCs	Urinals	WHBs	WCs	WHBs
0 – 49	1	2	1	1	1
50 – 99	1	2	2	2	1
100 – 149	1	3	2	2	1
150 – 199	1	3	2	3	2
200 - 249	2	3	3	3	2
250 – 299	2	4	3	4	2
300 – 349	2	5	3	4	2
350 - 399	2	6	4	5	3
400 – 449	3	6	5	5	3
450 - 499	3	7	5	6	3

The applicant has confirmed that they will comply with section 20 of the Local Government (Miscellaneous Provisions) Act 1976, and Adur & Worthing Councils' Sanitary Accommodation Standard for Restaurants and Cafes by:

- limiting the maximum number of persons for the current two toilets to 49 at any one time including internally and externally.
- the plan to provide additional sanitary provision (one toilet, one urinal accessible to wash hand basins), therefore increasing the maximum number to 99 persons at any one time, internally and externally.
- managing the maximum 49 covers with 2 sanitary accommodation when there are more than 49 covers internally and externally. The applicant will utilise covers outside and close the inside portion during warm weather and during wet weather will close the outside section.

The applicant should also be mindful of the provision of accessible WC facilities for persons requiring them which is detailed in the standards attached. The applicant is advised to contact our colleagues in Building Control regarding new installations of sanitary accommodation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cheryl Mainstone', written in a cursive style.

Cheryl Mainstone
Team Leader - Food and Health & Safety
Direct Dial: 01273 263363
E-mail: cheryl.mainstone@adur-worthing.gov.uk

cc:Adur & Worthing Councils' Sanitary Accommodation Standards 2023



Adur & Worthing Councils

Minimum standards of Customer WC provision in Restaurants, Public Houses etc

1. INTRODUCTION

The purpose of this document is not only to explain the legal requirements relating to the provision of sanitary accommodation in commercial premises but also to assist Architects and Surveyors in providing adequate facilities when drawing up any new schemes for new buildings or for buildings which are to be extensively refurbished.

Within this document it is not possible to cover every eventuality and type of premises, and if in doubt advice should always be sought from the Public Health & Regulation Department.

Whilst the object is to secure uniformity and consistency, the decision on any particular case must ultimately rest with the enforcing authority, i.e. Adur & Worthing Councils.

The standard reflects the previous requirements for WC provision and has regard to British Standard BS6465 which is regarded as good practice for modern business/commercial premises.

This standard has been adopted to ensure that a consistent, fair and transparent standard is applied to the provision of WC's in commercial premises.

The standards in this policy are to be applied to "relevant places" (explained in 3. below) when they are first commissioned. All relevant premises operating prior to 1976 should by now have been brought up to the required standard unless, of course, constraints exist which make it impossible for the proprietors to comply. In non-complying premises where such constraints do not exist, action will be taken against owners to secure compliance with the standards required by this policy.

2. THE LEGAL POSITION

Section 20 of The Local Government (Miscellaneous Provisions) Act 1976, allows that a Local Authority MAY serve a notice on an owner or occupier of a "Relevant Place" (see below) within their area requiring him:

- (i) In a specified time in a specified position to provide sanitary accommodation of specified kinds and number;

- (ii) To maintain and clean such items;
- (iii) To provide and maintain a proper supply of such things for use in connection with the appliances as are specified (this may be or include cold water or hot water or both);
- (iv) To make the facilities available to the public, if required to, free of charge.

“RELEVANT PLACE” means:

- (a) A place which is normally used or is proposed to be normally used for any of the following purposes, namely: -
 - (i) The holding of any entertainment, exhibition or sporting event to which members of the public are admitted either as spectators or otherwise;
 - (ii) The sale of food or drink to members of the public for consumption at the place.
- (b) A place which is used on some occasion or occasions or is proposed to be used on some occasion or occasions for any of the purposes aforesaid; and
- (c) A betting office.

PENALTIES

A person who without reasonable excuse fails to comply with a notice served shall be guilty of an Offence and be liable on summary conviction to a fine not exceeding £2,000, with a daily penalty of £50 if convicted again.

NOTE:

Where specific legal standards already exist requiring the provision of sanitary accommodation, e.g. The Workplace (Health, Safety and Welfare) Regulations 1992, or where legal standards may have been formulated previously, these requirements will take precedence over the general provisions mentioned in this document.

3. GENERAL

- (A) The calculations for facilities are based on: -
 - (i) The assumption that there is a split occupancy 50/50 (male/female), this should only vary where there is evidence that a certain class of premises is occupied

predominantly by male or female public e.g. bingo halls – female; football grounds – male.

- (ii) The maximum occupation by members of the public has been set by
 - (a) The maximum seating accommodation, or
 - (b) Maximum permitted numbers specified by West Sussex Fire & Rescue.

As a guide only – allow a minimum of 0.56 square metres of floor area per person unobstructed by furniture or fittings, where the audience is seated; or 0.9 square metres where the audience is standing.

- (B) Any sanitary accommodation serving distinctly separate parts of premises shall be provided with a wash hand basin, even though the number of basins may then exceed the aggregate requirements.
- (C) All wash hand basins shall be provided with hot and cold running water and be provided with soap for cleansing hands and adequate drying facilities for drying hands.
- (D) Where appropriate, suitable and sufficient facilities should be provided for the disposal of sanitary dressings.

Restaurants, Cafés etc.

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Notes

1. The standards given are the **minimum** acceptable for new premises and those to be extensively refurbished.
2. Separate WC provision for staff is recommended. Where staff and customers are to share WC provision, the number of staff must be added to the number of customers before using the above tables.
3. A urinal may be either an individual urinal or a section of urinal space which is at least 600 mm long.
4. The table of requirements for public houses is based on the assumption that there will be a customer ratio of 25% female to 75% male. Where it is believed that this ratio will not apply, the requirement should be adapted accordingly.
5. The number of customers should be calculated by assessing the floor space available for drinking, and applying the formula of 4 customers to 3m² of floor area.
6. The number of covers that exceed those listed in the table, please refer to the standard set in BS6465 and liaise with Public Health & Regulation.

Provision of Accessible WC Facilities

The Council has to have regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equality Act 2010 and related statutes. Facilities for persons requiring accessible facilities must be provided in new or altered premises and in other premises where this is reasonable and practicable. Please refer to the standards set in BS6465.

Due to the requirement to reasonably alter WC's, there are likely to be cases where it is proposed to provide accessible WCs that communicate directly with food rooms.

Normally this would not be permissible under the legal requirements of Retained Regulation EC 852/2004 for Food Business Operators. However it is the practice of this Local Authority to allow such provision where:

1. No reasonable alternative exists, and
2. The WC does not communicate directly with a food preparation, food storage or wash up area, and
3. The entrance to the WC is situated as far as is reasonably practicable from the areas mentioned in point 2, and
4. Mechanical extract ventilation which is externally venting, is provided within the WC. The ventilation must be movement activated or linked to the lighting system, and sufficient to achieve at least 30 air changes per hour, and
5. Prior approval of the Public Health & Regulation Department is obtained.

Further information on legislative requirements for the installation and dimensions of accessible sanitary accommodation can be obtained from the Adur & Worthing Council's Building Control department, email:

buildingcontrol@adur-worthing.gov.uk or visit:

<https://www.adur-worthing.gov.uk/building-control/building-regulation-approved-documents/>

Further discussions regarding the number of sanitary provision, please email: publichealth.regulation@adur-worthing.gov.uk