



WORTHING BOROUGH  
C O U N C I L

12 August 2019

<b>WBC Licensing and Control Sub-Committee</b>	
<b>Date:</b>	<b>20 August 2019</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Council Chamber, Worthing Town Hall</b>

<b>Committee Membership:</b> Councillors Charles James (Chairman), Louise Murphy and Dawn Smith
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## 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 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 - Application for a new Premises Licence under Section 34 Pink Cafe, 38-42 Portland Road, Worthing, BN11 1QN (Pages 1 - 54)**

To consider a report by the Director for Communities, copy attached as item 3

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.



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**Licensing Act 2003 – Application for a new Premises Licence at:**

**Pink Cafe  
38-42 Portland Road, Worthing, BN11 1QN**

**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 :

**Pink Café Ltd.**

for a new Premises Licence to authorise the sale of alcohol, the provision of regulated entertainment and the sale of late night refreshment.

**2. Reasons for Hearing**

- 2.1 The application has been the subject of formal representation by two responsible authorities and 10 members of the public and it therefore falls to this sub-committee to determine.

**3. Background**

- 3.1 An application was made on behalf of Pink Café Ltd. to the Licensing Authority, Worthing Borough Council, on the 28 May 2019 for the grant of a new premises licence.
- 3.2 The application was delayed coming to hearing because of problems advertising the application.
- 3.3 The shop unit is situated in Portland Road, a busy commercial street in Worthing town centre. It was previously a licensed polish supermarket known as ‘Kubus Market’ but is currently empty. Portland Road south of Shelley Road contains a parade of shops, cafes and restaurants running along both sides of the road. It is a mixed commercial & residential area with some residential premises above the commercial units. The proposed café bar is located on the ground floor of a terrace containing other commercial units and there is living accommodation directly above this unit.

- 3.4 There are plans in place to pedestrianise the southern section of Portland Road from Montague Street up to Shelley Road.
- 3.5 The business is intending to operate as a café bar but also providing entertainment.
- 3.6 The applicants also run the restaurant known as Wood's Burger Kitchen located at 55-59 Portland Road.
- 3.7 Attached to the report are:
- A plan of the area (Appendix A)
  - A plan of the café-bar (Appendix B)
  - A copy of the application (Appendix C)
  - Representations made by the Responsible Authorities (Appendix D1 – D2)
  - Representations received from local residents & landlords of flats in the vicinity of the premises. (Appendix E1 – E10 )
  - Details of the mediation conducted (Appendix F)

#### 4. The Application

- 4.1 The Application is attached at **Appendix C**. However, in summary, the application is seeking authorisation for:
- Sale of Alcohol:
    - 11:00hrs to 22:00hrs Sunday
    - 11:00hrs to 23:30hrs Monday - Thursday
    - 11:00hrs to 01:30hrs (of the following morning) Friday & Saturday
  - Regulated Entertainment in the form of Recorded Music & Anything of a similar description:
    - 23:00 to 23:30hrs Monday - Thursday
    - 23:00hrs to 01:30hrs (of the following morning) Friday & Saturday
  - Opening to the Public
    - 08:00hrs to 22:30hrs Sunday
    - 08:00hrs to 00:00hrs (midnight) Monday - Thursday
    - 08:00hrs to 02:00hrs (of the following morning) Friday & Saturday
  - Non Standard Timings for licensable activity of:
    - 08:00hrs - 03:00hrs New Year's Eve
- 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 (DPS) detailed in the application is Mr Jesal Pankhania, who holds a personal licence issued by Worthing Borough Council. Mr Pankhania is also the DPS at Woods Burger Kitchen.

## 5. Promotion of the Licensing Objectives

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

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the 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***

4.8 *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.*

4.10 *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 interested parties and the responsible authorities, particularly the Police.*

4.11 *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 regard 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.*

4.16 *The Licensing Authority 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.*
- 4.27 *Anti-social behaviour such as excessive noise from access and egress or patrons littering should also be addressed in the Operating Schedule.*

### **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.*
- 6.4 *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).*

### **SPECIFIC CONSIDERATIONS**

#### **Alcohol – On & Off Sales**

- 7.1 *It is now a mandatory condition that all licence holders selling alcohol put in place an age verification policy for the premises. In some circumstances the Licensing Authority 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.*

- 7.2 *Licence holders need to have sufficient day to day control of operations at their premises. 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.*

### **Alcohol Public Houses and Bars – On Sales**

- 7.14 *Worthing contains a wide variety of pubs and bars that contribute to the town's appeal and its character. They provide food and refreshment for residents and for people working in and visiting the borough. They also provide venues for live music which, aside from its cultural benefits and its enjoyment by customers, often has a positive effect on the licensing objectives. However, premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly where there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. In addition pubs and bars present opportunities for crime and they can also give rise to disorder.*
- 7.15 *The Licensing Act 2003 details a number of mandatory conditions where a licence authorises the supply of alcohol: these cover: a Designated Premises Supervisor for the premises who holds a Personal Licence whenever alcohol is sold, sales of alcohol to be authorised by a personal licence holder, no irresponsible alcoholic drink promotions, free tap water to be available, set measures for the sale of alcohol and age verification measures.*
- 7.16 *The Licensing Authority regards these as the minimum required and will expect applicants to have regard to additional measures appropriate for their premise, area and character of business to demonstrate his/her promotion of the Licensing Objectives. If the proposals are inadequate and representation has been received the council may impose conditions as it deems appropriate or even refuse an application.*

## **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:
- Responsible Authorities - 2 X Representations (Sussex Police & the Environmental Protection Team)
  - Other Persons – 10 X Representations (Residents & local landlords)

## **7. Relevant Representations**

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

***Prevention of Crime & Disorder***

***Prevention of Public Nuisance***

***Protection of Children from Harm***

- 7.2 Sussex Police made a number of comments and listed a number of conditions that they consider required to enable this premise to meet the licensing objectives if members were of a mind to grant a licence.
- 7.3 The Environmental Protection Team expressed some concerns regarding noise management, the use of outside areas and sound insulation. Their representation goes on to point out that the planning restrictions in place on this premises' planning permission was only granted as recently as April 2019.
- 7.4 Some members of the public and persons letting out flats in the vicinity have expressed concerns regarding possible crime & disorder, public nuisance and child welfare implications that can be associated with alcohol sales and entertainment in the vicinity of residential properties. Some of the information included in their representations is regarding planning issues, general noise & disorder in the town centre and property values and may not be relevant to a licensing application and should not be considered. However, the representations have been reproduced in their entirety and it for members to carefully decide how much weight, if any, should be attached to the information included.
- 7.5 The applicant and all those that made relevant representations have been formally notified of this hearing and invited to attend.

**8. Mediation**

- 8.1 The Licensing Act 2003 encourages mediation.
- 8.2 Sussex Police have successfully mediated with the applicants and have agreed that if a licence were granted the following conditions would be placed in the Operating Schedule as enforceable conditions of licence.
1. *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including the two karaoke rooms and Back Bar and the public access routes to them, the entrance to the premises and any outside tables and chairs and/or smoking area. The system shall be on and recording at all times the premises licence is in operation.*
    - *The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.*
    - *CCTV footage will be stored for a minimum of 31 days.*



- *The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A member of staff or a member of the village hall management committee must be nominated and contactable who can operate the system and supply copies of these images on request to either Sussex Police or officers of the local authority.*
  - *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
  - *Subject to Data Protection guidance and legislation, the village hall management committee will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.*
  - *Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.*
  - *In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.*
2. *The premises will provide a range of low and non-alcoholic beers for sale to the public.*
  3. *An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.*
  4. *A documented risk assessment must be written which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. It will include what considerations have been made for any additional special events which may arise during the year. This document will be kept at the premises and shall be made available for inspection upon request by officers of any responsible authority.*
  5. *The premises will risk assess the need for an emergency room where customers who are vulnerable or unwell can be taken inside the premises to be taken care of by staff.*
  6. *Security Industry Authority (SIA) licensed door supervisors shall be deployed at the premises from 21:00 hours until 30 minutes after closing time on Friday & Saturday evenings. Door staff will also be employed on other occasions (including bank holiday weekends, Christmas Eve, New Year's Eve) when such a requirement is either identified by the licence holder's own risk assessment or are requested by Sussex Police. (A minimum of 48hrs written notice required from the police licensing team). There shall be a minimum of one door supervisor to every 100 or part 100 customers starting with a minimum of two. Those performing the role of Door Supervisor will not perform any other role when engaged for the purpose of door*

*supervision activities. Door staff shall be fully briefed prior to work, with clear written instructions regarding their specific duties. Door staff will be made aware of individuals banned by pub watch. A written log will be kept by the DPS of the names, SIA badge numbers and duty times of SIA door staff. These records will be kept at the premises and made available to officers of any responsible authority upon request. Such door supervisors shall wear suitably marked reflective jackets in order that they can be readily identifiable to customers, staff and the police.*

- *Body Worn Video (BWV) From 22:00*
  - *at least one BWC will be used at each entrance by a member of door staff when the relevant entrance is open and being used.*
  - *there will always be at least one BWC worn by a member of door staff who is circulating within the venue (floor walker), whenever the venue is open for licensable activities.*
  - *The BWCs will have the ability to record, and any recordings will be kept for a minimum of 28 days and made available to the Responsible Authorities (as defined by the Licensing Act 2003) upon request. Should any camera break or otherwise become inoperable it will be replaced within 48 hours.*

#### *7. Drugs Policy*

- *There will be a written search policy in place for when door supervisors are on duty with the number of searches to be carried out set on a risk assessment basis. Drugs or weapons taken from customers will be stored securely and delivered to the police in a manner agreed with the police.*
- *The management and premises will have an absolute zero tolerance policy towards drugs and drug misuse. Any illegal drugs seized will be stored in a secure 'drugs box' and periodically the management will request the police to come and remove all drugs in the 'drugs box' for destruction.*
- *Individuals found to have drugs in their possession will be banned from the premises.*
- *The management will support the police in drugs detection measures allowing use of 'ION Track' machine or similar device inside the premises to detect the illegal use of drugs where a risk has been identified.*
- *Any seized drugs will be documented using a clear bagging and numbering system and this documentation will be provided to Police when drugs are collected for destruction.*

*8. Off sales of alcohol will cease at 23:00hrs.*

*9. The premises/DPS to maintain active membership and attend meetings of pub watch so long as that organisation is in existence.*

*10. Polycarbonate drinking vessels will be used when the need is identified through the risk assessment or notified in writing by Sussex Police a minimum of seven days before the event.*

*11. A personal licence holder shall be on the premises at all times after 21:00 hours on a Friday and Saturday evening until closure.*

*12. Patrons will not be permitted to take drinks in open containers to consume outside on the pavement or road whilst smoking or otherwise congregating outside of the*

*premises. Patrons using the outside of the premises to smoke will be monitored by door staff or staff and will not be permitted to obstruct the pavement, road, or create a noise nuisance or other disturbance.*

13. *In the event that the premises applies for and is granted an outside tables and chairs licence in the future, this area will be clearly defined by barriers. Patrons will not be permitted to take drinks in open containers to consume on the pavement, road or pedestrianized area beyond the outer boundary of the permitted outside tables and chairs area.*
14. *The outside tables and chairs area will be cleared away by 22:00 each night, with only the barriers remaining to help delineate and manage an outside smoking area.*
15. *The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.*
16. *The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:*
  - *The lawful selling of age restricted products*
  - *Refusing the sale of alcohol to a person who is drunk**Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.*
17. *No unaccompanied under 16s will be permitted inside the premises after 21:00hrs. No under 18s will be permitted inside the premises after 22:00 until close.*

As a result Sussex Police have withdrawn their objections.

- 8.3 At the time of drafting this report no details have been received regarding the mediation between the applicant and the other Responsible Authority or the members of the public that made relevant representation but members will be informed if there are any further 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
  - 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 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 party, 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 licensing objectives are occurring after the grant or variation of a premises licence.*

*At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.*

- 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. There are no significant direct race relations or equal opportunity implications that have been identified.

## **12. Recommendation**

- 12.1 Members are requested to determine the application for a new Premises Licence made on behalf of Pink Café Ltd. for a café bar to be known as the 'Pink Café' situated at 38-42 Portland Road, Worthing and give reasons for that determination.**

**Director for Communities**

### **Principal Author and Contact Officer:**

Simon Jones

Senior Licensing Officer - Tel: 01273 263191 or [simon.jones@adur-worthing.gov.uk](mailto: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 - Plan of area.
- Appendix B - Plan of the building.
- Appendix C - The Application Form.
- Appendix D1-2 - Representation received from Responsible Authorities
- Appendix E1-10 - Representations received from public

Portland House, Worthing

Ref: SJ/Lic.U/LA03/NEW – Pink Cafe

Date: 24 July 2019.

Plan of Area





**Appendix B  
Plan of Premises**





Application

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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 Pink Café 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			
38-42 Portland Road			
Worthing			
West Sussex			
Post town	Worthing	Postcode	BN11 1QN

Telephone number at premises (if any)	
Non-domestic rateable value of premises	


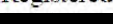
Part 2 - Applicant details

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

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  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)

**(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 Pink Café Limited
Address 
Registered number (where applicable) 
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company

Telephone number (if any)
E-mail address (optional) pinkcafeltd@gmail.com

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
01	09	2019

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The building is a ground floor premises situated in Portland Road. We are looking to open a cocktail bar/restaurant. It is situated near other bars/eateries and the town centre. It is approximately 2531 sq ft with a projected capacity of 70. We intend only to sell alcohol to our customers for consumption within the restaurant.

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- 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 (c), (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

**F**

Recorded music Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)  Recorded music will be played inside the premises in the background to support it's main operations,		
Mon	23.00	23.30			
Tue	23.00	23.30	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed	23.00	23.30			
Thur	23.00	23.30	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	23.00	01.30			
Sat	23.00	01.30			
Sun					



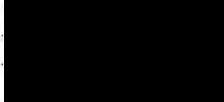
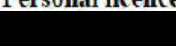
## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	23.00	00.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	23.00	00.00	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed	23.00	00.00			
Thur	23.00	00.00	<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri	23.00	02.00			
Sat	23.00	02.00	<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
Day	Start	Finish		Both <input checked="" type="checkbox"/>
Mon	11.00	23.30	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)  The supply of alcohol will occur inside the premises. However, once the pedestrianisation of Portland Road is carried out, we will apply for external seating and will hope to serve alcohol for the consumption both inside and in the outside seating area.	
Tue	11.00	23.30		
Wed	11.00	23.30		
Thur	11.00	23.30	<b>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</b> (please read guidance note 6)	
Fri	11.00	01.30	New Years Eve – 11.00 – 03.00	
Sat	11.00	01.30		
Sun	11.00	22.00		

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name Jesal Pankhania	
Date of birth 1 <sup>st</sup> October 1994	
Address 	
Postcode	BN11 5BA
Personal licence number (if known) 	
Issuing licensing authority (if known) Worthing Borough Council	

**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 9).**

<p><b>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 9).</b></p>
---

**L**

<p><b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)</p>	<p><b>State any seasonal variations</b> (please read guidance note 5)</p>																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Day</th> <th style="width: 20%;">Start</th> <th style="width: 20%;">Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>08.00</td> <td>00.00</td> </tr> <tr> <td>Tue</td> <td>08.00</td> <td>00.00</td> </tr> <tr> <td>Wed</td> <td>08.00</td> <td>00.00</td> </tr> <tr> <td>Thur</td> <td>08.00</td> <td>00.00</td> </tr> <tr> <td>Fri</td> <td>08.00</td> <td>02.00</td> </tr> <tr> <td>Sat</td> <td>08.00</td> <td>02.00</td> </tr> <tr> <td>Sun</td> <td>08.00</td> <td>22.30</td> </tr> </tbody> </table>	Day	Start	Finish	Mon	08.00	00.00	Tue	08.00	00.00	Wed	08.00	00.00	Thur	08.00	00.00	Fri	08.00	02.00	Sat	08.00	02.00	Sun	08.00	22.30	<p><b><u>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</u></b> (please read guidance note 6)</p> <p>New Years Eve 08.00 – 03.30</p>
Day	Start	Finish																							
Mon	08.00	00.00																							
Tue	08.00	00.00																							
Wed	08.00	00.00																							
Thur	08.00	00.00																							
Fri	08.00	02.00																							
Sat	08.00	02.00																							
Sun	08.00	22.30																							



## M

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

### **a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

The key to promoting all four licensing objectives is to educate staff on the Licensing Act 2003. We will train and monitor our staff regularly on licensing laws and keep a record of this training. Training will be given before any staff is allowed to serve alcohol. When possible, we will hire staff with Personal license qualifications or we will support our staff and help them to achieve their personal license qualification. A responsible approach to the sale of alcohol and provision of entertainment by a business is very important and we will treat it as so.

### **b) The prevention of crime and disorder**

Security in and around the premises: An Alarm will be installed to protect it when closed. While open to the public, all staff areas will be locked. CCTV will be installed inside and outside the premises (they will be integrated with the security system and adhere to all the requirements stated in the licensing act). Staff will be trained and regular briefing/debriefing will be carried out. There will be a maximum capacity that will be enforced to prevent overcrowding. We will hire security personnel for busy evenings to ensure that no violence/aggressive situations arise inside or outside. We will refuse entry to any persons that appear aggressive or excessively intoxicated. We will be serving food as well as beverages and therefore believe that this will act as a preventative to excessive intoxication. We will not offer drinks promotions as they can promote excessive alcohol consumption. Staff training will be key to preventing and dealing with crime, disorderly behaviour and problematic situations. Should any problems occur, staff will be instructed to call the police immediately.

### **c) Public safety**

A full risk assessment will be carried out for the premises. A copy of this assessment will be kept on site and reviewed annually. Staff will be trained and made aware of the risk assessment and precautionary measures therein. A first Aid box will be maintained and available on the premises. There will also be a First Aid trained member of staff on the premises at all times. Overcrowding will be prevented by adhering to our capacity limits. All Spillages and broken glass will be cleaned up immediately to prevent unsafe situations. Our bottle bin is away from the public and will be locked up at all times. An incident book will be kept on the premises and filled out regularly. Fire alarms have been fitted and staff will be trained in fire safety, a log of their training will be kept. Emergency exits will be clearly visible and free from obstruction. An accident book will be kept in order to record all accidents/incidents.

•



#### d) The prevention of public nuisance

Noise will be controlled Constantly. A noise management policy will be put in place. There are no windows that can be opened and therefore no noise pollution will be emitted through open windows. Doors will be closed at all times to prevent noise breakout. temperature will be controlled and kept at a comfortable level mechanically. Windows are sound insulated; all emergency exits are sound insulated doors. Sound levels will be controlled solely by premises license holders or the DPS, if any issues should occur, a telephone number will be made available for local residents which they can use to report any noise disturbances. Queues will be managed as efficiently as possible to prevent noise associated with queue lines by Security personnel. We will use a customer dispersal policy which will aid in the minimisation of noise of exiting customers (eg. Quieter music towards the end of the night). When necessary (weekends/busy nights) security personnel will control noise levels outside the premises. Sound proofing will be used for all areas that we anticipate higher levels of noise (eg Karaoke rooms). All external lighting will be turned off after hours.

#### e) The protection of children from harm

A policy will be put in place setting out measures to protect children from harm. We will train all our staff on these policies as well as the age-related sections of the licensing act; a log will be kept of this training for each member of staff. We will operate the 'No I.D – No Sale' policy and the 'Challenge 25' scheme. We will only accept photographic licenses, passports and PASS cards as proof of ID. Entry to the premises will be restricted to minors after a certain hour. No adult content, gambling, vending or advertisements of an adult nature will be held on the premises, internally or externally.

#### Checklist:

Please tick to indicate agreement

- 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 designated 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.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT**

**LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	Jesal Pankhania
Date	20/05/2019
Capacity	Director of Pink Café Limited

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)



Post town	<b>Worthing</b>	Postcode	<b>BN11 5BA</b>
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			





**Sussex Police**  
Serving Sussex

[www.sussex.police.uk](http://www.sussex.police.uk)

**West Sussex Division**  
Neighbourhood Licensing Team

West Sussex Licensing Team  
Centenary House  
Durrington Lane  
Worthing  
West Sussex  
BN13 2PQ

Tel: 01273 404 030

[WS\\_Licensing\\_WCR@sussex.pnn.police.uk](mailto:WS_Licensing_WCR@sussex.pnn.police.uk)

7<sup>th</sup> June 2019

Mr Simon Jones  
Licensing Unit  
Adur and Worthing Councils  
Portland House  
Richmond Road  
Worthing  
BN11 1LF

Dear Mr Jones,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR PINK CAFÉ LIMITED, 38- 42 PORTLAND ROAD, WORTHING, BN11 1QN. LICENSING ACT 2003.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation in respect of this new application on the grounds of the prevention of crime and disorder and the protection of children from harm.

This is a new application for:

- Live music and anything of a similar description
- The supply of alcohol (on and off sales)

with opening times Sunday until 22:30, Monday to Thursday until 00:00 and Friday and Saturday until 02:00. The site for the proposed new premises is a relatively large unit in Portland Road in Worthing town centre. There are already a number of late night bars in Portland Road, along with other pubs, bars and night clubs in the town centre.

|

There are a number of relevant and important statements of intent made in part M of the application to promote the licensing objectives. However it is important to note that this licence if granted will be for a 'vertical drinking establishment' in a busy night time economy street in the town centre. On four night a week the premises will be open until midnight, and at weekends until 02:00 in the morning. It should also be remembered that there are residential flats in the road, including directly above this premises.

Accordingly having studied the application in detail I have set out below and number of revised and new conditions which Sussex Police consider are necessary and proportionate to promote the licensing objectives. These include a more prescriptive CCTV condition and staff training conditions. Of particular note in the application it is stated that the premises will employ security personnel for busy evenings. Sussex Police request that SIA registered door staff should operate at the premises every Friday and Saturday night until close, with a written risk assessment determining if they are required on other nights of the week or for special occasions. We have also suggested conditions in relation to the outside of the premises both for the immediate future and to take account of the proposed ultimately pedestrianisation of Portland Road at some time in the future.

We note that the application states that food will be served, but late night refreshment to sell hot food and drink after 23:00 has not been applied for.

#### **Prevention of Crime & Disorder**

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including the two karaoke rooms and Back Bar and the public access routes to them, the entrance to the premises and any outside tables and chairs and/or smoking area. The system shall be on and recording at all times the premises licence is in operation.

- The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
- CCTV footage will be stored for a minimum of 31 days.
- The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A member of staff or a member of the village hall management committee must be nominated and contactable who can operate the system and supply copies of these images on request to either Sussex Police or officers of the local authority.
- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- Subject to Data Protection guidance and legislation, the village hall management committee will ensure that key staff are fully trained in the operation of the CCTV, and will be able to





download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.

- Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

- In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

The premises will provide a range of low and non alcoholic beers for sale to the public.

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.

A documented risk assessment must be written which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. It will include what considerations have been made for any additional special events which may arise during the year. This document will be kept at the premises and shall be made available for inspection upon request by officers of any responsible authority.

The premises will risk assess the need for an emergency room where customers who are vulnerable or unwell can be taken inside the premises to be taken care of by staff.

Security Industry Authority (SIA) licensed door supervisors shall be deployed at the premises from 21:00 hours until 30 minutes after closing time on Friday & Saturday evenings. Door staff will also be employed on other occasions (including bank holiday weekends, Christmas Eve, New Year's Eve) when such a requirement is either identified by the licence holder's own risk assessment or are requested by Sussex Police. (A minimum of 48hrs written notice required from the police licensing team). There shall be a minimum of one door supervisor to every 100 or part 100 customers starting with a minimum of two. Those performing the role of Door Supervisor will not perform any other role when engaged for the purpose of door supervision activities. Door staff shall be fully briefed prior to work, with clear written instructions regarding their specific duties. Door staff will be made aware of individuals banned by pub watch. A written log will be kept by the DPS of the names, SIA badge numbers and duty times of SIA door staff. These records will be kept at the premises and made available to officers of any responsible authority upon request. Such door supervisors shall wear suitably marked reflective jackets in order that they can be readily identifiable to customers, staff and the police.

### **Body Warn Video (BWV)**

From 22:00 (a) at least one BWC will be used at each entrance by a member of door staff when the relevant entrance is open and being used.

(b) there will always be at least one BWC worn by a member of door staff who is circulating within the venue (floor walker), whenever the venue is open for licensable activities.





(c) The BWCs will have the ability to record, and any recordings will be kept for a minimum of 28 days and made available to the Responsible Authorities (as defined by the Licensing Act 2003) upon request. Should any camera break or otherwise become inoperable it will be replaced within 48 hours.

### **Drugs Policy**

- 1) There will be a written search policy in place for when door supervisors are on duty with the number of searches to be carried out set on a risk assessment basis. Drugs or weapons taken from customers will be stored securely and delivered to the police in a manner agreed with the police.
- 2) The management and premises will have an absolute zero tolerance policy towards drugs and drug misuse. Any illegal drugs seized will be stored in a secure 'drugs box' and periodically the management will request the police to come and remove all drugs in the 'drugs box' for destruction.
- 3) Individuals found to have drugs in their possession will be banned from the premises.
- 4) The management will support the police in use drugs detection allowing us of 'ION Track' machine or similar device inside the premises to detect the illegal use of drugs where a risk has been identified.
- 5) Any seized drugs will be documented using a clear bagging and numbering system and this documentation will be provided to Police when drugs are collected for destruction

Off sales of alcohol will cease at 23:00.

The premises/DPS to maintain active membership and attend meetings of pub watch so long as that organisation is in existence.

Polycarbonate drinking vessels will be used when the need is identified through the risk assessment or notified in writing by Sussex Police a minimum of seven days before the event.

A personal licence holder shall be on the premises at all times after 21:00 hours on a Friday and Saturday evening until closure.

Patrons will not be permitted to take drinks in open containers to consume outside on the pavement or road whilst smoking or otherwise congregating outside of the premises. Patrons using the outside of the premises to smoke will be monitored by door staff or staff and will not be permitted to obstruct the pavement, road, or create a noise nuisance or other disturbance.

In the event that the premises applies for and is granted an outside tables and chairs licence in the future, this area will be clearly defined by barriers. Patrons will not be permitted to take drinks in open containers to consume on the pavement, road or pedestrianized area beyond the outer boundary of the permitted outside tables and chairs area.

The outside tables and chairs area will be cleared away by 22:00 each night, with only the barriers remaining to help delineate and manage an outside smoking area.

**For the Protection of Children from Harm:**



The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram.

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

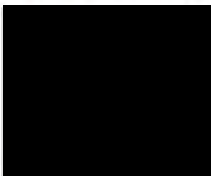
- The lawful selling of age restricted products
- Refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.

No unaccompanied under 16s will be permitted inside the premises after 21:00. No under 18s will be permitted inside the premises after 22:00 until close.

At the time of writing this representation we have presented the above new and revised conditions to the applicant Jesal Pankania and we are awaiting a response.

Yours sincerely



Chief Inspector Ockwell  
District Commander

Enc





**Pink Cafe, 38-42 Portland Road, Worthing**

1 message

Nadeem Shad &lt;nadeem.shad@adur-worthing.gov.uk&gt;

6 June 2019 at 10:47

To: Licensing Unit &lt;Licensing.Unit@adur-worthing.gov.uk&gt;

Cc: Simon Jones &lt;simon.jones@adur-worthing.gov.uk&gt;, Police Licensing &lt;WS\_Licensing\_WOR@sussex.pnn.police.uk&gt;, Planning - &lt;planning@adur-worthing.gov.uk&gt;, Rebekah Smith &lt;rebekah.smith@adur-worthing.gov.uk&gt;

**Licensing Act 2003****Application for a Premises Licence - Pink Cafe, 38-42 Portland Road, Worthing**

I refer to the above application and make the following comments on behalf of Public Health and Regulation at Worthing Borough Council concerning the prevention of Public Nuisance.

It is my opinion that if the application is granted as applied for a public nuisance (as defined by the Licensing Act 2003, ("the Act")) would be caused to residents within the vicinity of Pink Cafe, 38-42 Portland Road, Worthing.

The parts of the application of concern relate to

Part F Recorded Music until 23.30 Mon-Thurs and until 01:30 Fri and Sat;  
 Part H Anything of a similar description until 00:00 Mon-Thurs and until 02:00 Fri and Sat;  
 Part J Supply of Alcohol until 23.30 Mon-Thurs and until 01:30 Fri and Sat;  
 Part L Hours Open to Public until 00:00 Mon-Thurs and until 02:00 Fri and Sat.

There are residential premises immediately above and adjacent to the premises of concern. This means any noise associated with the licensed premises has the potential to cause a public nuisance to the occupiers of these properties. Whilst I acknowledge the premises are situated in an area which can at times be busy, it is nonetheless located in a mixed area of commercial and residential properties. The background noise at this location in the late evening will be low despite its location, meaning any noise produced by customers and music both inside and outside the premises is likely to be audible within neighbouring properties and therefore result in a public nuisance.

The application states in Part J that they wish to serve alcohol at seating outside in the future. Noise from customers seated outside will cause a public nuisance if this is into the late evening and night.

As the application requests opening beyond 23:00 hours, when background noise is relatively low and residents would reasonably expect to sleep, the operating schedule for the prevention of public nuisance (Section 16) must robustly address the potential for noise and more importantly and 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. The operating schedule claims a noise management policy will be put in place, windows and doors are sound insulated and sound proofing will be used for high noise level areas and gives an example of karaoke rooms. No evidence is provided to back-up these statements. The applicant also anticipates the possibility of queues outside, the noise from which will again affect residents. In any case, with residential properties immediately above it is not considered the premises can operate in this way late into the evening and night without causing a public nuisance.

Furthermore the planning permission for this premises only permits use as a cafe/restaurant (A3 use) open to the public until 23:00 hours. This was granted in April 2019. Whilst I appreciate planning is a separate regime to licensing, it is important to note the limitations placed by the planning permission on the premises here. When the planning application was submitted there was no mention of music and karaoke and certainly no mention of opening late into the evening and night. Restrictions on the hours of opening were placed on the permission granted in order to protect residents.

For these reasons I must raise this representation on the grounds of the prevention of public nuisance.

**Nadeem Shad**

Team Leader (Environmental Protection), Adur & Worthing Councils

Phone: 01273 263303

Email: [nadeem.shad@adur-worthing.gov.uk](mailto: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



**Pink Cafe 38-42 Portland Road, Worthing, BN11 1QN**

1 message

10 July 2019 at 12:17

To: licensing.unit@adur-worthing.gov.uk, [REDACTED]

To Whom it may concern

I live above the building in proposal and have seen that an application for a Premises Licence is being made to allow music to be played and alcohol to be sold to 1.30am and open to 2am.

This is something that I would like to object to in the strongest possible terms. I feel that if this licence was to be granted, then I and the neighbourhood and those in the other 8 flats above the (cafe) would suffer from noise, disturbance and anti-social behaviour because of the noise from events and customers arriving/leaving and loud music.

Anyone wishing to attend an event would need to do so by foot or their own vehicle as there is no public transport that passes the building. This in itself will cause significant disturbance. The area is normally very quiet during the early hours of the morning and in particular any arrivals or departures after midnight will cause a disturbance.

We already have a late night nightclub/bar/restaurant across the road (The Manuka Bar) which already causes a significant amount of noise disturbance, however does not have anyone living above the building. There are children and early morning workers in this building who will suffer from the noise created by The Pink Cafe, the building is not and will not be entirely soundproofed as the Manuka Bar has proven. there will be noise and nuisance, especially with the proposed Karaoke Booth, Live Music and Recorded Music, I live directly above the proposed building, and before this application it was a Polish Food Shop, which we could hear the smallest sounds of the till opening, or people talking, so loud music will cause a disturbance. Also they will also need to have front doors open which will only make the noise louder to the public.

I also strongly believe that Worthing's act to stop Noise and crime during Nightlife has proven crucial in the past, however I believe this is a step backwards, this will only open up more chances of antisocial behaviour, crime, loitering and noise pollution.

Directly next to the building is an alleyway (the only way of entrance to Flats 1-8 in 38-42 Portland Road) which we already have a problem with public urination and disturbance and vandalism, caused by the public leaving other venues. Having this "The Pink Cafe" is only going to make this worse for the residents of [38-42 Portland Road](#). This could also open up a safety issue outside our homes due to patrons congregating outside the venue.

I am also concerned about the potential for damage to the property if customers are allowed to leave in the early hours of the morning, having drunk significant quantities of alcohol.

Portland Road is a lovely area during the day and not too disturbing during the night, by the proposed application, will only make this area worse for residents.

The use of [38-42 Portland Road](#) as a venue for late night entertainment is not an appropriate one because of the character of the area, and the residents living directly above the building.

Yours faithfully

[REDACTED]

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**licensing pink café**

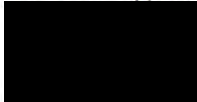
1 message

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[REDACTED]  
to: licensing.unit@adur-worthing.gov.uk

10 July 2019 at 10:32

As a long-term resident of Portland Road I object strongly to the opening of yet another late-night café: Pink Café [38-42 Portland Road BN11 1QN](#). The road is noisy at the best of times as it echoes and even the slightest sound is amplified. The "music" will carry up the road and the departing customers will cause a nuisance as they walk up the road. My bedroom is on the street side and as I am elderly, I am easily awoken. I very much hope the council will refuse this application as any noise after 10 pm is detrimental to the residents' well-being.



[REDACTED]

Portland Road  
Worthing  
BN11 1QN

19<sup>th</sup> July 2019

The Licensing Unit  
Adur and Worthing Councils  
Portland House  
Richmond Road  
Worthing  
BN11 1HS



Dear Sir,

With reference to the new premises licence for Pink Café, 38 – 42 Portland Road, Worthing, BN11 1QN, we write to object to the late night licence.

We are the freeholder to the next door attached property [REDACTED]. The ground floor is leased to [REDACTED]. The 1<sup>st</sup> and 2<sup>nd</sup> floors are divided into 3 flats. All our tenants are in full time employment which includes some weekend work. We believe that by the time the new premises would be cleared of customers on Monday to Thursday, it could be after midnight and Friday and Saturday nights it could be after 2am causing noise and public nuisance to our Tenants and therefore our business in the long term. We believe there are also 8 flats above the new premises.

Having inspected the proposed floor plan and considered their application we are concerned about the following:

- There are two Karaoke booths located on our adjoining wall.
- Volume levels of recorded and live music.
- Unlike Libertines and Manuka bars there are only single entrance doors – no lobby.
- No provision for smokers.
- Late night noise from emptying bottles and blns.

All the above could cause noise and nuisance to our Tenants and be detrimental to our business.

Yours faithfully,

[REDACTED]

---

**Pink Cafe 38-42 Portland Road, Worthing BN11 1QN**

1 message

---

Leaders Worthing (Property Management) <worthing.pmd@leaders.co.uk>

22 July 2019 at 10:58

To: "LICENSING.UNIT@ADUR-WORTHING.GOV.UK" <LICENSING.UNIT@adur-worthing.gov.uk>

Good Morning,

RE: Pink Cafe [38-42 Portland Road, Worthing BN11 1QN](#)

Following on from correspondence received by the Tenants of [\[REDACTED\] Shelley Road, Worthing BN11 1XN](#), the Landlords have asked Leaders Lettings LTD to object on their behalf.

The Landlord is: [\[REDACTED\]](#)

They have expressed the following objections and questions:

- Will the building be sound proofed? Noise leaking from front doors opening & closing
- Will there be a queue to enter? Concern with noise & nuisance
- Security on the doors? Concern with crime & disorder

If you require any further information please let me know.

Thank you.

Kind Regards

[\[REDACTED\]](#)

**Leaders Worthing (Property Management)**




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**Objection to Pink Cafe**

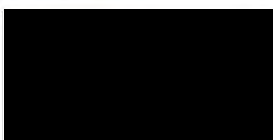
1 message

10 July 2019 at 14:03

To:  licensing.unit@adur-worthing.gov.uk

Claire Lee

 Portland Road  
Worthing  
BN11 1QN



Reasons for Objection

The residential building is already subject to extensive noise disturbances from The Libertine. There have been cases where the patrons are playing loud music at antisocial hours during the working week. All of which has been reported, yet nothing has been done about it. There is a clear issues with sound proofing, and if we have another premises like this next door, this issue will only get worse.

There are two alleyways alongside the building. One at the side of the property, the other at the back. The alleyways are frequently used by drunk people. There have been a large number of occasions where I can hear people vomiting or urinating the alleyways. Our bedroom window overlooks the back, and our living room overlooks the side alleyway.

Not only is it disgusting to hear this happening, it is also a health hazard.

We also have problems with the public using the side alleyway to smoke. Our living room window is directly above this area. I do not want this area to become a "smoking hut". Not only is it dangerous to the health of the residents, but this is a fire hazard. It is a confined space around the residential building. If there is a fire, most residents would struggle to have a safe fire exit from the building.

With the proposed opening of the "Pink Cafe", I fear that these issues will get a lot worse.

Kind Regards



---

**Fw: Pink Cafe 38-42 Portland Road Worthing BN11 1QN**

1 message

14 July 2019 at 12:24

To: "licensing.unit@adur-worthing.gov.uk" <licensing.unit@adur-worthing.gov.uk>

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

**From:** [REDACTED]  
**To:** [licensing.unit@adur-worthing.gov.uk](mailto:licensing.unit@adur-worthing.gov.uk) <[licensing.unit@adur-worthing.gov.uk](mailto:licensing.unit@adur-worthing.gov.uk)>  
**Sent:** Sunday, 14 July 2019, 12:10:28 BST  
**Subject:** Pink Cafe 38-42 Portland Road Worthing BN11 1QN

Dear Sirs

I am writing to lodge an objection for an extended licence for the above premises. I was led to believe that the opening hours would only be until 11pm in line with their planning approval AWDM/0154/19 - is this correct?

I have been informed however that they wish to be open until 2am on Friday and Saturday and Midnight on Monday to Thursday and that live music and karaoke are planned. If this is true I would like to object for the following reasons:

This premise is at the north end of this road close to residential properties in Portland Street and Shelley Road. I am a resident in [REDACTED] Shelley Road.

We already have to make allowances for music at two adjacent premises, especially in the summer months at The Libertine and Menuka and their late closing hours. A third bar and even later times would be worse - we are already forced to keep all windows shut in the hotter months.

In addition noise and anti-social behaviour has increased as more bars and late opening hours have been granted (witness is the rise in police incidents in this area). While security measures like door security people have been a stipulation of licences (eg. the Woods restaurant) these are regularly not evident.

Regards

[REDACTED]

---

**Fwd: It's about the cocktail bar on Portland Road 3840to the Polish supermarket**

1 message

[REDACTED]  
To: [licensing.unit@adur-worthing.gov.uk](mailto:licensing.unit@adur-worthing.gov.uk)

10 July 2019 at 11:19

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 10 July 2019 at 09:51:03 WEST  
**To:** [licensing-unit@adur-worthing.gov.uk](mailto:licensing-unit@adur-worthing.gov.uk)  
**Subject:** It's about the cocktail bar on Portland Road 3840to the Polish supermarket

Sent from my iPhone my name is [REDACTED] live at [REDACTED] Poulton Road and I am not happy that there is going to be a cocktail bar opening up closing time will be 2 am and there is going to be live music as well that means there is going to be more drunks on Portland Road the noise is going to be ridiculous as it is now when people come out the bars singing And talking and shouting loudly outside my window that means there's going to be even more noise it's hard enough to sleep as it is so I wish this does not go ahead on these hours because I think it's not fair on the residents that live here there is no need for them to stay open that late so I do hope this Does Not go ahead on these times your sincerely [REDACTED]

---

**Proposed cocktail bar on Portland Road from the Polish supermarket**

1 message

[REDACTED]  
To: [licensing.unit@adur-worthing.gov.uk](mailto:licensing.unit@adur-worthing.gov.uk)

10 July 2019 at 11:32

Sent from my iPhone

Begin forwarded message:

[REDACTED]

Good morning,

my name is [REDACTED] and I live at [REDACTED] Portland Road

I have just received your letter and I am not happy that there is going to be another cocktail bar opening up on my road.

With a closing time of 2am there is going to be live music as well, this means there is going to be more drunks on Portland Road and the noise is going to be ridiculous. when people come out the bars singing And shouting loudly outside my window it's hard enough to sleep as it is. so I hope this does not go ahead on these hours,because I think it's not fair on the residents that live here. there is no need for them to stay open that late, and it will decrease the value of my property, with the noise levels. yours sincerely [REDACTED]



**Objection: Pink Cafe**

1 message

15 July 2019 at 11:42

To: "licensing.unit@adur-worthing.gov.uk" &lt;licensing.unit@adur-worthing.gov.uk&gt;

Dear Sir/Madam,

I am writing to object to the proposed license for Pink Cafe at [38-42 Portland Road](#). My objection letter in full is copied below, and also attached to this email.

██████████  
 ████████ New Road  
 Worthing  
 BN13 3PB

Sunday 14<sup>th</sup> July 2019**FAO: Licensing Unit, Adur – Worthing Council****Re: Application for Pink Cafe, [38-42 Portland Road, Worthing, BN11 1QN](#)**

Dear Sir/Madam,

I am writing to object in the strongest possible terms to the proposed opening of the Pink Cafe.

Me and my wife own ██████████ [Portland Road](#), which is on the first floor of the building, directly above the proposed nightclub. Our flat is happily rented to two tenants, a young recently married couple who both work in Worthing town centre. They have been living in the flat for nearly a year and love the area. But they have contacted me with deep concern over the proposed ground floor nightclub, concerns that I certainly share, as I'm sure do all the other owners and tenants at ██████████ [Portland Road](#).

The opening of this nightclub would be a disaster for my tenants, and for all other tenants in the building. I see on the proposal that the Pink Cafe would include two karaoke booths! Plus recorded and live music. This is absolutely ridiculous given that there is no noise insulation between the ground floor and first floor. The day-to-day, night-to-night operating hours of the Pink Cafe would be a living nightmare for the first floor tenants, who would be able to clearly hear noise into their flats at all times.

Previously the ground floor was used as a Polish speciality food supermarket. The first floor tenants could hear the cash register opening and closing in their flats! So imagine how disruptive a karaoke nightclub will be. Simply put, my tenants would be phoning the police with noise complaints from the opening night onwards, and arranging council visits to measure noise pollution levels in their homes.

My Flat ████████ tenants pay their council tax to you every month. You have a duty of care to not put them in a situation where they will be forced to vacate their home. They have already made it

clear to me that when the cafe opens, they will probably have no choice but to give us their notice and leave the building. They love the flat and have spent their own money to make a great home for themselves, as have other tenants in the building. It's a gross injustice that they should have their home lifestyle ruined to grant a licence to a business that is only going to upset everyone. If my tenants decide to vacate their flat on the grounds of noise, you can expect a campaign from me and the other flat owners demanding a closure of the Pink Cafe. As well as phoning the police myself on the grounds of noise, I will also personally visit the Pink Cafe every night to demand the music be turned off.

The entrance door to the eight flats on the first and second floors is under a covered porch area. Clearly, this area will be used for smoking by patrons of the nightclub. We already have a problem with passers-by using this walkway for smoking, litter and "going to the toilet". Please bear in mind, young families including children live in the building, and this is the only entrance to their home. Is this the kind of activity you would want on your own doorstep?

I think the addition of drunk, late night revellers outside the entrance to [REDACTED] Portland Road would be extremely unpleasant for the residents, and present a clear security risk to the building, and a safety risk to the residents themselves.

The appropriate usage for the ground floor premises is a shop that operates daytime business hours, to coincide with the first floor tenants being out to work.

Me and my wife pride ourselves on being good landlords, and make all provisions we can to try and ensure that our tenants enjoy a great standard of living. We are not professional landlords, we both work full-time and saved for many years to buy Flat [REDACTED]. It's important to us that our tenants are happy, and since we put our life savings into buying this flat, of course we want to protect its value. The opening of a nightclub directly underneath our flat would ruin its market value and make it very difficult to sell.

The eight flats on the first and second floor of [REDACTED] Portland Road are smart, modern and well-maintained. Since buying the flat in 2015, our flat has been continuously let to first a young family, and now a young couple. These are people who go out and work hard every day to improve their lives. They deserve a duty of care from their council and they deserve to have their standard of living protected. The opening of the Pink Cafe would be a disaster for my tenants, for all the other tenants and owners in the building, and would radically deteriorate the market value of all the eight flats. The flats on the first floor like mine would especially be negatively affected.

If the Pink Cafe opens, me and my tenants will have no choice but to object to its presence in the strongest possible terms, and do all we can to combat the onset of noise pollution from the ground floor, and the nuisance the venue will bring to our property.

I strongly urge you not to grant an operating licence to the Pink Cafe, or any late hours nightclub or venue on the ground floor.

Kind regards,

[REDACTED]

Owner  
Flat [REDACTED] 38-42 Portland Road  
Worthing  
West Sussex  
BN11 1QN



**From:** Nadeem Shad  
**Sent:** 02 April 2019 16:23  
**To:** Planning -  
**Cc:** Rebekah Smith  
**Subject:** 38 - 42 Portland Road Worthing West Sussex

**AWDM/0154/19**

**38 - 42 Portland Road Worthing West Sussex**

I refer to the above application copied to us for comment.

The proposed A3 use has the potential to adversely affect the amenity of residential occupiers of the properties above. Residential amenity may be adversely affected by both noise and odour from the proposed A3 use. Typical noise sources will be fixed plant/machinery (likely to be at the rear) including kitchen ventilation, deliveries to and collections from the unit, customer noise inside the premises passing through to the residential units above and any customers outside (e.g. smokers). Odour will be produced by cooking.

Should you be minded to grant permission then in order to ensure the effects of noise and odour do not adversely affect residential amenity, I recommend the following be attached or incorporated into conditions to any permission granted.

- o The hours of operation shall be restricted to 08:00 to 23:00.
- o No deliveries to or collections from the premises shall take place other than between 07:00 to 20:00 hours Monday to Saturday and 10:00 to 18:00 hours on Sunday.
- o No bottles shall be placed into any outside receptacles after 22:00 hours or before 07:00 hours.
- o The use hereby permitted shall not commence unless and until an insulation scheme for protecting the upper floor residential unit from noise has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors. Following approval and implementation of the scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out as part of the approved scheme are effective and achieve the specified criteria. All works, which form part of the approved scheme, shall be completed before the use commences.
- o The use hereby permitted shall not be carried on unless and until details of a suitable system for the extraction and disposal of cooking odours (including details of the extract fans, filters, fan units and ducting together with method of noise abatement, as well as details of grease traps and extraction hoods) has been submitted to and approved in writing by the Local Planning Authority. The equipment approved under this condition shall be installed before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.
- o No plant or equipment, including the kitchen ventilation and extraction system, shall be operated on the premises except between the hours 08:00 to 23:00.

1

**Nadeem Shad**

Team Leader (Environmental Protection), Adur & Worthing Councils

Phone: 01273 263303

Email: [nadeem.shad@adur-worthing.gov.uk](mailto: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





# WORTHING BOROUGH COUNCIL



Upper Beeding  
Steyning  
BN44 3WH

## PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/0154/19

### Details of Development

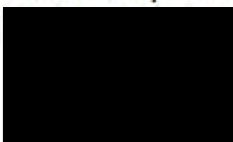
**CHANGE OF USE FROM SHOP (USE CLASS A1) TO RESTAURANT/CAFE (USE CLASS A3) WITH NO PRIMARY COOKING.**

### Location of Development

**38 - 42 PORTLAND ROAD WORTHING WEST SUSSEX BN11 1QN**

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 4th February 2019.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.



Gary Peck  
Planning Services Manager  
10/04/2019

Worthing Borough Council, Development Management, Economy Directorate,  
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS  
Tel: 01903 221065 Email: [planning@adur-worthing.gov.uk](mailto:planning@adur-worthing.gov.uk)  
Web: [www.adur-worthing.gov.uk](http://www.adur-worthing.gov.uk)



## SCHEDULE

### Conditions

01. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
LOCATION PLAN		04.02.2019
BLOCK PLAN		04.02.2019

**Reason:** *For the avoidance of doubt and in the interests of proper planning.*

02. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason:** *To comply with Section 91 of the Town and Country Planning Act 1990.*

03. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or on Public Holidays. On all other days such work shall only be implemented between the hours of 8am and 6pm.

**Reason:** *To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy RES7 of the Worthing Local Plan.*

04. The use hereby permitted shall not commence unless and until an insulation scheme for protecting the upper floor residential units from noise has been submitted to and approved by the Local Planning Authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors. Following approval and implementation of the scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out as part of the approved scheme are effective and achieve the specified criteria. All works, which form part of the approved scheme, shall be completed before the use commences.

**Reason:** *In the interests of residential amenity having regard to saved policies RES7 and H18 of the Worthing Local Plan.*

05. There shall be no primary cooking on the premises with hot food limited to the heating of pre-prepared food by way of a sandwich/panini grill, soup kettle, jacket potato oven and/or microwave. No other form of cooking, or primary cooking of any type, shall take place on the premises.

**Reason:** *To safeguard the amenities of nearby residential occupiers in accordance with saved policies H18 and RES7 of the Worthing Local Plan.*

06. The use hereby permitted shall not commence until details of the means of ventilation for the kitchen and any associated external ventilation grille has been submitted to and agreed in writing by the Local Planning Authority and shall be installed in accordance with the agreed details.

**Reason:** *In the interests of amenity having regard to saved policies RES7 and H18 of the Worthing Local Plan.*

07. The use hereby permitted shall not commence until a waste storage area within the site area has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The storage so provided shall be retained and used only for that purpose thereafter.

**Reason:** *To ensure satisfactory facilities for the storage and disposal of refuse in the interests of hygiene and visual amenity having regard to saved policies RES7 and H18 of the Worthing Local Plan and Worthing Core Strategy Policy 16.*

08. No customer trade or business shall take place on the premises except between the hours of 08:00am and 11.00pm on any day.

The premises shall be emptied of customers 30 minutes outside of these hours.

All staff activity associated with the use shall cease at the premises within one hour of the closing time.

**Reason:** *To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policies RES7 and H18 of the Worthing Local Plan.*

09. No deliveries to or collections from the premises shall take place other than between 07:00am to 8:00pm hours Monday to Saturday and 10:00am to 6:00pm hours on Sunday.

**Reason:** *To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policies RES7 and H18 of the Worthing Local Plan.*

10. No bottles shall be placed into any outside receptacles after 10:00pm hours of before 07:00am hours on any day.

**Reason:** *To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policies RES7 and H18 of the Worthing Local Plan.*

11. No plant or equipment, including the kitchen ventilation and extraction system, shall be operated on the premises except between the hours 08:00am to 11:00pm.

**Reason:** *To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policies RES7 and H18 of the Worthing Local Plan.*



12. There shall be no tables or chairs in connection with the approved use of the building on the front forecourt of the premises unless as otherwise approved in writing by the Local Planning Authority by way of an application.

**Reason:** *In the interest of amenity having regard to saved policies H18 and RES7 of the Worthing Local Plan.*

**Informatives / Notes to Applicant**

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



**Fwd: New Premises Licence at: Pink Cafe, 38-42 Portland Road, Worthing, BN11 1QN**

1 message

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

19 July 2019 at 09:36

Another objection

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

From: **David Lloyd** <DLloyd@wannops.com>

Date: Thu, 18 Jul 2019 at 17:18

Subject: New Premises Licence at: Pink Cafe, 38-42 Portland Road, Worthing, BN11 1QN

To: licensing.unit@adur-worthing.gov.uk <licensing.unit@adur-worthing.gov.uk>

Cc: [REDACTED]

Dear Sirs,

I act for [REDACTED] who are the proprietors of the first floor flat immediately above the proposed premises forming the subject matter of the Premises Licence Application in this matter.

I note that the planning consent for this property contains conditions restricting the hours of operation of the business operated at Pink Café to between 08.00 and 23.00 hours at all times. We attach a copy of the planning permission herewith.

The planning conditions referred to were implemented pursuant to the report of the Nadeem Shad, an Environmental Protection officer at Worthing Council. We attach her report which clearly outlines that, *inter alia*, hours of operation for the Pink Café be restricted to between 8.00 and 23.00 " in order to ensure the effects of noise and odour do not adversely affect residential amenity".

My client is extremely concerned that, notwithstanding the above, the licencing application clearly requests licencing hours beyond the hours of operation stipulated in the planning permission.

We must suggest that the report of Nadeem Shad makes quite clear that there is a pressing need to protect the residential properties impacted upon by the activities of the Pink Café from public nuisance and that any licence granted should be subject to the recommendations set out her report, most notably in connection with the hours of operation granted by the licence.

Please do accept our comments as duly tendered the purposes of the consultation currently proceeding in connection with the above.

Yours faithfully,

**David Lloyd**

**Solicitor, Conveyancing Department**

wannops LLP

southfield house, 11 liverpool gardens,

worthing, west sussex, BN11 1SD

Telephone - 01903 228200 (Reception)

---

**Objection: Pink Cafe - [REDACTED]**

1 message

15 July 2019 at 11:49

To: "licensing.unit@adur-worthing.gov.uk" <licensing.unit@adur-worthing.gov.uk>

Dear Sir / Madam,

I am writing to object to the proposed license for Pink Cafe at [38-42 Portland Road](#). My letter of objection is attached to this email, and also copied below.

Hayley Richardson

[REDACTED] New Road

Worthing

BN13 3PB

14<sup>th</sup> July 2019

Licensing Unit – Adur-Worthing Council

**Re: Application for Pink Cafe [38 – 42 Portland Road, Worthing, BN11 1QN](#)**

Dear Sir/Madam,

I am writing with regards to the application for a late night cocktail bar/restaurant at the above address.

I am co-owner of Flat [REDACTED] [38-42 Portland Road](#), which is directly above the commercial unit. I strongly object to the proposed use of the unit as I feel it is entirely inappropriate due to its proximity to the residential flats.

I have several serious concerns about the effect such an establishment will have. The noise from the music and the late operating hours will cause massive disruption to the lives of the residents of the building, affecting their quality of life.

The obvious need for smoking area near the entrance of the building would not only be extremely unpleasant and intimidating for the residents but also unsafe, especially considering there are very young children living in the building.

The inevitability of people acting inappropriately under the influence of alcohol is also a real concern. The possibility of crime and violence so close to the entrance of the residential flats is alarming. There are already several similar establishments on the road, I feel the addition of another would be detrimental to the area.

I have no doubt that my current tenants will be forced to vacate the property, and we will have extreme difficulty finding tenants who will choose to live over a late night, noisy venue with people coming and going until at least 2.30 am. We will also have difficulty should I be forced to sell our property and believe this new business will have a negative effect on the property value.

My husband and I have worked hard for many years away from our families to be able to purchase the flat, the investment is a massive part of our livelihoods and we are very worried about the impact such a business would have. We chose Worthing in good faith, moving to the area ourselves and fully support local business and the improvement of the city centre, however we cannot justify an application for this type of establishment knowing the problems it will bring.

I strongly urge you to decline the application of the nightclub on behalf of the residents and owners of the [REDACTED] [Portland Road](#) in favour of a business which compliments the working hours of its extremely close neighbours. Please make the safety and well being of the existing residents a priority. They were here first, and it is their home.

Yours sincerely,

[REDACTED]

Owner of Flat [REDACTED] [Portland Road, Worthing, West Sussex, BN11 1QN](#)



RE PINK CAFE 38-42 PORTLAND RD ①  
 WORTHING BN11 1DN



Dear Sirs,

22<sup>nd</sup> July 2019.

Please consider that the taxi rank is accessed via a very poorly lit area behind TKMAX & car park. There are not enough taxis late at night/early morning to quickly move folk home. Hence a public nuisance high levels of noise & general upset that I can & does spill over into fights. The waiting hanging around tired & often with the effects of drink & some with drugs.

The more people means more litter. The area will need to be cleaned up very early every day. But backs & low funds will no doubt not permit that. e.g. this past W/E large amounts of glass on the corner of Portland Road & Shelley Rd. I spent time picking up cans bottles & take away outside own home.



②  
After a disturbed sleep we get up  
we find cars marked & trip over bottles  
etc & avoid the vomit on the public  
highway.  
If the night life spots were spread  
around the town not several in one  
small part of the road it would be after  
for all concerned. Too many linked folks  
in one spot will easily get out of  
hand.

Consider our safety & well being  
the young families working folk & us  
older people who like living in town.  
Returning from baby sitting late will be  
even harder if you grant permission.  
The extra noise letter & safety will be  
hard to achieve in this residential  
area we just about cope now. I know  
you have a tough job so thanks anyway  
Yours sincerely,

## Appendix F – Mediation

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### Premises licence application for Pink Cafe, Portland Road, Worthing

1 message

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**David.Bateup@sussex.pnn.police.uk** <David.Bateup@sussex.pnn.police.uk>  
To: [licensing.unit@adur-worthing.gov.uk](mailto:licensing.unit@adur-worthing.gov.uk)  
Cc: [simon.jones@adur-worthing.gov.uk](mailto:simon.jones@adur-worthing.gov.uk), [nadeem.shad@adur-worthing.gov.uk](mailto:nadeem.shad@adur-worthing.gov.uk)

12 June 2019 at 12:58

Dear Worthing Licensing,

Further to our original representation, please find attached our agreement confirmation on new conditions with the applicant Mr Pankhania.

Acceptance of the new conditions from Mr Pankhania is at the foot of this page.

Thanks,

David

**David Bateup**  
Police Licensing Officer

**From:** Jesal Pankhania [mailto:   
**Sent:** 11 June 2019 16:39  
**To:** Bateup David 63941 <[David.Bateup@sussex.pnn.police.uk](mailto:David.Bateup@sussex.pnn.police.uk)>  
**Subject:** Re: Licensing Application (FTAO: Chief Inspector Ockwell)

Dear David,

Many thanks for the reply and explaining.

That's all fine, thanks for your help.

Kind Regards

Jesal