

Minutes of a meeting of the  
Worthing Licensing and Control Sub-Committee  
14 November 2019  
at 6.30 pm

Councillor Sean McDonald (Chairman)

Councillor Richard Mulholland

Councillor Jane Sim

**Absent:**

Councillor Sally Smith

**Officers:**

**LCSC/11/19-20      Declarations of Interest / Substitute Members**

Councillor Richard Mulholland declared his substitution for Councillor Sally Smith

**LCSC/12/19-20      Public Question Time**

There were no questions from members of the public.

**LCSC/13/19-20      Licensing Act 2003 – Application for a new Premises Licence at  
MT Food & Drink, 80 Broadwater Street West**

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

**Presenting Officer outlines application**

The Licensing Officer introduced the report to the Committee and set out the application before members. The applicant told the committee that the premises was to be known as 'Finch'

**Questions from Members for the presenting Officer**

There were no questions for the presenting officer

**Representation from Resident A**

A resident made a representation which is summarised as follows:

- The proposed outside eating area would cause a hazard to pedestrians given its close proximity to a busy road;
- There would be an increase in noise from people entering and exiting the premises;
- There were children living locally that could be disturbed by an increase in noise

### **Questions for Resident A from Members**

There were no questions from members

### **Questions for Resident A from the applicant**

There were no questions from the applicant

### **Representation from the applicant**

The applicant made a representation which is summarised as follows:

- The applicant was already running two businesses, a sandwich shop and another premises; 'Finches' in Warwick Street;
- Other Premises had outside furniture in the local area including Starbucks and Costas;
- Noise allegations were not representative of the business, and to illustrate this members were told that no complaints were received in the past 18 months at the premises run by the applicant in Warwick Street;
- Music in the premises would be background music;
- Members were given an explanation of how the premises would operate and the type of customers it expected to serve
- The seating area outside was subject to an application to West Sussex County Council;

### **Questions from Members to the applicant**

Members asked questions about the size of the outside serving area and were told that there would be enough room for mobility vehicles to pass through. There were other questions in relation to the applicant's experience and residential properties near to the premises.

### **Questions from the resident to the applicant**

The applicant asked questions about the safety of the outside seating given its close proximity to the road

### **Summing up of the applicant and Resident**

There was no summing up

*The meeting adjourned at 6.53pm and reconvened at 7.20pm*

### **Resolved:**

The application for a premises licence is granted with conditions which promote the licensing objectives.

The premises conditions are those set out below and additionally that the applicant will abide by any conditions set out in any licence granted by West Sussex County Council for outside seating.

The conditions raised by Sussex Police and which have been agreed by the applicant will be placed in the Operating Schedule as enforceable conditions of licence are as follows:

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 (including any outside tables and chairs area) to cover all public areas, including the entrance to the premises. 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.*
  - *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
  - *Subject to GDPR guidance and legislation, the management of the premises 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 (or other electronic portable device acceptable to Sussex Police) 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. *Customers will not be permitted to take alcohol outside of the premises to consume whilst smoking, congregating or eating on the pavement outside of the premises, with the exception of within the boundary of the outside tables and chairs area whilst it is in operation.*
3. *The outside tables and chairs area will cease at 21:00 each day and all barriers, tables, chairs and other furniture will be brought inside by 21:00. The outside tables and chairs area (which will have the requisite West Sussex County Council or Worthing & Adur District Council tables and chairs licence as applicable) will be delineated by a clear boundary made of canvas screens to ensure patrons and tables & chairs do not transgress over the boundary of the outside tables and chairs area onto the public highway.*

4. *The DPS will risk assess the need for the provision of SIA registered door supervisors to operate at the premises and the use of shatterproof or polycarbonate drinking vessels as appropriate.*

5. *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.*

6. *The Premises Licence Holder shall ensure that all staff members 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 twelve weeks, with the date and time of the verbal reinforcement/refresher training documented. All such training undertaken by staff members shall be fully documented and recorded. All training records will be kept at the premises and made available to officers of any responsible authority upon request.*

7. *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.*

8. *After 21:00 hours all under 18s must be accompanied by a responsible adult. No under 18s will be permitted on the premises after 22:00*

**Reason for decision:**

The Committee consider that the conditions recommended by Sussex Police adequately address issues relating to this application and the conditions imposed promote the licensing objectives which are the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.

The Committee consider that the licensing objectives will be met in relation to the outside seating when the application for a licence is considered by West Sussex County Council.

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The meeting ended at 7.25 pm