



WORTHING BOROUGH  
C O U N C I L

6 November 2019

**Worthing Licensing and Control Sub-Committee**

<b>Date:</b>	<b>14 November 2019</b>
<b>Time:</b>	<b>6.30 pm</b>
<b>Venue:</b>	<b>Council Chamber, Worthing Town Hall</b>

**Committee Membership:** Councillors Sean McDonald (Chairman), Jane Sim and Sally Smith

**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 at MT Food & Drink, 80 Broadwater Street West (Pages 1 - 28)**

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 Solicitor 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:**

**MT Food & Drink  
80 Broadwater Street West, Worthing, BN14 9DE**

**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 :

**MT Food & Drink Ltd.**

for a new Premises Licence to authorise the sale of alcohol.

**2. Reasons for Hearing**

- 2.1 The application has been the subject of formal representation by a responsible authority and 1 member of the public and it therefore falls to this sub-committee to determine.

**3. Background**

- 3.1 An application was made on behalf of MT Food & Drink Ltd. to the Licensing Authority, Worthing Borough Council, on the 26 September 2019 for the grant of a new premises licence.
- 3.2 Broadwater Street West is part of the A27 trunk road into Worthing. The shop is situated in a busy commercial area of Broadwater and was previously a gunsmiths, known as Worthing Gun Shop, but is currently empty. Broadwater Street West south of Ardsheal 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 some of the units.
- 3.3 The business is intending to operate as a café bar with small pavement forecourt.
- 3.4 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)
- The representation made by a Responsible Authority (Appendix D)
- The representation received from local resident (Appendix E )
- 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:
  - 09:00hrs to 23:00 Monday - Sunday
- Opening to the Public
  - 07:00hrs to 23:30hrs Monday - Sunday
- Non Standard Timings for licensable activity until 02:00hrs (of the following morning) 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 Ms Megan Dooley who holds a personal licence issued by Worthing Borough Council.

#### 5. **Promotion of the Licensing Objectives**

5.1 The Licensing Act 2003 and regulations require that the Council, as 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 regards 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 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 - 1 X Representation (Sussex Police)

Other Persons – 1 X Representation (Local Resident)

## **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***

### ***Public Safety***

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 A member of the public living in the vicinity has expressed concerns regarding possible public nuisance and public safety implications that can be associated with alcohol sales. Some of the information included in their representation is regarding planning issues and demand and the effect on other licensed premises that is not relevant to a licensing application and should not be considered. However, the representation has been reproduced in its 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 representation 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 (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*

As a result Sussex Police have withdrawn their objections.

- 8.3 Mediation between the applicant and the local resident that has made representation has been started and is ongoing. Members will be informed if there are any 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 MT Food & Drink Ltd. for a café bar to be known as the 'MT Food & Drink' situated at 80 Broadwater Street West, 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 D - Representation received from a Responsible Authority
- Appendix E - Representation received from a member of the public
- Appendix F - Mediation

Portland House, Worthing

Ref: SJ/Lic.U/LA03/NEW – MT Food & Drink

Date: 25 October 2019.

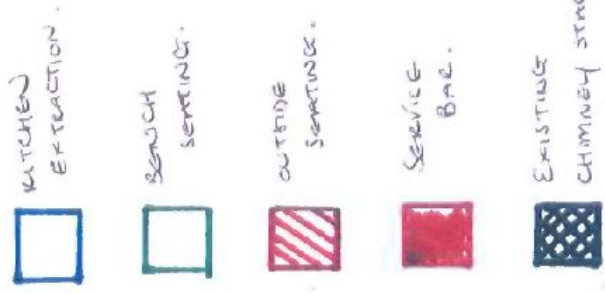
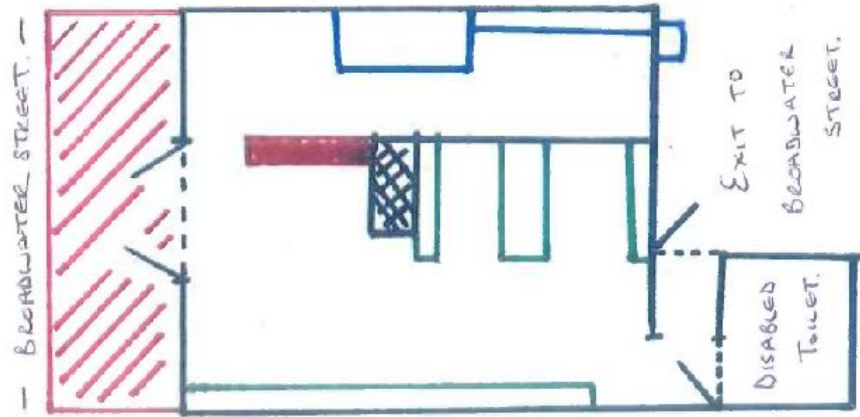
# Appendix A Plan of Area





**Appendix B  
Plan of Premises**

100-1 SCALE PLANS.



80 BROADWATER STREET.



Sent to  
Police & S.J  
26.09.19



Public Health & Regulation – Licensing Unit  
Portland House, 44 Richmond Road, Worthing, BN11 1HS

**Licensing Act 2003 -  
New Premises Licence Application pack including  
Application Form & Designated Premises Supervisor Consent**

**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 your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of this completed form for your records.

I/We MT FOOD AND DRINK 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  
80 BROADWATER STREET

Post town WORTHING Post code BN14 9DE

Telephone number at premises (if any)

Non domestic rateable value of premises

Adur & Worthing Councils  
Licensing Unit  
RECEIVED  
26 SEP 2019

**Part 2 – Applicant Details**

Please state whether you are applying for a Premises Licence as:

- a) an individual or individuals\*
- b) a person other than an individual\*
  - i. as a limited company
  - ii. as a partnership
  - iii. as an unincorporated association or
  - iv. Other (for example a statutory corporation)
- c) a recognised club
- d) a charity
- e) The proprietor of an educational establishment
- f) A health service body
- g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital
- h) The chief officer of police of a police force in England and Wales

- Please tick  ~~please complete section (A) - Initials~~
- please complete section (B)
  - please complete section (B)
  - please complete section (B)
  - please complete section (B)
  - please complete section (B)
  - please complete section (B)
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  - please complete section (B)
  - please complete section (B)
  - please complete section (B)
  - 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 case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	MT FOOD & DRINK LTD
Address	10 JUMPER CLOSE, WORTHING, BN133PR
Registered number (where applicable)	[REDACTED]
Description of applicant (for example, partnership, company, unincorporated association etc.)	COMPANY
Telephone number (if any)	[REDACTED]
E-mail address (optional)	MTFOODANDDRINK@GMAIL.COM

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
01	12	2019

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

Day	Month	Year

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend

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

We propose to open a Café bar very much like our other Venu in town "Finch bar & eatery". we will serve luxury breakfast/brunch with great coffee, bloody Marys & prosecco in the morning. Catering for all dietary <sup>need</sup> We hope to accomplish a Stylish Industrial theme. we wish to serve a selection of alcoholic beverages from crust beer to local wine and cocktails, in the evening we will be selling light bits creating a vine bar like atmosphere with quiet background music so people can still have a private conversation.

**What licensable activities do you intend to carry on from the premises?**

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

Please tick ✓

- 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) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)


**Provision of late night refreshment (if ticking yes, fill in box I)**

**Sale by retail of alcohol (if ticking yes, fill in box J)**

In all cases complete boxes K,L and M

**J**

Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	
Mon	0900	2300	State any seasonal variations for the sale of alcohol (please read guidance note 4)	Both	
Tue	0900	2300			
Wed	0900	2300			
Thur	0900	2300		Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Fri	0900	2300			
Sat	0900	2300			
Sun	0900	2300			

\* 23:00 - 0200 of the morning following new years eve

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

**Name:**

**Date of**

**Address**

**Postcode**

**Personal licence number (if known)**

**Issuing licensing authority (if known)**

*Worthing*

# 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 8)

# L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0700	2330	
Tue	0700	2330	
Wed	0700	2330	
Thur	0700	2330	
Fri	0700	2330	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)  * 23:30 - 02:00 of the morning following new year's eve
Sat	0700	2330	
Sun	0700	2330	

## M

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

**a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)**

- Installing CCTV
- Training all staff on licensing law
- Going to have a personal licence holder on site at all times
- Don't do drunk + challenge 2S policy
- Only alcohol to be served before 12 o'clock
- will be bloody marys and prosecco for breakfast

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

- Providing registered door staff if needed
- Walkie talkie link with other shops
- Member of local pub watch
- Providing adequate lighting

**c) Public safety**

- Trained first aider
- Seating arrangements to allow escape routes
- There will be emergency lighting

**d) The prevention of public nuisance**

- Music will be quiet background music
- Sweep outside area at the beginning and end of everyday
- No one outside with drink after 8pm

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

- There will be no gaming machines
- Children must be accompanied by an adult
- No children after 8pm

**Checklist:**

Please tick ✓

- I have made or enclosed payment of the fee
- I have enclosed a 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 proposed 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


**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 (UNLIMITED) 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.**

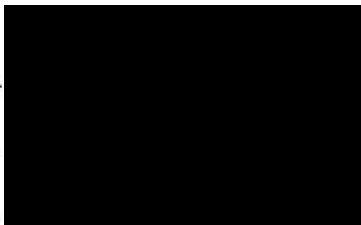
**Part 4 – Signatures** (please read guidance note 11)

**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.**

**Declaration**

- [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).
- 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, if appropriate (please see note 15)

Signature: .....  
Date: .....  
Capacity: .....









**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\\_WOR@sussex.pnn.police.uk](mailto:WS_Licensing_WOR@sussex.pnn.police.uk)

16<sup>th</sup> October 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 M T FOOD & DRINK LIMITED,  
80 BROADWATER STREET, WORTHING, BN14 9DE. 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 a café bar overlooking Broadwater Green. We have been in discussion with the applicant Ms Dooley to expand on some of the conditions offered in part M of the application. I have set out the new and revised conditions which we have agreed below to promote the licensing objectives:

**The 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 (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.

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.

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 and chairs to not transgress over the boundary of the outside tables and chairs area onto the public highway.

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.

**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 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.

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.

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.

I attach an email confirmation from Ms Dooley accepting the new conditions above for your information. Accordingly Sussex Police withdraw their representation subject to the new conditions in their entirety being added to the new licence, should it be granted in due course.

Yours sincerely





## Appendix E Public Representation

### **Re the application by MT food and drink Ltd. For a new food and drink licence at 80 Broadwater Street West; for the sale of alcohol 0900 – 2300 Monday - Sunday**

The application is seeking authorisation for the sale of alcohol for consumption on the premises.

- Sale of alcohol: •09:00hrs to 23:00hrs Monday - Sunday incl.
- with an extension until 02:00hrs, of the following morning, New Year's Eve
- Opening to the Public: •07:00hrs to 23:30hrs Monday - Sunday incl.
- with an extension until 02:00hrs, of the following morning, New Year's Eve

The applicant has offered a number of conditions in the operating schedule to address the licensing objectives.

Licence holder and applicant: MT Food & Drink Ltd.

.....

### **I OBJECT to this application because of the high and likely risk of further diluting trade in a proportionately heavily populated village of licenced establishments.**

235 pubs each month closed for the last time in the first half of 2019, figures taken from data company Altus Group .21 Jul 2019. While the figures are slowing in the latter half of 2019 this is not necessarily representative of one type of reason for closure.

The dilution of trade can mean that established businesses, some that have been here in Broadwater Village for over 100 years could face financial hardship and closure. This has an impact on their own health and well being; an impact on those that they employ, from cleaners to bar managers, their families and impacting on their own commitments should they be out of work. This in turn contributes to *financial hardship in the community with people unable to contribute to the economy as they would if they were employed.*

I believe that the long hours for alcohol sales from 0900 – 2330 hrs are also not necessary in this area on each day of the week. We have alcohol sales available from establishments; The Cricketers, Girogios, The Broadwater, The Olde House at Home from 11am which is sufficient; there are also two working men's clubs in the vicinity.

I also believe that there is a likelihood of outdoor use at the front of the property at 80 Broadwater Street West. This is a heavily used area and footfall from students and pupils / parents going to and from the immediately accessible 6 schools / colleges and playgroups that all regularly use this stretch of pavement; also noted are the pedestrians and mobility scooters that regularly and intensely use this paved area. This is detrimental to the safety of residents and visitors if they are forced to navigate around outdoor furniture in this already heavily used area; forced to be nearer the busy roundabout that accommodates 7 buses per hour and a regular route for all 3 emergency services; West Sussex Fire and Rescue tenders are situated yards to the West in Ardsheal Road, Broadwater. The pavement widening is to protect an area near the roundabout and is already used at times for delivery and services that supply existing business so seating would not be appropriate or safe.

The proposed establishment is close to residential accommodation above existing shops 80A and to the side of the premises are two residential properties at numbers 86 and 88. Both will be impacted by increased noise from the proposed establishment.

I object for the above reasons and do not see the necessity for another licenced business in Broadwater Village.

.....

[REDACTED]

[REDACTED] Broadwater Street West, Broadwater

WORTHING

BN14 9DF

[REDACTED]

## Appendix F1 – Police Mediation

**From:** mt mt [mailto:[mtfoodanddrink@gmail.com](mailto:mtfoodanddrink@gmail.com)]  
**Sent:** 07 October 2019 22:59  
**To:** Bateup David 63941 <[David.Bateup@sussex.pnn.police.uk](mailto:David.Bateup@sussex.pnn.police.uk)>  
**Subject:** Re: New premises licence application for MT Food & Wine, 80 Broadwater Street, Worthing, BN14 9DE

Hello David

Yes we accepted and the conditions

Regards Megan

On Fri, 4 Oct 2019 at 12:05, <[David.Bateup@sussex.pnn.police.uk](mailto:David.Bateup@sussex.pnn.police.uk)> wrote:

Dear Megan,

Further to our recent correspondence on the subject of your new premises licence application for the above premises, I have set out below the new and revised conditions which we have provisionally agreed to go on the new licence, should it be granted in due course.

Please can you reply to this email to confirm your acceptance.

Thanks,

David

### Licensing Act 2003 Premises Licence Application - MT Food & Drink

1 message

Simon Jones <simon.jones@adur-worthing.gov.uk>

25 October 2019 at 15:04

To: [REDACTED]

Cc: Licensing Unit <licensing.unit@adur-worthing.gov.uk>, Theresa Cuerva <theresa.cuerva@adur-worthing.gov.uk>

Dear Miss Stringer

Consultation on the above application has now closed. Two representations regarding the application were received during the consultation, from you and Sussex Police. In such circumstances the Licensing Act encourages mediation and if agreement cannot be reached the matter is referred to a Licensing & Control Sub-Committee to consider the matter at hearing.

Mediation between the applicant and Sussex Police has been successful and they have agreed to the following conditions which would become enforceable conditions of any licence granted:

- *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.*
- *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.*
- *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.*
- *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.*
- *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 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.*

- *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.*
- *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.*

Consequently Sussex Police have withdrawn their objection.

You have made representation regarding this application. Your comments regarding the diluting of local trade, necessity and demand are irrelevant under the legislation and cannot be considered. These are Planning matters and cannot be considered under the Licensing Act 2003. However, you do make comments regarding noise and public safety that could be considered relevant.

These matters could be considered by the Sub-Committee at hearing and I have scheduled one for Thursday 14 November at 18:30hrs. If the conditions volunteered by the applicant listed above do not address your concerns and any further mediation is unsuccessful then you will be able to put your views regarding noise and public safety related to this application to members at the hearing.

If the volunteered conditions do address your concerns please let me know and I can cancel the hearing. If they do not but there are any further conditions you feel would address your concerns please let me know.

I look forward to your instruction.

I am away on leave next week in my absence can you please contact my colleague Theresa Cuerva if you need to discuss any issues. She can be contacted on 01273 263193 or at: [theresa.cuerva@adur-worthing.gov.uk](mailto:theresa.cuerva@adur-worthing.gov.uk)

Regards

**Simon Jones**

Team Leader - Licensing, Adur & Worthing Councils  
 Phone: 01273 263191  
 Email: [simon.jones@adur-worthing.gov.uk](mailto:simon.jones@adur-worthing.gov.uk)  
 Website: <http://www.adur-worthing.gov.uk/licensing-and-permits/>  
 Address: Public Health & Regulation, Public Health & Regulation  
 Portland House  
 Worthing  
 BN11 1HS

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