

Minutes of a meeting of the
Worthing Licensing and Control Sub-Committee
19 December 2019
at 11.00 am

Councillor Sean McDonald (Chairman)

Councillor Mike Barrett

Councillor Steve Wills

LCCB /19-20/14 Declarations of Interest / Substitute Members

None.

LCCB /19-20/15 Public Question Time

There were no questions from members of the public.

**LCCB /19-20/16 Licensing Act 2003 – Application for a new Premises Licence at:
Lucifer’s Café Bar 58/62 Portland Road, Worthing, BN11 1QG**

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.

Questions from Members for the presenting Officer

There were no questions for the presenting Officer.

Representation from Resident A

The mother of the resident made a representation on her behalf which is summarised as follows:

- The adjoining wall to their property was thin and sound carried easily;
- Up to September 2019 very few people attended the Cafe so very little noise experienced, and from September 2019 had been closed, therefore difficult to gauge the increase in noise should permission be granted;
- There is a child in the adjoining property 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:

- Originally opened as a Cafe, together with small retail section, which attracted few customers, hence the change in direction;
- The applicant and partner had both been in the licensing trade for some time;
- The applicant ran two businesses in Worthing, one providing security services in the town and the other business being a registered charity, a local gym, which provided fitness instruction and exercise classes;
- Members were given an explanation as to how the premises would operate and the type of customers it was expected to serve.

Questions from Members to the applicant

A Member asked questions about refurbishment of the premises and was told it would be minimal, the features of the cafe remaining but moving away from the sports theme. There was another question in relation to the applicant's experience, which the applicant outlined.

Questions from the resident to the applicant

The resident's representative questioned how the applicant intended to generate more business when there were similar venues in the town centre.

Summing up of the applicant and Resident

The resident's representative stated she would not want to live in such close proximity to the business, notwithstanding how well it was managed, and advised Members her daughter would not have purchased the house if she had been aware that it would become a Cafe/Bar.

The applicant stated he understood the resident's opinion however, believed the Cafe/Bar would be well managed and any issues addressed.

The meeting adjourned at 11.27am and reconvened at 11 40am.

Resolved:

That the premises licence should be:

Granted for

- **the sale of alcohol** between 10.00 hours to 21.00 Monday – Sunday
- **Open to the public** between 10.00 hours to 21.30 hours - Monday – Sunday

- There shall be no provision of outside table & chairs
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Sussex Police stated they were reassured that there were already a comprehensive list of conditions offered in the application but sought some additions. These have now been successfully mediated with the applicant. Mr Brewer had agreed that if a licence were granted the following conditions would be placed on any licence as enforceable conditions of licence in addition to those included in his operating schedule:

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. *The Premises Licence Holder will ensure that smokers from the venue are monitored and controlled to prevent noise nuisance and obstruction of the public highway.*

Reason for decision:

As a result of mediation the applicant offered to amend the timings he was applying for and agreed to include the further licence conditions suggested by the police.

The licensing sub-committee had considered the relevant representations and were satisfied that the additional conditions and amended opening hours specifically

addressed the relevant concerns raised and as such the licensing objectives would not be undermined by the grant of this premises licence.

The meeting ended at 11.43 am

Chairman