



WORTHING BOROUGH
C O U N C I L

11 December 2019

Worthing Licensing and Control Sub-Committee

Date:	19 December 2019
Time:	11.00 am
Venue:	Committee Room 2, Worthing Town Hall

Committee Membership: Councillors Mike Barrett, Sean McDonald (Chairman) and Steve Wills

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: Lucifer's Café Bar 58/62 Portland Road, Worthing, BN11 1QG (Pages 1 - 36)

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 Laywer 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.



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

**Lucifer's Café Bar
58/62 Portland Road, Worthing, BN11 1QG**

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 :

Mr Nick Brewer

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 two 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 Mr Brewer to the Licensing Authority, Worthing Borough Council, on the 25 October 2019 for the grant of a new premises licence.
- 3.2 The unit is situated on the junction of Portland Road and Shelley Road on the boundary of a busy commercial area. It has previously been used as a car showroom. Portland Road to the south of the premises contains a parade of shops, cafes, pubs and restaurants running along both sides of the road into the heart of the town centre. To the north and east it is a mixed commercial & residential area with mainly residential premises but includes the Hare and Hounds public house and a few small offices. As stated the proposed café bar is located in the old car showroom with the forecourt now used for controlled parking.
- 3.3 The business is intending to operate as a café bar with a small pavement forecourt with room for 3 or 4 tables. It is proposed that the controlled parking lot will be unaffected.

- 3.4 Attached to the report are:
- A plan & photos 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 representations received from local residents (Appendices E1 & 2)
 - 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 for consumption on the premises:
 - 10:00hrs to 22:30hrs Sunday
 - 10:00hrs to 00:00hrs, midnight, Monday - Saturday
- Opening to the Public:
 - 10:00hrs to 22:30hrs Sunday
 - 10:00hrs to 00:00hrs, midnight, Monday - Saturday
- Non Standard Timings for licensable activity:
 - 10:00hrs to 01:00hrs (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 Mr Nick Brewer 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 – 2 X Representations (1 from a local Resident & 1 from the Chair of the Worthing Society)

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 Two letters were received from the public which have express concerns regarding possible public nuisance and public safety implications that can be associated with alcohol sales.

7.4 Some of the information included in their representations is regarding planning issues which are not relevant to a licensing application and should not be considered. Members may note that there is a separate Planning application to amend the hours of use for the building outstanding. However, the representations have been reproduced in their entirety and it is 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 state they were reassured that there are 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 has 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.*

As a result Sussex Police have withdrawn their objections.

8.3 Mediation between the applicant and the local residents that made representation has been started and is ongoing. Mr Brewer has offered to amend the timings he is applying for:

- The hours for the sale of alcohol to be amended to:
 - 10:00hrs to 21:00hrs Monday - Sunday incl. or
 - in line with the building's planning permission.

8.4 Members will be informed if there are any further developments but should note that the conditions volunteered by Mr Brewer and the offer to change the hours sought have not addressed the concerns of the Worthing Society and further mediation has been rejected.

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 Mr Nick Brewer for a café bar to be known as the 'Lucifer's Café-Bar' situated at 58/62 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

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
- Appendices E1 & 2 - Representations received from members of the public
- Appendix F - Mediation

Portland House, Worthing

Ref: SJ/Lic.U/LA03/NEW – Lucifer's

Date: 5 December 2019.

**Appendix A
Plan of Area**





**Appendix B
Plan of Premises**



**Appendix C
Application**

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 in the boxes and written in plain English. See the back of the pack if necessary.
You may wish to keep a copy of this form for your own records.

NICK BREWER
I/We (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
**LUCIFERS CAFE BAR 58/62 PORTLAND ROAD, WORTHING, BN11 1QG
CURRENTLY KNOWN AS SUPPS CAFE**

Post town **WORTHING** Post code **BN11 1QG**

Telephone number at premises (if any) **[REDACTED]**

Non domestic rateable value of premises **£ 14500**

Part 2 – Applicant Details

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

- | | |
|---|---|
| | Please tick ✓ |
| a) an individual or individuals* | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | |
| i. as a limited company | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. Other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) The proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) A health service body | <input type="checkbox"/> please complete section (B) |
| g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> please complete section (B) |
| h) The chief officer of police of a police force in England and Wales | <input type="checkbox"/> please complete section (B) |

Please tick ✓

*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a Statutory function: or
- A function discharged by virtue of Her Majesty's prerogative

X

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname: **BREWER** First names: **NICK**

Date of Birth: **14/05/1969** I am 18 years old or over

Nationality: **BRITISH**

Current postal address if different from premises address: [REDACTED]

Post Town: **WORTHING** Postcode: [REDACTED]

Daytime contact telephone number: [REDACTED]

Email address (optional): [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
0	1	1 1 2 0 1 9

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)

LUCIFERS CAFE BAR IS A VENUE SELLING A VARIETY OF DRINKS, TEA COFFEE, DESIGNER COFFEES, ALCOHOLIC BEVERAGES INCLUDING BEERS/WINES/SPIRITS.

THE PREMISES HAS A SOUTH WEST ASPECT WITH GLASS FRONTED WINDOWS AND DOORS.

THE INTERNAL AREA COMPRISES A BAR STYLE COUNTER WITH SEATING AND TABLES.

THE OUTSIDE OF THE PREMISES IS USED AS A PAY AND DISPLAY CAR PARK WITH ROOM FOR 8 CARS AND A PAY AND DISPLAY METER.

THERE ARE TWO EXTERNAL SEPERATE WC

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	X
Day	Start	Finish		Off the premises	
Mon	10am	12am	State any seasonal variations for the sale of alcohol (please read guidance note 4) new years eve 31st till 1am		
Tue	10am	12am			
Wed	10am	12am			
Thur	10am	12am	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	10am	12am			
Sat	10am	12am			
Sun	10am	10:30pm			

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: Nick Brewer

Date of Birth: 14/05/1969

Address: 148 Tarring Road, Worthing, West Sussex, BN11 4HA

Postcode: BN11 4HA

Personal licence number (if known) 00628

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 8)

(This area is currently blank for input.)

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	10AM	12AM	NEW YEARS EVE 31ST TILL 1AM
Tue	10AM	12AM	
Wed	10AM	12AM	
Thur	10AM	12AM	
Fri	10AM	12AM	
Sat	10AM	12AM	
Sun	10AM	10:30PM	

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)

The need for CCTV to be installed and operated on the Premises will be subject to on-going Risk Assessment by the Premises Licence Holder. Such Risk Assessment will be made available to either Sussex Police or the Licensing Authority upon request. Should a need for the installation and operation of CCTV be identified by Sussex Police as a means of promoting the Licensing Objectives as a consequence of incidents occurring on the premises, CCTV will be installed within one month of the Premises Licence being given written notice to this effect. Should CCTV be required, either as a result of the Premises Licence Holders own Risk Assessment or following written notification of the requirement by Sussex Police, such CCTV will be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System with CCTV Images being retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
Patrons will not be permitted to take drinks in open containers to consume beyond the boundary of the outside seating area whilst smoking or otherwise congregating outside of the premises.

b) The prevention of crime and disorder

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 six months, 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.

The premises shall at all times maintain and operate refusal recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusal book will be kept at the premises and made available to officers of any responsible authority upon request.

c) Public safety

The premises will prepare an individual written risk assessment on an event by event basis for all special and pre booked events over and above the normal opening of the café. The written risk assessment will include consideration of provision of SIA registered door staff, plastic/poly-carbonate/shatterproof drinking receptacles and the decanting of drinks in glass to plastic, the provision of taxi services for attendees to prevent drink driving, the prior notification to customers/guests at events of the challenge 25 policy.

d) The prevention of public nuisance

The forecourt area directly outside the front of the premise will be used for the consumption of food & drink (incl. alcohol) by customers seated at tables & chairs situated within this area. The use of the area is limited to between 10:00hrs to 22:00 hrs Monday - Sunday incl. The maximum number of persons permitted at any time to use the forecourt area to be limited to 20 persons.

The outside seating area will be enclosed by removable barriers that will clearly separate the area from the car park. Customers will not be permitted to consume drinks outside this area. The barriers and all furniture will be removed from this area outside the permitted times. All patrons will be moved inside the premises once the area is closed.

There shall be no vertical drinking in the forecourt seating area. Customers consuming food & drink must be seated at tables.

Signage will be clearly displayed that requests patrons are mindful of noise and disturbance to neighbours. The area must be monitored regularly (at least every 15 minutes) and incidents of patrons found to be making excessive noise or disturbance must be addressed by staff. The contact details of the manager and designated premises supervisor will be made available to neighbours.

All drinks shall be served in glasses or plastic and no bottles will be allowed to be taken outside onto the forecourt. Tables will be cleared regularly to minimise the risk of empty glasses being knocked over and broken. The area will be kept tidy and any waste removed by staff. The area will be cleaned at the beginning and end of each day to ensure any waste and litter is removed.

e) The protection of children from harm

Signage will be displayed requesting customers when leaving act in a quiet & responsible manner.

The premises will complete a Noise Management Plan to cover events where entertainment is provided.

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.

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.

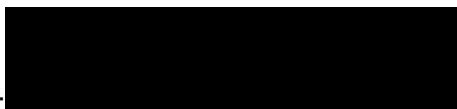
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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: 25/10/19

Capacity: APPLICANT / OWNER

**Appendix D
Police Representation**



Sussex Police
Serving Sussex

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

15th November 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 LUCIFER'S CAFÉ BAR, 58/62 PORTLAND ROAD, WORTHING, BN11 1QG. 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 prevention of public nuisance.

This is a new application for a café bar (on sales) in Worthing town centre. The site is unusual as it is a corner plot that historically was a car sales garage forecourt occupying the front half of the plot, with a small office and car showroom at the rear. Since the garage business closed the site has been vacant for some time. The front half of the site has now been redeveloped for pay and display car parking by Worthing Council, whilst the applicant Mr Brewer has acquired the old office and car show room at the rear, together with the strip of land immediately in front of the building.



We are sensitive to the fact that there are multiple residential properties nearby, both in the tower block (Arundel Lodge) at the entrance to Liverpool Gardens, terrace housing at the southern end of Portland Road, and in Field Row. Therefore we are pleased to see that the supply of alcohol is on sales only, the premises closes at midnight, and that Mr Brewer has obviously done some research on the conditions that Sussex police licensing are likely to ask for and included them in his application to start with. We are reassured that there are already conditions offered in part M of the application including:

- The forecourt area in front of the building is for consumption of food and drink (including alcohol) by customers seated at tables and chairs only (no vertical drinking), with the tables and chairs being brought inside at 22:00.
- A clear statement that “there shall be no vertical drinking in the forecourt seating area”.
- No glass bottles allowed outside and a risk assessment for use of plastic/polycarbonate drinking receptacles outside.

Subsequently we have had a constructive conversation with Mr Brewer with reference to the provision of CCTV, and Mr Brewer has agreed to accept our requested CCTV condition. CCTV will be installed as per the Home Office standard. We also discussed the issue of smokers outside the front of the premises, especially between 22:00 and midnight when the premises closes. Mr Brewer is aware of the potential of noise nuisance from smokers and is proposing to have barriers up in front of the building to ‘contain’ his smokers. We also agreed to add a further condition to the licence in respect of smokers, but thought it should not be too detailed or prescriptive whilst still clearly placing an obligation on the Premises Licence Holder to monitor and control his customers smoking outside.

We also asked for a revised plan of the premises with a clear red line to delineate the licensed area, and were reassured to see in the subsequent plan supplied that the red line only extends out front the front of the building by a metre or so. In fact we understand that the front half of the concrete forecourt is to remain as a council pay and display car park, and accordingly at least according to the licence conditions and plan there is no prospect of the entire corner site in front of the building effectively becoming a ‘beer garden’ in the summer months.

Therefore to conclude the following CCTV condition has been accepted by Mr Brewer to replace the CCTV condition offered in “part M – a – general” of the application:

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 the 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.

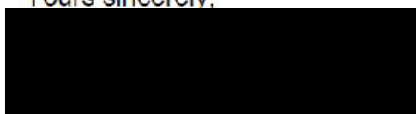
In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

With respect to the aforementioned issue of smoking, under the prevention of public nuisance the following new condition has been agreed:

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.

I attach an email confirmation from Mr Brewer 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,



Rob Lovell
Licensing Inspector

Enc



Fwd: Worthing Society Objection: Application for Alcohol Licence

1 message

From: [REDACTED]
Date: Sun, 17 Nov 2019 at 20:40
Subject: Worthing Society Objection: Application for Alcohol Licence
To: <licensing.unit@adur-worthing.gov.uk>
Cc: <jacqueline.fox@adur-worthing.gov.uk>

FAO Simon Jones
Licensing Unit
Dur and Worthing Borough Councils

Objection to Application for Alcohol Licence.
Location - Lucifers Café, [Portland Road 58-62 Portland Road](#).
Applicant- Mr Nick Hewer.

I am writing on behalf of The Worthing Society to object to the application for an alcohol licence in respect of the above premises which are within the Chapel Road Conservation Area. This matter was brought to our attention by a concerned member of the Society.

The background to the case is that planning consent was given in 2018 to allow a change of use from a car showroom to a car park with an associated café and shop. Conditions were attached to the consents to stipulate opening hours as follows:

9-6pm-Monday to Saturday
9-4pm Sundays and Public Holidays

The conditions were supported by the following planning regulations:

**The premises shall be emptied of customers outside of these hours.
Reason:In the interests of residential amenity having regard to saved policies RES7 and H18 of the Worthing Local Plan.**

The new application for the alcohol licence for a café pub seeks to extend the opening hours as follows which is very worrying:

10.00am -12am Monday - Saturday
10.00am- 22.30 Sunday and Bank Holiday

The Society strongly objects to the granting of an alcohol licence on the following grounds:

1. This is predominantly a residential area. Extended opening hours will adversely affect residents
2. The unit is very close to the rear of 64 & 66 Portland Rd, Field Row and Arundel Court
3. Late night Noise nuisance and light pollution
4. Possible antisocial behaviour in the area
5. Health and safety issue in respect of the proximity of the car park.
6. Lack of toilet facilities and concerns by Environmental Health Officer
7. Relevance of Saved Planning Policy RE57 and H18 of the Worthing Local

Plan

I understand the application for this alcohol licence also coincides with a concurrent planning application to vary the conditions for the opening hours. The planning reference number is AWDM/1527/19 and the Society will be submitting an objection.

Yours sincerely,

A black rectangular redaction box covering the signature of the Worthing Society Chair.

Worthing Society Chair
Tele 

Copied to Jacqueline Fox, Case Officer Planning Department.

Appendix E2 Public Representation

Lucifer's bar

1 message

13 November 2019 at 21:57

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

Dear Sir/Madam,

I am writing with concerns about the licensing hours for Lucifer bar in Portland road. This is a type of business that is not need in the vicinity as there are several other business around. However, the building is l'll equipped for increased hours as it has large glass walls which will not prevent the noise from polluting the neighboring residential area.

Kind regards

[Get Outlook for Android](#)

Premises licence application for Lucifer's

1 message

David.Bateup@sussex.pnn.police.uk <David.Bateup@sussex.pnn.police.uk> 15 November 2019 at 14:24
To: licensing.unit@adur-worthing.gov.uk
Cc: simon.jones@adur-worthing.gov.uk, Robert.lovell@sussex.pnn.police.uk, nickbrewer@gx-s.uk

Dear Worthing Licensing,

Please find attached our representation in respect of the above new application.

Acceptance of the new and revised conditions from the applicant Mr Brewer is below on this page.

Thanks,

David

David Bateup
Police Licensing Officer

Direct Dial: 01273 470 101 ext 581 214

Licensing office: 01273 40 40 30

david.bateup@sussex.pnn.police.uk

Neighbourhood Police Licensing Team
West Sussex Division, Centenary House, Durrington Lane,
Worthing, West Sussex, BN13 2PQ

From: Nick Brewer [REDACTED]
Sent: 15 November 2019 11:09
To: Bateup David 63941 <David.Bateup@sussex.pnn.police.uk>
Subject: Re: Premises licence application for Lucifer's

Hi David

Yes that's all absolutely fine

Thankyou

Nick Brewer

Director

On 15 Nov 2019, at 11:03, David.Bateup@sussex.pnn.police.uk wrote:

Dear Nick,

Thank you for the comprehensive reply.

So moving forward with the premises licence application, can I ask for our CCTV condition below to be added to the licence conditions in place of the one you offered in part M " section A.

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 the 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.

Â- 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.

With reference to smokers, what about a nice simple condition: 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.

Please can you come back to me?

Thanks,

David

David Bateup
Police Licensing Officer

From: Nick Brewer [REDACTED]
Sent: 13 November 2019 14:01
To: Bateup David 63941 <David.Bateup@sussex.pnn.police.uk>
Subject: Re: Premises licence application for Luciferâ€™s

Hi David

Thanks for the email..and your comments I hope I can address accordingly ,

The actual outside area we are not really planning on using until summer time when we are able to open the sliding doors to allow air circulation, any outside consideration mainly would be as you say for smokers only .

The area by the parking meter which is undercover slightly and next to the front door , would have probably be where any smokers would stand .. we would ensure barriers remain in place to prevent any overspill into the car park or surrounding areas and ensure smokers from the venue are contained .

With regard for the cctv , to coin a phrase you are talking to the convertedâ€œ we couldnâ€™t have enough cctv , we were broken into recently and the cameras caught everything although the intruders were masked they were caught smashing through the door and stealing all of the products till system in fact even the cctv camera was removed .

The system in place records 24/7 and can extract onto media as and. When required we also have remote viewing capability through portable devices , the cameras have night vision and record in 1080p.

We actually caught an assault on the early days as ones of our cameras was looking out onto Portland road beyond the car park margins , the police took the footage and hopefully helped greatly with a prosecution .

As we own and operate a security company as well our systems are fully maintained and we are GDPR compliant with data storage, our security company Gxs is also ICO registered.

We will of course ensure all cameras are installed correctly , and staff working on the premises will have full training on extraction of any media required .

If you need anything further please do not hesitate to contact me

Kind regards

Nick

Nick Brewer

Director

Re: LA 2003 Premises Licence Hearing Notice

1 message

6 December 2019 at 14:10

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

Dear Simon,

RE: Licensing Act 2003 Premises Licence Application-Lucifer's Café.

Thank you very much indeed for your email and attached formal hearing notice relating to the Licensing and Control Sub-committee.

I have to advise you that following discussions with my colleagues we shall not be withdrawing the Society's objection. Furthermore I regret that we shall not be entering into mediation as we object to the application in principle. The proposed variation in hours and removal of outside tables will not therefore alter our position on this matter.

I hope to be able to attend the hearing and will confirm this to you early next week. Trusting this will be satisfactory.

Regards,

Susan,

Worthing Society Chair.

Dear Madam

>
> *Re: Licensing Act 2003 Premises Licence Application - Lucifer's Cafe *
>
> Please find enclosed the formal hearing notice relating to the Licensing &
> Control Sub-Committee that will sit to consider the above premises licence
> application and the representations made against its grant.
>
> If mediation were to be successful this may be subject to cancellation and
> you would be notified. Please let me know if you are attending.
>
> Regards
>
> Simon
>
> Simon Jones
> Team Leader - Licensing, Adur & Worthing Councils
> Phone: 01273 263191
> Email: 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

LA 2003 Premises Licence Application - Lucifer's Cafe Bar

1 message

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

2 December 2019 at 11:49

To: [REDACTED]

Dear [REDACTED]

Consultation on the above application has now closed. Three representations regarding the application were received during the consultation. From Sussex Police and two local residents (including yours). 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 at hearing.

Sussex Police state that they are reassured that there are already conditions offered in the application that included:

- **The forecourt area in front of the building is for consumption of food and drink (including alcohol) by customers seated at tables and chairs only (no vertical drinking), with the tables and chairs being brought inside at 22:00.**
- **A clear statement that "there shall be no vertical drinking in the forecourt seating area".**
- **No glass bottles allowed outside and a risk assessment for use of plastic/polycarbonate drinking receptacles outside.**

However, they did express some concerns but I'm now aware that mediation between the applicant and Sussex Police has been successful and the following additional conditions have been agreed and 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 the 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.**
- **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.**

Consequently Sussex Police have withdrawn their objection.

Representations regarding need, necessity and demand are irrelevant under the legislation and the Licensing Authority will not consider such matters as these are Planning matters and cannot be considered under the Licensing Act 2003. However, your representation makes comments regarding late night noise which could be considered relevant under the Licensing Act 2003.

On discussion with the applicant he has confirmed he has a Planning application outstanding seeking to change the building's permitted hours. He has noted the content of the representations of the Police and both the public representations. In addition to the Police mediation, he has instructed me to ask whether the following amendment to the application would address your concerns?

- The hours for the sale of alcohol to be amended to:
 - **10:00hrs to 21:00hrs Monday - Sunday incl. or in line with the building's planning permission.**

If this does address your objection and you confirm this it will become an enforceable condition of any licence granted.

If it does not then the application will be considered by the Sub-Committee at hearing and I have scheduled one for Thursday 19 December at 18:30hrs. If the conditions volunteered by the applicant during mediation, listed above, do not address your concerns and any further mediation is unsuccessful then the applicant and you will be able to put your views regarding noise and public safety related to this application to members at that hearing and they will decide the matter.

If these conditions do address your concerns I can cancel the hearing and approve an amended licence. If they do not but there are any further conditions you feel would address your concerns I'll suggest, with your permission, the applicant contacts you directly to discuss the issues and see if mediation can find a mutually acceptable solution.

I look forward to your instruction.

Regards

Simon Jones

Team Leader - Licensing, Adur & Worthing Councils

Phone: 01273 263191

Email: 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



This page is intentionally left blank