

Minutes of a meeting of the
Worthing Licensing and Control Sub-Committee
25 February 2020
at 6.30 pm

Councillor Sean McDonald (Chairman)

Councillor Ferdousi Henna
Chowdhury

Councillor Paul Westover

LCSC/17/19-20 Declarations of Interest / Substitute Members

There were no substitutions and no declarations of interest made.

LCSC/18/19-20 Public Question Time

There were no questions from the public

**LCSC/19/19-20 Licensing Act 2003 – Application for a new Premises Licence at:
The Elephant in the Room**

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 outlined the application before members. Members were given an update on ongoing mediation and were told that an objection from a resident had been withdrawn. The police had also withdrawn their objection given that the applicant had agreed to additional conditions suggested by the Police. Members were also told that the applicant had volunteered reduced sale of alcohol times which were 12:00 - 22:00 Monday to Thursday, 12:00 - 22:30 Friday to Saturday and 12:00 - 21:00 Sunday. Members were told that both the Police and Environmental Health had provided evidence that there had been no reports of crime, anti social behaviour, noise nuisance in the area.

The applicant confirmed that the Licensing Officer had provided an accurate outline of the application.

Questions from Members for the presenting Officer

A Member asked about the extent of Temporary Event Notices (TENs) that could be applied for. The Licensing Officer told the Committee that 15 TENs could be applied for over the course of a year. The Police or Environmental Health could offer objections to TENs and the matter would be referred to Members.

Members also heard that planning conditions stipulated that bottles could not be placed into bins before 10am or after 8pm.

Representation from Resident A

The Resident made a representation which is summarised as follows:

- The area in which the licence was proposed was not central Worthing and it was inappropriate for the premises to be opened there;
- There were a number of alcohol outlets in the immediate area that were accessed from different areas. There were issues with pre-loading and drinkers moving from one venue to another. Since another similar venue had opened up recently there had been and increase in anti-social behaviour;
- Ambient sound from a premises in the day was acceptable but in the evening this noise was amplified and meant that windows could not be left open in the evening;
- The other objector (who had since withdrawn their application) had reported that life was difficult with the noise and anti-social behaviour on Goring Road;
- The absence of crime statistics did not mean nuisance was not occurring;
- The area contained alleyways and sheltered areas for intoxicated people to congregate;
- Visiting the area in the evening was intimidating;
- The resident would support the premises if it did not serve alcohol;
- The resident was cynical about the reduction in the opening hours;
- The premises was not needed in the area and could be situated elsewhere;

Questions for Resident A from Members

A Member asked why more people had not come forward to object. The resident stated that there was a nuisance and there was a negative effect in the nighttime. The resident felt the issue could have been better publicised.

A Member sought clarification from the Officer and was told that there had been no recorded issues with another similar venue in close proximity to the premises. The Chair commented that unless issues were recorded with police there would be little cumulative evidence that crime, nuisance and anti social behaviour was taking place. The resident told members that there was consistent nuisance in the area.

Questions for Resident A from the applicant

There were none

Representation from the applicant

The applicant made a representation which is summarised as follows:

- The applicant had run premises in Worthing for the previous six years and promotion of the Licensing Objectives was at the heart of what the applicant did;
- Additional and amended conditions had been agreed following mediation with the public and the Police;
- A resident had withdrawn their representation because there were sufficient conditions in place to restrict potential nuisance ;
- Statistics from the police showed that nuisance and crime was not a relevant consideration;

- It was not the applicant's experience that the situation in the area was desperate as had been portrayed by the objector;
- The concentration of other premises in the area was not an issue for the Licensing Committee to be considering;
- The proposed conditions would control the way the premises was used and would promote the Licensing objectives;
- There were many examples of the type of use associated with micropubs and how they could become beneficial to the community as a place for local people to congregate;
- Conditions meant that the introduction of CCTV, Challenge 25 and prohibition of live music added to reasons why the application should be approved;

Questions from Members to the applicant

The applicant asked what the premises could be primarily selling and was told that the focus was on ale and beer although there would be a range of alcoholic drinks available.

The applicant was asked if pre-recorded music would be played and told the sub-committee that ambient background music could be played. Members were also told that high tech soundproofing had been installed in the premises.

The applicant was asked about experience of managing other premises in Worthing, the proximity of the premises to a popular local restaurant and contact with competitors in the area.

Questions from the resident to the applicant

The resident asked if the applicant would open the premises if he didn't receive an alcohol licence and was told that the applicant would have to reconsider as there were no plans for anything else.

The resident asked why the applicant had opened a business in Goring and was told that reduced hours and a different type of business was attractive to the applicant as they were getting older.

Summing up of the applicant

The applicant told the committee that the application met the four licensing objectives and any question marks raised by the police had been met by agreement to amended and additional conditions.

Summing up by the resident

The resident told the Sub-Committee that despite crime figures there was still crime and disturbance. The area was a hotspot for congregation and the premises was inappropriate for the area. The resident was cynical about the reduction in opening hours.

The meeting adjourned at 7.35pm and reconvened at 7.58pm.

Resolved:

That the premises licence should be granted:

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

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

1. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the 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. A member of staff or a member of the village hall management committee must be nominated and contactable who can operate the system and supply copies of these images on request to either Sussex Police or officers of the local authority.
 - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - Subject to Data Protection guidance and legislation, the village hall management committee will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police without difficulty or delay and without charge to Sussex Police.
 - Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
 - In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
2. Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway whilst smoking or otherwise congregating outside of the premises.
3. Sales of alcohol for off sales will be made in sealed containers.
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, polycarbonate or non glass 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 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
7. Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.
8. All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.
9. 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.
10. Children aged under 18 will not be permitted on the premises after 19:00 unless accompanied by a responsible adult.

Reason for decision:

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

The Committee have considered the representation that was made in relation to nuisance and was satisfied that there was insufficient evidence to support allegations of public nuisance based on Police statistics.

The meeting ended at 8.00 pm