



WORTHING BOROUGH
C O U N C I L

25 January 2021

Worthing Licensing and Control Sub-Committee

Date:	2 February 2021
Time:	6.30 pm
Venue:	Remote Meeting

Committee Membership: Councillors Sean McDonald (Chairman), Jane Sim and Bob Smytherman

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: Yummy Pizza, 191 Tarring Road, Worthing, BN11 4HN (Pages 1 - 38)

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 Lawyer 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:

Yummy Pizza, 191 Tarring Road, Worthing, BN11 4HN

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 Mansoor Haidary

for a new Premises Licence to authorise the sale of late night refreshment.

2. Reasons for Hearing

- 2.1 The application has been the subject of formal representations by two responsible authorities and it therefore falls to this sub-committee to determine.

3. Background

- 3.1 An application was made by Mr Haidary to the Licensing Authority, Worthing Borough Council, on the 3 December 2020 for the grant of a new premises licence.
- 3.2 The unit is situated in the shopping parade in Tarring Road a mixed commercial & residential area. It has previously been used as a fast food takeaway but without a licence and closing by 23:00hrs each day. This part of Tarring Road contains a parade of shops running along both sides of the road and includes various stores, offices, cafes, takeaways, restaurants and a bar. Most of these commercial units have residential accommodation above.
- 3.3 The business is intending to operate as a pizza takeaway with a delivery service.
- 3.4 Attached to the report are:
- A plan & photos of the area (Appendix A)
 - A plan of the takeaway (Appendix B)
 - A copy of the application (Appendix C)
 - The representations made by the Responsible Authorities (Appendix D)
 - Details of the mediation conducted (Appendix E)

4. The Application

4.1 The Application is attached at **Appendix C**. However, in summary, the application is seeking authorisation for:

- Sale of Late Night Refreshment:
 - 23:00hrs to 01:00hrs (of the following morning) Sunday - Thursday
 - 23:00hrs to 02:00hrs (of the following morning) Friday - Saturday
- Opening to the Public:
 - 12:00hrs to 00:00hrs (midnight) Monday – Sunday. After midnight the public will not be admitted and all food sold will be ordered via phone or online with delivery only.

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.

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

Late Night Refreshment Cafes & Takeaways

- 7.18 *Fast food premises which are open after 23.00hrs can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not so attractive to people who have been drinking as those providing hot food and drink. The Licensing Authority considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are consequently more likely to be involved in anti-social behaviour.*
- 7.19 *Sussex Police have in the past raised concerns about the levels of crime & disorder that can occur outside fast food premises late at night due to alcohol fuelled behaviour, and the opportunities for crime afforded by the congregation of people. Fast food premises have a comparatively high association with reports of crimes of violence against the person. The consumption of food outside premises can result in food waste and litter on pavements, to an extent that amounts to a public nuisance.*
- 7.20 *In addition, where there are fast food premises in the vicinity of public houses and nightclubs the rapid dispersal of people leaving these venues is significantly hindered. This delay in dispersal causes the potential for the licensing objectives to be compromised.*
- 7.21 *Where the Police or others make representations against the grant or variation of a licence for late night refreshment regarding a premise in the vicinity of alcohol licensed premises because of serious concerns over dispersal problems the Licensing Authority will want to be assured that the Operating Schedule of the premise, and their overall management, training and levels of staffing, are appropriate to ensure that the Licensing Objectives are promoted in what may be challenging circumstances. Applications for extended hours may be refused in such circumstances where relevant representations on problems of late night disorder in an area are expressed. Alternatively the licence may be conditioned to include measures to address any concerns. Such as the provision of SIA door supervisors for example.*

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 from Sussex Police
- 1 X Representation from A&W's Environmental Protection Team
- Other Persons – None

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

- 7.2 Sussex Police made a number of comments and listed a number of conditions that they consider are required to enable this premise to meet the licensing objectives if members were of a mind to grant a licence.
- 7.3 Adur & Worthing Councils Environmental Protection Team made a number of comments regarding potential noise nuisance late at night and sought information as to how the applicant proposes to mitigate these to enable this premise to meet the licensing objectives.
- 7.4 The applicant and all those that made relevant representations 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 sought some conditions to address the licensing objectives and these have now been successfully mediated with the applicant, Mr Haidary agreeing 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:
- *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 and outside 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.*
- *An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The incident log will be inspected and signed off by the manager (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.*

As a result Sussex Police have withdrawn their objections.

8.3 Mediation between the applicant and the Environmental Protection Team 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. 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 Mansoor Haidary for his takeaway known as the 'Yummy Pizza' situated at 191 Tarring Road, Worthing and give reasons for that determination.**

Director for Communities

Catherine Howe

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
<https://www.legislation.gov.uk/ukpga/2003/17/contents>
- 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:

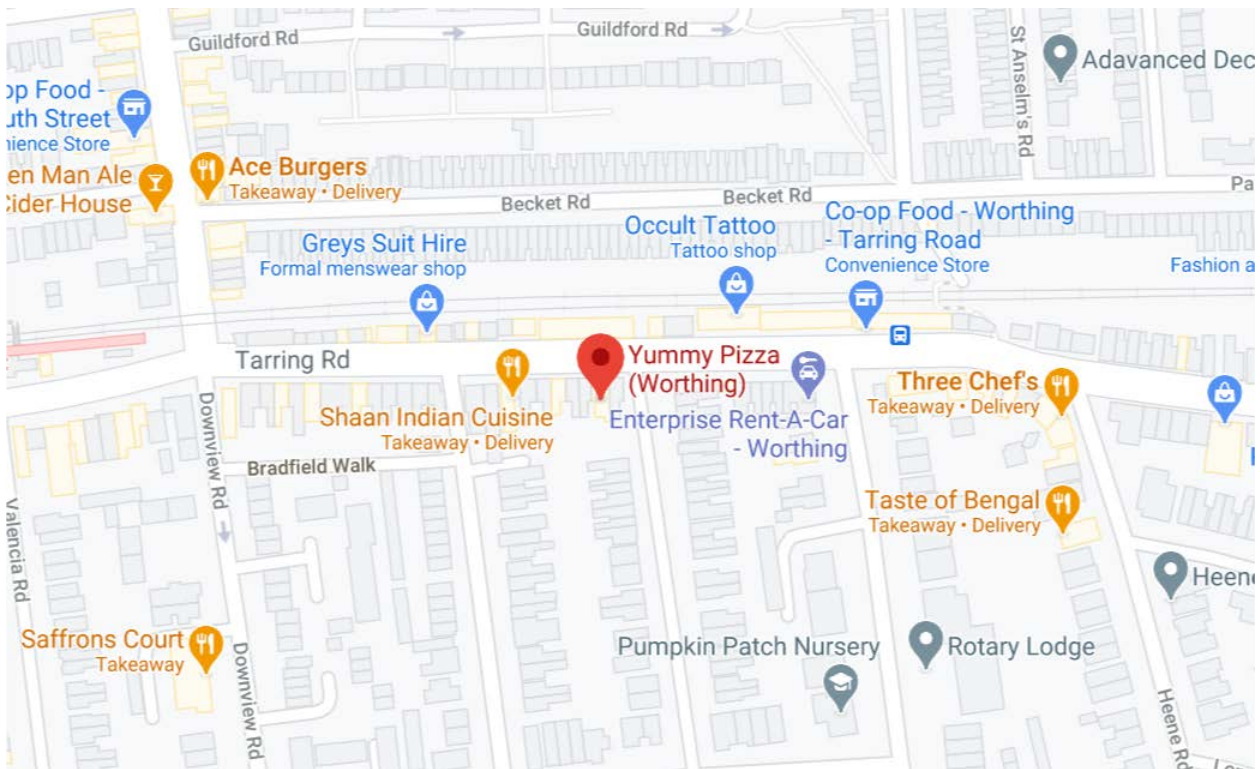
- Appendix A - Plan of area.
- Appendix B - Plan of the building.
- Appendix C - The Application Form.
- Appendix D - Representations received from the Responsible Authorities
- Appendix E - Mediation

Portland House, Worthing

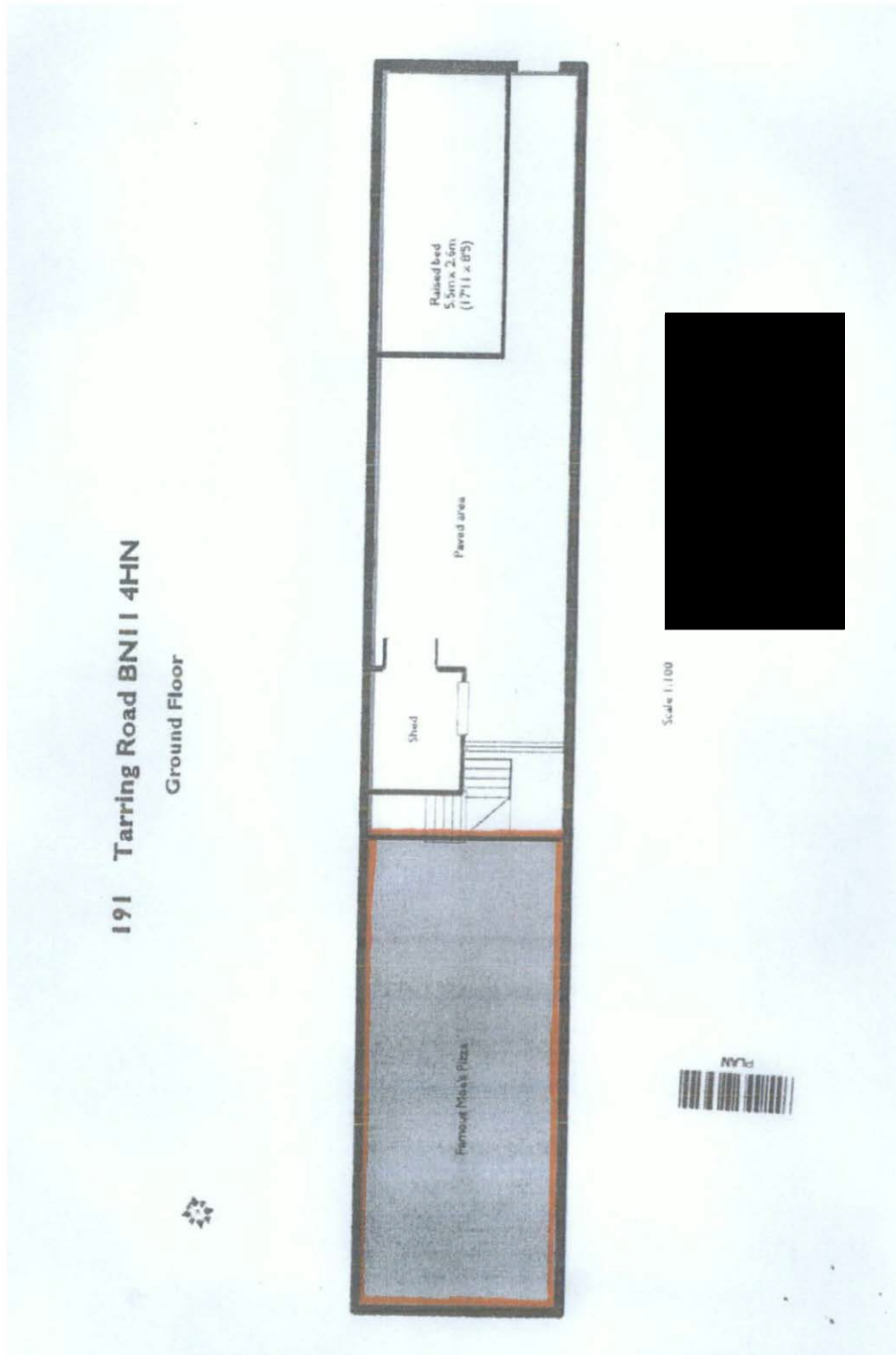
Ref: SJ/Lic.U/LA03/NEW – Yummy Pizza

Date: 18 January 2021.

Appendix A Plan of Area



Appendix B
Plan of Premises





03 DEC 2020

Business Support

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 the completed form for your records.

I/We MANSOOR HATDARY (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 <u>191 TARRING Road Worthing</u>	
Post town <u>Worthing</u>	Post code <u>BN11 4HW</u>

Telephone number at premises (if any) 01903 205747

Non domestic rateable value of premises £ [REDACTED]

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* | <input type="checkbox"/> please complete section (B) |
| 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) |

Adur & Worthing Councils, Public Health & Regulation (Licensing Unit),
Portland House, Richmond Road, Worthing, BN11 1HS

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

HAIOARY

First names

MANSOOR

Date of Birth: 22-03-1992

I am 18 years old or over

Please tick ✓

Nationality

British

Current postal address
if different from
premises address

Post Town

Daytime contact telephone

Email address (optional)



Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
3	01	2020

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)

The premises is a Fast food Takeaway Shop. With a large serving counter at the front of the shop, on the right hand side there is a soft drinks fridge, further into the shop there is a pizza baking table and 2 freezers, there is a pizza oven and above the oven there is a brand new (Nov 2020) canopy which is silent, the shop is very clean & tidy

Adur & Worthing Councils, Public Health & Regulation (Licensing Unit),
Portland House, Richmond Road, Worthing, BN11 1HS

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

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	Outdoors	Both		
Day	Start	Finish			✓			
Mon	12 pm	1 am	Please give further details here (please read guidance note 3) Take away Shop					
	12.00 pm	01.00 am						
Tue	12 pm	1 am						
	12.00 pm	01.00 am						
Wed	12 pm	1 am		State any seasonal variations for the provision of late night refreshment (please read guidance note 4)				
	12.00 pm	01.00 am						
Thur	12 pm	1 am						
	12.00 pm	01.00 am						
Fri	12 pm	2 am			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)			
	12.00 pm	02.00 am						
Sat	12 pm	2 am						
	12.00 pm	02.00 am						
Sun	12 pm	1 am						
	12.00 pm	01.00 am						

Adur & Worthing Councils, Public Health & Regulation (Licensing Unit),
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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	
				Off the premises	
Day	Start	Finish	Both		
Mon			State any seasonal variations for the sale of alcohol (please read guidance note 4)		
Tue					
Wed					
Thur			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					
Sat					
Sun					

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 Birth:

Address:

Postcode:

Personal licence number (if known)

Issuing licensing authority (if known)

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)

N/A

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	12 PM	1 AM	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)
	12.00 PM	01.00 AM	
Tue	12 PM	1 AM	
	12.00 PM	01.00 AM	
Wed	12 PM	1 AM	
	12.00 PM	01.00 AM	
Thur	12 PM	1 AM	
	12.00 PM	01.00 AM	
Fri	12 PM	2 AM	
	12.00 PM	02.00 AM	
Sat	12 PM	2 AM	
	12.00 PM	02.00 AM	
Sun	12 PM	1 AM	
	12.00 PM	01.00 AM	

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)

We aim to have hi tech CCTV recording 24 hours seven days a week, after 12 am we will offer a delivery only option, therefore no customer will be in the shop from 12 AM, No employees under the age of 18

b) The prevention of crime and disorder

CCTV inside the premises and outside the premises

c) Public safety

CCTV

d) The prevention of public nuisance

After 12 am we will propose to operate a delivery only service, No collection of food will be available after 12 am.

e) The protection of children from harm

To employ people over the age of 18.

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: 24-11-2020

Capacity: owner

Adur & Worthing Councils, Public Health & Regulation (Licensing Unit),
Portland House, Richmond Road, Worthing, BN11 1HS

Appendix D 1
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

24th December 2020

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 YUMMY PIZZA, 191 TARRING ROAD, WORTHING, BN11 4HN. UNDER THE 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.

This application is for late night refreshment only, with hours of 23:00 to 01:00 Sunday to Thursday, and 23:00 to 02:00 Friday and Saturday night. The applicant states in their application that from midnight the premises will close to the public, with all subsequent orders for delivery only.

Following discussions with the applicant Mr Haidary, the following new and revised conditions have been agreed to promote the licensing objectives:

[The Prevention of Crime and 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 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.

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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.

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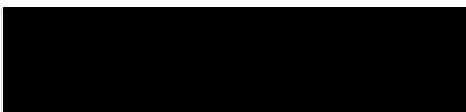
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I enclose an email confirmation from Mr Haidary accepting the new conditions above for your information. Accordingly Sussex Police withdraw their representation subject to the new conditions in their entirety being added to the new licence, should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

Yours sincerely,



Rob Lovell
Licensing Inspector

Enc



Appendix D 2 Environmental Protection Representation

Fwd: New Premises License Application No. 140533: 191 Tarring Road, Worthing

1 message

Licensing Unit <licensing.unit@adur-worthing.gov.uk>
To: Simon Jones <simon.jones@adur-worthing.gov.uk>

14 December 2020 at 14:09

Hi Simon,

Please see email below from PHR - I will add to to the Tascomi application

Thanks,
Amy

----- Forwarded message -----

From: **Hannah Powell** <hannah.powell@adur-worthing.gov.uk>
Date: Mon, 14 Dec 2020 at 13:33
Subject: New Premises License Application No. 140533: 191 Tarring Road, Worthing
To: Licensing Unit <licensing.unit@adur-worthing.gov.uk>

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As this premise is positioned in a parade of shops with residential dwellings situated above I have concerns that the extended delivery hours until 01:00hrs has the potential to cause a public nuisance to the occupiers of these properties from late night noise. There is no information to how noise from delivery drivers will be dealt with or managed. For example what entrances will they use, where they will park, will delivery drivers be employers of Yummy Pizza or will drivers from Just Eat or other internet food couriers be using the facility. Many couriers are self employed and may ride motorbikes or mopeds which create a more irritating noise than cars. All of which will be in the immediate vicinity of peoples homes.

For these reasons I must raise this representation on the grounds of the prevention of public nuisance. I suggest that the applicant consult with us at the earliest opportunity should they wish to discuss, clarify or amend the current application.

It should be noted that planning records for the premises date from 1994 (94/05754/FULL) but show that there is a restriction on hours of opening as follows:-

2. The premises shall not be open for trade or business except between the hours of 0800 hours and 2400 hours on any day.

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The standards in planning are to protect amenity and to prevent adverse noise effects, whereas the licensing objective is to prevent public nuisance. There may be circumstances when a condition of planning permission is more stringent than the condition on the licence. In such cases **the planning condition prevails**. In this case it is the terminal hour set for the use of premises for commercial purposes mentioned above. Therefore, regardless of what any licence may allow, the applicant must observe the earlier closing time required under planning. Premises operating in breach of their planning permission can be liable to prosecution under planning law.

Regards
--

Hannah Powell

Environmental Health Technician, Adur & Worthing Councils

Re: Premises licence application for Yummies Pizza, 191 Tarring Road, Worthing, BN11 4HN

1 message

amir aghaei <amir.agmaei@hotmail.co.uk> 24 December 2020 at 16:22
To: "David.Bateup@sussex.pnn.police.uk" <David.Bateup@sussex.pnn.police.uk>, "licensing.unit@adur-worthing.gov.uk" <licensing.unit@adur-worthing.gov.uk>, "simon.jones@adur-worthing.gov.uk" <simon.jones@adur-worthing.gov.uk>
Cc: "Darran.Middleton.01@sussex.pnn.police.uk" <Darran.Middleton.01@sussex.pnn.police.uk>, "Robert.lovell@sussex.pnn.police.uk" <Robert.lovell@sussex.pnn.police.uk>

Yeah that's fine I'm happy

[Get Outlook for iOS](#)

From: David.Bateup@sussex.pnn.police.uk <David.Bateup@sussex.pnn.police.uk>
Sent: Thursday, December 24, 2020 10:30:54 AM
To: licensing.unit@adur-worthing.gov.uk <licensing.unit@adur-worthing.gov.uk>; simon.jones@adur-worthing.gov.uk <simon.jones@adur-worthing.gov.uk>
Cc: Darran.Middleton.01@sussex.pnn.police.uk <Darran.Middleton.01@sussex.pnn.police.uk>; Robert.lovell@sussex.pnn.police.uk <Robert.lovell@sussex.pnn.police.uk>; amir.agmaei@hotmail.co.uk <amir.agmaei@hotmail.co.uk>
Subject: Premises licence application for Yummies Pizza, 191 Tarring Road, Worthing, BN11 4HN

Dear Worthing Licensing,

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

Acceptance of the new and revised conditions by the applicant Mr Haidary 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

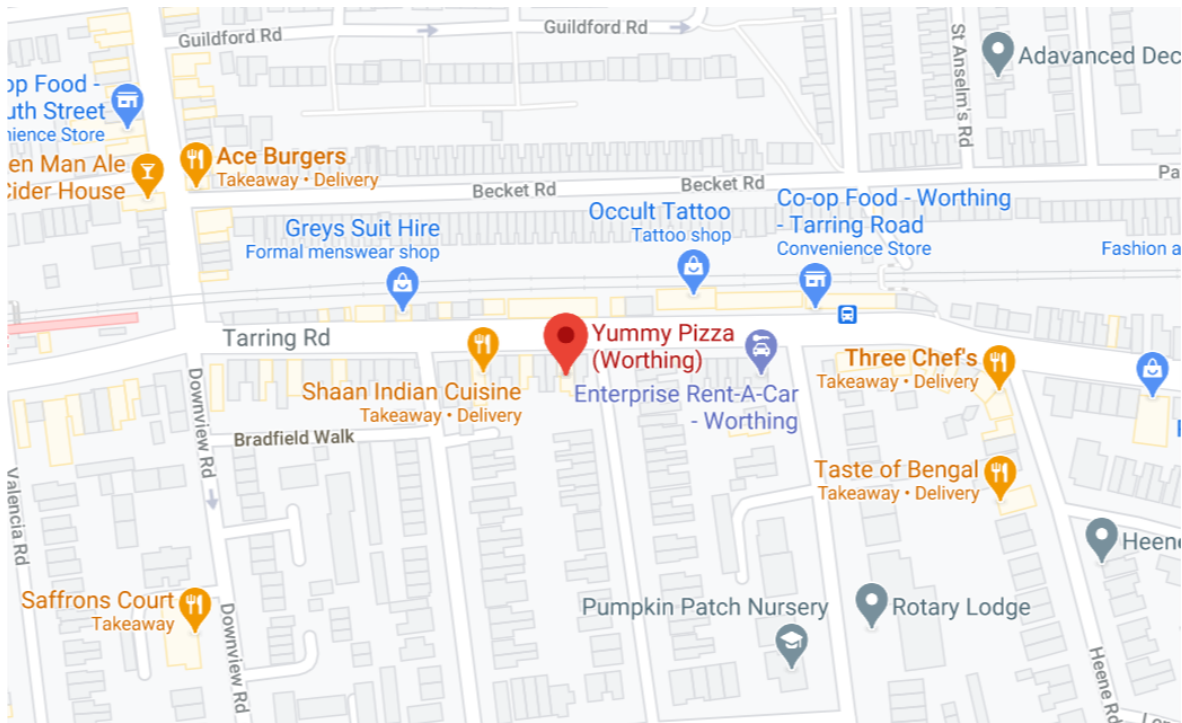
david.bateup@sussex.pnn.police.uk

Neighbourhood Police Licensing Team

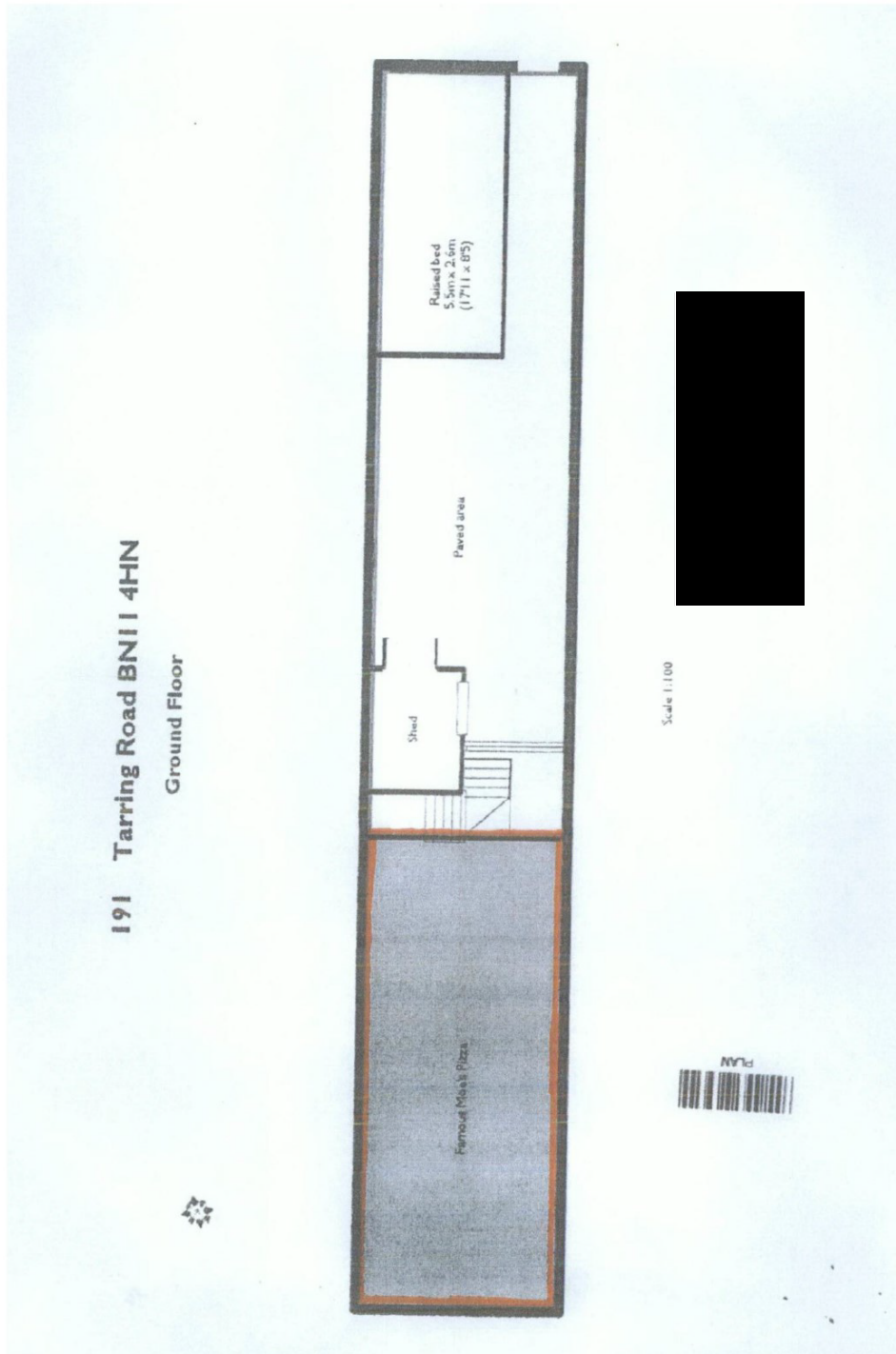
West Sussex Division, Centenary House, Durrington Lane,

Worthing, West Sussex, BN13 2PQ

Appendix A Plan of Area



**Appendix B
Plan of Premises**





03 DEC 2020

Business Support

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 the completed form for your records.

I/We MANSOOR HAIDARY (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 <u>191 TARRING Road Worthing</u>	
Post town <u>Worthing</u>	Post code <u>BN11 4HW</u>

Telephone number at premises (if any) [REDACTED]

Non domestic rateable value of premises £ [REDACTED]

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* | <input type="checkbox"/> please complete section (B) |
| 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) |

Adur & Worthing Councils, Public Health & Regulation (Licensing Unit),
Portland House, Richmond Road, Worthing, BN11 1HS

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

HAIDARY

First names

MANSCOR

Date of Birth: 22-03-1992

I am 18 years old or over

Please tick ✓

Nationality

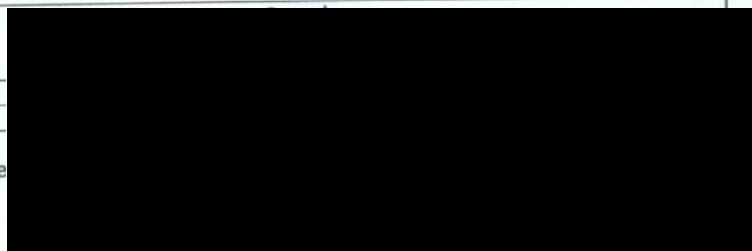
British

Current postal address
if different from
premises address

Post Town

Daytime contact telephone

Email address (optional)



Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
3	01	2020

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)

The premises is a Fast food Takeaway Shop, with a large serving counter at the front of the shop, on the right hand side there is a soft drinks fridge, further into the shop there is a pizza blaking table and 2 freezers, there is a pizza oven and above the oven there is a brand new (Nov 2020) canopy which is silent, the shop is very clean & tidy

Adur & Worthing Councils, Public Health & Regulation (Licensing Unit),
Portland House, Richmond Road, Worthing, BN11 1HS

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

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors			
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>		
			Both				
Mon	12 pm	1 am	Please give further details here (please read guidance note 3) Take away Shop	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
	12.00 pm	01.00 am					
Tue	12 pm	1 am					
	12.00 pm	01.00 am					
Wed	12 pm	1 am				Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)	
	12.00 pm	01.00 am					
Thur	12 pm	1 am					
	12.00 pm	01.00 am					
Fri	12 pm	2 am					
	12.00 pm	02.00 am					
Sat	12 pm	2 am					
	12.00 pm	02.00 am					
Sun	12 pm	1 am					
	12.00 pm	01.00 am					

Adur & Worthing Councils, Public Health & Regulation (Licensing Unit),
Portland House, Richmond Road, Worthing, BN11 1HS

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	
Day	Start	Finish		Off the premises	
Mon			State any seasonal variations for the sale of alcohol (please read guidance note 4)	Both	
Tue					
Wed					
Thur			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					
Sat					
Sun					

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 Birth:

Address:

Postcode:

Personal licence number (if known)

Issuing licensing authority (if known)

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)

N/A

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	12 pm	1 am	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)
	12.00 pm	01.00 am	
Tue	12 pm	1 am	
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	12.00 pm	02.00 am	
Sun	12 pm	1 am	
	12.00 pm	01.00 am	

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)

We aim to have hi tech CCTV recording 24 hours seven days a week, after 12 am we will offer a delivery only option, therefore no customer will be in the shop from 12 AM, No employees under the age of 18

b) The prevention of crime and disorder

CCTV inside the premises and outside the premises

c) Public safety

CCTV

d) The prevention of public nuisance

After 12 am we will propose to operate a delivery only service, No collection of food will be available after 12 am.

e) The protection of children from harm

To employ people over the age of 18.

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: 24-11-2020

Capacity: owner

Adur & Worthing Councils, Public Health & Regulation (Licensing Unit),
Portland House, Richmond Road, Worthing, BN11 1HS

Appendix D 1
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

24th December 2020

Mr Simon Jones
Licensing Unit
Adur and Worthing Councils
Portland House
Richmond Road
Worthing
BN11 1LF

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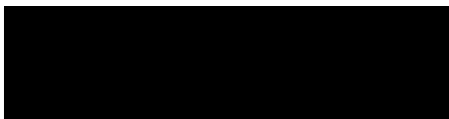
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ROD LOVELL
Licensing Inspector

Enc



Appendix D 2 Environmental Protection Representation

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

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Hannah Powell

Environmental Health Technician, Adur & Worthing Councils

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Cc: "Darran.Middleton.01@sussex.pnn.police.uk" <Darran.Middleton.01@sussex.pnn.police.uk>, "Robert.lovell@sussex.pnn.police.uk" <Robert.lovell@sussex.pnn.police.uk>

Yeah that's fine I'm happy

Get [Outlook for iOS](#)

From: David.Bateup@sussex.pnn.police.uk <David.Bateup@sussex.pnn.police.uk>
Sent: Thursday, December 24, 2020 10:30:54 AM
To: licensing.unit@adur-worthing.gov.uk <licensing.unit@adur-worthing.gov.uk>; simon.jones@adur-worthing.gov.uk <simon.jones@adur-worthing.gov.uk>
Cc: Darran.Middleton.01@sussex.pnn.police.uk <Darran.Middleton.01@sussex.pnn.police.uk>; Robert.lovell@sussex.pnn.police.uk <Robert.lovell@sussex.pnn.police.uk>; amir.agmaei@hotmail.co.uk <amir.agmaei@hotmail.co.uk>
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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

