



WORTHING BOROUGH
C O U N C I L

31 August 2021

Worthing Licensing and Control Sub-Committee

Date:	8 September 2021
Time:	6.30 pm
Venue:	Remote Meeting via Zoom

Committee Membership: Councillors Steve Wills (Chairman), Russ Cochran and Richard Mulholland

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 Variation to the Premises Licence - Number 24 (Pages 1 - 48)

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:
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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 & Control Committee B
Sub-Committee
Date of Hearing: 8 September 2021**

Ward: Central

Licensing Act 2003 – Application for a Variation to the Premises Licence

**Number 24
24-25 Marine Parade, Worthing, BN11 3PT**

Report by the Interim Director for Communities

1. Recommendation

- 1.1 That a Sub Committee of Licensing & Control Committee “B” considers and determines the application made on behalf of :

Moocari Ltd.

for a Variation to Premises Licence LN/100001343 which authorises the sale of Alcohol at the above venue.

2. Reasons for Hearing

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

3. Background

- 3.1 An application was made on behalf of Moocari Ltd. to the Licensing Authority, Worthing Borough Council, on 20 July 2021 for the grant of a variation to the premises licence.
- 3.2 Number 24 is a café with forecourt occupying a corner terrace unit situated on Worthing’s main seafront road, Marine Parade, in central Worthing. The unit has been operated as a cafe for over 60 years and was formerly known as Macari’s.
- 3.3 This part of Marine Parade contains a parade of businesses running along the north side of the road with the promenade on the south side. The area is considered a mixed commercial & residential because there are flats above many of the businesses.

3.4 Situated in this parade of businesses are a number of licensed bars & cafes, various stores, restaurants, the entrance to the main bus depot, the Chatsworth Hotel and the Dome Cinema. As stated some of these commercial units have residential accommodation above and some benefit from having open air forecourts or a deep pavement to the front of the building to place tables & chairs for customer use.

3.5 Attached to the report are:

- A plan & photos of the area (Appendix A)
- A plan of the bar (Appendix B)
- The current premises licence (Appendix C)
- The application (Appendix D)
- Representations made by the Responsible Authorities (Appendix E)
- Details of the mediation conducted (Appendix F)

3.6 The current Premises Licence is attached at **Appendix C** and allows the:

- Sale of alcohol for consumption on & off the premises between the hours of:
 - 12:00hrs to 22:30hrs Sunday
 - 10:00hrs to 23:00hrs Monday - Saturday
- Opening hours
 - Undefined as this is a converted Justices' Liquor Licence.

3.7 The application is for a variation to the Premises Licence to extend the hours of operation and authorise the provision of late night refreshment.

4. **The Application**

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

- Extend the hours for:
 - Sale of Alcohol for consumption on & off the premises to:
 - 10:00hrs to 00:00hrs (midnight) Mon – Sun incl.
 - Opening to the Public:
 - 10:00hrs to 00:30hrs (of the following morning) Mon – Sun incl.
- Authorise the provision of late night refreshment:
 - 23:00hrs to 00:00hrs (midnight) Mon – Sun incl.

4.2 Being a converted Justices' licence there are only a few conditions present on the current licence in addition to the Mandatory Conditions placed on all licences. The licence holders consider these to have been successful in promoting all the licensing objectives and no application is made to amend or remove any of these current conditions. In addition, to bring the licence up to date a number of additional conditions have been proposed by the licence holder covering refusal logs and an age verification policy.

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 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

- 6.4 *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 - 2 X Representations
 - Sussex Police
 - A&W Environmental Protection Team
 - Other Persons
 - None

7. Relevant Representations

- 7.1 Detail of the relevant representations received are reproduced at **Appendix E**. They are considered to relate to the statutory licensing objectives as follows:
- Prevention of Crime & Disorder
 - Prevention of Public Nuisance
 - The Protection of Children from Harm
- 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 the variation.

- 7.3 Adur & Worthing Councils' Environmental Protection Team expressed some concerns regarding the application as made.
- 7.4 The applicant and the responsible authorities 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. The Licence holders agreeing that if the variation were granted the following conditions would be placed on the 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 and the licensed area/outside patio tables and chairs area. 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 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.

- *Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the licensed outside tables and chairs area of the premises whilst smoking or otherwise congregating outside of the premises.*
- *All off sales will be made in sealed containers.*
- *SIA door staff and risk assessment:*
 - *Security Industry Authority (SIA) door supervisors must be deployed at the premises at any time when the licence holder identifies by way of a suitable and sufficient written risk assessment that SIA door supervisors and other security measures are necessary. It must also consider busy periods such as Bank Holidays, Christmas and New Year, Seasonal Variations and other Town Centre Events along with any special events at the premises such as live music, discos, screening of sporting events and other similar functions or entertainment. The risk assessment will also cover any requirement for polycarbonate drinking vessels, ticket only events, entry restrictions and last entry times.*
 - *The written risk assessment must be available on the premises for inspection by police and authorised officers of the Licensing Authority. This written risk assessment is to be reviewed and updated as necessary and at least annually and must take into account information or guidance offered by the police and the licensing authority.*
 - *Whenever SIA door supervisors are on duty, they must be provided in accordance with the following:*
 - *At a ratio of 1 per 100 customers or part thereof, although at all times with a minimum of two;*
 - *On duty until the premises has closed to the public, licensable activities has ceased and the venue is completely clear of patrons and all customers have dispersed from the immediate area;*
 - *Must wear clearly marked reflective jacket or tabard in order that they can be readily identifiable;*
 - *Must be equipped with clickers or other device(s) in order that they can accurately measure and ensure that the maximum capacity of the premises is complied with a written record being kept; and*
 - *Must monitor/supervise any queue of customers waiting to gain access to the premises and ensure that so long as social distancing requirements are in place, that these are complied with both inside and outside the premises.*
 - *SIA door supervisors shall complete incident logs prior to the end of their shift. Records shall be maintained at the premises containing the full name, date of birth, and SIA badge number of every Door Supervisor. The record shall include all dates and times when a Door Supervisor is employed. If Staff are employed through an agency the name and address of the agency must be included. The Door*

Supervisor records will be kept at the premises and made immediately available to officers of any responsible authority upon request.

- *Those performing the role of door supervisor shall not perform any other role when engaged for the purpose of door supervision activities.*
- *Door supervisors shall be fully briefed prior to work with clear written instructions regarding their specific duties including an awareness of persons banned from the premises. These records shall be made available to the local licensing authority and/or Sussex Police upon request.*
- *A member of the SIA door staff will monitor the outside smoking area whilst the premises licence is in operation or until the area has been emptied of patrons at closing time.*
- *All SIA registered door supervisors shall wear and operate body worn video cameras with a recording facility. The body worn cameras will be recording all the time the door supervisors are on duty. All recordings shall be stored for a minimum period of 31 days, with date and timestamping. Viewing of recordings shall be made available upon the request of police, or authorised local authority officers, throughout the entire 31 days period. The premises will ensure there are sufficient spare batteries fully charged for the body worn cameras so there is no issue with cameras not recording due to flat batteries.*
- *The premises will operate a “Challenge 25” policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the “PASS” mark hologram.*
- *Suitable and sufficient signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises.*
- *The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:*
 - *The lawful selling of age restricted products*
 - *Refusing the sale of alcohol to a person who is drunk*
- *Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three 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 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.*
- *Conditions for alcohol delivery service:*
 - *Alcohol deliveries will only be made to a residential or business address and not to a public place.*
 - *The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients*

(or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.

- *At the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age, and that the intended recipient is over 18 years of age. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.*
- *For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.*
- *For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.*
- *Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:*
 - *only employs delivery employees or agents aged 18 or over;*
 - *is aware that alcohol is included in the delivery;*
 - *that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;*
 - *that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.*

As a result Sussex Police have withdrawn their objections.

- 8.3 The Environmental Protection Team expressed concern regarding the public nuisance implications of the changes sought.

As the application requests opening beyond 23:00 hours, when background noise is relatively low and residents would reasonably expect to sleep, the operating schedule for the prevention of public nuisance (Part M (d)) must robustly address the potential for noise from recorded music and patrons and more importantly provide adequate safeguards to ensure noise does not cause a public nuisance. I do not consider the proposed measures in the application to be clarified or sufficient for this purpose.

8.4 Mediation between the applicant and the Environmental Protection Team has been ongoing but to date no agreement has been reached. Members will be informed if there are any developments. **(Appendix F)**

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 variation, pursuant to s 35 of the Act the following options available to the Sub-Committee:

- A. To grant the variation, as requested,
- B. To grant the variation as requested but 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.

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:

- A. The applicant may appeal against any decision to modify the conditions of the licence.
- B. The applicant may appeal against a rejection in whole or part of an application.
- C. 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 the 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 Variation to the Premises Licence at ‘Number 24’ café situated at 24-25 Marine Parade, Worthing made by Moocari Ltd. and give reasons for that determination.**

Interim Director for Communities

Tina Favier

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/>

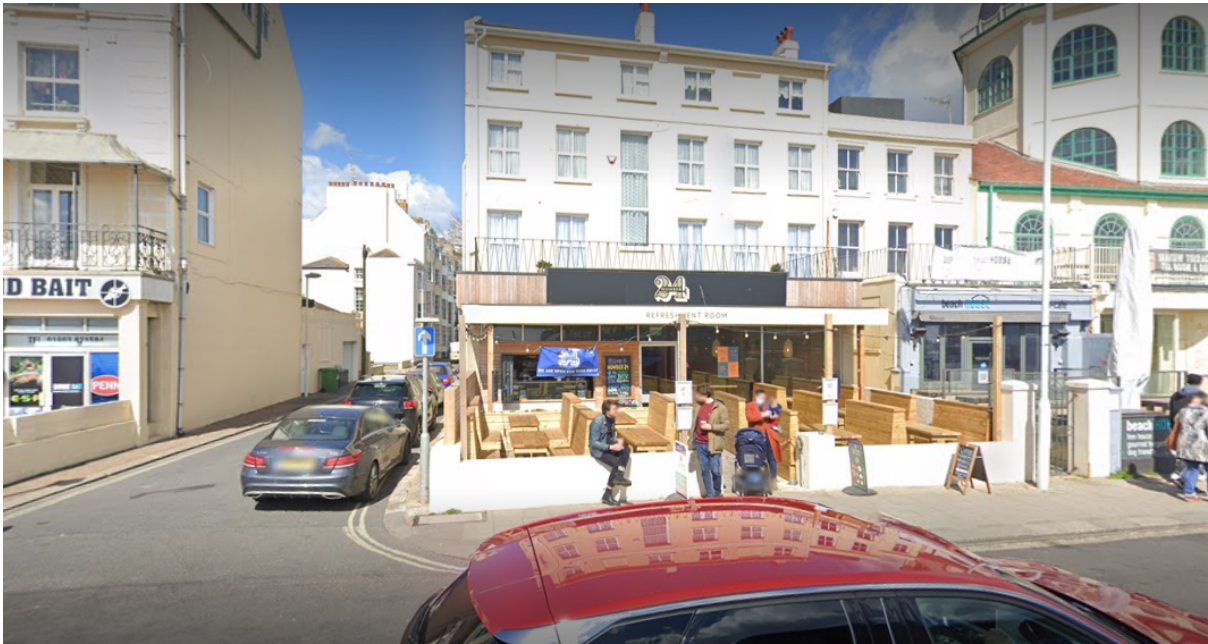
Appendices:

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

Portland House, Worthing

Ref: SJ/LicU/LA03/VAR – Number 24

Date: 25 August 2021







WORTHING BOROUGH
COUNCIL

**Licensing Act 2003 – Sections 16 and 18
Premises Licence – Part A**

**Public Health & Regulation
Portland House
44 Richmond Road
Worthing
BN11 1HS**

Premises Licence Number - LN/100001343

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Number 24
24-25 Marine Parade
Worthing
West Sussex
BN11 3PT

Telephone number

Licensable activities authorised by the licence

See attached Schedule

The times the licence authorises the carrying out of the licensable activities

See attached Schedule

Opening hours of the premises

Location : Cafe & Patio Forecourt

Conversion – No timings supplied

Where the licence authorises alcohol whether these are on and/or off supplies

ON & OFF

Part 2 – Premises Licence Holder Details


Name
Mocari Ltd.


Registered Address
The Cow & Oak 67 Brighton Road Worthing BN11 3EE
Email: managementnumber24@gmail.com

Registered number of holder
12000270

Designated Premises Supervisor Details (Where the premises licence authorises for the supply of alcohol)

Name
Mrs Sarah Christian

Registered Address


Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol	
Personal Licence Number :	
Licensing Authority :	Worthing Borough Council

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location :	Cafe & Patio Forecourt	
Activities :	Alcohol ON&OFF Sales/Supply (M)	
Day	Start	Finish
Sunday	12:00	22:30
Monday	10:00	23:00
Tuesday	10:00	23:00
Wednesday	10:00	23:00
Thursday	10:00	23:00
Friday	10:00	23:00
Saturday	10:00	23:00
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none">• Good Friday 12.00 to 22.30hrs.• Christmas Day 12.00 to 15.00hrs & 19.00 to 22.30hrs.• New Year's Eve from the end of permitted hours to the start of permitted hours New Year's Day.		

Signed :



Date : 16 July 2021

Authorised Officer (on behalf of the Licensing Authority)

Annexe 1 : Mandatory Conditions

A. Mandatory conditions: Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

B. Mandatory conditions: Door supervision

Where employed each such individual must be licensed by the Security Industry Authority.

C. Mandatory conditions: Irresponsible Promotions

The responsible person must ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion is any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

- Drinking Games including any game or activity that requires or encourages (or is designed to require or encourage) individuals to drink a quantity of alcohol within a time limit, or to drink as much as possible. This does not include “drinking up time”, shortly before the end of licensed hours.
- Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
- Promotional posters or promotional material on, or in the vicinity of, the premises which can be reasonably considered to condone, encourage or glamorise antisocial behaviour or refer to drunkenness favourably.
- Dispensing alcohol directly into the mouth of a customer by a member of staff. This includes activities such as the “dentist’s chair”. This prohibition does not apply where a person is not able to drink without assistance because of a disability.

D. Mandatory conditions: Free Drinking Water

Free potable water must be provided on request to customers where it is reasonably available on the premises.

E. Mandatory conditions: Age Verification

An age verification policy for the premises must be produced, implemented and details made available to authorised officers upon request. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- a holographic mark, or
- an ultraviolet feature

F. Mandatory conditions: Small Alcohol Measures

The responsible person must ensure that where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises. Customers must be made aware that these measures are available.

Where a customer orders a drink listed above but does not specify the alcohol measure, the customer must be made aware of the range of measures available. This can be either verbally or by ensuring they have seen the printed materials on which their availability is listed. If the responsible person is satisfied that the customer has been made, and continues to be, aware of the range of measures available, the responsible person does not need to repeat that information in relation to each sale.

G. Mandatory conditions : Permitted Price

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- I. P is the permitted price*
- II. D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and*
- III. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;*

“relevant person” means, in relation to premises in respect of which there is in force a premises licence —

- I. the holder of the premises licence*
- II. the designated premises supervisor (if any) in respect of such a licence, or*
- III. the personal licence holder who makes or authorises a supply of alcohol under such a licence;*

Full details regarding this condition can be found in the Home Office Guidance on banning the sale of alcohol below the cost of duty plus VAT for suppliers of alcohol and enforcement authorities in England & Wales dated May 2014.

H. **Conditions consistent with the Embedded Restrictions of the Justices' 'On' Licence (Licensing Act 1964)**

1. **Permitted Hours**

Alcohol shall not be sold or supplied except during permitted hours.

1) 10.00hrs to 23.00hrs Monday - Saturday

(other than Christmas Day, Good Friday or New Year's Eve)

2) 12.00hrs to 22.30hrs Sundays,

(other than Christmas Day or New Year's Eve)

3) On Good Friday, 12.00hrs to 22.30hrs.

4) On Christmas Day, 12.00hrs to 15.00hrs and 19.00hrs to 22.30hrs.

5) On New Year's Eve, except on a Sunday, 10.00hrs to 23.00hrs.

6) On New Year's Eve on a Sunday, 12.00hrs to 22.30hrs.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

Restrictions

The above restrictions do not prohibit:

a) during the first twenty minutes after the above hours the consumption of alcohol on the premises;

b) during the first twenty minutes after the above hours, the taking of alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

c) during the first thirty minutes after the above hours the consumption of alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;

d) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;

f) the sale of alcohol to a trader or club for the purposes of the trade or club;

g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

h) the taking of alcohol from the premises by a person residing there; or

i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. **Premises with children's certificate**

A notice which states that a Children's Certificate is in force, in relation to the area to which the certificate relates, and explains the effect of the certificate and of any conditions attached to it must be posted in some conspicuous place in that area.

No person under fourteen shall be in the bar of the canteen during the permitted hours unless one of the following applies:

- 1) He is the child of the holder of the premises licence.
 - 2) He resides in the premises, but is not employed there.
 - 3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - 4) The bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
 - 5) He is in an area shown on the plan attached to the licence
 - a. Meals and non-alcoholic beverages are available for sale for consumption in that area.
 - b. He is in the company of a person aged 18 or over.
 - c. He is there prior to 21.00hrs.
 - d. He may remain in the area of the premises specified during the first thirty minutes after the certificate has ceased for the consumption of refreshments.
- In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168, 168a, 171, 201, Schedule 12a Licensing Act 1964

Note:

The latest hour for operation of a certificate is 21.00hrs. See Sch 12A para 5(1) LA 1964.

Where justices have imposed a later hour under Sch 12A para 5(2), that should be reflected in condition (5)(d).

3. Late Night Refreshment

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above, and on New Years Eve until 05.00hrs on New Years Day.

4. Recorded Music

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

Source Section 182 Licensing Act 1964

I. The specific conditions converted from the Justices' 'On' Licence (Licensing Act 1964)

1. Table meals shall be available in the licensed area at all times during opening hours.
2. No application shall be made and no application shall be granted for an occasional licence under the authority of this licence.
3. Intoxicating liquor shall only be sold from the servery point as marked on the plan.
4. It is an implied condition of this licence that suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the premises.
5. The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local authority for the use of the public highway as shown on the attached plan and such area shall be defined by a physical barrier acceptable to the Licensing Committee.

Annexe 2 : Conditions Consistent with the Operating Schedule

Not applicable

Annexe 3 : Conditions attached after a hearing by the Licensing Authority

Not applicable

Annexe 4 : Plans

See Attached



WORTHING BOROUGH
COUNCIL

**Licensing Act 2003 – Sections 16 and 18
Premises Licence Summary – Part B**

**Public Health & Regulation
Portland House
44 Richmond Road
Worthing
BN11 1HS**

Premises Licence Number - LN/100001343

Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Number 24
24-25 Marine Parade
Worthing
West Sussex
BN11 3PT

Telephone number

Licensable activities authorised by the licence

See attached Schedule

The times the licence authorises the carrying out of the licensable activities

See attached Schedule

Opening hours of the premises

Location : Cafe & Patio Forecourt

Conversion – No timings supplied

Where the licence authorises alcohol whether these are on and/or off supplies

ON & OFF

Premises Licence Holder Details**Name**

Mocari Ltd

Registered AddressCow & Oak
67 Brighton Road
Worthing
BN11 3EE**Registered number of holder**

12000270

Designated Premises Supervisor Details (Where the premises licence authorises for the supply of alcohol)**Name**

Mrs Sarah Christian

Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol

Personal Licence Number :



Licensing Authority :

Worthing Borough Council

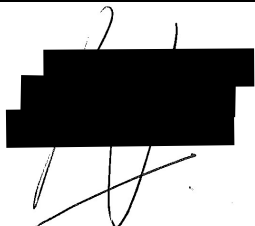
State whether access to the premises by children is restricted or prohibited

Restricted

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location :	Cafe & Restaurant	
Activities :	Alcohol ON&OFF Sales/Supply (M)	
Day	Start	Finish
Sunday	12:00	22:30
Monday	10:00	23:00
Tuesday	10:00	23:00
Wednesday	10:00	23:00
Thursday	10:00	23:00
Friday	10:00	23:00
Saturday	10:00	23:00
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none">• Good Friday 12.00 to 22.30hrs.• Christmas Day 12.00 to 15.00hrs & 19.00 to 22.30hrs.• New Year's Eve from the end of permitted hours to the start of permitted hours New Year's Day.		

Signed :  Date: 16 July 2021

Authorised Officer (on behalf of the Licensing Authority)

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ADUR & WORTHING COUNCILS

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

Adur & Worthing Councils
Licensing Unit
RECEIVED

16 JUL 2021

..... Initials

Application for a full variation of a premises licence under the Licensing Act 2003

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.

We MOOCARI LIMITED (insert name(s) of applicant) being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number

LN/100001343

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

24-25 MALINE PARADE

Post town

WORTHING

Post code

BN11 3PT

Telephone number at premises (if any)

01903 532753

Non domestic rateable value of premises

£

Part 2 – Applicant Details

Daytime contact telephone number

Email address (optional)

Mr

Mrs

Miss

Ms

Other title (for example, Rev)

Surname

CHRISTIAN

First names

SARAH

Current postal address if different from premises address

Post Town

WORTHING

Postcode

Part 3 - Variation

Please tick ✓

Do you want the proposed variation to have effect as soon as possible?

If not do when do you want the variation to take effect from?

Day	Month	Year

If your proposed variation would mean that 5000 or more people are expected attend the premises at any one time please state the number expected to attend

Please describe briefly the nature of the proposed variation (please read guidance note 1)

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

Provision of regulated entertainment

Please tick ✓

- | | | |
|----|--|-------------------------------------|
| a) | plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) | films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) | indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) | boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) | live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) | recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) | performance of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) | anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing play (please read guidance note 4)		
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur						
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	
Day	Start	Finish	Indoors	
Mon			Outdoors	
			Both	
Tue				
Wed			Please give further details here (please read guidance note 3)	
Thur				
Fri				
Sat				
			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)	
Sun				
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)	

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur						
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur						
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)			
Sat						
Sun						

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat						
Sun						

H

Anything of a similar description to that falling within (e),(f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e, f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat						
Sun						

I

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			
Mon	10.00	00.00	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>		
		24.00					
Tue	10.00	00.00					
		24.00					
Wed	10.00	00.00		State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	Both		
		24.00					
Thur	10.00	00.00					
		24.00					
Fri	10.00	00.00			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)	Both	
		24.00					
Sat	10.00	00.00					
		24.00					
Sun	10.00	00.00					
		24.00					

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	10.00	00.00	State any seasonal variations for the sale of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>	
Tue	10.00	00.00				
Wed	10.00	00.00		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)	Both	
Thur	10.00	00.00				
Fri	10.00	00.00				
Sat	10.00	00.00				
Sun	10.00	00.00				

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	10.00	00.30	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)
Tue	10.00	00.30	
Wed	10.00	00.30	
Thur	10.00	00.30	
Fri	10.00	00.30	
Sat	10.00	00.30	
Sun	10.00	00.30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

NONE.

Please tick ✓

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

- The environment is family friendly until 9pm -
- Products + pricing set to discourage binge drinking
- Staff aware of limits re: intoxication.
- Challenge 25 in place.

b) The prevention of crime and disorder

- Zero tolerance to drug use - police called,
- membership of pub watch - staff training,
- Challenge 25 operated, - refusal 10s in place,
- incidents reported to police + or recorded,

c) Public safety

- fire risk assessment in place + numbers kept at safe levels,
- H + S risk assessments in place to avoid accidents or injury

d) The prevention of public nuisance

- Ask customers to leave quietly,
- responsible alcohol sales → staff aware not to serve intoxicated customers + large groups not admitted,

e) The protection of children from harm

- operate challenge 24,
- report any concerns regarding children to owners
- management of parents drinking with children,

Please tick ✓

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature [Redacted]

Date 13/7/21

Capacity Licence holder ✓

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

SARAH CHRISTIAN
 [Redacted]
 W.

Post town WORTHING

Post code [Redacted]

Telephone number (if any) [Redacted]

If you would prefer us to correspond with you by e-mail your e-mail address (optional)



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

3rd August 2021

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

Dear Mr Jones,

RE: APPLICATION FOR VARIATION OF THE PREMISES LICENCE FOR NUMBER 24, 24 – 25 MARINE PARADE (MOOCARI LIMITED), WORTHING, BN11 3PT. UNDER THE LICENSING ACT 2003. PREMISES LICENCE NO. LN/100001343.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation in respect of this variation application on the grounds of the prevention of crime and disorder and the protection of children from harm.

The variation application seeks to increase the hours for on and off sales of alcohol from 23:00 (22:30 on a Sunday to midnight) until midnight seven nights a week, add late night refreshment for one hour from 23:00, and add opening hours to the licence for the first time, now closing at 00:30 seven nights a week.

Following discussions between ourselves and Sarah Christian for the applicant company, the following new and revised conditions have been agreed to go on the new varied licence to promote the licensing objectives:

Sussex Police Headquarters
Malling House Malling, Lewes, East Sussex, BN7 2DZ

Telephone: 101 | 01273470101

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 and the licensed area/outside patio tables and chairs area. 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 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.

Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the licensed outside tables and chairs area of the premises whilst smoking or otherwise congregating outside of the premises.

All of sales will be made in sealed containers.

SIA door staff and risk assessment:

Security Industry Authority (SIA) door supervisors must be deployed at the premises at any time when the licence holder identifies by way of a suitable and sufficient written risk assessment that SIA door supervisors and other security measures are necessary. It must also consider busy periods such as Bank Holidays, Christmas and New Year, Seasonal Variations and other Town Centre Events along with any special events at the premises such as live music, discos, screening of sporting events and other similar functions or entertainment. The risk assessment will also cover any requirement for polycarbonate drinking vessels, ticket only events, entry restrictions and last entry times.

The written risk assessment must be available on the premises for inspection by police and authorised officers of the Licensing Authority. This written risk assessment is to be reviewed and updated as necessary and at least annually and must take into account information or guidance offered by the police and the licensing authority.

Whenever SIA door supervisors are on duty, they must be provided in accordance with the following:

- At a ratio of 1 per 100 customers or part thereof, although at all times with a minimum of two;
- On duty until the premises has closed to the public, licensable activities has ceased and the venue is completely clear of patrons and all customers have dispersed from the immediate area;
- Must wear clearly marked reflective jacket or tabard in order that they can be readily identifiable;
- Must be equipped with clickers or other device(s) in order that they can accurately measure and ensure that the maximum capacity of the premises is complied with a written record being kept; and
- Must monitor/supervise any queue of customers waiting to gain access to the premises and ensure that so long as social distancing requirements are in place, that these are complied with both inside and outside the premises.

SIA door supervisors shall complete incident logs prior to the end of their shift. Records shall be maintained at the premises containing the full name, date of birth, and SIA badge number of every Door Supervisor. The record shall include all dates and times when a Door Supervisor is employed. If Staff are employed through an agency the name and address of the agency must be included. The Door Supervisor records will be kept at the premises and made immediately available to officers of any responsible authority upon request.

Those performing the role of door supervisor shall not perform any other role when engaged for the purpose of door supervision activities.

Door supervisors shall be fully briefed prior to work with clear written instructions regarding their specific duties including an awareness of persons banned from the premises. These records shall be made available to the local licensing authority and/or Sussex Police upon request.

A member of the SIA door staff will monitor the outside smoking area whilst the premises licence is in operation or until the area has been emptied of patrons at closing time.

All SIA registered door supervisors shall wear and operate body worn video cameras with a recording facility. The body worn cameras will be recording all the time the door supervisors are on duty. All recordings shall be stored for a minimum period of 31 days, with date and time stamping. Viewing of recordings shall be made available upon the request of police, or authorised local authority officers, throughout the entire 31 days period. The premises will ensure there are sufficient spare batteries fully charged for the body worn cameras so there is no issue with cameras not recording due to flat batteries.

For the Protection of Children from Harm:

The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram.

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products
- Refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three 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 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.

Conditions for alcohol delivery service:

Alcohol deliveries will only be made to a residential or business address and not to a public place.

The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.

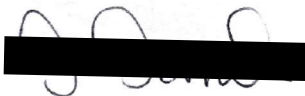
At the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age, and that the intended recipient is over 18 years of age. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.

1. For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.
2. For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.
3. Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:
 - only employs delivery employees or agents aged 18 or over;
 - is aware that alcohol is included in the delivery;
 - that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;
 - that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

I enclose an email confirmation from Sarah Christian confirming acceptance of the above new licence conditions.

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,



Inspector David Derrick CD295
West Sussex Licensing Inspector
Sussex Police

A&W Environmental Protection Team's Representation

Variation of premises Licence. 24-25 Marine Parade. BN11 3PT

1 message

Michael Keech <michael.keech@adur-worthing.gov.uk>
To: Licensing Unit <licensing.unit@adur-worthing.gov.uk>
Cc: Simon Jones <simon.jones@adur-worthing.gov.uk>

29 July 2021 at 18:45

Licensing Act 2003

Application for a variation of Premises Licence - Mocarri Ltd, 24-25 Marine Parade, Worthing BN11 3PT

I refer to the above application and make the following comments on behalf of Public Health and Regulation at Worthing Borough Council concerning the prevention of Public Nuisance.

This application seeks to extend opening hours to 00:30 Mon-Sun and provide on-off alcohol sale and Late night refreshment between the hours 10:00 and 00:00.

The applicant has also requested playing of amplified recorded music on the premises. The application however, fails to clarify in Part F the hours over which recorded music will be provided and may therefore potentially be played until 00:30.

As there are residential dwellings listed on the premises, it is my opinion that if the application is granted as applied for, a public nuisance (as defined by the Licensing Act 2003, ("the Act") may be caused to residents within the vicinity of [24-25 Marine Parade, Worthing](#).

As there are residential premises immediately in the locality of the premises of concern, any noise associated with the licensed premises has the potential to cause a public nuisance to the occupiers of these properties. Whilst I acknowledge the premises are situated in an area which can at times be busy, it is nonetheless located in a mixed area of commercial and residential properties. The background noise at this location in the late evening will be low despite its location, meaning any noise produced by customers and music both inside and outside the premises is likely to be audible within neighbouring properties and therefore result in a public nuisance.

I understand the application states they wish to serve alcohol for consumption on the external area of the premises, Noise from customers outside may cause a public nuisance if this is into the late evening and night.

As the application requests opening beyond 23:00 hours, when background noise is relatively low and residents would reasonably expect to sleep, the operating schedule for the prevention of public nuisance (Part M (d)) must robustly address the potential for noise from recorded music and patrons and more importantly provide adequate safeguards to ensure noise does not cause a public nuisance. I do not consider the proposed measures in the application to be clarified or sufficient for this purpose.

For these reasons I must raise this representation on the grounds of the prevention of public nuisance.

Regards

Michael Keech

Environmental Health Technician (Environmental Protection Specialist),

Email: michael.keech@adur-worthing.gov.uk

Website: www.adur-worthing.gov.uk

Address: Environmental Health, Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA



LA 2003 Premises Licence Variation Application - Number 24, Worthing

1 message

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

24 August 2021 at 18:23

To: sarah christian <[REDACTED]>

Cc: Michael Keech <michael.keech@adur-worthing.gov.uk>, Worthing & Adur Police Licensing Team <ws_licensing_wor@sussex.pnn.police.uk>, A&W Licensing Unit <licensing.unit@adur-worthing.gov.uk>

Bcc: Nadeem Shad <nadeem.shad@adur-worthing.gov.uk>, Jade Marshall <jade.marshall@adur-worthing.gov.uk>, Theresa Cuerva <theresa.cuerva@adur-worthing.gov.uk>

Dear Sarah

Re: Licensing Act 2003 Premises Licence Application
Premises: 'Number 24' 24-25 Marine Parade, Worthing, BN11 3PT
Applicant: Mocarri Ltd.

Consultation on the above application has now closed. Two representations regarding the application were received during the consultation. From Sussex Police and the A&W Environmental Protection Team. No representations were received from the public. In such circumstances the Licensing Act encourages mediation and if agreement cannot be reached the matter is referred then to a Licensing & Control Sub-Committee to consider the matter at hearing.

I'm aware that mediation between you and Sussex Police has been successful and the following 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 to cover all public areas including the entrance to the premises and the licensed area/outside patio tables and chairs area. 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 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.
- Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the licensed outside tables and chairs area of the premises whilst smoking or otherwise congregating outside of the premises.
- All off sales will be made in sealed containers.
- SIA door staff and risk assessment:
 - Security Industry Authority (SIA) door supervisors must be deployed at the premises at any time when the licence holder identifies by way of a suitable and sufficient written risk assessment that SIA door supervisors and other security measures are necessary. It must also consider busy periods such as Bank Holidays, Christmas and New Year, Seasonal

45

- Variations and other Town Centre Events along with any special events at the premises such as live music, discos, screening of sporting events and other similar functions or entertainment. The risk assessment will also cover any requirement for polycarbonate drinking vessels, ticket only events, entry restrictions and last entry times.
- o The written risk assessment must be available on the premises for inspection by police and authorised officers of the Licensing Authority. This written risk assessment is to be reviewed and updated as necessary and at least annually and must take into account information or guidance offered by the police and the licensing authority.
 - o Whenever SIA door supervisors are on duty, they must be provided in accordance with the following:
 - At a ratio of 1 per 100 customers or part thereof, although at all times with a minimum of two;
 - On duty until the premises has closed to the public, licensable activities has ceased and the venue is completely clear of patrons and all customers have dispersed from the immediate area;
 - Must wear clearly marked reflective jacket or tabard in order that they can be readily identifiable;
 - Must be equipped with clickers or other device(s) in order that they can accurately measure and ensure that the maximum capacity of the premises is complied with a written record being kept; and
 - Must monitor/supervise any queue of customers waiting to gain access to the premises and ensure that so long as social distancing requirements are in place, that these are complied with both inside and outside the premises.
 - o SIA door supervisors shall complete incident logs prior to the end of their shift. Records shall be maintained at the premises containing the full name, date of birth, and SIA badge number of every Door Supervisor. The record shall include all dates and times when a Door Supervisor is employed. If Staff are employed through an agency the name and address of the agency must be included. The Door Supervisor records will be kept at the premises and made immediately available to officers of any responsible authority upon request.
 - o Those performing the role of door supervisor shall not perform any other role when engaged for the purpose of door supervision activities.
 - o Door supervisors shall be fully briefed prior to work with clear written instructions regarding their specific duties including an awareness of persons banned from the premises. These records shall be made available to the local licensing authority and/or Sussex Police upon request.
 - o A member of the SIA door staff will monitor the outside smoking area whilst the premises licence is in operation or until the area has been emptied of patrons at closing time.
 - o All SIA registered door supervisors shall wear and operate body worn video cameras with a recording facility. The body worn cameras will be recording all the time the door supervisors are on duty. All recordings shall be stored for a minimum period of 31 days, with date and timestamping. Viewing of recordings shall be made available upon the request of police, or authorised local authority officers, throughout the entire 31 days period. The premises will ensure there are sufficient spare batteries fully charged for the body worn cameras so there is no issue with cameras not recording due to flat batteries.
 - The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram.
 - Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
 - The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
 - o The lawful selling of age restricted products
 - o 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 three 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 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.
 - Conditions for alcohol delivery service:
 - o Alcohol deliveries will only be made to a residential or business address and not to a public place.

- o The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.
- o At the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age, and that the intended recipient is over 18 years of age. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.
 - For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.
 - For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.
 - Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:
 - only employs delivery employees or agents aged 18 or over;
 - is aware that alcohol is included in the delivery;
 - that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;
 - that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

Consequently Sussex Police have withdrawn their objection.

The representation from the A&W Environmental Protection Team is attached. The representation is regarding noise and I would suggest you contact the Officer concerned, Michael Keech (michael.keech@adur-worthing.gov), directly to mediate.

This matter could be considered by the Sub-Committee at hearing and I have scheduled one for Wednesday 8 September at 18:30hrs if mediation is unsuccessful then the EH Officer and you will be able to put their views regarding noise related to this application to members at the hearing and they will decide the matter.

If you can mediate successfully I can cancel the hearing and approve an amended licence. If you cannot or do not want to mediate then we can go straight to a Licensing Sub-Committee hearing.

I look forward to your instruction.

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



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