



WORTHING BOROUGH
C O U N C I L

7 September 2021

Worthing Licensing and Control Sub-Committee

Date:	15 September 2021
Time:	6.30 pm
Venue:	Remote Meeting via Zoom

Committee Membership: Councillors Steve Wills (Chair), Charles James and Cathy Glynn-Davies

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 - Manuka Bar & Kitchen (Pages 1 - 64)

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 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 & Control Committee B
Sub-Committee
Date of Hearing: 15 September 2021**

Ward: Central

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

**Manuka Bar & Kitchen
9 Portland Square, Worthing, BN11 1QH**

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 :

Manuka Bar & Kitchen Ltd.

for a Variation to Premises Licence LN/201700412 which authorises the sale of Alcohol & Late Night Refreshment at the above venue.

2. Reasons for Hearing

- 2.1 The application has been the subject of formal representation by a responsible authority and members of the public and it therefore falls to this sub-committee to determine.

3. Background

- 3.1 An application was made on behalf of Manuka Bar & Kitchen Ltd. to the Licensing Authority, Worthing Borough Council, on 23 July 2021 for the grant of a variation to the premises licence.
- 3.2 The cafe - bar is situated on the corner of Portland Square and Portland Road near the junction of Portland Road and Shelley Road in a parade of shops on the edge of the town centre’s main commercial area but with some residential premises in the vicinity to the north in Shelley Road and to the south in Chandos Road. There are also some residential flats above some of the commercial properties in the southern section of Portland Road.

- 3.3 Portland Road is currently part of a comprehensive redevelopment programme that will ultimately mean the whole of the southern section south of Shelley Road will be pedestrianised.
- 3.4 Situated in this parade of businesses in the southern section of Portland Road are a number of licensed bars, restaurants, cafes, coffee shops and various stores.
- 3.5 The venue is located on the first floor with an exterior staircase and balcony area. The unit has been utilised as a licensed premises for many years in various guises - public house, restaurant and licensed café. It has been operated by the current licence holders as Manuka Bar & Kitchen since October 2017.
- 3.6 Since July 2020 the Premises has benefitted from a temporary permission to use a section of the pavement in Portland Square to place table & chairs for the use of their customers to consume food & drink. This temporary permission was sought and approved through the Minor Variation process and allowed this business to operate viably during the Covid restrictions.
- 3.7 The current premises licence does not authorise regulated entertainment but the premises has been able to provide recorded music and live music within the venue as a result of the Deregulation Act 2012 which allows premises licensed for the sale of alcohol, for consumption on the premises, to provide both between 08:00hrs and 23:00hrs.
- 3.8 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)
 - The Representation made by the Responsible Authority (Appendix E)
 - Details of the mediation conducted (Appendix F)
 - The representations received from the public (Appendix G)
- 3.9 The current Premises Licence is attached at **Appendix C** and authorises:
- Sale of alcohol for consumption on & off the premises:
 - 10:00hrs to 00:00hrs (midnight) Sunday - Thursday
 - 10:00hrs to 01:00hrs (of the following morning) Friday & Saturday
 - The provision of late night refreshment:
 - 23:00hrs to 00:00hrs (midnight) Sunday - Thursday
 - 23:00hrs to 01:00hrs (of the following morning) Friday & Saturday
 - Opening hours:
 - 07:00hrs to 00:30hrs (midnight) Sunday - Thursday
 - 07:00hrs to 01:30hrs (of the following morning) Friday & Saturday

4. **The Application**

- 4.1 The Application is attached at **Appendix D**. However, in summary, the application is seeking a variation to the licence to authorise:

- An extension of the hours for:
 - Sale of Alcohol for consumption on & off the premises to:
 - 10:00hrs to 01:30hrs (of the following morning) Mon – Sun incl.
 - Late Night Refreshment:
 - 23:00hrs to 01:30hrs (of the following morning) Mon – Sun incl.
 - Opening to the Public:
 - 10:00hrs to 02:00hrs (of the following morning) Mon – Sun incl.
 - Christmas Eve & New Year’s Eve
 - Extend the terminal hour for all licensable activity until 02:00hrs (of the following morning).
- Authorise the provision of recorded music indoors:
 - 12:00hrs to 01:30hrs (of the following morning) Sun - Thurs.
 - 12:00hrs to 01:40hrs (of the following morning) Fri & Sat.
- Amend the condition of licence that temporarily allowed the premises to place tables & chairs in a designated area of the pavement into a permanent permission and extend the closing time of that area from 22:30hrs to 23:00hrs Monday - Sunday incl.

4.2 There is a comprehensive set of conditions on the licence. The licence holder considers 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 except to:

- Amend the condition of licence that temporarily allowed the premises to place tables and chairs in a designated area of pavement into a permanent permission and extend the closing time of the area from 22:30hrs to 23:00hrs.
- Amend the condition that limits last entry to the premises from 00:00hrs (midnight) to 01:00hrs of the following morning.

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 - 1 X Representations
 - A&W Environmental Protection Team
- Other Persons
 - 10 letters of representation received from the public.

7. Relevant Representations

7.1 Detail of the relevant representations received are reproduced at **Appendix E & G**. They are considered to relate to the statutory licensing objectives as follows:

- Prevention of Crime & Disorder
- Prevention of Public Nuisance

7.2 Adur & Worthing Councils' Environmental Protection Team 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 Ten representations were received from the public which have expressed concerns regarding possible crime & disorder, anti-social behaviour and public nuisance implications that can be associated with alcohol sales and entertainment. Some of the information included in some of the representations is regarded as not relevant to a licensing application and consequently should not be considered. However, the representations have been reproduced in their entirety and it is for members to carefully decide how much weight, if any, should be attached to some of the information included.

7.4 The applicant, the responsible authority and members of the public that made representation have been formally notified of this hearing and invited to attend.

8. Mediation

8.1 The Licensing Act 2003 encourages mediation.

8.2 The A&W Environmental Protection Team 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 already in place on the licence:

1. *The use shall not commence unless and until a noise assessment is undertaken and a scheme for controlling noise emissions from the proposed extension of use on surrounding residential dwellings has been completed and submitted to the Public Health and Regulation Department. The scheme shall be designed to achieve a noise rating curve of NR15 within bedrooms. A*

test to demonstrate compliance with the scheme shall be undertaken prior to the use commencing.

2. *Prior to the use commencing a Noise Management Plan shall be submitted to and approved in writing with the Public Health and Regulation Team detailing the main sources of noise and methods of controlling them. It should include agreed recommendations drawn from the Noise Assessment and shall set appropriate maximum noise levels inside the building. Thereafter, the premises shall only be occupied in accordance with the approved Plan. The Noise Management Plan should also include:
 - a. *Monitoring of all noise sources with intervention when necessary*
 - b. *A general incident log is to be kept which should include noise.*
 - c. *Any noise complaints should be investigated and the Management Plan reviewed and updated if necessary.*
 - d. *Bottles and waste to be disposed of between 09:00 and 20:00 on any day.*
 - e. *Deliveries shall only be made between the hours of 09.00 and 20.00 on any day.**
3. *All external seating is either brought into the unit or made inaccessible to the public after 23:00hrs.*
4. *No drinks permitted to be taken outside after 23:00hrs*
5. *All doors and windows to be closed from 20:00hrs.*
6. *The balcony doors to be closed from 20:00 hrs each evening and an auto-shut door system fitted (and maintained) to make sure the doors remain closed during the evenings.*
7. *There will be no smoking on the balcony at any time and it will be locked and the public will have no access after 23:00hrs.*

As a result the Environmental Protection Team has withdrawn its objections.

(Appendix F)

- 8.4 No information regarding mediation between the applicant and the members of the public that made representation has been provided to date. 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 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 the 'Manuka Bar & Kitchen' café-bar situated at 9 Portland Square, Worthing made by Manuka Bar & Kitchen 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/>

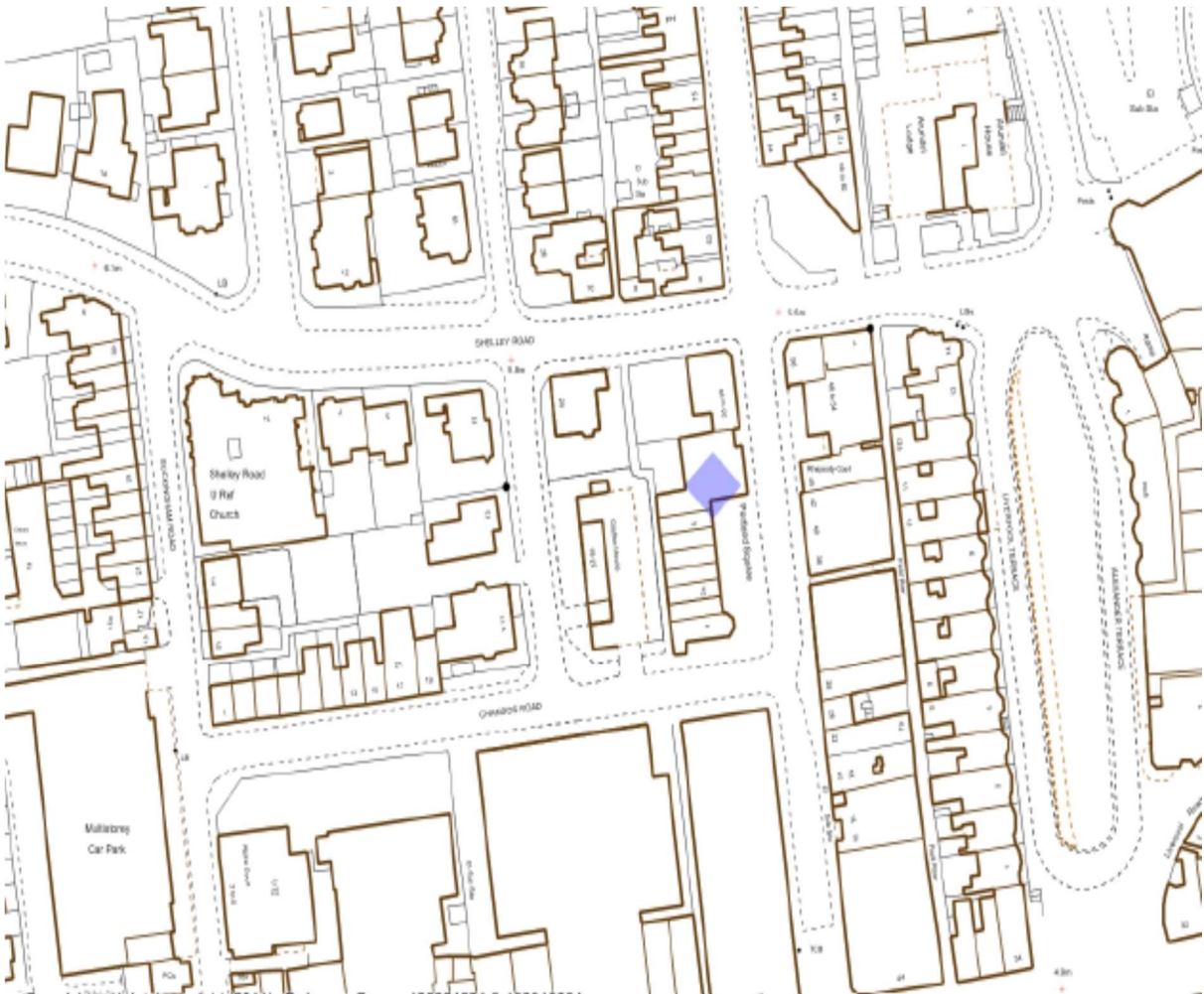
Appendices:

- 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
- Appendix G - Representations received from the public

Portland House, Worthing
Ref: SJ/LicU/LA03/VAR – Manuka
Date: 2 Sept. 2021

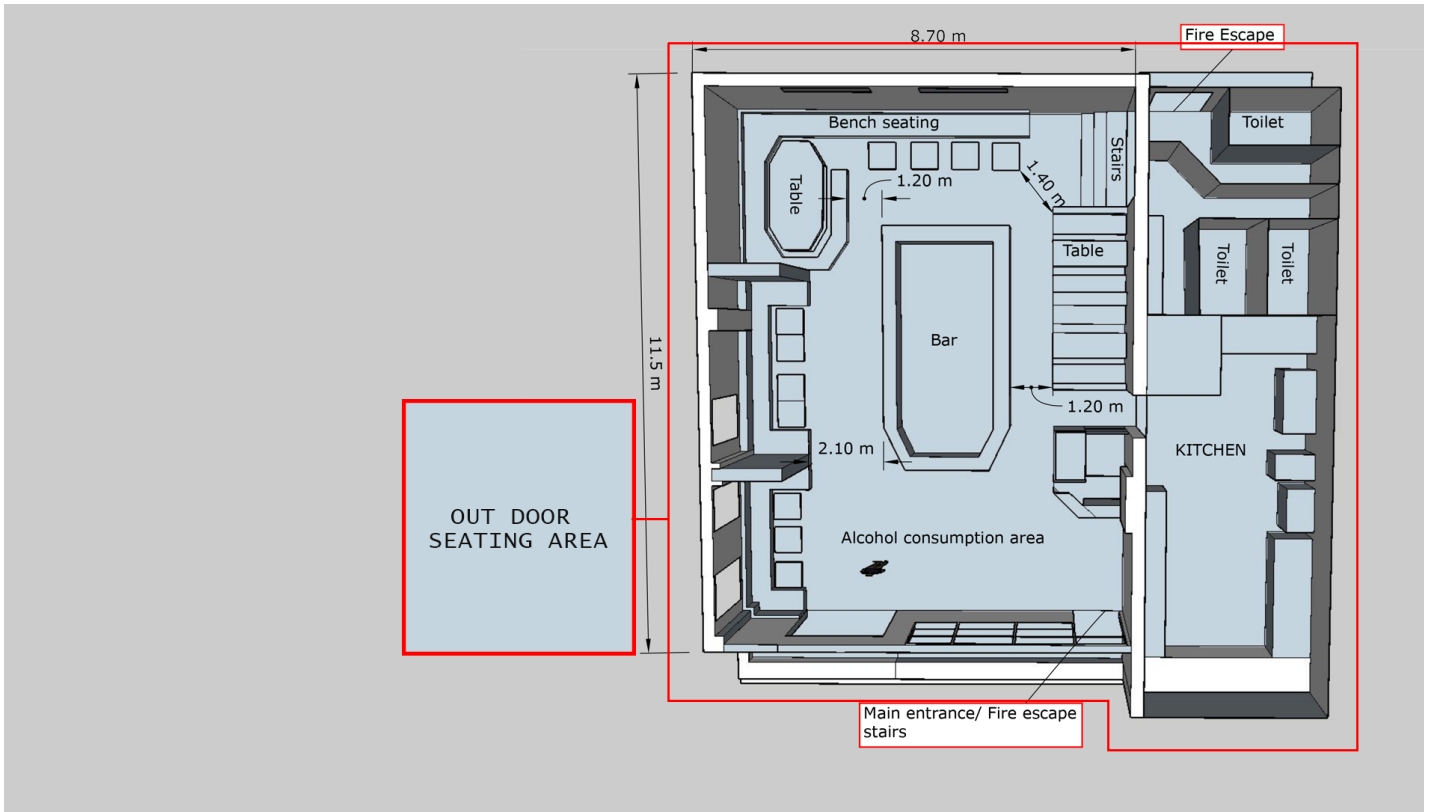
**Appendix A
Plan of the Area**



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WORTHING BOROUGH
COUNCIL

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

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

Premises Licence Number - LN/201700412

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Manuka Bar & Kitchen 9 Portland Square Worthing West Sussex BN11 1QH
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 : Bar with Designated Pavement Area		
Day	Start	Finish
Sunday	07:00	00:30
Monday	07:00	00:30
Tuesday	07:00	00:30
Wednesday	07:00	00:30
Thursday	07:00	00:30
Friday	07:00	01:30
Saturday	07:00	01:30
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> The outside designated pavement area will be closed down and all furniture removed by 22:30hrs every night. 		

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


Part 2 – Premises Licence Holder Details



Name
Manuka Bar & Kitchen Ltd


Registered Address
 Worthing West Sussex BN11 4EP
Telephone Numbers : 
E-mail : management@manukabarandkitchen.co.uk

Registered number of holder
10913553

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

Name


Registered Address

Telephone Numbers : 

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 : Bar & Designated Pavement Area		
Activities : Alcohol ON & OFF Sales/Supply (M)		
Day	Start	Finish
Sunday	10:00	00:00
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	01:00
Saturday	10:00	01:00
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none">The outside designated pavement area will be closed down and the consumption of alcohol within the area to cease by 22:30hrs every night.		

Location : Bar		
Activities : Late Night Refreshment (L)		
Day	Start	Finish
Sunday	23:00	00:00
Monday	23:00	00:00
Tuesday	23:00	00:00
Wednesday	23:00	00:00
Thursday	23:00	00:00
Friday	23:00	01:00
Saturday	23:00	01:00
Non Standard Timings & Seasonal Variations		

Signed on behalf of the issuing licensing authority



Senior Licensing Officer

Date : 29 July 2020

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 —

1. *P is the permitted price*
2. *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*
3. *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.

Annexe 2 : Conditions Consistent with the Operating Schedule

1. The balcony doors to be closed from 18:00 hrs each evening and an auto-shut door system fitted (and maintained) to make sure the doors remain closed during the evenings.
2. There will be no smoking on the balcony at any time and it will be locked and public will have no access after 23:00hrs.
3. Blinds will be installed on windows and balcony doors and will be closed after 23:00hrs
4. SIA approved door staff on Friday evenings, Saturday evenings and for any special days. They will be tasked to ensure customers leave quietly and safely. On weekdays the management and staff will operate the same policy.
5. There will be a strict no entry and re-entry policy after 00:00hrs.
6. Unaccompanied children (anyone under the age of 16) will not be permitted into the premises after 17:00 hrs and anyone under the age of 18 will be asked to leave after 19:00 hrs.
7. No nudity or highly sexually themed content will be permitted within the premises at any time.
8. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally (including the stairs from ground level leading up to the first floor bar and the entrance to the premises at ground level) to cover all public areas. The system shall be on and recording at all times the premises licence is in operation.
 - The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - CCTV footage will be stored for a minimum of 31 days.
 - The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. A member of staff must be present at all times who can operate the system and supply copies of these images on request to either Police, Council or other authorised Officer.
 - The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - Subject to Data Protection guidance and legislation, the 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 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.

9. On a Friday and Saturday night, and on days when there is a seasonal variation and/or the premises is conducting licensable activities later than their standards timings:
 - SIA door staff will operate at the premises at a ratio of one per one hundred occupants, starting with a minimum of two, from 22:00 until after close when all patrons have vacated the premises.
 - At least one member of door staff should be posted at the door of the premises at any time SIA door supervisors are employed.
 - Those performing the role of SIA door supervisor will not perform any other role when engaged for the purpose of door supervision duties. When on duty, SIA door supervisors will be clearly identifiable.

10. A documented risk assessment must be produced by the premises. The assessment will identify all licensable activities undertaken at the premises and the controls necessary to promote the licensing objectives. The written risk assessment will include:
 - When SIA trained and licensed door supervisors shall be employed on occasions (in addition to Friday and Saturday nights) when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police. When door staff are deployed at the premises they will be at a ratio of 1 door person per 100 persons, starting with a minimum of two door staff.
 - What considerations have been made by the licence holder regarding any additional special events which may arise in the town during the year.
 - The use of glassware versus shatterproof or polycarbonate drinking vessels and the supply of glass bottles to customers.
 - The risk of glasses or bottles being dropped or thrown from the first floor balcony onto persons at pavement level below.

11. 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 week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made at any of the bars/point of alcohol service e.g. for intoxication, will also be recorded in writing.

12. Patrons will not be permitted to take drinks outside in open containers beyond the licensed perimeter of the premises to consume whilst smoking or congregating outside, including the stairs and at ground floor level.

13. 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.

14. 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 8 weeks, with the date and time of the verbal reinforcement/refresher training documented. All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and authorised Local Authority Officers.

15. All alcohol off sales will be supplied in sealed containers.
16. Conditions for alcohol delivery service:
 - All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that a challenge 25 policy is in place, the recommended forms of ID accepted (see condition 13), and 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.
 - Alcohol deliveries will only be made to a residential or business address.
 - 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. Failure to produce satisfactory age verification ID will result in the alcohol not being delivered and instead returned to the premises. All refusals will be documented in the refusals book.
 - Customers ordering alcohol for delivery to a residential or business address must have their age verified. This process will be documented, the records of which must be retained at the premises 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 where the DPS has no direct supervision or control over the delivery and delivery is anticipated to take more than 24 hours (such as an independent courier or Royal Mail):
 - 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.
 - In the event that the person ordering and paying for the alcohol nominates another person as the recipient of the alcohol, as a gift etc, the person ordering and paying for the alcohol will be required to state as part of their order that the recipient is aged over 18.
 - 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 above conditions are adhered to by the third party.
17. Conditions relating to the Designated Pavement Are:
 - The area premises licence is temporarily extended to include part of pavement as shown on the attached plan. The licence holder, subject to obtaining a pavement licence, is authorised to use this area to place tables & chairs for the use of the bar's customers to sit to consume food & drink including the sale of alcohol.
 - The extension of the restaurant's licensable area to allow pavement sales & consumption of alcohol in the designated outside area will be in place whilst Covid-19 restrictions and social distancing measures are in force or for a maximum of 12 months from the date of grant (until 9 July 2021 unless the restrictions are relaxed sooner)
 - The outside tables and chairs will be available to customers seven days a week during permitted hours on the premises licence.

- Alcohol will only be sold for consumption in the designated outside area to customers who are seated. There will be no vertical drinking in the outside tables and chairs area. Customers may purchase drinks inside the premises and take them outside to sit in the outside tables and chairs area.
- On Friday & Saturday's from 20:00hrs to close there will be a SIA door supervisor dedicated to supervising the outdoor seating area, keeping noise and activity to a minimum. The premises will risk assess the need for SIA door supervisors on other days or hours, taking into account seasonal demand, special occasions, bank holidays etc.
- Patrons will not be permitted to take drinks in open containers to consume outside:
 - on the pavement/public highway beyond the licensed area of the premises;
 - beyond the designated outside tables and chairs area; whilst smoking or otherwise congregating outside of the premises.
- When the tables and chairs are removed from the front of the premises patrons will not be permitted to take drinks in open containers to consume outside as per above.
- Barriers delineating the outside tables and chairs area will be of substantial construction with canvas sides or other comparable construction.
- The outside tables and chairs area will be closed down and all furniture removed and secured in either inside the premises, or secured with chains outside within the perimeter of the premises, by 22:30 every night.

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

None

Annexe 4 : Plans

See attached internal plan dated 1 December 2017 and extended plan showing outside area ref: 6/22/2018



WORTHING BOROUGH
COUNCIL

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

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

Premises Licence Number - LN/201700412

Premises Details

Postal address of premises or, if none, ordnance survey map reference or description		
Manuka Bar & Kitchen 9 Portland Square Worthing BN11 1QH		
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 : Bar with Designated Pavement Area		
Day	Start	Finish
Sunday	07:00	00:30
Monday	07:00	00:30
Tuesday	07:00	00:30
Wednesday	07:00	00:30
Thursday	07:00	00:30
Friday	07:00	01:30
Saturday	07:00	01:30
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> The outside designated pavement area will be closed down and all furniture removed by 22:30hrs every night. 		
Where the licence authorises alcohol whether these are on and/or off supplies		
ON & OFF		

Premises Licence Holder Details

Name
Manuka Bar & Kitchen Ltd

Registered Address
[REDACTED]

Registered number of holder
10913553

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

Name
Mr Thomas Price

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 :	LN/201900000
Licensing Authority :	Worthing Borough Council

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

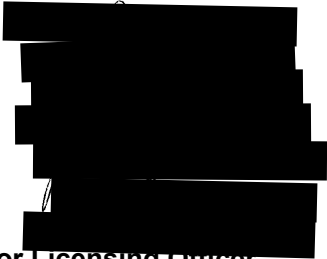
Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location : Bar & Designated Pavement Area		
Activities : Alcohol ON & OFF Sales/Supply (M)		
Day	Start	Finish
Sunday	10:00	00:00
Monday	10:00	00:00
Tuesday	10:00	00:00
Wednesday	10:00	00:00
Thursday	10:00	00:00
Friday	10:00	01:00
Saturday	10:00	01:00
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> The outside designated pavement area will be closed down and the consumption of alcohol within the area to cease by 22:30hrs every night. 		

Location : Bar		
Activities : Late Night Refreshment (L)		
Day	Start	Finish
Sunday	23:00	00:00
Monday	23:00	00:00
Tuesday	23:00	00:00
Wednesday	23:00	00:00
Thursday	23:00	00:00
Friday	23:00	01:00
Saturday	23:00	01:00
Non Standard Timings & Seasonal Variations		

Signed on behalf of the issuing licensing authority



Senior Licensing Officer

Date : 29 July 2020



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.

I/We**Manuka Bar and Kitchen LTD**.....(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

LN201700412

Part 1 – Premises Details

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

Post town
Worthing

Post code
BN11 1QH

Telephone number at premises (if any)

[REDACTED]

Non domestic rateable value of premises

[REDACTED]

Part 2 – Applicant Details

Daytime contact telephone number

[REDACTED]

Email address (optional)

[REDACTED]

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

Price

First names

Thomas

Current postal address if different from premises address

[REDACTED]

Post Town

[REDACTED]

Postcode

[REDACTED]

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)

We wish to extend the hours of the sale of alcohol, late night refreshment, opening hours to the public and recorded music.

We also wish to ammend the condition of license that temporarily allowed the premises to place tables and chairs in a designated area of the pavement into a permanent permission and extend the closing time of the area from 22:30hrs to 23:00hrs.

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				
Fri				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)
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	Outdoors
Mon				
Tue				
Wed			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)	
Thur				
Fri				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)
Sat				
Sun				

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	X	
Day	Start	Finish		Outdoors		
Mon	12:00	0130	Please give further details here (please read guidance note 3)	Both		
Tue	12:00	0130				
Wed	12:00	0130		State any seasonal variations for the playing of recorded music (please read guidance note 4) Christmas Eve Until 02:00 the following morning		
Thur	12:00	0130			New Years Eve Until 02:00 the following morning	
Fri	12:00	01:40		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	12:00	01:40				
Sun	12:00	01:30				

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		
Day	Start	Finish	Will the entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				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	X
Day	Start	Finish		Outdoors	
Mon	12:00	00:00	Please give further details here (please read guidance note 3)	Both	
Tue	12:00	00:00			
Wed	12:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) Christmas Eve Until 02:00 the following morning		
Thur	12:00	00:00	New Years Eve Until 02:00 the following morning		
Fri	12:00	01:00	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) Sun - Thurs 23:00 - 01:30 Fri & Sat 23:00 - 01:40		
Sat	12:00	01:00			
Sun	12:00	00:00			

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	12:00	00:00	State any seasonal variations for the sale of alcohol (please read guidance note 4) Christmas Eve Until 02:00 the following morning	Both	
Tue	12:00	00:00	New Years Eve Until 02:00 the following morning		
Wed	12:00	00:00			
Thur	12:00	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) Sun - Thurs 23:00 - 01:30 Fri & Sat 23:00 - 01:40		
Fri	12:00	01:00			
Sat	12:00	01:00			
Sun	12:00	01:00			

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)

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	12:00	00:30	Christmas Eve Until 02:15 the following morning
Tue	12:00	00:30	New Years Eve Until 02:15 the following morning
Wed	12:00	00:30	
Thur	12:00	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) Mon - Sun inclusive 12:00 - 02:00
Fri	12:00	01:30	
Sat	12:00	01:30	
Sun	12:00	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

We wish to vary the hours of Alcohol sales, Late Night Refreshment, Recorded Music & Opening hours to the public as listed above.

Amend the condition of license that temporarily allowed the premises to place tables and chairs in a designated area of pavement into a permanent permission and extend the closing time of the area from 22:30hrs to 23:00hrs.

Amend the condition of last entry at 00:00 to 01:00.

Please tick ✓

I have enclosed the premises licence

X
X

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)

We will continue to promote the four licensing objectives and run the premises at a high standard of operation.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

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

X
X
X
X
X

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.**

SignatureThomas.Price.....

Date23/7/21.....

CapacityDPS.....

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)

Post town	Post code
------------------	------------------

Telephone number (if any)

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

Notes for guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

- 4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Information on the Licensing Act 2003 is available on the website of the Home Office and the Department of Culture, Media & Sport

<http://www.homeoffice.gov.uk/>

http://www.culture.gov.uk/alcohol_and_entertainment

or from

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

Telephone: 01903 221068 or 01273 263331

Email: licensing.unit@adur-worthing.gov.uk

Website: <http://www.adur-worthing.gov.uk/licensing-and-permits/>

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Re: LA 2003 - Premises Licence Variation Application - Manuka Bar & Kitchen

1 message

Hannah Powell <hannah.powell@adur-worthing.gov.uk>
To: Licensing Unit <licensing.unit@adur-worthing.gov.uk>

6 August 2021 at 12:55

Good afternoon

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 is for recorded music (internally) and supply of alcohol between 12:00hrs and 01:30hrs Thurs - Sun and 12:00hrs to 01:40hrs Fri and Sat. The opening hours of the premises will be 12:00hrs to 02:00hrs on all days and external seating until 23:00hrs on all days.

I have concerns about noise from music and external noise from customers potentially causing a public nuisance, in particular the impact this could have on residential dwellings opposite this premises. The application provides insufficient information to demonstrate how the applicant is going to manage the impact of this variation to prevent public nuisance. I must therefore object to this application at the current time.

Regards
Hannah Powell

On Fri, 6 Aug 2021 at 10:10, Licensing Unit <licensing.unit@adur-worthing.gov.uk> wrote:

Hi Hannah,

Here is the consultation email. Simon Jones sent us an amended application for this last night, basically adding Regulated Entertainment in the form of Recorded Music which they had been providing until 23:00hrs under the LA 2003 exemption for alcohol licensed premises.

Thanks

[Redacted signature]

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

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

Date: Fri, 23 Jul 2021 at 18:16

Subject: LA 2003 - Premises Licence Variation Application - Manuka Bar & Kitchen

To: Adur & Worthing Councils Environmental Support <[Redacted]>
[Redacted]
<[Redacted]>
<[Redacted]>
[Redacted]
[Redacted]

Dear Sirs

**Re: Licensing Act 2003 Premises Licence Variation Application
Manuka Bar & Kitchen, 9 Portland Road, Worthing, BN11 1QH**

Please find enclosed an application for a Premises Licence Variation for a bar/restaurant.

Consultation on this closes midnight 20 August 2021.

Hearing, if required, on 15 September.

Comments gratefully received.

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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Hannah Powell

Environmental Health Technician, Adur & Worthing Councils
Phone: 01273 263357
Email: hannah.powell@adur-worthing.gov.uk
Website: <http://www.adur-worthing.gov.uk/>
Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA



Fwd: LA 2003 - Premises Licence Variation Application - Manuka Bar & Kitchen

1 message

Licensing Unit <licensing.unit@adur-worthing.gov.uk>

2 September 2021 at 10:14

To: Jade Marshall <jade.marshall@adur-worthing.gov.uk>, Simon Jones <simon.jones@adur-worthing.gov.uk>

FYI - I have added to the app

Thanks
Amy

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

From: **Hannah Powell** <hannah.powell@adur-worthing.gov.uk>

Date: Thu, 2 Sept 2021 at 09:55

Subject: Re: LA 2003 - Premises Licence Variation Application - Manuka Bar & Kitchen

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



Good morning.

With reference to the above application I have spoken with Ben Thompson (Managing Director of Manuka Bar and Kitchen) and discussed how my objection can be mediated.

I explained my concerns relating to recorded music and the potential for public nuisance given the proximity of residential dwellings. Also, customer noise from external seating (before 23:00hrs), smokers and customers leaving the premises.

Mr Thompson has agreed with my recommendation for a noise assessment to be undertaken and the submission of a Noise Management Plan. I would recommend the following conditions:

1. The use shall not commence unless and until a noise assessment is undertaken and a scheme for controlling noise emissions from the proposed extension of use on surrounding residential dwellings has been completed and submitted to the Public Health and Regulation Department. The scheme shall be designed to achieve a noise rating curve of NR15 within bedrooms. A test to demonstrate compliance with the scheme shall be undertaken prior to the use commencing.
2. Prior to the use commencing a Noise Management Plan shall be submitted to and approved in writing with the Public Health and Regulation Team detailing the main sources of noise and methods of controlling them. It should include agreed recommendations drawn from the Noise Assessment and shall set appropriate maximum noise levels inside the building. Thereafter, the premises shall only be occupied in accordance with the approved Plan.

The Noise Management Plan should also include:

- Monitoring of all noise sources with intervention when necessary
 - A general incident log is to be kept which should include noise.
 - Any noise complaints should be investigated and the Management Plan reviewed and updated if necessary.
 - Bottles and waste to be disposed of between 09:00 and 20:00 on any day.
 - Deliveries shall only be made between the hours of 09.00 and 20.00 on any day.
3. All external seating is either brought into the unit or made inaccessible to the public after 23:00hrs.
 4. No drinks permitted to be taken outside after 23:00hrs
 5. All doors and windows to be closed from 20:00hrs.
 6. The balcony doors to be closed from 20:00 hrs each evening and an auto-shut door system fitted (and maintained) to make sure the doors remain closed during the evenings.
 7. There will be no smoking on the balcony at any time and it will be locked and the public will have no access after 23:00hrs.

Regards
Hannah Powell

On Fri, 6 Aug 2021 at 12:55, Hannah Powell <hannah.powell@adur-worthing.gov.uk> wrote:

Good afternoon

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 is for recorded music (internally) and supply of alcohol between 12:00hrs and 01:30hrs Thurs - Sun and 12:00hrs to 01:40hrs Fri and Sat. The opening hours of the premises will be 12:00hrs to 02:00hrs on all days and external seating until 23:00hrs on all days.

I have concerns about noise from music and external noise from customers potentially causing a public nuisance, in particular the impact this could have on residential dwellings opposite this premises. The application provides insufficient information to demonstrate how the applicant is going to manage the impact of this variation to prevent public nuisance. I must therefore object to this application at the current time.

Regards
Hannah Powell

On Fri, 6 Aug 2021 at 10:10, Licensing Unit <licensing.unit@adur-worthing.gov.uk> wrote:

Hi Hannah,

Here is the consultation email. Simon Jones sent us an amended application for this last night, basically adding Regulated Entertainment in the form of Recorded Music which they had been providing until 23:00hrs under the LA 2003 exemption for alcohol licensed premises.

Thanks
Becca

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

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

Date: Fri, 23 Jul 2021 at 18:16

Subject: LA 2003 - Premises Licence Variation Application - Manuka Bar & Kitchen

[Redacted content]

Dear Sirs

**Re: Licensing Act 2003 Premises Licence Variation Application
Manuka Bar & Kitchen, 9 Portland Road, Worthing, BN11 1QH**

Please find enclosed an application for a Premises Licence Variation for a bar/restaurant.

Consultation on this closes midnight 20 August 2021.

Hearing, if required, on 15 September.

Comments gratefully received.

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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Hannah Powell

Environmental Health Technician, Adur & Worthing Councils
Phone: 01273 263357
Email: hannah.powell@adur-worthing.gov.uk
Website: <http://www.adur-worthing.gov.uk/>
Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA



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Hannah Powell

Environmental Health Technician, Adur & Worthing Councils
Phone: 01273 263357
Email: hannah.powell@adur-worthing.gov.uk
Website: <http://www.adur-worthing.gov.uk/>
Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA



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Initials

18 AUG 2021

RECEIVED

Licensing Unit

Worthing Councils

[REDACTED]

Sorry but I do object to "MANUKABAH" etc.
 I've resided in Chandos Rd 13 years now. From
 Chandos to Porland Rd, the whole square is
 an "ECHO CHAMBER", our road is a one-way
 system, we will get cars using Chandos Rd
 like a racetrack with no doubt Tom Tom
 music as well, we have enough to put up
 with now, i.e. car park, in Buckwinton, all
 the bars this that and another all
 go down the tubes, so save your cash
 and us residents a break

Worthing,

[REDACTED]

[REDACTED]

Objection to 14 August.
 Licensing Application.

Licence application - Manuka Bar and Kitchen

1 message

19 August 2021 at 11:57

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

With regard to the above application I would like to comment as follows:

Objection to the permanent permission to place tables and chair on the Square. I understood this measure was to help recover from Covid not a permanent arrangement. The bar can takeover the majority of the square and probably increases tables by 200% compared to inside seating. I did not move into this property to be next door to an outside restaurant and bar with DJs etc and the ensuing additional noise. It is also unfair on other licensed premises who are not adjacent to a large square and only actually have a pavement outside their premises.

I do not object to the remainder of the changes but would like the bar to try and move their patrons on once leaving the bar to keep noise to a minimum.

Sent from my iPad

I hereby object to the changes proposed to the existing business hours of the Manuka Bar and Kitchen Ltd, 9 Portland Square, Worthing BN11 1QH.

After extensive searching we were fortunate to find and purchase our home at [REDACTED] having moved from Portslade. This now seems to be the worst move we have made. Any extension to Manuka's licensing hours will make living here even more unbearable.

We have a 3 bedroom house and the master bedroom at the front of the house is unusable as a bedroom and the back bedroom can only be used as a bedroom with the windows closed and wearing earplugs when sleeping. This is all caused by the noise we hear from Manuka Bar caused by the music and their customers. The noise carries down the street and affects the back bedroom and the master bedroom. Drunk people passing by the front of the house shouting, banging on our windows and ringing our doors getting in their cars, slamming their doors and speeding off. We have seen people urinating on our front door and across the street in the delivery bay of the Sports Direct shop.

In the morning there is often plastic cups littering the street, smashed glasses on the pavement and empty bottles left on our window sills.

We object to the permanent installation of tables and chairs serving the business from 10 am till 11pm which will be inevitably used by their customers well in to the hours of the morning. This permanent installation of tables and chairs will be used as a pitstop by any late night party goer passing by.

We know that we are on the edge of the Town Centre but we live on a residential street and hope consideration would be shown for the residents which include retired persons. Professionals with young families who have jobs to go to like mind at the NHS were I have 12

hour shifts that start 7am. We live here 24 hours a day, all year long. We can only put up with so much noise. Enough is enough!

We were looking forward to the improvements to Portland road but they seem to be only improvements for the profit of private businesses like Manuka Bar and not the public who have paid for the improvements through their taxes.

The residents of Chandos Road are spending their hard earned earnings improving our homes and look of the street and please don't let Chandos road be turned into a slum caused by the noise, litter and often aggressive behaviour by the customers of Manuka Bar that this proposed extension to their business hours will cause.

Yours faithfully,

[REDACTED]

[REDACTED]

[REDACTED] Worthing BN11 1TJ

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Fwd: Manuka Bar and Kitchen Licence Application

1 message

24 August 2021 at 09:12

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

Date: Fri, 20 Aug 2021 at 16:30
Subject: Manuka Bar and Kitchen Licence Application
To: licensing.unit@adur-worthing.gov.uk <licensing.unit@adur-worthing.gov.uk>

Dear Sir/Madam,

My name is

Address

[worthing](#)
[West Sussex](#)
[BN111QG](#)

I would like to formally register my objection to the licence application from Manuka Bar and Kitchen. In particular I object to the extension of hours, permanent outside pavement drinking tables and recorded music until 0130hrs and 0140hrs at a weekend.

My objections are based on myself and my family living close by to Manuka in Portland Road and this will severely impact on our enjoying peaceful sleep and a quiet, relaxing home environment.

We can hear the local entertainment establishment's music in our home and garden already, and are grateful that as it stands it always ends around 11pm. We then have the noise and disruption of people dispersion from the area until around midnight.

Extending this time period will cause disruption to a residential area extending north into Portland Road and the surrounding streets.

This is a densely residential area with many of the properties housing families and older people.

Also, it was quite unpleasant when Manuka had its tables and chairs out over the summer to have to walk that way to get home. I was under the impression that the huge investment in the Portland Road up lift was to promote the restaurants and cafe culture, not a lively cocktail bar.

Thank you for your time.

Yours sincerely,

[Sent from Yahoo Mail on Android](#)

18th August 2021

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

To whom it may concern

LICENCE APPLICATION – MANUKA BAR AND KITCHEN LTD

We have recently been informed of a licence application for the variation to the premises licence at Manuka Bar & Kitchen, 9 Portland Square, Worthing, BN11 1QH. We object to this permission being granted on the following grounds.

Manuka Bar have recently had temporary permission for the placement of tables and chairs in the designated area outside the property, we have experienced numerous issues with this, we have been extremely patient as we fully understood the issues facing the hospitality industry at this time and their protocols for social distancing. However, these issues can not continue going forward.

Our patients are predominately older in age and less mobile so we need to maintain good access for wheelchairs and mobility scooters, which was not maintained during this time. We have experienced a lot of noise from the tables as well as music being played. We conduct hearing tests and require the area to be quiet and at times we have been unable to carry out our appointments in full as the hearing tests have failed due to outside interference. We have had occasions where we have had to ask for music to be turned down and people to move away from outside the branch for us to continue our appointments.

We believe that having the tables and chairs outside on a permanent basis would reduce the visibility of our shop from street level and we would experience increased levels of antisocial behaviour and general nuisance, than we already currently experience.

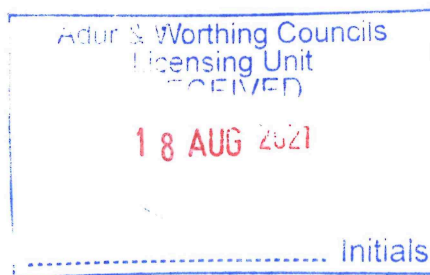
I hope that you are able to take the above into consideration and refuse permission of the new application.

I look forward to hearing from you.

Yours sincerely

A large black rectangular redaction box covering the signature area.A black rectangular redaction box covering contact information.

The Licensing Unit
Adur & Worthing Councils
Portland House
Richmond Road
Worthing
BN11 1HS



16th August 2021

Dear Sir/Madam,

RE: Variation to premise licence at Manuka Bar & Kitchen, 9 Portland Square, Worthing, BN11 1QH

We write as owners of the property, [REDACTED], which has three residential flats, two of which are directly opposite Manuka Bar. One of the flats is on the same first floor level as Manuka Bar. There is also a further eight flats next door to our property.

We are writing to voice our concern and objection to this application on the basis of noise and disturbance to local residents. We feel the existing licencing hours are late enough for an area which has a large number of residents. At what point does a bar become a night club? We are also concerned if these changes were granted, this could set a precedence in this area for other businesses to increase their trading hours.

With regards to the application to have permanent permission for the outside seating area and to extend the closing time of the current temporary licence - without details of size of area or number of tables, it is difficult to know to what degree this will affect the local residents. We would definitely object to any outside recorded music.

We strongly object to extending the existing time of recorded music, and sometimes live bands, on the grounds of noise and disturbance to local residents. Under the existing conditions of their licence this already causes disturbance. When Manuka Bar originally applied for their premises license in 2017, they gave us assurances about this subject, and I quote from their letter "We are installing a new sound system that is specifically tuned and designed for this Venue to keep any bleed of sounds to an absolute minimum, and we will have strict monitoring levels in place in consideration to our neighbours." Unfortunately, this has not been adhered to on numerous occasions.

When considering this application, it should be noted once Manuka Bar has closed, there will be further noise and disturbance late at night/early morning along Portland Road and surrounding area with their customers leaving the premises, traffic movements, taxis, phone calls, etc.

Yours faithfully,

[REDACTED]
[REDACTED]
[REDACTED]

20 August 2021

Manuka Bar and Kitchen Ltd 9 Portland Square Worthing BN11 1QH - Objection to licensing application

To Adur-Worthing Licensing Unit - objection to the above application (Application / Applicant)

1. [REDACTED] *This is a residential area. Albeit on the edge of the town centre, it is significantly residential in character, my home at [REDACTED] being part of a row of terraces built in 1903.*
2. Sound from Portland Square reverberates there on the hard surfaces like an auditorium and travels clearly and directly through the air corridors of Chandos Road gardens at the back, and the street at the front.
3. I already suffer nuisance from those premises of:
 - a. Noise from loud music and noise of patrons emanating directly from the premises inside and outside. That noise carries directly, clearly and loudly through the open air across the back of Panacea Clinic and the back gardens of Chandos Road directly to my back bedroom; it carries down Chandos Road to my front room, particularly upstairs. I heard this kind of noise when Manuka operated only from inside their premises before Covid19 and the level of noise has significantly increased since patrons have been seated outside.
 - b. Noise of patrons in the street out the front – drunkenly congregating or moving through our streets, vehicle activity (parking, engine noise, unnecessary revving, souped-up engines, slamming of car doors, music from their cars, vehicle lights). This activity is directly related to the closing time of Manuka premises because it is at the highest level at night at and around 22:00;
 - c. Likewise anti-social behaviour is directly related to the closing time of Manuka premises because it is at the highest level at night from about 22:00 frequently continuing into the early hours as follows: banging with fists on windows and doors to the extent of nearly breaking them, urinating and defecating on the doorstep, against my door and property walls and on the public footpath outside my home, vandalising my property (e.g. my car, window boxes), littering the street in front of my house and the footpath generally with toilet tissue, empty bottles broken glass etc. You name it they do it.
4. There is no-one to help. The police certainly can't or don't. I'm sure members of the licensing unit must know what it's like when you're woken from sleep, or can't get to sleep, or back to sleep because of noise. The tiredness resulting from the disrupted, lost sleep cannot be made up for. The time spent in complaining and logging nuisances is a further imposition and to date, because it has brought no effective result, I have stopped complaining. For example, apart from all the work afterwards logging the nuisance etc, if one calls the after-hours noise number no-one will come out to do anything about it unless there are phone calls from at least 2 different households; one has to get up to make the phone call which adds to the wakefulness; adds despair at being unable to stop the noise then and there; and at one stage the process included having to stay up to wait an unspecified length of time for a return phone call to prove your bona fides.
5. We residents of Chandos Road care about our homes. We work, many of us 6 or 7 days a week, some of us on night shifts. A few of us are retired in our 80s and others of us have new born babies or young children. We need our sleep and peaceful enjoyment of our homes during the day as well as at night. I work from home 7 days a week and can hear and am disturbed during the day, as well as at night, by the noise from Portland Road & Square including from Manuka particularly on weekends.
6. **For the above reasons, and on the following grounds, I object to the above licensing application being granted, even on a "wait and see" basis or on a temporary basis.** I certainly do not accept having to endure the nuisances for any period of time while the authorities go through the process of reviewing the licence granted following our complaints. Each complaint represents at least one and probably more than one victim of ruined sleep, days of effective work or leisure lost to fatigue, work hours and pleasure in peaceful enjoyment of our homes lost to the suffering and disturbance at the occurrence of the nuisance itself;

On the grounds of public nuisance – direct noise nuisance for extended periods of opening, from outdoor operation, from playing recorded music and from the volume of patron behaviour due to alcohol;

7. I've been hearing the noise from Manuka's premises from when it first started its operations when it operated only from inside their premises before Covid19. The level of noise affecting me has significantly increased since patrons have been seated outside. The licence application, which if granted would permit hours of opening **10:00AM until 1:30 or 1:40am** 363 days of the year and until 2am on Christmas Eve and New Year's Eve opening until 2 am the following morning, would:
- extend the duration of the direct noise nuisance to unacceptable hours and for an unacceptable duration lasting potentially all day as well as into the night and wee hours.
 - extend the level of direct noise nuisance by playing recorded music (though played inside the premises it will be heard outside), not only from the music itself, but from the further raised voices as patrons naturally increase their voices to be heard above the background din of music and their fellow patrons noise.
 - extend the level and duration of direct noise nuisance by extending the period of permissible seating outside, the period of alcohol sales and the music, indubitably spilling to the outside above which again, voices will be raised to compete.

Indeed, if the music and voice noise could and would be contained wholly within the 4 walls of Manuka's premises without emanating to the outside then there would surely be no need for a license application to regulate the hours of operation at all?

On the grounds of prevention of crime and disorder

8. Manuka's patrons' contribution to the afore-mentioned crime and disorder anti-social and criminal behaviour will inevitably increase with an extension of opening hours, alcohol sales hours and pavement seating hours as applied for.

Public nuisance – obstruction

9. The extent of the designated pavement area permanently applied for is smaller than the space currently taken up by the Applicant but is nevertheless of significant extent, across the front of other retail premises here (Hidden Hearing which may turn out to be exceptionally well-named from the point of view of noise and visibility of the premises) plus 2 other retail premises currently not let or open for business. It is also unclear whether the proposed extent of the designated shown (approximately 4.3m x 4.2m) includes the Applicant's barriers each about 30cms width and placed around the tables & chairs, plus also the distance of those barriers away from the tables & chairs?
10. Regardless, although there may technically be sufficient width for pedestrians to access those other shops between the Applicant's proposed seating and the shops it is in located in front of, the ease of that access will be impeded and the visibility of those other shops will be obstructed. Additionally, taken together with any use those other shops may be expected to take up in front of their own premises, Portland Square will be choked up with furniture and will not be comfortable for general street use by the public, particularly given that, due to Covid, it is even more important for people to be able to move around at a safe distance from one another. Particularly with Covid19, people being out and about in Portland Square need more space, not less, and to enjoy the new upgrade which has been funded by public funds - not forced to squeeze around Manuka's barriers, canopies and tables and chairs to access other shops or have Manuka's and its patrons loud and rowdy activity imposed beyond the curtilage of Manuka's own premises frontage which is on Portland Road to the east.

Town centre location is not an excuse for us to have to endure the nuisance:

11. Many is the time that Council and the Licensing Unit has cited the "town centre location" of Chandos Road as an inevitable reason to permit an applied for permission and level of nuisance affecting our residential amenity that would be unacceptable were it not for this "town centre location". Yet Chandos Road is not within the official limits of the Town Centre boundary. I submit and strongly

urge the Licensing Unit to take note of the following points in respect of Manuka Bar's application and refuse it:

- a. Chandos Road is not within the official Town Centre Boundary. A boundary exists to be adhered to. For example, Chandos Road is adjacent to or just outside several Conservation Areas, yet the protection of being in a Conservation Area has never been flexible as to the boundary for us to claim the advantage of protection from it. Likewise, the residential amenity of Chandos Road ought not to be permitted to be affected by a flexible approach to the Town Centre boundary in favour of Manuka's activities.
- b. Regardless of location, we residents, as residents of our homes, are entitled to some level, surely, of residential amenity? At what level therefore does the Licensing Unit propose this will be meaningfully and successfully achieved if the requested licence on any, some, or all of the Applicant's requests (hours of operation; hours of alcohol sales, recorded music playing; designated pavement seating extent, location and hours of outdoor use) be permitted?
- c. The type of activity for which Manuka Bar has and seeks addition to - namely recorded music playing to patrons attending and drinking alcohol until the small hours - is akin to a night club. It is significantly different to the European-style street café, ordinary shopping activity and pedestrianised upgrade of Portland Road and Square as promoted by Council which I supported and have long looked forward to. *Instead, Manuka's night-club style activity ought to be confined to the central areas of the town centre where it is appropriate, not brought to the margins of the town centre directly adjacent to pre-existing residential where it is not at all appropriate.*
- d. Manuka's application both individually and in its contribution to the other increasingly late night and drinking establishments of Portland Road therefore represents a significant departure in the character of the area and therefore ought not to be permitted or certainly not without further investment by Council to significantly and effectively offset the negative impacts of that change on our residential amenity.
- e. ***Like retail in general, we residents and certainly I, have also been adversely affected by Covid19 and by lockdown. My residential amenity is therefore even more important than ever it was. It is certainly wrong that the initiatives taken by government (which I wholeheartedly support) to assist on-street retail through the triple crises of online sales, Brexit and Covid19 should require the sacrifice of my residential amenity. Far more to the point would be a significant reduction in business rates to realistic levels.***
- f. If local residents are driven out through the degradation of our amenity, then the other kinds of retailers reliant on our more local style of everyday trade will suffer.
- g. If the freehold status of Portland Square means that Manuka's licence application benefits from some get-out clause from the usual regulatory controls of the Licensing Act, then certainly the Applicant and the Square freeholder ought not to be extended the full benefit of Covid19 government concessions in relation to pavement licences for example, which have been temporarily put in place to support public realm high street retail (noting moreover, that Manuka's Application is for a permanent licence). In other words, the freeholder and its tenant Manuka ought not to be allowed to have it both ways.
- h. Furthermore, given the public funds spent on the freeholder's land, there ought to be some sort of quid pro quo to the general public at large, including local residents of Chandos Road, and at least not a pavement seating arrangement which obstructs general public activity and access on the Square and to other retailers on the Square.
- i. *Meanwhile however, it is a matter of relevant planning precedent, that this is not a case of us residents moving to the nuisance. We, the residential character of this area, were here first and this is a case of the Applicant bringing the nuisance, the Town Centre to us - expanding the town centre activity outwards into our residential zone.*

- j. The retail area of Portland Square has until recently been mainly of “ordinary” shops with normal opening hours and normal retail activity ie no intrusion with noise pollution or annexation of the public realm outside the four walls of shop premises.
12. This objection is not only about the noise but the privatisation of the street well beyond what is fair, reasonable and civilised, with due regard to the layout and available space in Portland Road and Square for the general public at large including local residents, not just the people paying to eat and drink at Manuka.
13. *The upgrade currently being carried out to Portland Road and Portland Square is for all of us and is long awaited* – it ought not to be annexed to the private use of bars and restaurants except to their fair share against their own frontage and as appropriate to the width of the street and pedestrian access.
14. It is not only retail which has suffered due to Covid. As a result of Covid, the amenity of our home life and also out home working life has never been more important.

On as separate matter:

15. Council has not abided by its own policies in that the present licence application was not advertised in the street (it should have been for 28 days). Though I live just around the corner, I only found out about the Application on Sunday evening 15th August 2021 from a private leaflet put through my door;
16. The information on Council’s website is woefully lacking. I had to spend considerable time finding out important, basic information such as the location and extent of the designated pavement area for seating applied for and whether the music was to be played from within the premises or outside, none of which information is publicly available on the site but was kindly supplied on request after the assistance of a succession of Council officers. Full detail of the extent of the seating (such as whether or not it is the maximum extent including the barriers) is still not known.
17. I found out on Tuesday 17th August 2021 by sheer chance that *Manuka is part of Portland Square which is privately owned by a freeholder (Portland Market Development Limited)*. That fact, and that a significant proportion of the public funds being expended on the Portland Road upgrade is therefore being spent on upgrading private freehold land has not at any stage been made public or transparent by Council, such as for example in the draft public consultation for the upgrade or anywhere in this licence application. The freeholder of Portland Square has therefore benefitted from what seems thankfully to be turning out to be a beautiful, quality upgrade funded by public funds including Coast to Capital funds. Thus whether any quid pro quo for the public good has or could have been negotiated in return for the freeholder’s freebie is unknown and the public had no input at the consultation stage for example as to such possible arrangements which could have included concessions / undertakings as to the conduct of leaseholders in respect of neighbouring residential amenity and the public street generally.

This representation is an indication of the strength of my opposition to the Application because of its undoubted further and significant derogation of my residential amenity if granted.

Yours sincerely

[REDACTED]

[REDACTED]

Fwd: Variation to the Premises Licence at Manuka Bar & Kitchen

1 message

Licensing Unit <licensing.unit@adur-worthing.gov.uk>

18 August 2021 at 09:21

To: Simon Jones <simon.jones@adur-worthing.gov.uk>, Jade Marshall <jade.marshall@adur-worthing.gov.uk>

[Redacted]

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

[Redacted]

Date: Tue, 17 Aug 2021 at 20:16

Subject: Variation to the Premises Licence at Manuka Bar & Kitchen

[Redacted]

[Redacted]

To whom it may concern.

I am the owner of [Redacted] Worthing BN11 1 QH. [Redacted]
address is 1 [Redacted] West Sussex. BN14 0AB

I refer to the above variation application and wish to formally lodge an objection to the requested amendment of the licence condition that temporarily allowed the Manuka premises to place table and chairs to become permanent for the following reasons:

1. It is unclear what Manuka's designated area is - normally a plan would be included highlighting this area, including size and numbers of tables and chairs.
2. I have a concern that Manuka will attempt to use the designated area in front of my business at 4 Portland Square which is totally unacceptable as it will impact my business and placement of my tables and chairs in my designated area.
3. I also wish to ensure that customers continue to have easy and un-impeded access to my shop.

Regards

[Redacted]

Manuka Bar and Kitchen Ltd

1 message

16 August 2021 at 12:14

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

Dear Sir/Madam

I am objecting to the extension of the extended hours due to the fact that people living in Portland Road have to put up with a lot of noise when and after people are at and leave these places

There is shouting, fighting and general mayhem with broken glass on the road and pavement

I think that the hours are okay as they are and should not be extended

Yours sincerely



Sent from [Mail](#) for Windows

Fwd: Manuka Bar & Kitchen

1 message

Licensing Unit <licensing.unit@adur-worthing.gov.uk>

23 August 2021 at 10:13

To: Simon Jones <simon.jones@adur-worthing.gov.uk>, Jade Marshall <jade.marshall@adur-worthing.gov.uk>

[REDACTED]

[REDACTED]

----- Forwarded message -----
[REDACTED]

Date: Fri, 20 Aug 2021 at 16:54

Subject: Manuka Bar & Kitchen

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

I write to object to the above application for a variation of the premises' licence. These premises are very close to residential properties whose occupants need their sleep.

We do not want either loud musical entertainment or dining after midnight during the week or an extension at weekends.

[REDACTED]

Sent from my iPad