

**Minutes of a Meeting of the
WBC Licensing and Control Sub-Committee 'B' of
Worthing Borough Council**

Remote Via Zoom

27 July 2022

Councillor Sally Smith (Chair)

Councillor Roy Barraclough

Councillor Mike Barrett

LCSC/4/22-23 Declarations of Interest / Substitute Members

None.

LCSC/5/22-23 Public Question Time

There were no questions from members of the public.

**LCSC/6/22-23 Licensing Act 2003 – Application for a new Premises Licence
at Doner Deliz, (Gallegos Worthing Ltd), 121 Montague Street, Worthing, BN11 3BP**

Before the Sub-Committee was a report by the Director for Communities, which has been circulated to all Members, a copy of which is attached to the signed copy of these minutes as item 3.

Those who had made representation on the application had been invited to the meeting but were not present to give representation in person.

Presenting Officer outlined the application

The Licensing Officer outlined the application, made on behalf of Gallegos Worthing Ltd, before members. Members were advised that the application had been the subject of formal representation by two responsible authorities, the Police, the A&W Environmental Health Protection Team and 8 members of the public. The Officer clarified that the Police had withdrawn their representation given that the applicant had agreed to additional conditions suggested by the Police. He advised that A&W Environmental Health Protection Team had also withdrawn their representation as a result of an amendment to the application timings, which had been reduced, and 2 of the 8 representations from members of the public had also been withdrawn.

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

Questions from Members for the presenting Officer

A Member asked if the applicant had applied for a pavement licence and the Officer clarified that they had not.

Representation from the applicant.

The applicant made a representation which is summarised as follows:

- They had altered the opening hours applied for as a direct result of the representations made.
- They had 11 year experience in this trade.
- Their business was a responsible, family run business.

Questions from Members to the applicant.

There were none.

Summing up of the Officer.

The Officer reiterated that this was a straightforward application to sell alcohol from 10am till 11pm in line with the planning permission that had been granted to the applicant. It had been brought to committee because of the 6 remaining representations from members of the public.

Summing up of the applicant

The applicant declined to add a summary.

The meeting adjourned to go into closed session at 6.47pm

Resolved:

The Sub-Committee considered all the written & oral representations and heard statements from the applicant's representative. It resolved that a Premises Licence be granted with all the conditions agreed during mediation with Sussex Police and the amendment to the timings volunteered by the applicant prior to the hearing to address the Environmental Protection Team's and public's representations.

The grant of the licence is also subject to all the relevant conditions volunteered by the applicant in the operating schedule and the mandatory conditions required by the Licensing Act 2003 and all other relevant legislation.

The reason for the decision is:

The Sub-Committee considered:

- The representations made by the Responsible Authorities.
- The mediation during which the applicant had agreed to include the further licence conditions suggested by Sussex Police being placed on the licence.
- The amended timings volunteered by the applicant prior to the hearing.
- The remaining relevant representations which had not been withdrawn.

The Sub-Committee also gave regard to human rights legislation and the rules of natural justice.

In discharging its functions the Sub-Committee did so with a view to promoting the Licensing objectives. The relevant objectives in this case being the prevention of crime & disorder and the prevention of public nuisance.

The Sub-Committee had listened carefully and considered all written representations that have been made. They were, however, satisfied that with the conditions proposed and agreed during mediation and the amended hours that the licensing objectives would not be undermined.

Advice to parties:

Those who have made representations in connection with this application are reminded that they may appeal against this decision within 21 days by giving notice to the Magistrates Court.

Interested parties are reminded that they may apply for a review of this licence “after a reasonable interval” pursuant to Section 51 of the Licensing Act.

Any licence granted under the Licencing Act 2003 does not override any planning restrictions on the premises nor any restrictions that may be attached to the lease of these premises.

The applicant is reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises when you do not have a licence in place and you may be prosecuted.

The meeting ended at 7.15 pm

Chair