



WORTHING BOROUGH
C O U N C I L

19 July 2022

Worthing Licensing and Control Sub-Committee	
Date:	27 July 2022
Time:	6.30 pm
Venue:	Remote via Zoom

Committee Membership: Councillors Sally Smith (Chair), Roy Barraclough and Mike Barrett
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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. Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

2. **Public Question Time**

To receive any questions from Members of the public in accordance with Standing Order 11.2

(Note: Public Question Time will operate for a maximum of 30 minutes.)

3. **Licensing Act 2003 – Application for a new Premises Licence** (Pages 3 - 76)

To consider a report by the interim Director for Communities, copy attached as item 3.

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Chris Cadman-Dando Democratic Services Officer 01903 221364 chris.cadman-dando@adur-worthing.gov.uk	Shelley-Ann Flanagan Lawyer 01903 221095 shelley-ann.flanagan@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.



Licensing & Control Committee B

Sub-Committee

27 July 2022

Ward: Central

Licensing Act 2003 – Application for a new Premises Licence

'Doner Deliz'
121 Montague Street, Worthing, BN11 3BP

Report by the Interim Director for Communities

1. Recommendation

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

Gallegos Worthing Ltd.

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

2. Reasons for Hearing

- 2.1 The application has been the subject of formal representation by two responsible authorities and 8 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 Gallegos Worthing Ltd. to the Licensing Authority, Worthing Borough Council, on 8 June 2022 for the grant of a new premises licence.
- 3.2 The application was made after the applicant secured the use of a commercial shop unit on the corner of Montague Street and New Street. The applicant is proposing to open a new licensed Restaurant & Takeaway. The unit is a commercial unit with a flat above and has previously been used as a gift shop and for retailing mirrors & furniture.
- 3.3 Montague Street is the busy main commercial street in the town centre and contains a large variety of retail units, restaurants, cafes and takeaways some of which operate into

the evening. New Street is a mixture of commercial and residential use including a number of terraced cottages, a public house, two restaurants and a tyre & exhaust centre.

3.4 Attached to the report are:

- A plan & photos of the area (Appendix A)
- A plan of the site (Appendix B)
- A copy of the application (Appendix C)
- The representations made by the Responsible Authorities (Appendix D)
- The representations received from the public (Appendix E)
- Details of the mediation conducted (Appendix F)

4. The Application

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

- Sale of alcohol for consumption on & off the premises:
 - 10:00 hrs to 01:00 hrs (of the following morning) Monday - Sunday
- Late Night Refreshment
 - 23:00 hrs to 01:00 hrs (of the following morning) Monday - Sunday
- Opening to the Public
 - 10:00 hrs to 01:30 hrs (of the following morning) Monday - Sunday

4.2 As recommended by the Guidance issued under section 182 of the Licensing Act 2003 the applicant has completed an operating schedule as to how it is intended to address the Licensing Objectives if this application were granted.

4.3 The proposed designated supervisor (DPS) is [REDACTED] who holds a Personal Licence issued by the London Borough of Merton Council.

5. Promotion of the Licensing Objectives

5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 In carrying out its licensing functions, the licensing authority must also have regard to the Guidance issued by the Secretary of State and its own Statement of Licensing Policy. Members are advised that the following sections of the Worthing Borough Council's Policy may be particularly relevant to consideration of this matter, though of course the Policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the Policy itself:

Prevention of Crime & Disorder

- 4.8 *The Council places huge importance on the prevention of crime and disorder. A high standard of control is, therefore, expected to be exercised over licensed premises.*
- 4.10 *In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself, the Guidance issued under section 182 to the Act and this policy. The Council will give "due regard" to all possible implications and its Licensing & Control Committee will always consider all the information available and relevant representations made, including those from interested parties and the responsible authorities, particularly the Police.*
- 4.11 *In their role as a responsible authority, Sussex Police are an essential source of advice and information on the impact and potential impact of licensable activities in the borough, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and usually have good working relationships with those operating in the local area. The council recognises that Sussex Police are the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The Council will accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.*
- 4.16 *The Licensing Authority recognises that the Licensing Act is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night time economy in town centres.*

Prevention of Public Nuisance

- 4.24 *Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of disturbances impacting upon people living, working or sleeping in the vicinity of the premises or wider afield.*
- 4.25 *Noise disturbance can arise from entertainment or activities held within licensed premises and also from people or motor vehicles outside licensed premises. The Council will expect Operating Schedules to address these issues. Advice and guidance can be obtained from Licensing Officers or the Council's Environmental Protection Team. If representations are received the Council may*

utilise appropriate conditions to control noise disturbance and the use of such conditions will depend upon the activities/entertainment/hours of operation proposed; the nature of the locality; and existing background noise levels and ambient noise levels. Noise control conditions may include the satisfactory sound insulation of licensed premises; compliance with maximum noise levels; and limiting hours of operation.

- 4.26 *When addressing public nuisance the applicant should initially identify any particular issues (having regard to their particular type/construction of their premises, proposed activities and nature of locality) which are likely to adversely affect the promotion of the objective to prevent public nuisance. Such steps as are required to deal with these identified issues should be included within the applicant's Operating Schedule.*
- 4.27 *Anti-social behaviour such as excessive noise from access and egress or patrons littering should also be addressed in the Operating Schedule.*

DEMAND, SATURATION & HOURS

- 6.1 *In accordance with the Government's guidance the Council recognises that demand is not a relevant criterion in considering an application under the Act.*
- 6.4 *Consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises, or its environs, by concentrations of people either present or leaving during normal night-time sleeping periods (23.00hrs to 07.00hrs).*

SPECIFIC CONSIDERATIONS

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.*

Late Night Refreshment - Cafes & Takeaways

- 7.18 *Fast food premises which are open after 23.00hrs can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or nightclubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not as attractive to people who have been drinking as those providing hot food and drink. The Licensing Authority considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are consequently more likely to be involved in anti-social behaviour.*
- 7.19 *Sussex Police have in the past raised concerns about the levels of crime & disorder that can occur outside fast food premises late at night due to alcohol fuelled behaviour, and the opportunities for crime afforded by the congregation of people. Fast food premises have a comparatively high association with reports of crimes of violence against the person. The consumption of food outside premises can result in food waste and litter on pavements, to an extent that amounts to a public nuisance.*
- 7.20 *In addition, where there are fast food premises in the vicinity of public houses and nightclubs the rapid dispersal of people leaving these venues is significantly hindered. This delay in dispersal causes the potential for the licensing objectives to be compromised.*

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
 - Sussex Police
 - A&W Environmental Protection Team
 - Other Persons
 - 8 from members of the public

7. Relevant Representations

- 7.1 Detail of the relevant representation received is reproduced at Appendices D & E. They are considered to relate to the statutory licensing objectives as follows:
- Prevention of Crime & Disorder
 - Prevention of Public Nuisance
- 7.2 Sussex Police made a number of comments and listed a number of conditions that they consider are required to enable this premise to meet the licensing objectives if members were of a mind to grant a licence.

- 7.3 A&W Environmental Protection Team made a number of comments regarding the potential for public nuisance issues of a premises operating so late in the vicinity of residential premises.
- 7.4 Eight representations were received from the public expressing concerns regarding possible crime & disorder, anti-social behaviour and public nuisance implications that can be associated with late night refreshment and alcohol sales. These are relevant to the Licensing Authority's consideration. Some of the information included in the representations, whilst of a serious nature, is regarded as not relevant to a licensing application. This includes representations regarding local demand for a cafe/restaurant, local amenity and issues with other licensed premises in the area and these 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.
- 7.5 The applicant and all those that made relevant representations have been formally notified of this hearing and invited to attend.

8. Mediation

- 8.1 The Licensing Act 2003 encourages mediation.
- 8.2 Sussex Police expressed some concerns regarding the application and sought a number of conditions to address the licensing objectives. These have now been successfully mediated with the applicant, Gallegos Worthing Ltd., agreeing that if a licence were to be granted the following conditions would be placed on any licence as enforceable conditions of licence in addition to those included in the operating schedule.

The Prevention of Crime & Disorder:

- *For on sales, alcohol will be served by waiter/waitress service to customers seated at tables and ancillary to a table meal only.*
- *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including the entrance to the premises and any outside tables and chairs area and/or smoking area. The system shall be on and recording at all times the premises licence is in operation.*
 - *The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.*
 - *CCTV footage will be stored for a minimum of 31 days.*
 - *The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.*
 - *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
 - *Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic*

- portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.*
 - *Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.*
 - *In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.*
- *An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.*
- *Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the outside licensed area (or any permitted and licensed outside tables and chairs area) of the premises whilst smoking or otherwise congregating outside of the premises.*

For the Protection of Children from Harm:

- *The premises will operate a “Challenge 25” policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the “PASS” mark hologram.*
- *Suitable and sufficient signage advertising the “Challenge 25” policy will be displayed in prominent locations in the premises.*
- *The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:*
 - *The lawful selling of age restricted products*
 - *Refusing the sale of alcohol to a person who is drunk*
- *Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.*
- *All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.*
- *The premises management will ensure that all delivery drivers either directly employed or via an agent or subcontractor will behave appropriately whilst attending the premises to collect deliveries and will park vehicles legally and not on pavements or double yellow lines whilst waiting for and collecting deliveries.*

Conditions for alcohol delivery service:

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

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

As a result Sussex Police have withdrawn their objections.

8.3 As a result of the representations made by the A&W Environmental Protection Team and local residents regarding late night anti-social behaviour, noise and disturbance the applicant has made the following amendments to the application timings in an attempt to address their concerns:

- Sale of alcohol:
 - 10:00 hrs - 23:00 hrs Monday - Sunday incl.
- Late Night Refreshment:
 - Application withdrawn
- Opening to the Public
 - 10:00 hrs - 23:30 hrs Monday - Sunday incl.

This will effectively bring the close of business in line with the current Planning Permission application at 121 Montague Street.

- 8.4 The amendments to the timings applied for and the conditions the applicant has volunteered to meet the Police's concerns has resulted in A&W's Environmental Protection Team and two members of the public withdrawing their representations. Members will be informed if there are any further 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 agreements reached.

- 9.2 These are the only matters to be addressed by the authority when considering this application. The statutory Licensing objectives are the only grounds on which representations can be made, and the only grounds on which an authority will be able to refuse an application or impose conditions in addition to statutory conditions and those proposed by the applicant in the Operating Schedule.

- 9.3 When considering this application for a premises licence the following options are available to the Sub-Committee:

- Grant the licence, as requested,
- Grant the licence, as requested, with additional conditions appropriate to the promotion of the specific licensing objectives on which relevant representations have been received.
- Reject the whole or part of the application.

Members may also:

- Grant the licence but exclude certain licensable activities from the licence,
- Refuse to specify a particular person as a premises supervisor,
- Approve different parts of the premises for different activities.

- 9.4 Members are required to give reasons for their decision.

10. Legal Implications

- 10.1 Under Section 181 and Schedule 5 of the Act, the following rights of appeal to the Magistrates' Court in respect of applications for a premises licence includes:

- (1) The applicant may appeal against any decision to modify the conditions of the licence.
- (2) The applicant may appeal against a rejection in whole or part of an application.

- (3) A person who has made relevant representations may appeal against a licence being granted, or against the modification or lack of modification of any conditions.

10.2 The Act allows for the local licensing authority to undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police or the fire authority, or any other party, such as a resident living in the vicinity of the premises. The government's guidance states:

The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with licensing objectives are occurring after the grant or variation of a premises licence.

At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.

10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.

10.5 All applications, before the Sub-Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.

10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from interested parties and the responsible authorities particularly the Police.

11. Other Implications

11.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account. There are no significant direct race relations or equal opportunity implications that have been identified.

12. Recommendation

- 12.1 Members are requested to determine the application for a new Premises Licence made on behalf of Gallegos Worthing Ltd. for its new Restaurant & Takeaway to be known as the 'Doner Deliz' situated at 121 Montague Street, Worthing and give reasons for that determination.

Interim Director for Communities
Tina Favier

Principal Author and Contact Officer:

Simon Jones

Public Health & Regulation Team Leader - Licensing

Tel: 01273 263191 or Email: 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-is-sued-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:

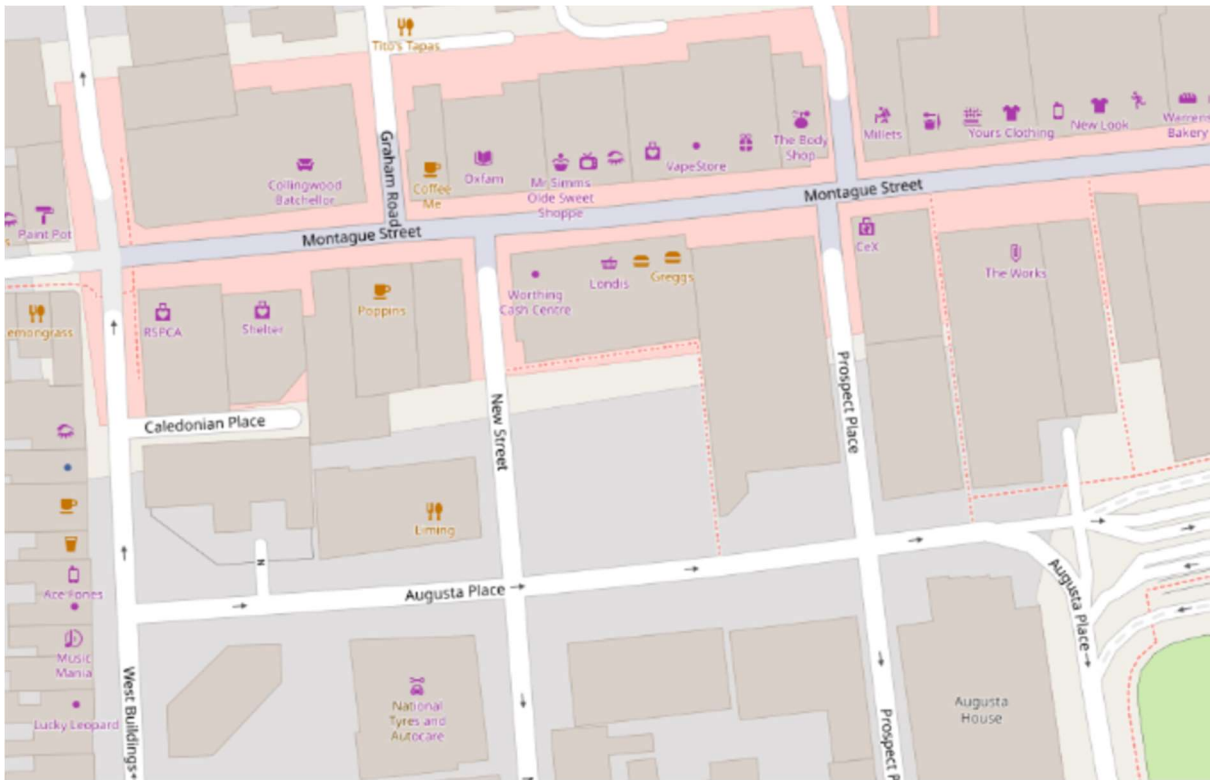
- Appendix A - Plan & photos of the area
- Appendix B - Plan of the site.
- Appendix C - The Application Form.
- Appendix D - Representations received from the Responsible Authorities
- Appendices E - Representations received from the public objecting to the application
- Appendix F - Details of the mediation conducted

Portland House, Worthing

Ref: SJ/Lic.U/LA03/NEW – Doner Deliz

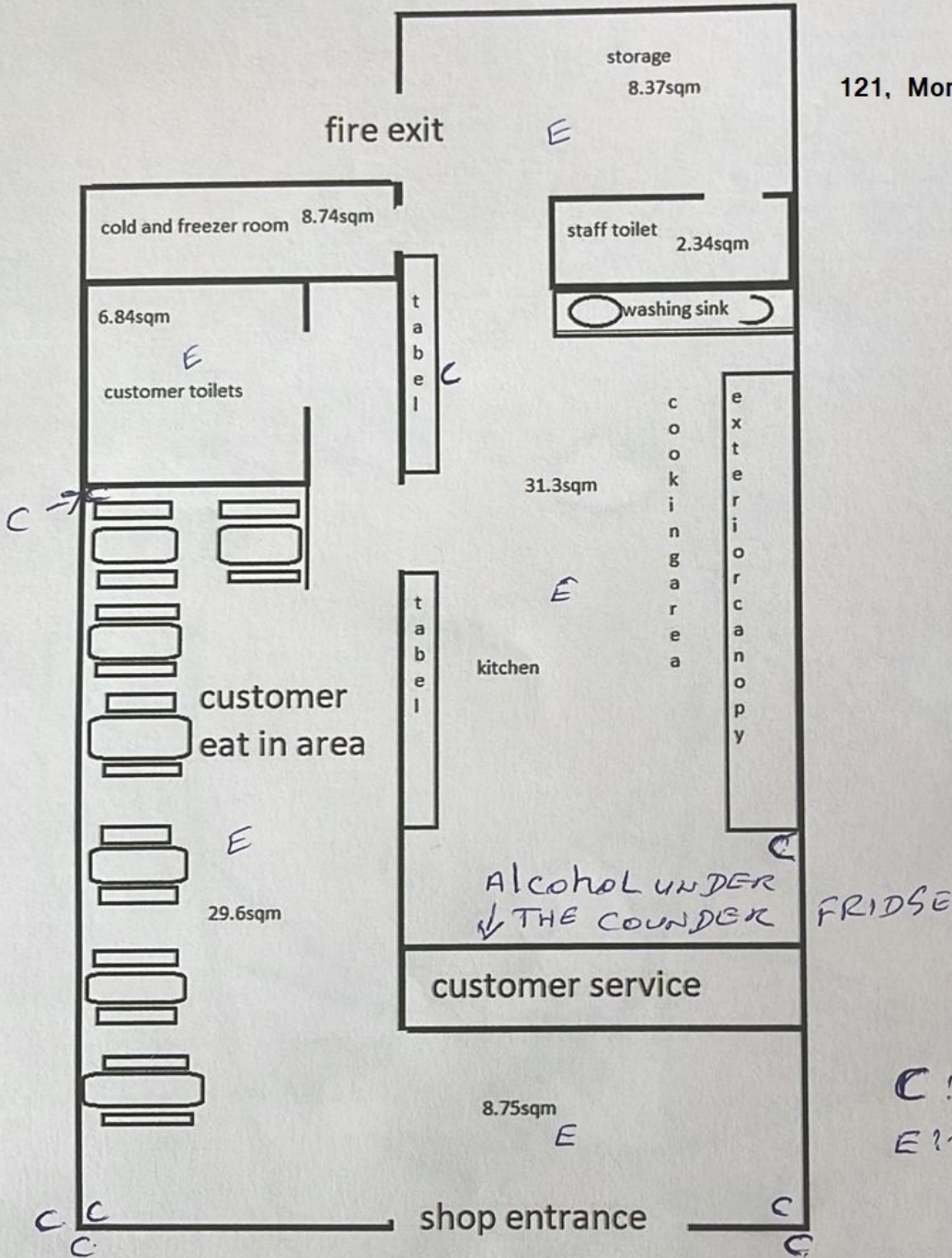
Date: 15 July 2022.

Appendix A – Plan & Photos of Area





Floor Plan
121, Montague St, Wothing-BN11 3BP



C!-CCTV
E!-EMERGENCY LIGHTS

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

- Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

- Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

Gallegos Worthing Ltd

If your business is registered, use its registered name.

VAT number

-

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of 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 for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The premises is a restaurant and take away. We like to apply for premises licence for on and off supplies ie. for consumption on the premises and also for takeaway.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

No music, only food and beverages sold, indoor dining and outdoors / takeaway.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Continued from previous page...

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We will train and supervise staff
We will adopt to best practices
We will effectively and responsibly manage the premises.
We will conduct risk assessments.
Provision of effective CCTV
Install external lighting.
Conduct fire risk assessments.
Install emergency lighting.
Install smoke / fire detectors.
Install firefighting equipment.
Staff will be trained for the protection of children from harm.
Staff will have appropriate training in determining the age of customer.
Acceptance of "proof of age cards / photo driving licences"
We will display Age restriction notices in place.
We will maintain sales refusal registers
We will maintain age verification registers.

b) The prevention of crime and disorder

We will train and supervise staff
We will adopt to best practices
We will effectively and responsibly manage the premises.
Provision of effective CCTV
Monitor and control opening hours.
Adopt to best practices
Position of External Lighting.
Collection and disposal of litter.

c) Public safety

We will conduct risk assessments.
Provide training and supervision to staff
Adopt to best practices
Provision of effective CCTV
Install external lighting.

d) The prevention of public nuisance

Provision of effective CCTV
Monitor and control opening hours.
Adopt to best practices
Position of External Lighting.
Collection and disposal of litter.

e) The protection of children from harm

Continued from previous page...

Staff will be trained for the protection of children from harm.
Staff will have appropriate training in determining the age of customer.
Adoption of best practice guidance.
Acceptance of "proof of age cards / photo driving licenses"
Age restriction notices in place.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

- 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:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o 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;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o 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.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

Continued from previous page...

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/worthing/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)



Sussex Police
Serving Sussex

www.sussex.police.uk

West Sussex Division
Neighbourhood Licensing Team

West Sussex Licensing Team



22nd June 2022

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

Dear Mr Jones,

RE: APPLICATION FOR A PREMISES LICENCE FOR GALLEGOS, 121 MONTAGUE STREET, WORTHING, BN11 3BP. UNDER THE LICENSING ACT 2003.

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

This is an application for a new restaurant in the pedestrianised Montague Street shopping centre for late night refreshment and supply of alcohol (on and off).

Following consultation with [REDACTED] for the applicant Company, the following new and revised conditions have been agreed to promote the licensing objectives:

Sussex Police Headquarters

Telephone: [REDACTED]

The Prevention of Crime & Disorder:

For on sales, alcohol will be served by waiter/waitress service to customers seated at tables and ancillary to a table meal only.

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including the entrance to the premises and any outside tables and chairs area and/or smoking area. The system shall be on and recording at all times the premises licence is in operation.

The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.

CCTV footage will be stored for a minimum of 31 days.

The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.

Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the outside licensed area (or any permitted and licensed

outside tables and chairs area) of the premises whilst smoking or otherwise congregating outside of the premises.

For the Protection of Children from Harm:

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

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

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

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

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

The premises management will ensure that all delivery drivers either directly employed or via an agent or subcontractor will behave appropriately whilst attending the premises to collect deliveries and will park vehicles legally and not on pavements or double yellow lines whilst waiting for and collecting deliveries.

Conditions for alcohol delivery service:

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

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

At the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age, and that the intended recipient is over 18 years of

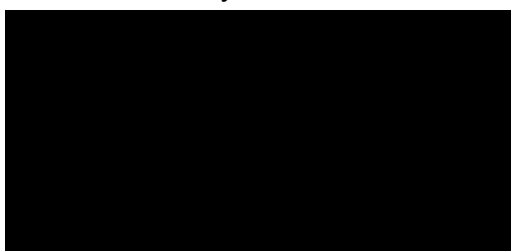
age. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.

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

I enclose an email confirmation from [REDACTED] confirming acceptance of the above new licence conditions on behalf of the applicant Company.

Accordingly Sussex Police withdraw their representation subject to the new conditions in their entirety being added to the new licence, should it be granted in due course.

Yours sincerely,



**West Sussex Licensing Inspector
Sussex Police**

Enc

Fwd: representation - object.

1 message

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

20 June 2022 at 16:50

FYI- Objection from PH&R- Gallegos- 143272

Thanks
Becca

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

From: [REDACTED]
Date: Mon, 20 Jun 2022 at 14:37
Subject: representation - object.
To: Licensing Unit <licensing.unit@adur-worthing.gov.uk>

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

From: [REDACTED]
Date: Mon, 20 Jun 2022 at 14:32
Subject: LA 2003 New Premises Licence Application - Gallegos, Worthing
To: Licensing Unit <licensing.unit@adur-worthing.gov.uk>

Good afternoon

Re: LA 2003 New Premises Licence Application
Premises: Gallegos Worthing Ltd, 121 Montague Street, Worthing, West Sussex, BN11 3BP
Applicant: Gallegos Worthing Ltd

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 requests opening hours of between 10:00 and 01:00 Monday - Sunday and seeks to provide on-off alcohol sale and late night refreshment between the hours 10:00 and 01:00 Monday - Sunday.

It is noted that a current planning application for this use has been submitted seeking permission for opening times of 10:00 - 23:00 Monday - Sunday, this differs from the proposed hours on the current licensing application.

As there are residential dwellings above and to the rear of this unit, I have concerns that noise from within the restaurant and from customer noise outside the restaurant (when smoking and leaving the premises) could cause a public nuisance. I therefore object to the hours proposed on this application.

I would support the application if the hours were reduced to 10:00 - 23:00 Monday - Sunday.

Regards

--

[REDACTED]
Environmental Health Technician, Adur & Worthing Councils

Phone: [REDACTED]

Email: [REDACTED]

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

Address: Public Health & Regulation, Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA



--

Environmental Health Technician, Adur & Worthing Councils

Phone:

Email:

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

Address: Public Health & Regulation, Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA



Objection to license for Dinner Deliz

1 message

6 July 2022 at 19:09

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

To whom it may concern,

Please note my formal objection to a license to sell alcohol on and off the premises for Dinner Deliz at 121 Montague Street.

As a resident of Graham Road, the sale of alcohol, particularly to the late hour of 1am, would adversely affect the safety and noise level of our residential street.

Given the availability of alcohol sales, for consumption both on and off the premises, nearby, I see no reason why a further license is necessary.

Regards,

[REDACTED]

Doner Deliz1 message

4 July 2022 at 21:29

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

To whom it may concern,

I wish to lodge my objection to the licence application submitted by:

Doner Deliz
121 Montague Street
Worthing
BN11 3BP

I have been a resident of New Street for 9 years and I am seriously concerned about the impact this licence could have on our community if it were to be granted.

We are a small residential street, many households with school age children.

We have managed to live harmoniously, with very few issues, alongside both JB's and Limings for many years but since The Last Melon opened it's doors we have had no end of problems, some resulting in the police being called.

TLM have brought a new clientele into the street and as far as I can see these issues will only be compounded by the granting of this kind of licence.

We are already struggling with:

- people urinating up against our houses
- having to dodge vomit on our way to school in the morning
- glass bottles and glasses left in the street which inevitably end up getting broken
- we are now unable to have our windows open in the warmer weather due to people shouting in the street and often get disturbed even with (triple glazed) windows closed.
- on several occasions the police have had to be called to break up fights, that their own security couldn't handle.

All of these issues are already turning the area into a 'no-go' area for many people because they no longer feel safe.

Myself and other residents have all tried to reach some kind of solution with TLM but as yet nothing has changed.

My point is that all of these issues are going to be made so much worse by the addition of a late licence kebab shop at the end of the road.

Why does a kebab shop need to sell alcohol, under any circumstance, let alone from 10 o'clock in the morning, and for take away, why?

How can this be justified in this kind of area?

Surely all these things are only going to encourage more antisocial behaviour in the area and cause stress and anxiety to residents and other business owners.

I honestly don't know how to express how desperate I feel about this happening and the impact it could have on all of us.

Please please consider the impact this could have on the wellbeing of all the surrounding residents.

Kind regards

Sent from Yahoo Mail on Android

Doner Deliz BN11 3BP

1 message

6 July 2022 at 14:39

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

I live [REDACTED] Doner Deliz in New Street. In under 100m, access to alcohol in New Street is served by JB's pub, Liming Restaurant, Last Melon Restaurant and Londis shop just round the corner in Montague Street. Londis is open from 7am to the early hours - 18 hours a day.

New Street does not need another alcohol outlet, attracting rowdiness to a residential area.

Yours sincerely,

[REDACTED]

Get [Outlook for Android](#)

Objection to Donor Deliz alcohol license application.

1 message

5 July 2022 at 17:44

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

Dear Sir/Madam,

As a neighbour of Donor Deliz 121 Montague Street, BN11 3BY I am writing to object to their application to sell alcohol on and off the premises.

I have had to call the police several times since living here due to different incidents that have been fuelled by alcohol. The town is getting over run by drunks, especially this end and I know of other businesses that are closing because of it. I don't even like to venture into town last shop closing time as I don't feel safe.

Donor Deliz selling alcohol will attract more drunks and people under the influence don't care where they dispose of their litter or where they go to the toilet so I imagine the streets will be littered with kebab boxes and meat bones and more people will use the twitten that runs behind Surrey street as a toilet.

Montague Street is in a conservation area and already the look of Donor Deliz is bringing the area down. The owners have left it looking like the picture attached for weeks now. Plastic hanging off the ugly modern signage and half the building painted orange and grey.

A place such as this selling alcohol until 1am seven days a week is also going to end up putting more strain on emergency services, who are already struggling with keeping up with crime in this town. Their recent Facebook post from this weekend was about how stretched they were.

If there is any other information you need from me please don't hesitate to ask.

Yours sincerely,



Sent from my iPhone



image0.jpeg
141K

Opposing a late license

1 message

1 July 2022 at 22:46

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

Hello,

I would like to oppose the attached late license application for Doner Deliz.

I live in Graham road which is a residential street opposite the restaurant. I am worried about the possible noise and disturbance a late license would generate.

This is a very quiet part of town in the evening. I am often woken up by drunk people walking down our street screaming, shouting and singing I dont want them to be encouraged to the this part of town after pubs and clubs have shit for a post club kebab its would be insufferable to hear that every night till 1am.

All around the new restaurant are houses and flats. We would all be disturbed. This is a residential area not the part of town near the pier where other late night take away happily trade.

Please can this be considered before a license is given.

Yours

[REDACTED]



Screenshot_20220701-223948_Facebook.jpg
931K

objection to late alcohol licence- Doner Deliz

1 message

5 July 2022 at 17:14

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

Dear Worthing Local Authority Licensing Unit,

As a local resident and neighbour, I hereby object to a late license being permitted to Doner Deliz of 121 Montague street.

The late licence until 1pm 7 days a week is excessive and unnecessary. And will encourage more anti social behaviour, increase noise nuisance and make for additional litter to the area.

More generally, I also object to another unhealthy chicken shop being granted only three doors away from another set up just several months ago.

Unhealthy eating contributes to poor health and high levels of obesity in our population and this is something Worthing authority should have more responsible for when permitting new businesses.

Best Wishes

[REDACTED]
Surrey street resident

Re: LA 2003 Hearing Notice - Doner Deliz

1 message

12 July 2022 at 15:56

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

Good afternoon

My concerns have been addressed and I would be ok with the business not selling alcohol after 2300 and closing at 2330.

Regards

On 12 Jul 2022 15:52, Simon Jones <simon.jones@adur-worthing.gov.uk> wrote:

Dear Sir/Madam

Further to my email yesterday I have now been in touch with the applicant, [REDACTED].

I forwarded copies of all the letters of objection yesterday and he has now had time to consider them and the concerns most commonly expressed. He is keen to mediate and has accordingly instructed me to amend the application to address some of the concerns regarding late night disturbance and nuisance.

The hours he originally sought were:

- Sale of alcohol
 - 10:00hrs - 01:00hrs, of the following morning, Monday - Sunday incl.
- Late Night Refreshment
 - 23:00hrs - 01:00hrs, of the following morning, Monday - Sunday incl.

He is now proposing a licence authorising:

- Sale of alcohol
 - 10:00hrs - 23:00hrs Monday - Sunday incl.
- Withdrawal of the application for Late Night Refreshment

This will effectively bring the closing time of the business to 23:30hrs which will bring his timings in line with the Planning Permission in place at [121 Montague Street](#).

This amendment to the application in conjunction with the licence conditions he has agreed with the Police addresses the majority of concerns expressed in the representations.

Please could you contact me to confirm that your concerns have been addressed and your representation is withdrawn or if you still have concerns that are relevant to the Licensing Act and you want considered. My email address is: simon.jones@adur-worthing.gov.uk

I look forward to hearing from you.

Regards

Simon Jones

Team Leader - Licensing, Public Health & Regulation

01273 263191

Adur & Worthing Councils

Public Health & Regulation

Portland House

Worthing

BN11 1HS

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



On Mon, 11 Jul 2022 at 12:58, Simon Jones <simon.jones@adur-worthing.gov.uk> wrote:

Dear Sir/Madam

Re: Licensing Act 2003 Premises Licence Application
Premises: Doner Deliz, 121 Montague Street, Worthing, BN11 3BP
Applicant: Gallegos Worthing Ltd.

Consultation on the above application has now closed. Two representations regarding the application were received during the consultation period from the Responsible Authorities, in this case Sussex Police and the A&W Environmental Protection Team, and 8 relevant representations were received from local residents and members of the public.

In such circumstances the Licensing Act 2003 encourages mediation and if agreement cannot be reached then the application is referred to a Licensing & Control Sub-Committee to consider at hearing. Your representation has been forwarded to the applicant and you may be contacted directly to discuss your concerns.

I have scheduled a hearing to consider Gallegos Worthing Ltd.'s application for Wednesday 27 July 2022 at 18:30hrs. The hearing, if required, will be held online via Zoom and details to join the meeting will be forwarded in due course.

Under the Licensing Act 2003 the Licensing & Control Sub-Committee that will determine the application can only consider matters that relate to the licensable activities proposed by this application and consider if the licensable activities carried out in the way proposed would undermine the Licensing Objectives. These being:

- The Prevention of Crime & Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Harm to Children

As I have stated, mediation is encouraged and I am aware that the applicant and Sussex Police have mediated successfully. As a result a comprehensive set of conditions have been agreed and would become enforceable conditions of any licence granted and added to those already volunteered by the applicant in the application. The conditions agreed are:

The Prevention of Crime & Disorder:

- *For on sales, alcohol will be served by waiter/waitress service to customers seated at tables and ancillary to a table meal only.*
- *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including the entrance to the premises and any outside tables and chairs area and/or smoking area. The system shall be on and recording at all times the premises licence is in operation.*
 - *The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.*
 - *CCTV footage will be stored for a minimum of 31 days.*
 - *The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.*
 - *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
 - *Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.*
 - *Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.*

- *In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.*
- *An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.*
- *Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the outside licensed area (or any permitted and licensed outside tables and chairs area) of the premises whilst smoking or otherwise congregating outside of the premises.*

For the Protection of Children from Harm:

- *The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram.*
- *Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.*
- *The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:*
 - *The lawful selling of age restricted products*
 - *Refusing the sale of alcohol to a person who is drunk*
- *Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.*
- *All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.*
- *The premises management will ensure that all delivery drivers either directly employed or via an agent or sub contractor will behave appropriately whilst attending the premises to collect deliveries and will park vehicles legally and not on pavements or double yellow lines whilst waiting for and collecting deliveries.*

Conditions for alcohol delivery service:

- *Alcohol deliveries will only be made to a residential or business address and not to a public place.*
- *The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.*
- *At the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age, and that the intended recipient is over 18 years of age. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.*
- *For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.*
- *For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years*

or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.

- Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:
 - only employs delivery employees or agents aged 18 or over;
 - is aware that alcohol is included in the delivery;
 - that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;
 - that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

Consequently, Sussex Police have withdrawn their objections to a licence being granted subject to the above being imposed on any licence granted.

In case further mediation with those making representation is unsuccessful or considered impractical a hearing has been scheduled and you will find attached the formal hearing notice relating to the Sub-Committee hearing that may sit to consider the above application.

At any hearing all written representations are considered and the applicant and those that have made representation, and expressed their intention in advance, are given an opportunity to address members if they wish. Having registered to address the committee you will be able to highlight any relevant points you have made in your written representation but will not be able to introduce any new arguments or evidence.

But please be aware that the Committee can only allocate the same total amount of time to the parties making representation as it does to the applicant so any verbal presentation may need to be brief if the number of residents that wish to speak is high. Alternatively, you may wish to consider appointing a spokesperson to coordinate a presentation on behalf of a group of residents that have made representation.

Please can you confirm if you:

- Are intending to attend the online meeting on 27 July.
- Would like to address the Sub-Committee.
- Would like to nominate someone to speak on your behalf.

If you would like to attend please forward your name & email address at least 5 days prior to the hearing and the Zoom log on details will be forwarded to you. If you would like to address the committee you must register your intention 5 working days prior to the hearing at: licensing.unit@adur-worthing.gov.uk

The Committee papers relating to this application will be published 5 working days prior to the hearing on the A&W Councils' website at:

<https://democracy.adur-worthing.gov.uk/ieListMeetings.aspx?CommitteeId=171>

If you feel that the amendments made to the application, as a result of the Police mediation, address your concerns and you wish to withdraw your representation please email the licensing unit to confirm and disregard this notice.

If you have any queries regarding this matter please do not hesitate to contact the licensing unit at: licensing.unit@adur-worthing.gov.uk

The formal hearing notice is attached.

Regards

Simon Jones

Team Leader - Licensing, Public Health & Regulation

01273 263191

Adur & Worthing Councils

Public Health & Regulation

Portland House

Worthing

BN11 1HS

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



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Premises licence application for Gallegos, 121 Montague Street, Worthing, BN11 3BP

1 message

22 June 2022 at 14:57

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

Dear Worthing Licensing,

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

Acceptance of the new and revised conditions by [REDACTED] for the applicant Company is below on this page.

Thanks.

[REDACTED]

[REDACTED]
Police Licensing Officer

Direct Dial: [REDACTED]

Licensing office: [REDACTED]
[REDACTED]

Neighbourhood Police Licensing Team
[REDACTED]

From: [REDACTED]

Sent: 22 June 2022 10:46

To: [REDACTED]

Subject: Re: Premises licence application for Gallegos, [121 Montague Street, Worthing, BN11 3BP](#)

****External Email- Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found [here](#)****

Good Morning [REDACTED]

Hope you are well

Thank you for the email below

I accept to the conditions to go on our new premises licence.

Please do not hesitate to contact

Take care and have a nice day.

Thanking You

On Mon, Jun 20, 2022 at 12:51 PM [REDACTED] wrote:

Hello,

Sussex police are in receipt of your new premises licence application for the above address thank you.

I have set out below the new and revised conditions which Sussex police invite you please to study carefully and then come back to me to confirm your acceptance to go on the new licence, should it be granted in due course.

Please can you come back to me in the next week or so.

Thank you.

The Prevention of Crime & Disorder:

For on sales, alcohol will be served by waiter/waitress service to customers seated at tables and ancillary to a table meal only.

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including the entrance to the premises and any outside tables and chairs area and/or smoking area. The system shall be on and recording at all times the premises licence is in operation.

The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.

CCTV footage will be stored for a minimum of 31 days.

The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.

In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for

inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.

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

For the Protection of Children from Harm:

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

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

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

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

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

The premises management will ensure that all delivery drivers either directly employed or via an agent or sub contractor will behave appropriately whilst attending the premises to collect deliveries and will park vehicles legally and not on pavements or double yellow lines whilst waiting for and collecting deliveries.

Conditions for alcohol delivery service:

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

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

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

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

[Redacted]

Police Licensing Officer

Direct Dial:

[Redacted]

Licensing office:

[Redacted]

Neighbourhood Police Licensing Team

[Redacted]

You can report crime and incidents online at

<https://www.sussex.police.uk/report-online>

We want to know your views - see what's new and give us your feedback and suggestions at www.sussex.police.uk
If you have received this message in error, please contact the sender as soon as possible - you may not copy it, or make use of any information contained in it for any purpose, or disclose its contents to any other person. Messages sent and received by Sussex Police are not private and may be the subject of monitoring.

[Redacted]

Hearing Notices - Representors

1 message

Simon Jones <simon.jones@adur-worthing.gov.uk>
To: bGljZW5jZV9pZD06MTQzMjcyOjpsaWNlbnNI@envhealth.adur-worthing.gov.uk

11 July 2022 at 13:12

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

From: **Simon Jones** <simon.jones@adur-worthing.gov.uk>
Date: Mon, 11 Jul 2022 at 12:58
Subject: LA 2003 Hearing Notice - Doner Deliz
To: A&W Licensing Unit <licensing.unit@adur-worthing.gov.uk>
Cc: Worthing & Adur Police Licensing Team [REDACTED] Public Health and Regulation <publichealth.regulation@adur-worthing.gov.uk>

Dear Sir/Madam

Re: Licensing Act 2003 Premises Licence Application
Premises: Doner Deliz, 121 Montague Street, Worthing, BN11 3BP
Applicant: Gallegos Worthing Ltd.

Consultation on the above application has now closed. Two representations regarding the application were received during the consultation period from the Responsible Authorities, in this case Sussex Police and the A&W Environmental Protection Team, and 8 relevant representations were received from local residents and members of the public.

In such circumstances the Licensing Act 2003 encourages mediation and if agreement cannot be reached then the application is referred to a Licensing & Control Sub-Committee to consider at hearing. Your representation has been forwarded to the applicant and you may be contacted directly to discuss your concerns.

I have scheduled a hearing to consider Gallegos Worthing Ltd.'s application for Wednesday 27 July 2022 at 18:30hrs. The hearing, if required, will be held online via Zoom and details to join the meeting will be forwarded in due course.

Under the Licensing Act 2003 the Licensing & Control Sub-Committee that will determine the application can only consider matters that relate to the licensable activities proposed by this application and consider if the licensable activities carried out in the way proposed would undermine the Licensing Objectives. These being:

- The Prevention of Crime & Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Harm to Children

As I have stated, mediation is encouraged and I am aware that the applicant and Sussex Police have mediated successfully. As a result a comprehensive set of conditions have been agreed and would become enforceable conditions of any licence granted and added to those already volunteered by the applicant in the application. The conditions agreed are:

The Prevention of Crime & Disorder:

- *For on sales, alcohol will be served by waiter/waitress service to customers seated at tables and ancillary to a table meal only.*
- *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including the entrance to the premises and any outside tables and chairs area and/or smoking area. The system shall be on and recording at all times the premises licence is in operation.*
 - *The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.*
 - *CCTV footage will be stored for a minimum of 31 days.*

- *The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.*
- *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
- *Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.*
- *Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.*
- *In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.*
- *An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.*
- *Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the outside licensed area (or any permitted and licensed outside tables and chairs area) of the premises whilst smoking or otherwise congregating outside of the premises.*

For the Protection of Children from Harm:

- *The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram.*
- *Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.*
- *The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:*
 - *The lawful selling of age restricted products*
 - *Refusing the sale of alcohol to a person who is drunk*
- *Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.*
- *All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.*
- *The premises management will ensure that all delivery drivers either directly employed or via an agent or sub contractor will behave appropriately whilst attending the premises to collect deliveries and will park vehicles legally and not on pavements or double yellow lines whilst waiting for and collecting deliveries.*

Conditions for alcohol delivery service:

- *Alcohol deliveries will only be made to a residential or business address and not to a public place.*
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- *At the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age, and that the intended recipient is*

over 18 years of age. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.

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

Consequently, Sussex Police have withdrawn their objections to a licence being granted subject to the above being imposed on any licence granted.

In case further mediation with those making representation is unsuccessful or considered impractical a hearing has been scheduled and you will find attached the formal hearing notice relating to the Sub-Committee hearing that may sit to consider the above application.

At any hearing all written representations are considered and the applicant and those that have made representation, and expressed their intention in advance, are given an opportunity to address members if they wish. Having registered to address the committee you will be able to highlight any relevant points you have made in your written representation but will not be able to introduce any new arguments or evidence.

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Please can you confirm if you:

- Are intending to attend the online meeting on 27 July.
- Would like to address the Sub-Committee.
- Would like to nominate someone to speak on your behalf.

If you would like to attend please forward your name & email address at least 5 days prior to the hearing and the Zoom log on details will be forwarded to you. If you would like to address the committee you must register your intention 5 working days prior to the hearing at: licensing.unit@adur-worthing.gov.uk

The Committee papers relating to this application will be published 5 working days prior to the hearing on the A&W Councils' website at: <https://democracy.adur-worthing.gov.uk/ieListMeetings.aspx?Committeed=171>

If you feel that the amendments made to the application, as a result of the Police mediation, address your concerns and you wish to withdraw your representation please email the licensing unit to confirm and disregard this notice.

If you have any queries regarding this matter please do not hesitate to contact the licensing unit at: licensing.unit@adur-worthing.gov.uk

The formal hearing notice is attached.

Regards

Simon Jones

Team Leader - Licensing, Public Health & Regulation

01273 263191

Adur & Worthing Councils

Public Health & Regulation

Portland House

Worthing

BN11 1HS

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



Re: LA 2003 Hearing Notice - Doner Deliz

1 message

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

12 July 2022 at 15:52

Dear Sir/Madam

Further to my email yesterday I have now been in touch with the applicant, [REDACTED]

I forwarded copies of all the letters of objection yesterday and he has now had time to consider them and the concerns most commonly expressed. He is keen to mediate and has accordingly instructed me to amend the application to address some of the concerns regarding late night disturbance and nuisance.

The hours he originally sought were:

- Sale of alcohol
 - 10:00hrs - 01:00hrs, of the following morning, Monday - Sunday incl.
- Late Night Refreshment
 - 23:00hrs - 01:00hrs, of the following morning, Monday - Sunday incl.

He is now proposing a licence authorising:

- Sale of alcohol
 - 10:00hrs - 23:00hrs Monday - Sunday incl.
- Withdrawal of the application for Late Night Refreshment

This will effectively bring the closing time of the business to 23:30hrs which will bring his timings in line with the Planning Permission in place at 121 Montague Street.

This amendment to the application in conjunction with the licence conditions he has agreed with the Police addresses the majority of concerns expressed in the representations.

Please could you contact me to confirm that your concerns have been addressed and your representation is withdrawn or if you still have concerns that are relevant to the Licensing Act and you want considered. My email address is: simon.jones@adur-worthing.gov.uk

I look forward to hearing from you.

Regards

Simon Jones

Team Leader - Licensing, Public Health & Regulation
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On Mon, 11 Jul 2022 at 12:58, Simon Jones <simon.jones@adur-worthing.gov.uk> wrote:

Dear Sir/Madam

Re: Licensing Act 2003 Premises Licence Application
Premises: Doner Deliz, 121 Montague Street, Worthing, BN11 3BP
Applicant: Gallegos Worthing Ltd.

Consultation on the above application has now closed. Two representations regarding the application were received during the consultation period from the Responsible Authorities, in this case Sussex Police and the A&W Environmental Protection Team, and 8 relevant representations were received from local residents and members of the public.

In such circumstances the Licensing Act 2003 encourages mediation and if agreement cannot be reached then the application is referred to a Licensing & Control Sub-Committee to consider at hearing. Your representation has been forwarded to the applicant and you may be contacted directly to discuss your concerns.

I have scheduled a hearing to consider Gallegos Worthing Ltd.'s application for Wednesday 27 July 2022 at 18:30hrs. The hearing, if required, will be held online via Zoom and details to join the meeting will be forwarded in due course.

Under the Licensing Act 2003 the Licensing & Control Sub-Committee that will determine the application can only consider matters that relate to the licensable activities proposed by this application and consider if the licensable activities carried out in the way proposed would undermine the Licensing Objectives. These being:

- The Prevention of Crime & Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Harm to Children

As I have stated, mediation is encouraged and I am aware that the applicant and Sussex Police have mediated successfully. As a result a comprehensive set of conditions have been agreed and would become enforceable conditions of any licence granted and added to those already volunteered by the applicant in the application. The conditions agreed are:

The Prevention of Crime & Disorder:

- *For on sales, alcohol will be served by waiter/waitress service to customers seated at tables and ancillary to a table meal only.*
- *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including the entrance to the premises and any outside tables and chairs area and/or smoking area. The system shall be on and recording at all times the premises licence is in operation.*
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and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.

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

For the Protection of Children from Harm:

- The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram.
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- For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.
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- Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:
 - only employs delivery employees or agents aged 18 or over;

- *is aware that alcohol is included in the delivery;*
- *that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;*
- *that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.*

Consequently, Sussex Police have withdrawn their objections to a licence being granted subject to the above being imposed on any licence granted.

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Please can you confirm if you:

- Are intending to attend the online meeting on 27 July.
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If you have any queries regarding this matter please do not hesitate to contact the licensing unit at: licensing.unit@adur-worthing.gov.uk

The formal hearing notice is attached.

Regards

Simon Jones

Team Leader - Licensing, Public Health & Regulation

01273 263191

Adur & Worthing Councils

Public Health & Regulation

Portland House

Worthing

BN11 1HS

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



Re: LA 2003 Hearing Notice - Doner Deliz

1 message

12 July 2022 at 10:54

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

Good Morning Mr. Simon

Hope you are well

Thanks for email and attachments.

I can see from most of the representations the late night opening until 1:00 hours is a concern, including the environment agent. I will personally email them that the hours will be reduced to 11:00pm and ask them to withdraw the representations.

If there is any other objections not withdrawn before the 27th we can continue as planned for the hearing by 18:30, please send the login details before the hearing date.

Take care and have a nice day.

Thanks & regards

On Mon, Jul 11, 2022 at 1:11 PM Simon Jones <simon.jones@adur-worthing.gov.uk> wrote:

Dear [REDACTED]

Re: Licensing Act 2003 Premises Licence Application
Premises: Doner Deliz, 121 Montague Street, Worthing, BN11 3BP
Applicant: Gallegos Worthing Ltd.

Consultation on the above application has closed.

Please note that a hearing of the Worthing Licensing Committee in respect of the above application is scheduled to take place on **Wednesday 27 July 2022 @ 18:30 hrs online via Zoom**. A copy of the formal hearing notice is attached. Log on details will be forwarded as well as the hearing procedure and Committee Agenda & Licence Report five working days prior to the meeting.

I am aware that you have successfully mediated with Sussex Police and agreed a number of conditions to be added to your operating schedule. Consequently, Sussex Police have withdrawn their representation.

Eight relevant representations have been received from members of the public during the consultation period and one from the A&W Councils' Environmental Protection Team. I attach copies.

You may contact those that have made representation to mediate if you wish. If you feel mediation is unlikely to be successful or you do not wish to mediate, the application will be considered by the Sub Committee as detailed above.

If you need to discuss, please do not hesitate to contact me.

Regards

Simon

Simon Jones

Team Leader - Licensing, Public Health & Regulation
01273 263191
Adur & Worthing Councils
Public Health & Regulation
Portland House
Worthing
BN11 1HS



This email and any attachments are confidential and intended solely for the persons addressed. If it has come to you in error please send it back to us, and immediately and permanently delete it. Do not use, copy or disclose the information contained in this message or in any attachment. Whilst every care has been taken to check this e-mail for viruses, it is your responsibility to carry out checks upon receipt.

Re: LA 2003 Hearing Notice - Doner Deliz

1 message

14 July 2022 at 08:08

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

Thanks for letting me know Simon.

The revision sounds reasonable to me.

On Tue, 12 Jul 2022, 15:52 Simon Jones, <simon.jones@adur-worthing.gov.uk> wrote:

Dear Sir/Madam

Further to my email yesterday I have now been in touch with the applicant, [REDACTED].

I forwarded copies of all the letters of objection yesterday and he has now had time to consider them and the concerns most commonly expressed. He is keen to mediate and has accordingly instructed me to amend the application to address some of the concerns regarding late night disturbance and nuisance.

The hours he originally sought were:

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This will effectively bring the closing time of the business to 23:30hrs which will bring his timings in line with the Planning Permission in place at [121 Montague Street](#).

This amendment to the application in conjunction with the licence conditions he has agreed with the Police addresses the majority of concerns expressed in the representations.

Please could you contact me to confirm that your concerns have been addressed and your representation is withdrawn or if you still have concerns that are relevant to the Licensing Act and you want considered. My email address is: simon.jones@adur-worthing.gov.uk

I look forward to hearing from you.

Regards

Simon Jones

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Premises: Doner Deliz, 121 Montague Street, Worthing, BN11 3BP
Applicant: Gallegos Worthing Ltd.

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For the Protection of Children from Harm:

- *The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram.*
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- *At the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age, and that the intended recipient is over 18 years of age. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.*
- *For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.*
- *For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.*
- *Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer*

within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:

- o only employs delivery employees or agents aged 18 or over;*
- o is aware that alcohol is included in the delivery;*
- o that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;*
- o that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.*

Consequently, Sussex Police have withdrawn their objections to a licence being granted subject to the above being imposed on any licence granted.

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The formal hearing notice is attached.

Regards

Simon Jones

Team Leader - Licensing, Public Health & Regulation

01273 263191

Adur & Worthing Councils

Public Health & Regulation

Portland House

Worthing

BN11 1HS

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



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Re: LA 2003 Hearing Notice - Doner Deliz

1 message

12 July 2022 at 15:56

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

Good afternoon

My concerns have been addressed and I would be ok with the business not selling alcohol after 2300 and closing at 2330.

Regards

On 12 Jul 2022 15:52, Simon Jones <simon.jones@adur-worthing.gov.uk> wrote:

Dear Sir/Madam

Further to my email yesterday I have now been in touch with the applicant,

I forwarded copies of all the letters of objection yesterday and he has now had time to consider them and the concerns most commonly expressed. He is keen to mediate and has accordingly instructed me to amend the application to address some of the concerns regarding late night disturbance and nuisance.

The hours he originally sought were:

- Sale of alcohol
 - 10:00hrs - 01:00hrs, of the following morning, Monday - Sunday incl.
- Late Night Refreshment
 - 23:00hrs - 01:00hrs, of the following morning, Monday - Sunday incl.

He is now proposing a licence authorising:

- Sale of alcohol
 - 10:00hrs - 23:00hrs Monday - Sunday incl.
- Withdrawal of the application for Late Night Refreshment

This will effectively bring the closing time of the business to 23:30hrs which will bring his timings in line with the Planning Permission in place at [121 Montague Street](#).

This amendment to the application in conjunction with the licence conditions he has agreed with the Police addresses the majority of concerns expressed in the representations.

Please could you contact me to confirm that your concerns have been addressed and your representation is withdrawn or if you still have concerns that are relevant to the Licensing Act and you want considered. My email address is: simon.jones@adur-worthing.gov.uk

I look forward to hearing from you.

Regards

Simon Jones

Team Leader - Licensing, Public Health & Regulation

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On Mon, 11 Jul 2022 at 12:58, Simon Jones <simon.jones@adur-worthing.gov.uk> wrote:

Dear Sir/Madam

Re: Licensing Act 2003 Premises Licence Application
Premises: Doner Deliz, 121 Montague Street, Worthing, BN11 3BP
Applicant: Gallegos Worthing Ltd.

Consultation on the above application has now closed. Two representations regarding the application were received during the consultation period from the Responsible Authorities, in this case Sussex Police and the A&W Environmental Protection Team, and 8 relevant representations were received from local residents and members of the public.

In such circumstances the Licensing Act 2003 encourages mediation and if agreement cannot be reached then the application is referred to a Licensing & Control Sub-Committee to consider at hearing. Your representation has been forwarded to the applicant and you may be contacted directly to discuss your concerns.

I have scheduled a hearing to consider Gallegos Worthing Ltd.'s application for Wednesday 27 July 2022 at 18:30hrs. The hearing, if required, will be held online via Zoom and details to join the meeting will be forwarded in due course.

Under the Licensing Act 2003 the Licensing & Control Sub-Committee that will determine the application can only consider matters that relate to the licensable activities proposed by this application and consider if the licensable activities carried out in the way proposed would undermine the Licensing Objectives. These being:

- The Prevention of Crime & Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Harm to Children

As I have stated, mediation is encouraged and I am aware that the applicant and Sussex Police have mediated successfully. As a result a comprehensive set of conditions have been agreed and would become enforceable conditions of any licence granted and added to those already volunteered by the applicant in the application. The conditions agreed are:

The Prevention of Crime & Disorder:

- *For on sales, alcohol will be served by waiter/waitress service to customers seated at tables and ancillary to a table meal only.*
- *Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas including the entrance to the premises and any outside tables and chairs area and/or smoking area. The system shall be on and recording at all times the premises licence is in operation.*
 - *The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside and outside the premises at all times.*
 - *CCTV footage will be stored for a minimum of 31 days.*
 - *The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.*
 - *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
 - *Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.*
 - *Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.*

- *In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.*
- *An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.*
- *Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the outside licensed area (or any permitted and licensed outside tables and chairs area) of the premises whilst smoking or otherwise congregating outside of the premises.*

For the Protection of Children from Harm:

- *The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram.*
- *Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.*
- *The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:*
 - *The lawful selling of age restricted products*
 - *Refusing the sale of alcohol to a person who is drunk*
- *Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.*
- *All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.*
- *The premises management will ensure that all delivery drivers either directly employed or via an agent or sub contractor will behave appropriately whilst attending the premises to collect deliveries and will park vehicles legally and not on pavements or double yellow lines whilst waiting for and collecting deliveries.*

Conditions for alcohol delivery service:

- *Alcohol deliveries will only be made to a residential or business address and not to a public place.*
- *The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.*
- *At the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age, and that the intended recipient is over 18 years of age. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.*
- *For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.*
- *For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years*

or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.

- Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:
 - only employs delivery employees or agents aged 18 or over;
 - is aware that alcohol is included in the delivery;
 - that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;
 - that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

Consequently, Sussex Police have withdrawn their objections to a licence being granted subject to the above being imposed on any licence granted.

In case further mediation with those making representation is unsuccessful or considered impractical a hearing has been scheduled and you will find attached the formal hearing notice relating to the Sub-Committee hearing that may sit to consider the above application.

At any hearing all written representations are considered and the applicant and those that have made representation, and expressed their intention in advance, are given an opportunity to address members if they wish. Having registered to address the committee you will be able to highlight any relevant points you have made in your written representation but will not be able to introduce any new arguments or evidence.

But please be aware that the Committee can only allocate the same total amount of time to the parties making representation as it does to the applicant so any verbal presentation may need to be brief if the number of residents that wish to speak is high. Alternatively, you may wish to consider appointing a spokesperson to coordinate a presentation on behalf of a group of residents that have made representation.

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