

**Minutes of a meeting of the
Worthing Licensing and Control Sub-Committee
4 October 2022
at 6.30 pm**

Councillor Sally Smith (Chair)

Councillor Russ Cochran

Councillor Samuel Theodoridi

LCSC/12/22-23 Declarations of Interest / Substitute Members

There were no declarations of interest / substitutes.

LCSC/13/22-23 Public Question Time

There were no questions from members of the public.

LCSC/14/22-23 Licensing Act 2003 - Application for a new premises licence

The Gin Tub - 10 High Street, Worthing, BN11 1NU

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

Presenting Officer outlined the application

The Licensing Officer outlined the application before members. Members were advised that the application had been the subject of formal representation by one responsible authority, Sussex Police and 6 members of the public. The Officer clarified that the Police had withdrawn their representation given that the applicant had agreed to additional conditions suggested by the Police.

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

Questions from Members for the presenting Officer

There were none.

Representation from a resident

The resident made a representation which is summarised as follows:

- The area behind the application premises was largely residential and quiet.
- As far as residents were aware all other bars in that vicinity closed at midnight or earlier and so the proposed late licence for The Gin Tub would cause significant

additional disruptive noise and antisocial behaviour which could affect the wellbeing of local residents.

Questions from Members for the resident

There were none.

Questions from the applicant for the resident

There were none.

Representation from the applicant.

The applicant made a representation which is summarised as follows:

- They already owned a successful bar in Hove and would like to open a similar venue in Worthing. They had plenty of experience of running a bar and made sure their whole team was well trained.
- The applicant explained that they could continue operating on the current licence shared with the Ten bar but had made this application because they would prefer their own licence, under their own business name.
- They planned to make this premises a high end cocktail bar which would be playing music but not to the volume of their neighbour, the Ten bar.
- They planned to soundproof the venue so that their clientele were not disturbed by music from the Ten bar next door.
- Although they had applied for late night licensing hours they would not always be utilising them.
- They clarified that they would always stop alcohol sales 30 minutes before the closing time.

Questions from Members to the applicant.

There were none.

Questions from resident to the applicant.

There were none as the resident had left the meeting due to a prior appointment.

Summing up of the applicant

The applicant gave a summary reiterating their plans for this new venture.

The Legal officer asked for clarification from the applicant about the hours asked for within the licence application which the applicant provided explaining that although they were asking for a licence to close at 1am Mon - Weds and 2am Thurs - Sunday they would most likely close earlier the majority of the time.

The meeting adjourned to go into closed session at 7.05 pm

In reaching its decision the Licensing Sub-Committee has given due regard to the following:

The statutory licensing objectives

- Worthing Borough Councils Statement of Licensing Policy
- Guidance under section 182 by the Home Secretary and Licensing Act 2003.
- The application, written/oral representations made at the hearing and in writing.
- The Committee also gave regard to human rights legislation and the rules of natural justice.

In discharging its functions the Committee did so with a view to promoting the Licensing objectives, the relevant objectives here were prevention of crime and disorder and prevention of public nuisance.

Resolved: To grant a new premise licence

The reason for the decision is:

The Committee listened very carefully and took into consideration the representations from both parties that were given orally and in writing. We have considered the mediation made by Sussex Police and the Applicant and specifically the condition that the Applicant agreed to stop serving alcohol 30 minutes before closing time. To ensure that this is upheld the Committee state that the sale of alcohol is allowed:

Monday – Wednesday 11.00 hrs – 12.30 a.m.

Thursday – Saturday 11.00 hrs – 01.30 a.m.

The Committee are concerned by the licensing objective of the prevention of nuisance namely noise in the area and feel it is proportionate to restrict the opening hours until 12.00 a.m on a Sunday given that it is a residential area and considering the representations that were received. This is to maintain the current noise levels on a Sunday to prevent the licensing objectives being undermined. To ensure this alcohol is allowed to be sold on a Sunday:

Sunday – 11.00 hours – 11.30 a.m.

Premise opening times on a Sunday – 11.00 hours – 12.00 a.m.

The Committee are satisfied with the amended opening times on a Sunday and with the conditions agreed with the police that the licensing objectives will not be undermined.

Advice to parties:

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

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

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

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

The meeting ended at 7.15 pm

Chair