

**Minutes of a meeting of the
Worthing Licensing and Control Sub-Committee B
9 February 2023
at 6.30 pm**

Councillor Cathy Glynn-Davies (Chair)

Councillor Lionel Harman

Councillor Richard Mulholland

LCSC/14/22-23 Declarations of Interest / Substitute Members

There were no substitute members.
There were no declarations of interest.

LCSC/15/22-23 Public Question Time

There were no questions from members of the public.

LCSC/16/22-23 Licensing Act 2003 - Application for a new premises licence

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, made on behalf of Nando's Chickenland Ltd, before members. Members were advised that the application had been the subject of formal representation by two responsible authorities, the Police, the A&W Environmental Health Protection Team and 6 members of the public.

The Officer clarified that the Police had withdrawn their representation given that the applicant had agreed to amended sale of alcohol and late night refreshment hours. He advised that A&W Environmental Health Protection Team had also withdrawn their representation as a result of amendment to the application timings.

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

Questions from Members for the presenting Officer

There were no questions from members.

Representation from a member of the public, a resident

A member of the public made a representation which is summarised as follows:

- Concerns that the opening hours were too long
- Noise implications.
- Public nuisance implications.

Questions from Members to those who made representations

A Member asked if the resident knew the opening hours of other nearby restaurants.

The resident replied that Auntie Bunny's, which was the next nearest restaurant, shut at 9 pm on Thursdays and 10 pm on Fridays and Saturdays.

Questions from the applicant to those who made representations

There were no questions from the applicant.

Representation from the applicant

The applicant made a representation which is summarised as follows:

- 1.2 million pounds had been spent on the refurbishment of the site and it would create 30 to 40 employment positions.
- The applicants had listened to the concerns of local residents and had adjusted the sale of alcohol and late night refreshment hours accordingly.
- In addition the applicant had also offered a condition that outside hours would end at 10 pm.

Questions from Members to the applicant

A member asked why the opening hours requested were longer than that of other Nando's restaurants in nearby towns.

The applicant answered that these restaurants had licences for longer hours but as trade evolved and got less it was often found those hours were not required. The applicant also explained that many other restaurants and bars within the town centre had licences which were for later hours than the ones applied for in this application.

The Officer clarified that older restaurants, as part of the 1964 licensing act, would have automatically been issued with licences till midnight.

Questions from those who made representations to the applicant

The resident pointed out that many of the licensed premises the applicant had mentioned were not adjacent to residential streets and asked if the applicant would consider further reducing the hours applied for.

The applicant clarified that they had adjusted the hours in line with the comments of the residents who had made representations and were not prepared to make any further reduction to hours requested.

Summing up of the member of the public and of the applicant

Both parties delivered summaries which reiterated points made within their representations.

The meeting adjourned to go into closed session at 7.48pm

Resolved: to grant the premises licence and sale of alcohol.

The reason for the decision is:

The Committee have listened carefully to the resident who attended and considered all the written representations. The Committee was impressed at the mediation that had taken place prior to the hearing and the amendments to the operating schedule that had already been agreed. They believe that this demonstrates the Applicant's commitment to ensuring that the licensing objectives are not undermined and there was no evidence before them to justify any amendment to the opening hours.

The Sub-Committee considered:

- The representations made by the Responsible Authorities.
- The mediation during which the applicant had agreed to include the further licence conditions suggested by Sussex Police being placed on the licence.
- The amended timings volunteered by the applicant prior to the hearing.
- The relevant representations.

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

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

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

Advice to parties:

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

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

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

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

The meeting ended at 7.30 pm

Chair