

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

The Gordon Room, Worthing Town Hall

15 May 2022, 6.30 pm

Councillor Rosey Whorlow (Chair)

Councillor Mike Barrett

Councillor Kevin Jenkins

LCSC/17/22-23 Declarations of Interest / Substitute Members

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

LCSC/18/22-23 Public Question Time

There were no questions from members of the public.

LCSC/19/22-23 Members Questions

There were no questions from members.

LCSC/20/22-23 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 explaining that there had been two representations from responsible authorities, Sussex Police and WBC Environmental Health team, both of which had been mediated successfully and had been withdrawn. He also clarified that there had been seven representations made by members of the public.

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

Questions from Members for the presenting Officer

Members asked for clarification over whether the applicant would need a separate licence to play live music and the Officer explained that if a premises has an alcohol licence they are exempt from having to apply for further permission to play live and recorded music from 8am to 11pm.

Representation 1 from a member of the public, a resident

A local resident made a representation expressing how the antisocial behaviour and live music played at the premises when it was previously licensed had adversely affected his and his neighbour's lives. He described how he had made a noise complaint to the Council but the noise diary they had provided him was more suited to the monitoring of noisy residential neighbours whilst the noise at the premise in question was intermittent but nonetheless disruptive. He advised the Committee that he did not object to a bar/cafe being on the site but would like some restrictions on the live music. As part of his representation, the resident had provided Officers with a video he had come by via social media, of the premise during a live music event. This was played for the Committee.

The Legal Officer explained that, as the origin of this video was unknown, Members should consider carefully the weight they gave it during their deliberations

The Licensing Officer clarified that this Committee were unable to apply restrictions to a licence regarding the hours music could be played.

Representation 2 from a member of the public, a resident

A local resident made a representation reiterating the concerns expressed by the first resident. He also highlighted that he had observed vertical drinking at the premises and customers not ordering food with their drinks and explained that on the occasions he had attempted to talk to the employees from the bar regarding the loud music and antisocial behaviour he had found their manner to be uninterested, dismissive and threatening.

Representation 3 from a Ward Councillor on behalf of members of the public

The Ward Councillor gave a representation on behalf of two local residents who were unable to attend the meeting. The Member explained how these residents had felt intimidated by the antisocial behaviour attributed to the premises, both during its opening hours and, because of the external fixed seating aspect, sometimes into the small hours the next day. She also called attention to the disruptive effect of the loud music at the venue on these residents and emphasised that she had also received many complaints from other constituents regarding the excessively loud outdoor live music, some from residents several streets away.

Questions from Members to those who made representations

Members asked those who had made representations for clarification on the volume and frequency of the live music

Representation from the applicant

The applicant gave a representation highlighting the mediation that had successfully taken place between himself and the two responsible authorities. He clarified that he had been subject to no enforcement action or prosecutions during the previous licence tenure and although he had been aware of some complaints regarding noise he had not received anything in an official capacity.

Questions from Members to the applicant

Members inquired about the measures the applicant had taken so far to address the local residents' concerns and to minimise any antisocial behaviour.

The applicant outlined the provisions the venue had employed to avoid those leaving the premises causing a disturbance. He also explained that although the outside furniture could not be put inside the bar whilst it was open because of space restraints he suggested that it could be moved to a side area, under the marquee, on the exterior of the venue. With regards to members of the public using the external fixed seating once the venue was shut, the applicant said he had undertaken to fix gates onto both the entrances.

The applicant stated that should the licence be granted he was willing to correspond with the local residents within 28 days, encouraging discussions between them and himself in an attempt to alleviate any concerns they had. He also stated that he would be willing to agree to have external music ceased by 7pm.

Questions from those who made representations to the applicant

Those who made representations had questions for the applicant regarding their attempts to discuss their concerns with him on previous occasions.

Summing up of those who made representations and of the applicant

Both parties summed up reiterating aspects of their representations.

The meeting adjourned to go into closed session at 8.05pm

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, Prevention of Public Nuisance and Public Safety.

Resolved: Premise licence be granted

The reason for the decision is:

The Committee have listened carefully to the persons who have made relevant representations, to the applicant and considered the mediations reached prior to the hearing.

The Committee have not heard any compelling arguments that the licensing objectives of Crime and Disorder or Public Safety will be affected by the grant of this licence.

They have however considered evidence before them of Public Nuisance, namely noise. To address this concern the Committee gratefully accepts the condition offered by the applicant this evening to move the portable tables and chairs from outside the front to the side of the premise within the marquee, not to be used, and this is to be achieved by 10.00 p.m. The Applicant gave evidence that the tables and chairs could not be moved into the premise before 11.00 p.m. because of lack of space within the premise and therefore with this condition offered it is believed this will assist with the noise nuisance that has been caused by moving tables and chairs at 11.00 p.m. In addition the Committee note that the Applicant has offered to be an active member of Worthing Pub Watch and therefore this is to be added as a condition of the licence to ensure the local community works together to promote the licensing objectives.

The Committee considered that this is a mixed residential area with low noise from other premises late at night and the close proximity of this premise to residential properties. They therefore feel it is necessary and proportionate to add a condition to the licence that all doors and windows to the premise should be closed after 10.00 p.m. to reduce the noise nuisance emanating from this premise. This condition coupled with the condition offered by the Applicant in relation to the portable table and chairs and with the condition agreed with Sussex Police to cease using the outside space from 10.00 p.m. should ensure that this premise does not cause a noise nuisance late at night.

The meeting ended at 8.05 pm

Chair