

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

**The Gordon Room, Worthing Town Hall**

**17 August 2023, 6.30 pm**

Councillor Ferdousi Henna Chowdhury (Chair)

Councillor Claire Hunt

Councillor Dale Overton

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**LCSC/9/23-24            Declarations of Interest / Substitute Members**

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

**LCSC/10/23-24        Public Question Time**

There were no questions from members of the public.

**LCSC/11/23-24        Members Questions**

There were no questions from members.

**LCSC/12/23-24        Licensing Act 2003 – TEMPORARY EVENT NOTICE (TEN):  
HEARING TO CONSIDER A RESPONSIBLE AUTHORITIES  
NOTICE OF OBJECTION UNDER SECTION 105 OF THE  
LICENSING ACT 2003**

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 TEN served**

The Licensing Officer outlined the TEN served and the subsequent Notice of Objection. The TEN had been served by the licence holder in order that a 'Bank Holiday Birthday Celebration' could be held at the premises. The Environmental Protection Officer had submitted the Notice of Objection on grounds of public nuisance. The Committee was advised that the Licensing Objective relating to public nuisance was the only relevant objective in this meeting.

The Environmental Protection Officer confirmed that the Licensing Officer had provided an accurate outline of the Notice of Objection.

## **Questions from Members for the presenting Officer**

There were none.

## **Representation from the Environmental Protection Officer**

The Officer clarified that a large number of complaints of loud music, particularly at weekends, had been received in regards to the premises. Investigations had shown that the complaints were justified and as a result a Notice of Abatement had been served on the premises. Allowing this TEN could result in a breach of the notice.

## **Questions from Members to the Environmental Protection Officer**

Members queried how many complaints had been deemed founded and at what time of the night was the noise level being complained about.

The Officer explained that six separate nearby households had complained and the timings of the unacceptable noise was usually from about 11pm onwards. He stated that the Environmental Protection Team had taken recordings at 1am showing the base could be heard in neighbouring properties.

## **Questions from the Licence Holder to the Environmental Protection Officer**

The licence holder enquired what the decibel recordings were and where the complaints had originated from.

The Officer clarified that the recordings measured approximately 28 DB inside one of the neighbouring properties. He also confirmed that the complaints had been from residences in neighbouring streets and dwellings.

## **Representation from the Licence Holder**

The licence holder explained that when he had bought the premises, the previous owner, when it had been Bar Ten, had stated that they never really had many noise complaints. Because of this, he had made no changes within the club assuming that there were no noise issues. He was of the opinion that, as the club had been closed during Covid, neighbours had got used to that situation but now that it was open again they were having to adjust to the noise once more. He explained some of the measures he had taken to address the noise issue such as moving speakers and applying soundproofing to some walls. He also had a Sound Engineer on site at all times. The Licence holder also pointed out that his licence states he has a maximum noise limit of 50 DB inside the premises and they had taken a recent level reading of approximately 40 DB.

## **Questions from Members to the Licence Holder**

Members asked the Licence holder what more he felt he could do to reduce the noise level further. The Licence holder stated that he could apply more soundproofing to the walls and in future he could have an extra staff member posted outside the premises monitoring the noise. . He also clarified that he had supplied his neighbours with his telephone number so they may contact him to inform him if the noise was too loud.

## **Questions from Environmental Protection Officer to the Licence Holder**

The Environmental Protection Officer clarified that his team had put together a package of measures that the licence holder should employ to address the Abatement notice and these included the suggestion he should employ an acoustic engineer to properly assess the premises.

## **Summing up of Environmental Protection Officer and Licence Holder**

Both parties summed up reiterating aspects of their representations.

The Chair asked all parties if they were satisfied they had said all they wished to at this part of the meeting to which they all replied in the affirmative.

*The meeting adjourned to go into closed session at 7.10pm and reconvened at 7.21pm*

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: To uphold the notice of objection and issue a counter notice stopping the event going ahead.**

### **The reason for the decision is:**

The Committee have listened to the evidence before them that there is a noise Abatement Notice that has been issued for public noise nuisance. The requirement is to not play music that causes nuisance. The Committee have heard evidence from the Environmental Protection Team that the notice has been breached and music is still causing a public nuisance and there are no measures that can be put in place quickly to help the abatement of this.

The Committee can therefore not allow an event to go ahead until 3.00 a.m. that will cause the licensing objective of public nuisance to be undermined.

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The meeting ended at 7.25 pm

**Chair**