

**Licensing Act 2003 – Application for a new Premises Licence**

**'Soundcheck Rock & Metal Bar'**  
**40 Marine Parade, Worthing, West Sussex, BN11 3QA.**

**Report by the Director for Sustainability and Resources**

**1. Recommendation**

That a Sub Committee of the Licensing & Control Committee considers and determines the application made by:

**Soundcheck Rock & Metal Bars Ltd.**

for a new Premises Licence to authorise the sale of alcohol and provision of regulated entertainment.

**2. Reasons for Hearing**

- 2.1 The application has been the subject of formal representation by two responsible authorities and two other parties and it therefore falls to this sub-committee to determine.

**3. Background**

- 3.1 An application was made on behalf of Soundcheck Rock & Metal Bars Ltd. to the Licensing Authority, Worthing Borough Council, on 08 January 2025 for the grant of a new premises licence to allow licensable activity in the form of alcohol sales and regulated entertainment at a new bar & music venue.

- 3.2 The premises had previously been authorised for the sale of alcohol, for consumption on & off the premises but the premises licence was surrendered on 31 October 2024 by the last previous occupant when the business ceased trading.
- 3.3 The premises occupies a ground floor unit situated at 40 Marine Parade. Located in a substantial town centre/seafront 3 storey terrace of residential and commercial properties directly opposite the promenade and beach. Marine Parade is a mixed commercial/residential area with a large number of residential flats in the vicinity, the nearest directly above the unit. The terrace contains two other licensed premises with the nearest 'The Escape Bar & Grill' directly next door. The unit benefits from an outside forecourt patio.
- 3.4 This ground floor unit has been operated as a licensed premises since at least 2005 and has over the years been run by various businesses under various names originally as a restaurant and since May 2022 as a bar.
- 3.5 Soundcheck Rock & Metal Bars Ltd. has recently acquired use of the unit and is seeking to open a new bar & music venue benefitting from an extensive renovation and refurbishment.
- 3.6 It is confirmed that Soundcheck Rock & Metal Bars Ltd.'s application has been properly made.
- 3.7 Attached to the report are:
- A map & photos of the area (Appendix A)
  - A plan of the premises (Appendix B)
  - A copy of the application (Appendix C)
  - The representations made by the Responsible Authorities (Appendix D)
  - The representations made by other parties. (Appendix E)
  - Mediation correspondents & mediated agreements (Appendix F)

#### **4. The Application**

- 4.1 The Application is attached at Appendix C. However, in summary, the application is seeking authorisation for the sale of alcohol for consumption on the premises and the provision of regulated entertainment:
- Alcohol sales:
    - 12:00hrs to 23:00hrs Sunday - Thursday
    - 12:00hrs to 00:00hrs (midnight) Friday & Saturday
  - Live music:
    - 12:00hrs to 23:00hrs Sunday - Saturday
  - Recorded music:
    - 12:00hrs to 23:00hrs Sunday - Thursday
    - 12:00hrs to 00:00hrs (midnight) Friday & Saturday
  - Performance of dance:
    - 20:00hrs to 23:00hrs Sunday - Thursday
    - 20:00hrs to 00:00hrs (midnight) Friday & Saturday
  - Opening to the public:

- 12:00hrs to 23:30hrs Sunday - Thursday
- 12:00hrs to 00:30hrs (of the following morning) Friday & Saturday

4.2 The Guidance issued under section 182 of the Licensing Act 2003 recommends the applicant completes an operating schedule as to how it is intended to address the Licensing Objectives if this application were granted. The application contains a detailed operating schedule setting out how the applicant will comply with the licensing objectives.

## 5. Promotion of the Licensing Objectives

5.1 The Licensing Act 2003 and regulations require that the Council, as the 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 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.*

#### **Public Safety**

- 4.22 *Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their Operating Schedule and Fire Risk Assessment the steps, which will be taken to ensure public safety.*
- 4.23 *The Licensing Authority will expect Operating Schedules and Fire Risk Assessments to satisfactorily address these issues and new applicants are advised to seek advice, where necessary, from Council Licensing Officers and the West Sussex Fire & Rescue Service before preparing their plans and Schedules.*
- 4.24 *The Licensing Authority will consider attaching conditions to licences and permissions to promote public safety. In attaching conditions the authority will seek to avoid duplication with the requirements of other regulatory regimes, for example legislation covering health and safety at work and fire safety.*

#### **Prevention of Public Nuisance**

- 4.25 *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.*
- 4.26 *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.*
- 4.27 *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.*
- 4.28 *Anti-social behaviour such as excessive noise from access and egress or patrons littering should also be addressed in the Operating Schedule.*

### **Protection of Children from Harm**

- 4.32 *The wide range of premises that require licensing means that children can be expected to visit many of these, perhaps on their own, for food and/or entertainment.*
- 4.33 *While the 2003 Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm. In particular the following are examples of situations that will raise concern where:*
- *there have been previous convictions for serving alcohol to minors or with a reputation for underage drinking*
  - *there is a known association with drug taking or dealing*
  - *there is a strong element of gambling on the premises*
  - *entertainment of an adult or sexual nature is commonly provided*
  - *the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.*
- 4.34 *Following relevant representations the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:*
- *Limitations on the hours when children may be present*
  - *Age limitations (below 18)*
  - *Limitations or exclusion for all or part of the premises when certain activities are taking place*
  - *Requirements for an accompanying adult*
  - *Full exclusion of people under 18 from the premises when particular licensable activities are taking place*

### **SPECIFIC CONSIDERATIONS**

#### **Alcohol Public Houses and Bars – On Sales**

- 7.17 *Worthing contains a wide variety of pubs and bars that contribute to the town's appeal and its character. They provide food and refreshment for residents and for people working in and visiting the borough. They also provide venues for live music which, aside from its cultural benefits and its enjoyment by customers, often has a positive effect on licensing objectives. However, premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly where there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. In addition pubs and bars present opportunities for crime and they can also give rise to disorder.*
- 7.18 *The Licensing Act 2003 details a number of mandatory conditions where a licence authorises the supply of alcohol: these cover: a Designated Premises Supervisor for the premises who holds a Personal Licence whenever alcohol is sold, sales of alcohol to be authorised by a personal licence holder, no irresponsible alcoholic drink promotions, free tap water to be available, set measures for the sale of alcohol and age verification measures.*
- 7.19 *The Licensing Authority regards these as the minimum required and will expect applicants to have regard to additional measures appropriate for their premises, area*

*and character of business to demonstrate his/her promotion of the Licensing Objectives. If the proposals are inadequate and representation has been received the council may impose conditions as it deems appropriate or even refuse an application.*

## **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 PH&R Environmental Protection Team
  - Other Persons:
    - A local resident
    - Worthing Pubwatch

## **7. Relevant Representations**

- 7.1 Detail of the relevant representation received is reproduced at Appendix D & E. They are considered to relate to the statutory licensing objectives as follows:
- Prevention of Crime & Disorder
  - Public Safety
  - Prevention of Public Nuisance
  - Protection of Children from Harm
- 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 The A&W Environmental Protection Team made a number of comments regarding the potential for public nuisance issues of a premises selling alcohol and providing regulated entertainment operating in the vicinity of residential premises.
- 7.4 One representation was received from a local resident expressing concerns regarding noise and possible public nuisance implications that can be associated with the provision of entertainment and referred to anti-social behaviour experienced at this location associated with previous operators of the premises.
- 7.5 Worthing Pubwatch requested that the business be an active member of Worthing Pub watch and attend regular meetings to help minimise crime & disorder within Worthing.

## **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 agreeing that if a licence were to be granted the following conditions would be placed on any licence as enforceable conditions of licence.

### **PREVENTION OF PUBLIC NUISANCE**

1. *All regulated entertainment is to be controlled via a noise limiting device.*
2. *The sound limiter is to be tested and calibrated by a suitably qualified and competent person to ensure compliance with the levels stipulated by the Local Authority on the Premises Licence. Thereafter the limiter shall be tested and calibrated annually by a suitably qualified and competent person.*
3. *Doors and windows are to be kept closed after 22.00hrs during regulated entertainment.*
4. *The management is to regularly monitor the interior and exterior of premises to minimise noise pollution when regulated entertainment is being provided.*
5. *Signage is to be prominently displayed near exits requesting the public, residents and guests to respect the needs of local residents by quietly leaving the premises.*

### **PREVENTION OF CRIME AND DISORDER**

6. *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 to cover all public areas. 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 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. The system will have network capability to directly upload footage to a cloud based digital imaging storage used by Sussex Police (or other systems operated by Responsible Authorities) Recordings shall be made available to Sussex police upon request 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 is 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.*
7. *All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard age-restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed, and fully documented, prior to the sale of alcohol by the staff member and refresher training thereafter at intervals of no less than six months. All restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, Licensing Authority and Trading Standards Officers upon request.*
8. *The licence holder shall at all times maintain and operate a sales refusals book and an incident log. These shall be reviewed by the Designated Premises Supervisor at intervals of no less than four (4) weeks and feedback given to staff as relevant. Both the refusal*

*register and incident log will be kept on the premise to record all refusals and incidents of crime or disorder. These records will be made available to the authorised officers of the Licensing Authority and Police upon request.*

9. *2 x Security Industry Authority (SIA) licensed door supervisors shall be deployed at the premises from 21:00 hours until 30 minutes after closing time on Friday and Saturday evening. Door staff will also be employed on other occasions when such a requirement is either identified by the licence holder's own risk assessment or is requested by Sussex Police. Those performing the role of Door Supervisor will not perform any other role when engaged for the purpose of door supervision activities. Door staff shall be fully briefed prior to work, with clear written instructions regarding their specific duties. Door staff will be made aware of individuals banned by Pubwatch. These records will be made available to the Licensing Authority and/or the Police upon request. Such door supervisors shall wear suitably marked reflective jackets in order that they can be readily identifiable to customers, staff and the police.*
10. *A documented risk assessment must be written and agreed by Sussex Police, which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. This will include when Polycarbonate drink vessels will be used both externally and internally. It will include written emendations demonstrating what considerations have been made for any additional special events which may arise during the year. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request.*
11. *No alcohol, for consumption away from the premises, may be removed from the premises after midnight, whether in an open or closed container.*
12. *No drinks in glassware to be taken outside after 21:00 when licensable activity is taking place at the premises. After 21:00 drinks can be taken outside on the terrace (within the licensable area) in plastics only until 22:00 Monday to Thursday and Sundays, Friday and Saturdays no later than 23:00. At all times staff (including door staff when on duty) must monitor the area to ensure that noise and disturbance is prevented.*
13. *A 30-minute period is to be provided after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.*
14. *The Licensees/DPS to maintain membership and attend meetings of Pubwatch so long as that organisation is in existence.*
15. *A drug prevention policy to be maintained.*
16. *All drinking glasses used on the premises are to be of toughened glass or polycarbonate.*

#### **PROTECTION OF CHILDREN FROM HARM**

17. *The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under the specified age will be asked for photographic ID to prove their age. Signage advertising the "Challenge" policy will be displayed in prominent locations in the premises and shall include the point of sale and the area where the alcohol is displayed, as a minimum. The recommended forms of ID that will be accepted are passports, driving licences with a photograph or Citizen Card or validated proof of age cards bearing the "PASS" mark hologram*
18. *Children (under 18) are not to be allowed in the bar after 21.00hrs. No 18th Birthday parties to be held on the premises.*

Accordingly, Sussex Police have withdrawn their representation.



- 8.3 The A&W Environmental Protection Team have been in mediation with the applicant and have agreed the following conditions be added to any premises licence that may be granted:

*No regulated recorded or live entertainment shall be provided at the premises until such time an acoustic scheme, prepared by a suitably qualified acoustician, is provided and agreed with the licensing authority.*

*The acoustic scheme shall be set out in an acoustic report explaining how music noise from the premises will be controlled in order to prevent nuisance to the residential occupants above. The acoustic report shall include all noise measurements, calculations and any guidance used in reaching the conclusions and recommendations for noise control scheme.*

*Until such time the acoustic scheme is agreed by the licensing authority and implemented, only non obtrusive background music shall be provided and for this purpose music noise levels shall not exceed 75dB(LAeq 5 mins) measured 1 meter from any speaker.*

*Thereafter the acoustic scheme shall be maintained.*

Accordingly, the Environmental Protection Team has withdrawn their representation.

- 8.4 I am aware that mediation is being conducted between the applicant and the other representors at the time this report was drafted but no information has been provided as to whether this has been successful or not. Members will be informed if there are any 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,
- 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

**Members are requested to determine the application for a new Premises Licence made on behalf of Soundcheck Rock & Metal Bars Ltd. for the bar & music venue to be known as the 'Soundcheck Rock & Metal Bar' situated at 40 Marine Parade, Worthing and give reasons for that determination.**

**Director for Sustainability and Resources  
Paul Brewer**

### **Principal Author and Contact Officer:**

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### **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://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_-\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a8f578ed27ca000d27b1f9/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_-_December_2023.pdf)
- 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
- Appendix E - Representations received from an interested party.
- Appendix F - Mediation & Agreements

Town Hall, Worthing

Ref: SJ/Lic.U/LA03/NEW – Soundcheck Rock & Metal Bar

Date: 17 Feb 2025.