

## Appendix D – Responsible Authority Representation



**Sussex Police**  
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4<sup>th</sup> February 2025

Mr Simon Jones  
Team Leader  
Adur & Worthing Councils  
Public Health & Regulation  
Portland House  
Worthing  
BN11 1HS

Dear Mr Jones

**RE: APPLICATION FOR A NEW PREMISES LICENCE. EMERALD QUAY CLUB, SHOREHAM BY SEA, WEST SUSSEX BN43 5JP. UNDER THE LICENSING ACT 2003.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation in respect of this new licence application on the grounds of the prevention of crime and disorder, public safety, and the protection of children from harm.

This is a new application for sales of alcohol for the consumption on the premises and the provision of regulated entertainment at the proposed music bar.

The opening hours for the premises proposed be from 12:00 to 23:00, Monday to Thursday and Friday and Saturday from 12:00 to 00:00. Sunday 12:00 to 23:00.

Sussex Police are proposing the following conditions to promote the licensing objectives:

## **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 premise 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 maintained.

16. All drinking glasses used on the premises are to be of toughened glass or polycarbonate.

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

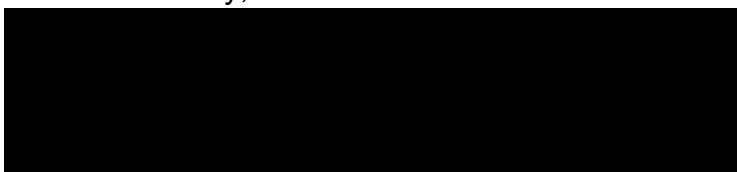
17. The premises will operate an age verification policy set at a minimum of 25 years, whereby any person attempting to buy alcohol who appears to be under the specified age will be asked

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 18<sup>th</sup> Birthday parties to be held on the premises.

Please see email confirmation from Carl Quanstrom, confirming acceptance of the above new licence conditions. Accordingly, Sussex Police withdraw their representation subject to the new conditions in their entirety being added to the new licence, should it be granted in due course.

Yours sincerely,



**Inspector Mike Butler CB238**  
**West Sussex Licensing Inspector**  
**Sussex Police**



ADUR & WORTHING  
COUNCILS

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Licensing Unit  
Adur & Worthing Councils

By email

**Date:** 27th January 2025  
**Service:** Public Health & Regulation  
**Tel:** 01903 221064  
**Email:** [publichealth.regulation@adur-worthing.gov.uk](mailto:publichealth.regulation@adur-worthing.gov.uk)

**Our Reference:SR303157**

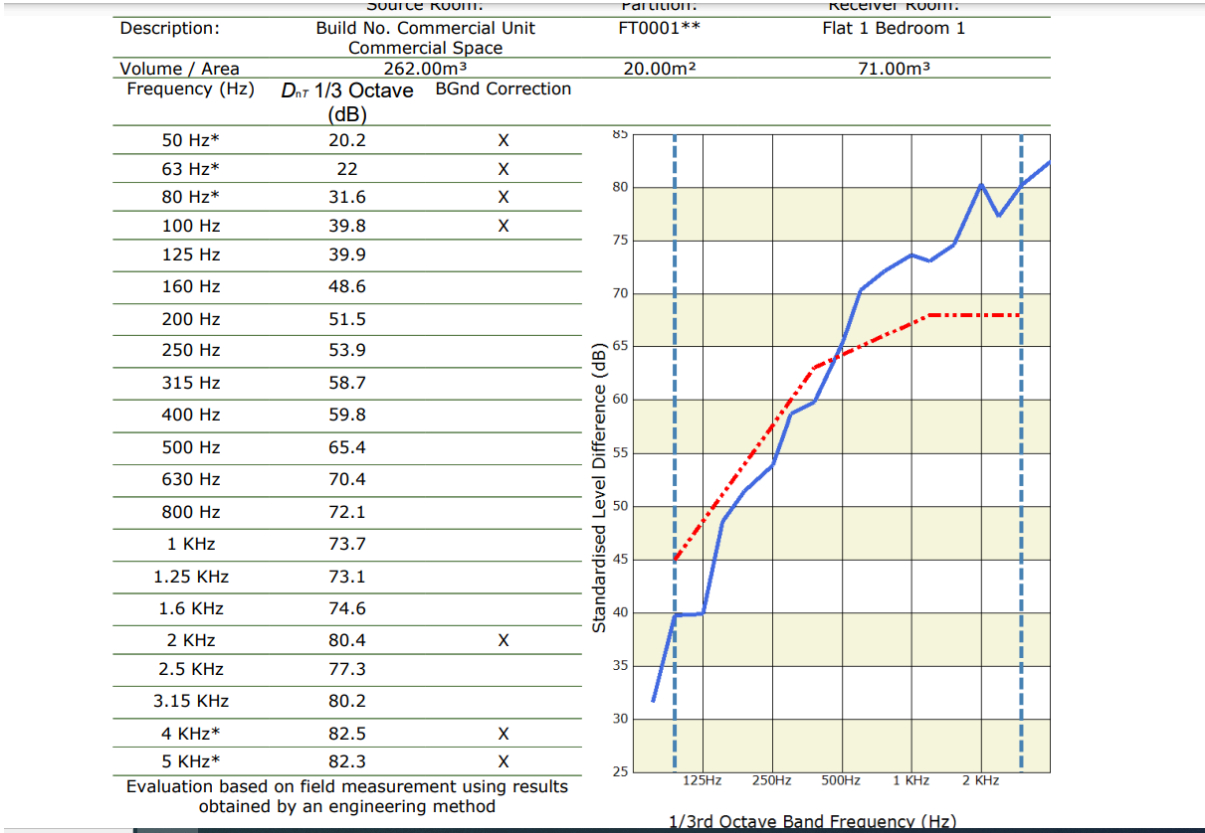
**Licensing Act 2003**  
**Premises Licence Application: 150545**  
**Soundcheck Rock and Metal Bar, 40 Marine Parade, Worthing**

I am writing to object to this application as requested as the applicant has provided no evidence to demonstrate that the premises is suitable to hold entertainment without causing a public nuisance to the above residential premises.

Please note that the revised guidance under S182 of the Licensing Act 2003, paragraph 8.47, states: "Applicants are expected to provide licensing authorities **with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area.** Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

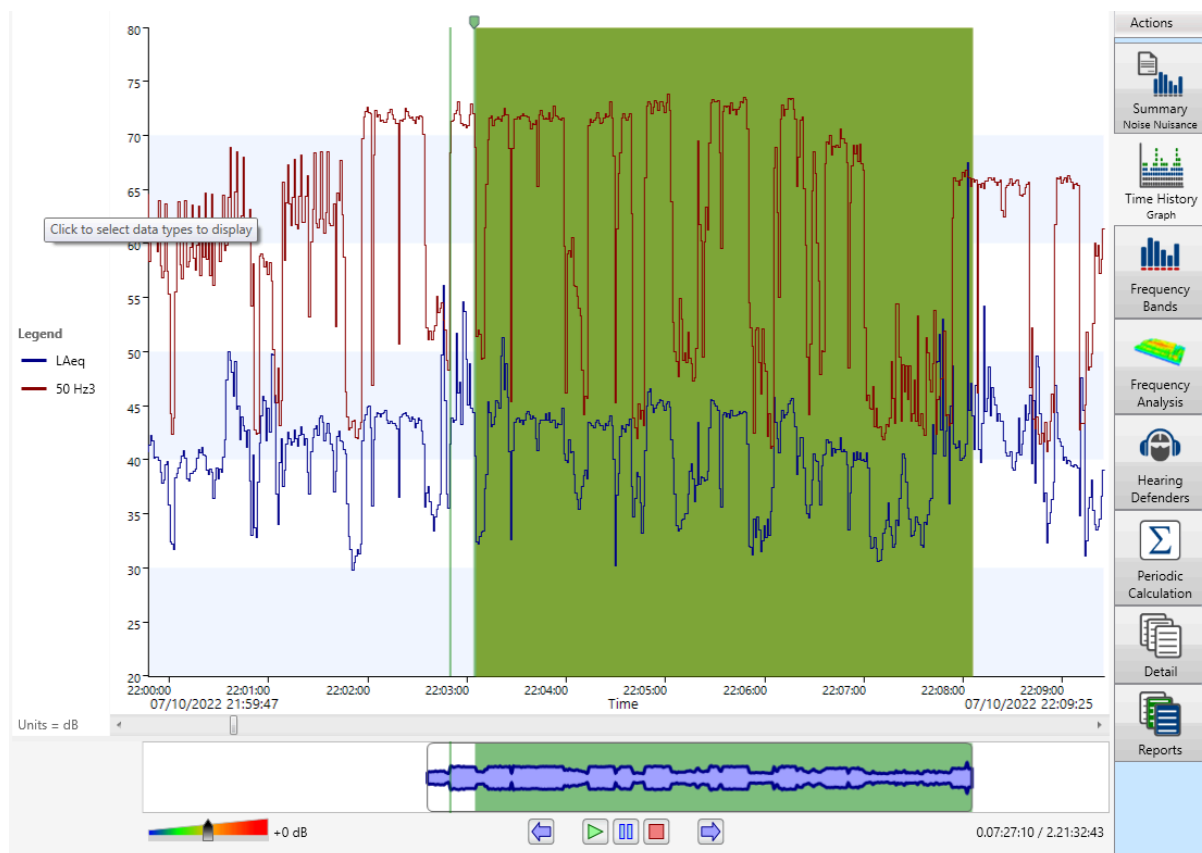
There is a long licence history to the premises and regrettably a history of noise complaints under the previous management. I should point out that the complaints covered both music noise and noise from the kitchen extraction. I am not aware whether the previous occupier of the property took any steps to deal with the kitchen extraction, other than not using it. With regards to entertainment we requested that entertainment be limited to ambient background music until such time an acoustician could assess what was feasible in the premises.

What I know is the sound insulation test for the property required for Building Regulations and provided by the previous occupier demonstrated a good sound insulation between the property, in the mid frequency ranges, meaning patron noise would be well controlled. However, the test showed that the sound insulation was not so effective against the lower frequencies that are characteristic of music. I have copied and pasted the test results below for your information.



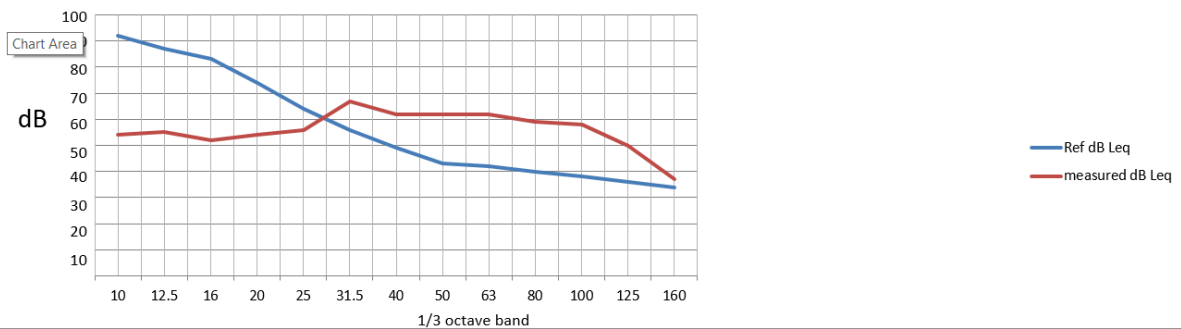
The measured levels in these lower frequencies are below the red reference curve in the data. Furthermore some of these low frequencies attributed to music are outside the scope of the accreditation process. Thus passing the requirements of Building Regulations does not mean music noise will be adequately controlled.

To further demonstrate the point I have copied a screen shot of the noise measurements taken from the upstairs flat on the previous occupiers opening night. You can see the low frequency bass of the music in red and the LAeq in blue following the same pattern of the bass. This shows the boom of the low frequency noise is the dominant sound in the room. The bass is reaching 73dB at 50Hz. When A weighted, this equates to 43dB(A). (A weighting adjusts the sound pressure levels to reflect how humans respond to sound. The LAeq is the A weighted sound energy over the whole frequency spectrum averaged over time)



Although the kitchen extract noise is outside the scope of the application as there is no late night refreshment, I nonetheless bring this matter to the applicant's attention so that they are aware of our concerns that will need to be addressed to prevent statutory nuisance. If they are employing an acoustic consultant to progress this application then it would be prudent that they look at the kitchen extraction at the same time. In the noise recording screen shot below you can see the extract system ramping up and the immediate increase in overall sound and low frequency noise in the room. For visual ease I have shown the dominant low frequency at 35Hz, but the low frequency curve shown beneath the noise recording screen shot demonstrates there are a number of problematic low frequencies when the extraction is operating.





The above chart is from the NANR45 procedure for determining low frequency disturbance. We compare the measured noise levels in the relevant 1/3 octave bands against the reference curve. If the measured levels exceed the reference curve in any of the 1/3 octaves then this is an indication of a problem.

If the applicant seeks assistance from a suitably qualified consultant to address environmental health concerns we can reconsider the application. (For this purpose 'suitably qualified' means someone who has met the qualification criteria to be a member of the Institute of Acoustics or the Association of Noise Consultants).

However as it stands I must raise this objection to the application.

Yours faithfully,

Michael Lavender

Environmental Health Officer