



Licensing Act 2003 – Application for a new Premises Licence at:

**The Elephant in the Room
40 Goring Road, Worthing, BN12 4AD**

Report by the Director for Communities

1. Recommendation

- 1.1 That a Sub Committee of Licensing & Control Committee “B” consider and determine the application made on behalf of :

Mr Nathan Wright

for a new Premises Licence to authorise the sale of alcohol.

2. Reasons for Hearing

- 2.1 The application has been the subject of formal representation by a responsible authority and two members of the public and it therefore falls to this sub-committee to determine.

3. Background

- 3.1 An application was made on behalf of Mr Wright to the Licensing Authority, Worthing Borough Council, on the 28 November 2019 for the grant of a new premises licence. However, the application was delayed due to failure to advertise the application in accordance with the regulations. The application is now fully compliant.
- 3.2 The unit is situated in the shopping parade in Goring Road a mixed commercial & residential area. It was previously part of a larger unit used as a bank. This part of Goring Road contains a parade of shops running along both sides of the road and includes various stores, offices, cafes, takeaways, restaurants, a large public house/carvery and a micro pub. Most of these commercial units have residential accommodation above. As stated the proposed bar is located in the old Nat West bank with a very deep pavement to the front of the unit.
- 3.3 The business is intending to operate as a micro bar and may in the future seek planning authorisation and if granted a minor variation to the licence to use a small part of the pavement to place 3 or 4 tables but this is not included in the current application.

3.4 Attached to the report are:

- A plan & photos of the area (Appendix A)
- A plan of the bar (Appendix B)
- A copy of the application (Appendix C)
- The representation made by a Responsible Authority (Appendix D)
- The representations received from local residents (Appendices E1 & 2)
- Details of the mediation conducted (Appendix F1-3)

4. **The Application**

4.1 The Application is attached at **Appendix C**. However, in summary, the application is seeking authorisation for:

- Sale of Alcohol for consumption on the premises:
 - 12:00hrs to 22:30hrs Sunday - Thursday
 - 12:00hrs to 23:00hrs Friday - Saturday
- Opening to the Public:
 - 12:00hrs to 23:00hrs Sunday - Thursday
 - 12:00hrs to 23:30hrs Friday - Saturday

4.2 As recommended by the Guidance issued under section 182 of the Licensing Act 2003 the applicant has completed an operating schedule as to how it is intended to address the Licensing Objectives if this application were granted.

4.3 The proposed designated supervisor (DPS) detailed in the application is Mrs Sarah Wright who holds a personal licence issued by Worthing Borough Council.

5. **Promotion of the Licensing Objectives**

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

Prevention of Public Nuisance

- 4.24 *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.*
- 4.25 *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.*
- 4.26 *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.*

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

DEMAND, SATURATION & HOURS

- 6.1 *In accordance with the Government's guidance the Council recognises that demand is not a relevant criterion in considering an application under the Act.*
- 6.4 *Consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises, or its environs, by concentrations of people either present or leaving during normal night-time sleeping periods (23.00hrs to 07.00hrs).*

SPECIFIC CONSIDERATIONS

Alcohol – On & Off Sales

- 7.1 *It is now a mandatory condition that all licence holders selling alcohol put in place an age verification policy for the premises. In some circumstances the Licensing Authority will impose, where necessary to promote the Licensing Objectives, implicit conditions on the checking of the age of those who appear under 21 or 25 to ensure that alcohol is not sold to those under 18 years of age.*
- 7.2 *Licence holders need to have sufficient day to day control of operations at their premises. They will be held responsible for breaches of the licence and ensuring there is adequate staffing and training. The authorities will continue to use young people for the 'test purchasing' of alcohol and CCTV evidence, which has proved its usefulness in prosecutions for unlawful sales of alcohol. The likely consequences of a Review of licence for underage sales include the imposition of additional conditions such as the attendance of a personal licence holder, licence suspensions and in some cases revocation to act as deterrence.*

Alcohol

Public Houses and Bars – On Sales

- 7.14 *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.*
- 7.15 *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.*

7.16 *The Licensing Authority regards these as the minimum required and will expect applicants to have regard to additional measures appropriate for their premise, 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 - 1 X Representation (Sussex Police)
- Other Persons – 2 X Representations (local residents)

7. Relevant Representations

7.1 Detail of the relevant representations received is reproduced at Appendices D and E. They are considered to relate to the statutory licensing objectives as follows:

Prevention of Crime & Disorder

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 Two letters were received from the public which have express concerns regarding possible public nuisance implications that can be associated with alcohol sales.

7.4 Some of the information included in their representations is regarding planning issues such as need, demand and the number of licensed premises in the area. These issues are not relevant to a licensing application and should not be considered. However, the representations have been reproduced in their entirety and it is for members to carefully decide how much weight, if any, should be attached to the information included.

7.5 The applicant and all those that made relevant representations have been formally notified of this hearing and invited to attend.

8. Mediation

8.1 The Licensing Act 2003 encourages mediation.

8.2 Sussex Police sought some conditions to address the licensing objectives and these have now been successfully mediated with the applicant, Mr Wright agreeing that if a licence were granted the following conditions would be placed on any

licence as enforceable conditions of licence in addition to those included in his operating schedule:

1. *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 throughout the premises internally and externally (including any outside tables and chairs area) to cover all public areas, including the entrance to the premises. 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, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police 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 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.*
2. *Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway whilst smoking or otherwise congregating outside of the premises.*
3. *Sales of alcohol for off sales will be made in sealed containers.*
4. *The DPS will risk assess the need for the provision of SIA registered door supervisors to operate at the premises and the use of shatterproof, polycarbonate or non-glass drinking vessels as appropriate.*
5. *The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.*
6. *The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction*

training. This training will take place prior to the selling of such products: •□ The lawful selling of age restricted products •□ Refusing the sale of alcohol to a person who is drunk Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.

7. *All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.*
8. *An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.*
9. *Children aged under 18 will not be permitted on the premises after 19:00 unless accompanied by a responsible adult.*

As a result Sussex Police have withdrawn their objections but provided some additional information following an enquiry by a member of the public. The Police have stated:

Nether Nadeem nor Sussex Police have any record of alcohol related crime and disorder or alcohol related anti-social behaviour in this area. The only records we have relate to a few instances of homeless people bedding down in the area.

(Appendix F 1)

- 8.3 Mediation between the applicant and the local residents that made representation has been started and is ongoing. Mr Wright has offered to amend the timings he is applying for:
- The hours for the sale of alcohol to be amended to:
 - *Monday - Thursday 12:00hrs to 22:00hrs*
 - *Friday & Saturday 12:00hrs - 22:30hrs*
 - *Sunday. 12:00hrs - 21:00hrs*

- 8.4 Members will be informed if there are any further developments but should note that the conditions volunteered and the change to the timings sought by Mr Wright have not addressed the concerns of one of Mr Cothard.

(Appendix F2 & 3)

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 agreement 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:

- a. Grant the licence, as requested,
- b. Grant the licence, as requested, with additional conditions appropriate to the promotion of the specific licensing objectives on which relevant representations have been received.
- c. Reject the whole or part of the application.

Members may also:

- d. Grant the licence but exclude certain licensable activities from the licence,
- e. Refuse to specify a particular person as a premises supervisor,
- f. 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 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

- 12.1 Members are requested to determine the application for a new Premises Licence made on behalf of Mr Nathan Wright for a micro bar to be known as the ‘Elephant in the Room’ situated at 40 Goring Road, Worthing and give reasons for that determination.**

Director for Communities

Mary Darcy

Principal Author and Contact Officer:

Simon Jones

Senior Licensing Officer - Tel: 01273 263191 or simon.jones@adur-worthing.gov.uk

Background Papers:

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003
<https://www.gov.uk/government/publications/licensing-act-2003-amended-guidance-issued-under-section-182>
- 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 of area.
- Appendix B - Plan of the building.
- Appendix C - The Application Form.
- Appendix D - Representation received from a Responsible Authority
- Appendices E1 & 2 - Representations received from members of the public
- Appendix F 1-3 - Mediation

Portland House, Worthing

Ref: SJ/Lic.U/LA03/NEW – Elephant in the Room

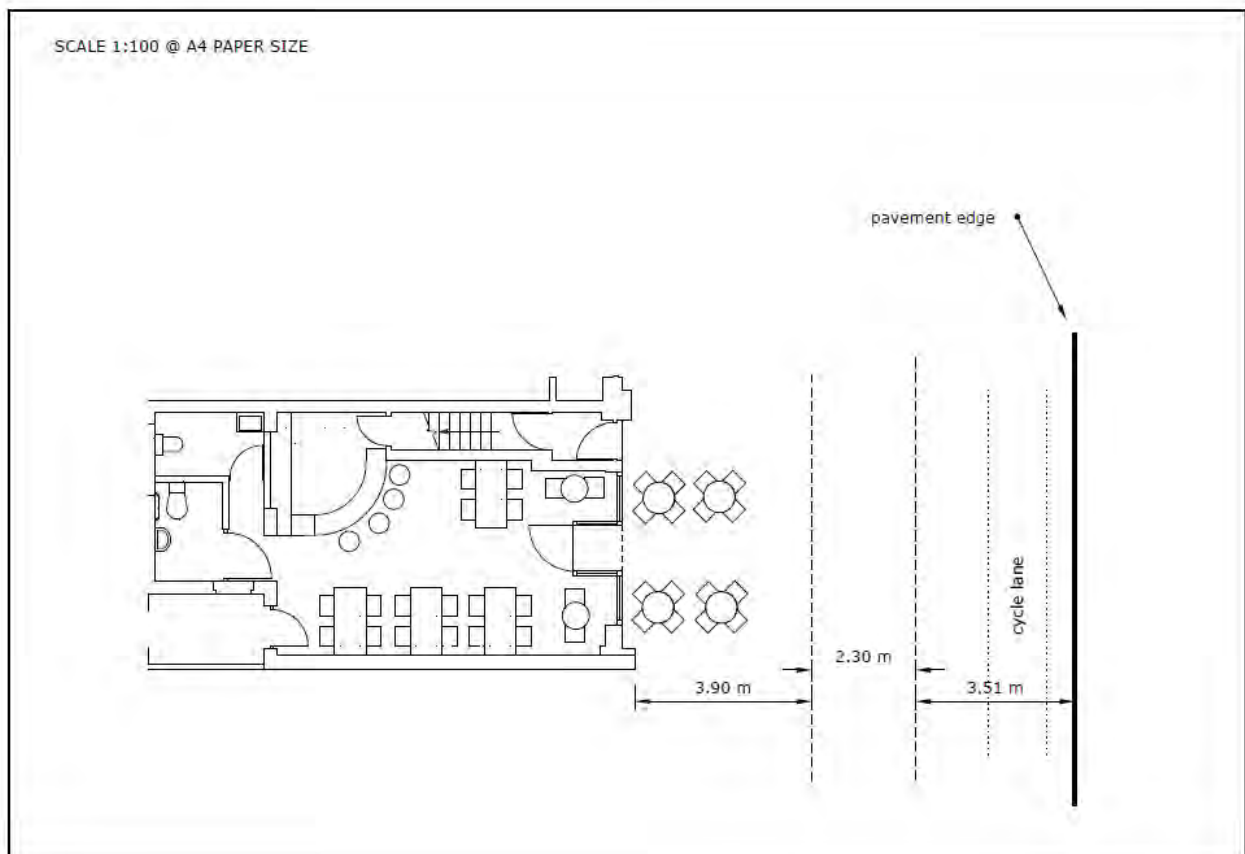
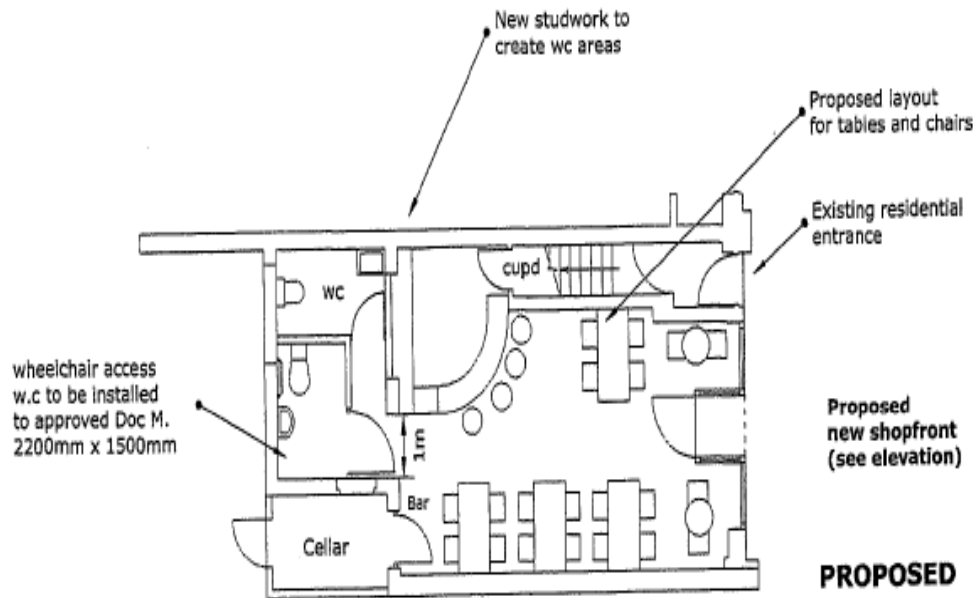
Date: 10 February 2020.

**Appendix A
Plan of Area**





Appendix B Plan of Premises





Adur & Worthing Councils
Licensing Unit
RECEIVED
27 NOV 2009
Initials

Public Health & Regulation – Licensing Unit
Portland House, 44 Richmond Road, Worthing, BN11 1HS

**Licensing Act 2003 -
New Premises Licence Application pack including
Application Form & Designated Premises Supervisor Consent**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We THE ELEPHANT IN THE ROOM - NATHAN WRIGHT (insert name(s) of applicant)
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>40 GORING ROAD</u>	
Post town <u>WORTHING</u>	Post code <u>BN12 4AD</u>

Telephone number at premises (if any)

Non domestic rateable value of premises £

Part 2 – Applicant Details

Please state whether you are applying for a Premises Licence as:

- | | |
|---|---|
| | Please tick ✓ |
| a) an individual or individuals* | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual* | <input type="checkbox"/> |
| i. as a limited company | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. Other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) The proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) A health service body | <input type="checkbox"/> please complete section (B) |
| g) A person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> please complete section (B) |
| h) The chief officer of police of a police force in England and Wales | <input type="checkbox"/> please complete section (B) |

Adur & Worthing Councils, Public Health & Regulation (Licensing Unit),
Portland House, Richmond Road, Worthing, BN11 1HS

Please tick ✓

*If you are applying as a person described in (a) or (b) please confirm:

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- Statutory function; or
- A function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname First names

Date of Birth: I am 18 years old or over

Nationality

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	02	2020

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year

If 5000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Please give a general description of the premises (please read guidance note 1)

SINGLE ROOM B&R LOCATED ON A PARADE OF SHOPS IN GORING-BY-SEA.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick ✓

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K,L and M

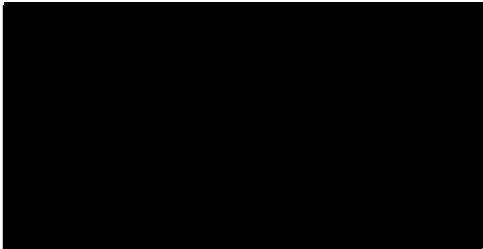
J


Sale of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption on or off the premises or both – please tick (✓) (please read guidance note 7)	On the premises	
				Off the premises	
			Both		<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the sale of alcohol (please read guidance note 4)		
Mon	1200	2230			
Tue	1200	2230	Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Wed	1200	2230			
Thur	1200	2230			
Fri	1200	2300			
Sat	1200	2300			
Sun	1200	2230			


State the name and details of the individual whom you wish to specify on the licence as premises supervisor. (Please see declaration about entitlement to work in the checklist at the end of the form)

Name: SARAH KATHLEEN WRIGHT

Date of Birth: 16/2/82

Address: 

Postcode: 

Personal licence number (if known) 

Issuing licensing authority (if known) WORTHING

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

(This area is currently blank for input.)

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	1200	2300	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)
Tue	1200	2300	
Wed	1200	2300	
Thur	1200	2300	
Fri	1200	2330	
Sat	1200	2330	
Sun	1200	2300	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d, e) (please read guidance note 9)

CHALLENGE 25
CCTV
STAFF TRAINING
DESIGNATED SMOKING AREA.

b) The prevention of crime and disorder

CCTV WILL BE INSTALLED, OPERATED AND MAINTAINED TO THE SATISFACTION OF AUTHORITIES. CCTV FOOTAGE HELD FOR 21 DAYS MINIMUM. INCIDENT + REFUSALS LOG. ALL OFF-SALES IN SEALED VESSELS.

c) Public safety

FULL TRAINING PROGRAMME FOR ALL STAFF. GAS + ELECTRICAL SAFETY CERTIFICATES IN PLACE. FREE DRINKING WATER AVAILABLE. FIRE ALARM SYSTEM INSTALLED.

d) The prevention of public nuisance

STAFF TO REGULARLY PATROL PREMISES BOTH INDOORS AND OUT. NOTICES DISPLAYED REQUESTING PATRONS TO RESPECT NEIGHBOURS WHEN LEAVING PREMISES. ENTERTAINMENT REGULATED AND VOLUME CONTROLLED. SMOKING – CLEARLY DEFINED AREA – PATROLLED REGULARLY + CIGARETTE BINS PROVIDED.

e) The protection of children from harm

CHALLENGE 25 POLICY IN PLACE
NO UNDER 18s ADMITTED AT 1900 HRS *
PROOF OF AGE POLICY.
* WITH THE EXCEPTION OF A PRIVATE FUNCTION.

Checklist:

Please tick ✓

- I have made or enclosed payment of the fee
- I have enclosed a plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the proposed premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

✓
✓
✓
✓
✓
✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY (UNLIMITED) AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 12). If signing on behalf of the applicant please state in what capacity.

Declaration

- [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Signature: 

Date: 9/10/19

Capacity: PROPRIETOR

Adur & Worthing Councils, Public Health & Regulation (Licensing Unit).

**Appendix D
Police Representation**



Sussex Police
Serving Sussex

www.sussex.police.uk

West Sussex Division
Neighbourhood Licensing Team

West Sussex Licensing Team
Centenary House
Durrington Lane
Worthing
West Sussex
BN13 2PQ

Tel: 01273 404 030

WS_Licensing_WOR@sussex.pnn.police.uk

17th December 2019

Mr Simon Jones
Licensing Unit
Adur and Worthing Councils
Portland House
Richmond Road
Worthing
BN11 1LF

Dear Mr Jones,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR THE ELEPHANT IN THE ROOM,
40 GORING ROAD, WORTHING, BN12 4AD. LICENSING ACT 2003.**

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

This is a new application for a small bar (on sales) in Goring by Sea, with opening hours until 23.30 Friday and Saturday nights and 23:00 Sunday to Thursday. Following discussions between the applicant Mr Wright and our office, the following new and revised conditions have been agreed to go on the licence, should it be granted in due course:

Prevention of Crime & Disorder

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 throughout the premises internally and externally to cover all public areas, including the entrance to the premises. 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. A member of staff or a member of the village hall management committee must be nominated and contactable who can operate the system and supply copies of these images on request to either Sussex Police or officers of the local authority.

- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

- Subject to Data Protection guidance and legislation, the village hall management committee will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police 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 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.

Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway whilst smoking or otherwise congregating outside of the premises.

Sales of alcohol for off sales will be made in sealed containers.

The DPS will risk assess the need for the provision of SIA registered door supervisors to operate at the premises and the use of shatterproof, polycarbonate or non glass drinking vessels as appropriate.

For the Protection of Children from Harm:

The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products
- Refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.

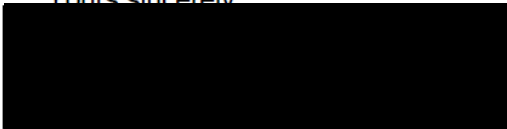
All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.

Children aged under 18 will not be permitted on the premises after 19:00 unless accompanied by a responsible adult.

I attach an email confirmation from Mr Wright accepting the new conditions above for your information. 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



Rob Lovell
Licensing Inspector

OBJECTION

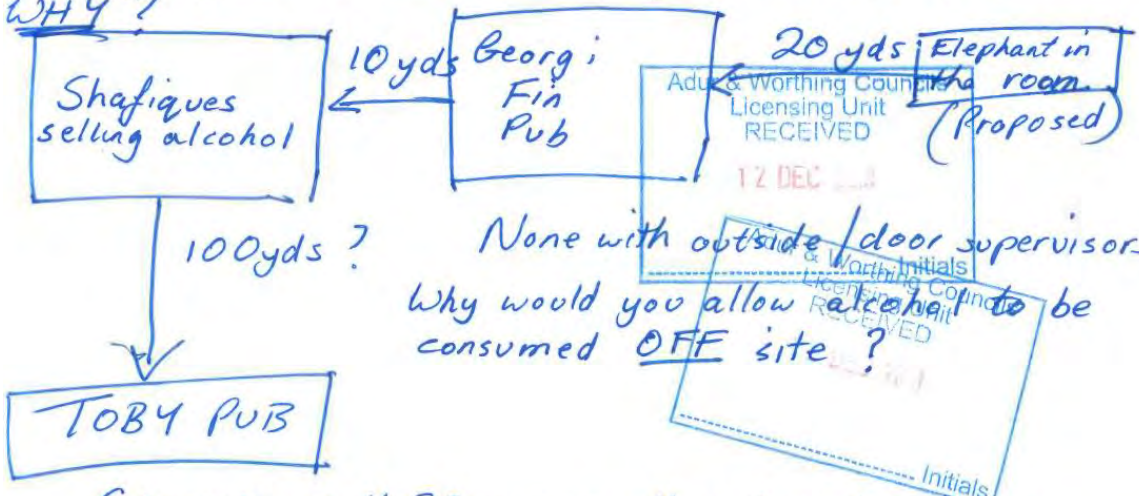
Alcohol licence
Elephant in the room. 12 DEC 2019

11/12/19
North Weymouth Council

[Redacted]
Bruce Avenue
WORTHING
BN11 5JU

Already, here, 3 minutes from Goring Road, every night after 11pm staggering, shouting, swearing when pubs close. In Goring Road, look above the shops, it's densely populated with well over 100 flats, these poor people already suffer intolerable late night disturbances.

WHY?



None with outside / door supervisors.
Why would you allow alcohol to be consumed OFF site?

CLOSING at 11:30pm - revellers have to disperse, clanking bottles and locking up = disturbance to midnight. Even now, intoxicated customers head round the rear of the flats causing nuisance, there are also frequent broken bottles, piles of sick and littered takeaway cartons.

No doubt Mr Wright will seek music at the venue and "open mic" like at his seafront bar - The Goose.

This is an entirely outrageous application for a mainly residential suburban area - a 4th alcohol venue within a tiny radius, it's overdevelopment, over supply and overkill.

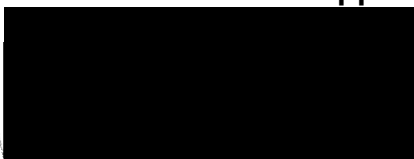
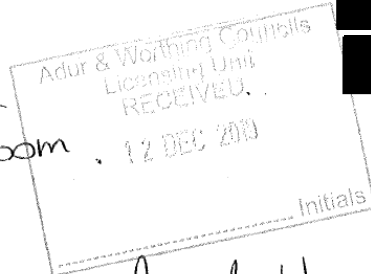
There is already noise nuisance and any peaceable enjoyment amenity will be lost, this venture is opportunistic with no thought for others. NOT HERE THANK YOU. NOT WANTED.



12,12,2019.

OBJECTION

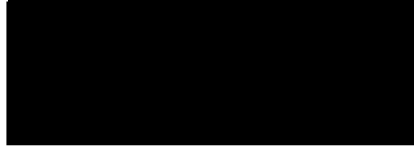
Alcohol license for
Elephant in the room



Goring
road Worthing
w.sx BN12 4ad

I am totally disgusted at the council for even considering letting another bar open in my road, we are a few doors down in a flat and already suffer a hell of a lot with the noises from Toby, Georgi Fin, Shafoques and now a new Meero pub wanting to open up? My whole family hear shouting, swearing and very loud people talking every Friday and Saturday night, some other nights too, My children are woken up on a regular basis and me and my partner kept up till gone midnight. We have 3 flats in our building and my new neighbour in flat 1 moved from Tarring as they were above a microbar and it kept them and their child up every night, now pregnant that's all they need more noise. After 10pm we don't want to hear any noise, the summer will mean we can't open windows due to loud voices, smashing bottles and swearing. We are 3rd floor and the noise even travels up through our new double glazed windows. Above all the shops are people's family homes with hard working citizens

and young families, please do not allow
this to happen, we have enough anti
social behaviour in our road already
I thought there was a no noise
level after 11pm anyway, this is a
residential area full of people who
do not want noise after 10pm:



Appendix F1 – Police Mediation

From: <David.Bateup@sussex.pnn.police.uk>
Date: Tue, 17 Dec 2019 at 15:15
Subject: Premises licence application for The Elephant in the Room, 40 Goring Road, Worthing, BN12 4AD.
To: <licensing.unit@adur-worthing.gov.uk>
Cc: <Robert.lovell@sussex.pnn.police.uk> [REDACTED]

Dear Worthing Licensing,

Please find attached our representation in respect of the above new premises licence application.

Acceptance of the new and revised conditions from the applicant Mr Wright is below on this page.

Thanks,

David

David Bateup
Police Licensing Officer

Direct Dial: 01273 470 101 ext 581 214

Licensing office: 01273 40 40 30

david.bateup@sussex.pnn.police.uk

Neighbourhood Police Licensing Team

West Sussex Division, Centenary House, Durrington Lane,

Worthing, West Sussex, BN13 2PQ

<The information contained in this communication is intended solely for the person and organisation to whom it is addressed. If you are not the named recipient you may not copy it, or make use of any information contained in it for any purpose, or disclose its contents to any other person. To do so may be unlawful. Messages sent or received by members of Sussex Police are not private and may be the subject of monitoring. If you have received this message in error, please contact the sender as soon as possible.>

From: Nathan Wright [mailto:[REDACTED]]
Sent: 04 December 2019 14:20
To: Bateup David 63941 <David.Bateup@sussex.pnn.police.uk>
Subject: Re: Premises licence application for The Elephant in the Room, 40 Goring Road, Worthing, BN12 4AD.

David

Thank you for your email. I have not included any external seating as I currently do not have planning permission to use the area outside.

I am hoping to get this amended in the future and will then seek an amendment to my License if I'm successful, so for now it is just internal.

I have read through the conditions you've suggested and can confirm that I am happy to have these included. In relation to Minors, can I clarify - if accompanied by a Responsible Adult, they are permitted until the suggested closing time?

Thank you for your time.

Regards

Nathan Wright

On Wednesday, December 4, 2019, <David.Bateup@sussex.pnn.police.uk> wrote:

Mr Wright,

Sussex police are in receipt of your premises licence application for the above premises thank you.

A vital point that we need to discuss in full is the issue of outside tables and chairs (similar to the set up at Georgi Fin for example), as I note there is no mention of them whatsoever in your application. I am not familiar with your specific premises and the outside, but if you are intending to have outside tables and chairs, you must say so now please.

In the meantime I have set out below some new and revised conditions which we invite you to study in detail and come back to us to confirm that you are happy for them to go on the licence as actual conditions. I anticipate having read your application that they will not come as any surprise to you. Obviously if you are intending to have outside tables and chairs on the pavement outside we will need to revisit the conditions below.

I have suggested a new condition for children, but you are quite entitled to stick with your one if you wish.

Please come back to me.

Thanks,

David

Prevention of Crime & Disorder

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 throughout the premises internally and externally to cover all public areas, including the entrance to the premises. 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. A member of staff or a member of the village hall management committee must be nominated and contactable who can operate the system and supply copies of these images on request to either Sussex Police or officers of the local authority.
- The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
- Subject to Data Protection guidance and legislation, the village hall management committee will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police 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 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.

Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway whilst smoking or otherwise congregating outside of the premises.

Sales of alcohol for off sales will be made in sealed containers.

The DPS will risk assess the need for the provision of SIA registered door supervisors to operate at the premises and the use of shatterproof, polycarbonate or non glass drinking vessels as appropriate.

For the Protection of Children from Harm:

The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram.

Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

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All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

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Children aged under 18 will not be permitted on the premises after 19:00 unless accompanied by a responsible adult.

David Bateup
Police Licensing Officer

You can report crime and incidents online at

FW: FW: LA 2003 Premises Licence - The Elephant in the Room

1 message

David.Bateup@sussex.pnn.police.uk <David.Bateup@sussex.pnn.police.uk>
To: simon.jones@adur-worthing.gov.uk
Cc: nadeem.shad@adur-worthing.gov.uk

6 February 2020 at 09:17

Simon,

Re the impending committee hearing for Elephant in the Room and the two residents complaints.

Nether Nadeem (see below) nor Sussex police have any record of alcohol related crime and disorder or alcohol related anti social behaviour in this area. The only records we have relate to a few instances of homeless people bedding down in the area.

I also had a look at our records for Georgi Finn which is a similar type of set up to the new premises being applied for and is only a few doors down in the same parade of shops, and in fact Georgi Finn has planning permission for tables and chairs outside on the wide pavement [the applicant for Elephant in the Room says currently he does NOT have planning permission for outside tables and chairs). We have no records or recorded instances of crime and disorder or any issues with Georgi Finn.

If the two residents have genuine concerns about the increase in pubs and bars in their area and in this parade of shops, is that a matter for planning rather than licensing?

Thanks,

David

David Bateup
Police Licensing Officer

Direct Dial: 01273 470 101 ext 581 214

Licensing office: 01273 40 40 30

david.bateup@sussex.pnn.police.uk

Neighbourhood Police Licensing Team

West Sussex Division, Centenary House, Durrington Lane,

Worthing, West Sussex, BN13 2PQ

Appendix F2 – Public Mediation

Re: LA 2003 Premises Licence Application - The Elephant in the Room

1 message

Simon Jones <simon.jones@adur-worthing.gov.uk>

5 February 2020 at 16:15

To: [REDACTED]
Cc: Licensing Unit <licensing.unit@adur-worthing.gov.uk>

Dear Mr Cothard

I note your comments.

However, whether to grant or refuse this licence is not my decision. Ultimately the Licensing & Control Committee consider licensing applications and the Licensing 2003 sets the parameters within which this Committee operates and makes its decisions.

The legislation states that if an application is properly made it should be granted unless representation suggests one of the licensing objectives could be undermined by the carrying on of licensable activity from the premises as proposed by the application. The Licensing Objectives being:

- The prevention of crime & disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

These are the only matters to be addressed when considering whether to grant the licence. The only grounds on which an objection can be made to the grant of a licence and the only grounds on which a Licensing Committee will be able to refuse or impose conditions.

The act states that representations on any other matters must be judged irrelevant and that includes need, demand and the fact that there are similar premises in the vicinity. These are matters specifically excluded from the considerations of a Licensing Committee and are issues for the Planning Authority to consider.

Under the Licensing Act if representation is received that is relevant to one of the above objectives only then can the Committee consider the matter and:

- 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
- Grant the licence but exclude certain licensable activities from the licence
- Approve different parts of the premises for different activities.

but whatever decision it comes to must be proportionate and appropriate.

As I have stated your representation expresses concerns that could be relevant to the prevention of public nuisance. The Licensing Act encourages mediation and that is what I'm trying to facilitate but if mediation is unlikely to find a solution that addresses your concerns then the application and your representation will be referred to a Licensing & Control Sub-Committee to consider and decide.

If what has been suggested does not reassure you, and it appears from your email it does not, then you are completely entitled to refuse to mediate and let the Licensing & Control Sub-Committee decide the matter. Please let me know if this is how you want to proceed and I will instruct the applicant of your decision and inform him not to contact you to attempt any further mediation. In which case we will simply proceed to the hearing scheduled for 25 February.

I await your instruction.

Regards

Simon Jones

The Licensing Unit
Adur & Worthing Councils

Team Leader - Licensing, Adur & Worthing Councils
Phone: 01273 263191
Email: simon.jones@adur-worthing.gov.uk
Website: <http://www.adur-worthing.gov.uk/licensing-and-permits/>
Address: Public Health & Regulation, Public Health & Regulation
Portland House
Worthing
BN11 1HS



On Wed, 5 Feb 2020 at 15:01, [REDACTED] wrote:

Dear Simon,

Thankyou for this, I think the point has been missed "by a country mile". These changes are meaningless, once the licence is granted, it can be amended at any time.

Goring is not a town centre location, it is a (supposedly) quiet suburb with high density housing above these commercial premises and nearby. We have a perfect storm here of an excessive massing of drinking outlets within a tiny radius, a betting shop with gaming terminals and take away outlets.

Is there any wonder how, on a nightly basis, there is rowdy behaviour, shouting, people running amok round the backs of the flats, urinating, vomiting, groups shouting as they stagger homewards? - this is Goring, not the town centre, why have all of these alcohol outlets here and not at the Mulberry? There is no police presence, this gentleman's other venue is almost an entertainments hub - guess what application or variation is going to follow?

There are already, far too many establishments serving alcohol in a tiny area of this suburb and quite frankly, the lives and peaceable needs of residents, as ever, seem to come last. This is a venture for pure commercial gain, promoted without any thought of the wider harm it causes to public wellbeing and people's health. Just for information, I am a younger person, I'm not anti alcohol. I am very privileged to know a friend of my daughter, her mother visited one of YOUR licensed premises in town less than 3 years ago, she was alone, they took her money, she was clearly drunk, she was allowed to stagger out, fell, hit her head and died in the street, leaving an 8 year old without a Mum, whom she adored, that poor child still struggles to this day. I strongly suggest that you read up on that story, because with the best will in the world, promises will slip and there are far, far too many places that can contribute to another such dreadful scenario. Refuse this licence, it's a no brainer.

Best wishes



Sent from Yahoo Mail for iPad

On Wednesday, February 5, 2020, 11:26, Simon Jones <simon.jones@adur-worthing.gov.uk> wrote:

Dear [REDACTED]

Consultation on the above application has now closed. Three representations regarding the application were received during the consultation. From Sussex Police and two local residents - one of which was yours. In such circumstances the Licensing Act encourages mediation and if agreement cannot be reached the matter is referred to a Licensing & Control Sub-Committee to consider the application and representations at hearing.

Sussex Police did express some concerns regarding some aspects of the application but I'm now aware that mediation between the applicant and Sussex Police has been

successful and the following additional conditions have been agreed and would become enforceable conditions of any licence granted:

- *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 throughout the premises internally and externally to cover all public areas, including the entrance to the premises. 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. A member of staff or a member of the village hall management committee must be nominated and contactable who can operate the system and supply copies of these images on request to either Sussex Police or officers of the local authority.*
 - *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
 - *Subject to Data Protection guidance and legislation, the village hall management committee will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police 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 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.*
- *Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway whilst smoking or otherwise congregating outside of the premises.*
- *Sales of alcohol for off sales will be made in sealed containers.*
- *The DPS will risk assess the need for the provision of SIA registered door supervisors to operate at the premises and the use of shatterproof, polycarbonate or non glass drinking vessels as appropriate.*
- *The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.*
- *The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:*
 - *The lawful selling of age restricted products*
 - *Refusing the sale of alcohol to a person who is drunk*
- *Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.*
- *All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.*
- *An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.*
- *Children aged under 18 will not be permitted on the premises after 19:00 unless accompanied by a responsible adult*

Consequently Sussex Police have withdrawn their objection.

Representations regarding need, necessity and demand are irrelevant under the

Licensing Act 2003 and the Licensing Authority will not consider such matters as these are Planning matters and cannot be considered by this Committee. However, your representation also makes comments regarding late night noise and late night disturbance which could be considered relevant under the Licensing Act 2003.

On discussion with the applicant he has confirmed he has noted the content of the representations of the Police and both the public representations. In addition to the Police mediation, he has instructed me to ask whether the following amendment to the application would address your concerns?

The hours for the sale of alcohol to be amended to:

- ***Monday - Thursday 12:00hrs to 22:00hrs***
- ***Friday & Saturday 12:00hrs - 22:30hrs***
- ***Sunday. 12:00hrs - 21:00hrs***

So closing the venue before the times stated in the representations that the area suffers disturbance.

If this offered amendment, and the conditions he has volunteered to address the police's concerns, address your objection and you confirm this to me the amended timings will become an enforceable condition of any licence granted.

If the above changes to the application do not then the application will be considered by the Sub-Committee at hearing and I have scheduled one for Tuesday 25 February at 18:30hrs at Worthing Town Hall. If the conditions volunteered by the applicant during mediation, listed above, do not address your concerns and any further mediation is unsuccessful then the applicant and you will be able to put your views regarding noise and public nuisance related to this application to members at that hearing and they will decide the matter.

If these conditions do address your concerns and you confirm this to me in writing I will cancel the hearing and approve an amended licence. If they do not but there are any further conditions you feel would address your concerns I'll suggest, with your permission, the applicant contacts you directly to discuss the issues and see if mediation can find a mutually acceptable solution.

I look forward to your instruction.

Regards

Simon Jones

Team Leader - Licensing, Adur & Worthing Councils

Phone: 01273 263191

Email: simon.jones@adur-worthing.gov.uk

Website: <http://www.adur-worthing.gov.uk/licensing-and-permits/>

Address: Public Health & Regulation, Public Health & Regulation

Portland House

Worthing

BN11 1HS



Appendix F3 – Public Mediation

Re: The elephant in the room

1 message

7 February 2020 at 11:01

To: Simon Jones <simon.jones@adur-worthing.gov.uk>

P.s I have heard rumours of a open Mike night and entertainment wanted for the new micro bar,we do not wish to hear loud music as we are in a residential area full of hard working adults and young children trying to sleep,we are going to market our flat in the summer and it will make it alot harder to sell with all that noise going on.

On Fri, 7 Feb 2020, 10:53 Lisa Swain, <ladylisswain@gmail.com> wrote:

Dear Mr Jones,thank you for your recent letter,we are happy with the new ammended times for the elephant in the room but we are concerned once the sale of alcohol stops at 22.30 then there will be noise outside later than that,loud voices talking and shouting will disturb the residents sleep and I feel after 10.30 we don't want to hear it, people tend to hang around after closing and especially in the hotter weather and when we have our windows open the smell of smoke comes into our flat and it's horrible, people also use our porch as a shelter from wind/rain to smoke and daily I pick up cigarette butts so if there is a allocated smoking area away from my front door it also would be good,yours sincerely [REDACTED]

The elephant in the room

1 message

7 February 2020 at 10:53

Lisa Swain [REDACTED]

To: Simon Jones <simon.jones@adur-worthing.gov.uk>

Dear Mr Jones,thank you for your recent letter,we are happy with the new ammended times for the elephant in the room but we are concerned once the sale of alcohol stops at 22.30 then there will be noise outside later than that,loud voices talking and shouting will disturb the residents sleep and I feel after 10.30 we don't want to hear it, people tend to hang around after closing and especially in the hotter weather and when we have our windows open the smell of smoke comes into our flat and it's horrible, people also use our porch as a shelter from wind/rain to smoke and daily I pick up cigarette butts so if there is a allocated smoking area away from my front door it also would be good,yours sincerely [REDACTED]

LA 2003 Premises Licence Application - The Elephant in the Room

1 message

Simon Jones <simon.jones@adur-worthing.gov.uk>

5 February 2020 at 11:26

To: [REDACTED]
Cc: Licensing Unit <licensing.unit@adur-worthing.gov.uk>

Dear Mr Cothard

Consultation on the above application has now closed. Three representations regarding the application were received during the consultation. From Sussex Police and two local residents - one of which was yours. In such circumstances the Licensing Act encourages mediation and if agreement cannot be reached the matter is referred to a Licensing & Control Sub-Committee to consider the application and representations at hearing.

Sussex Police did express some concerns regarding some aspects of the application but I'm now aware that mediation between the applicant and Sussex Police has been successful and the following additional conditions have been agreed and would become enforceable conditions of any licence granted:

- ***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 throughout the premises internally and externally to cover all public areas, including the entrance to the premises. 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. A member of staff or a member of the village hall management committee must be nominated and contactable who can operate the system and supply copies of these images on request to either Sussex Police or officers of the local authority.*
 - *The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.*
 - *Subject to Data Protection guidance and legislation, the village hall management committee will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk for the police 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 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.*
- ***Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway whilst smoking or otherwise congregating outside of the premises.***
- ***Sales of alcohol for off sales will be made in sealed containers.***
- ***The DPS will risk assess the need for the provision of SIA registered door supervisors to operate at the premises and the use of shatterproof, polycarbonate or non glass drinking vessels as appropriate.***
- ***The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the "PASS" mark hologram. Suitable and sufficient signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.***
- ***The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction***

training. This training will take place prior to the selling of such products:

- **The lawful selling of age restricted products**
- **Refusing the sale of alcohol to a person who is drunk**
- **Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.**
- **All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.**
- **An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month. The log book should be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. An incident will be defined as being one which involves an allegation of a criminal offence.**
- **Children aged under 18 will not be permitted on the premises after 19:00 unless accompanied by a responsible adult**

Consequently Sussex Police have withdrawn their objection.

Representations regarding need, necessity and demand are irrelevant under the Licensing Act 2003 and the Licensing Authority will not consider such matters as these are Planning matters and cannot be considered by this Committee. However, your representation also makes comments regarding late night noise and late night disturbance which could be considered relevant under the Licensing Act 2003.

On discussion with the applicant he has confirmed he has noted the content of the representations of the Police and both the public representations. In addition to the Police mediation, he has instructed me to ask whether the following amendment to the application would address your concerns?

The hours for the sale of alcohol to be amended to:

- **Monday - Thursday 12:00hrs to 22:00hrs**
- **Friday & Saturday 12:00hrs - 22:30hrs**
- **Sunday. 12:00hrs - 21:00hrs**

So closing the venue before the times stated in the representations that the area suffers disturbance.

If this offered amendment, and the conditions he has volunteered to address the police's concerns, address your objection and you confirm this to me the amended timings will become an enforceable condition of any licence granted.

If the above changes to the application do not then the application will be considered by the Sub-Committee at hearing and I have scheduled one for Tuesday 25 February at 18:30hrs at Worthing Town Hall. If the conditions volunteered by the applicant during mediation, listed above, do not address your concerns and any further mediation is unsuccessful then the applicant and you will be able to put your views regarding noise and public nuisance related to this application to members at that hearing and they will decide the matter.

If these conditions do address your concerns and you confirm this to me in writing I will cancel the hearing and approve an amended licence. If they do not but there are any further conditions you feel would address your concerns I'll suggest, with your permission, the applicant contacts you directly to discuss the issues and see if mediation can find a mutually acceptable solution.

I look forward to your instruction.

Regards

Simon Jones

Team Leader - Licensing, Adur & Worthing Councils
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