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3rd August 2021

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

Dear Mr Jones,

RE: APPLICATION FOR VARIATION OF THE PREMISES LICENCE FOR NUMBER 24, 24 – 25 MARINE PARADE (MOOCARI LIMITED), WORTHING, BN11 3PT. UNDER THE LICENSING ACT 2003. PREMISES LICENCE NO. LN/100001343.

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

The variation application seeks to increase the hours for on and off sales of alcohol from 23:00 (22:30 on a Sunday to midnight) until midnight seven nights a week, add late night refreshment for one hour from 23:00, and add opening hours to the licence for the first time, now closing at 00:30 seven nights a week.

Following discussions between ourselves and Sarah Christian for the applicant company, the following new and revised conditions have been agreed to go on the new varied licence to promote the licensing objectives:

The Prevention of Crime and 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 and the licensed area/outside patio tables and chairs area. 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 and outside 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.

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.

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

All of sales will be made in sealed containers.

SIA door staff and risk assessment:

Security Industry Authority (SIA) door supervisors must be deployed at the premises at any time when the licence holder identifies by way of a suitable and sufficient written risk assessment that SIA door supervisors and other security measures are necessary. It must also consider busy periods such as Bank Holidays, Christmas and New Year, Seasonal Variations and other Town Centre Events along with any special events at the premises such as live music, discos, screening of sporting events and other similar functions or entertainment. The risk assessment will also cover any requirement for polycarbonate drinking vessels, ticket only events, entry restrictions and last entry times.

The written risk assessment must be available on the premises for inspection by police and authorised officers of the Licensing Authority. This written risk assessment is to be reviewed and updated as necessary and at least annually and must take into account information or guidance offered by the police and the licensing authority.

Whenever SIA door supervisors are on duty, they must be provided in accordance with the following:

- At a ratio of 1 per 100 customers or part thereof, although at all times with a minimum of two;
- On duty until the premises has closed to the public, licensable activities has ceased and the venue is completely clear of patrons and all customers have dispersed from the immediate area;
- Must wear clearly marked reflective jacket or tabard in order that they can be readily identifiable;
- Must be equipped with clickers or other device(s) in order that they can accurately measure and ensure that the maximum capacity of the premises is complied with a written record being kept; and
- Must monitor/supervise any queue of customers waiting to gain access to the premises and ensure that so long as social distancing requirements are in place, that these are complied with both inside and outside the premises.

SIA door supervisors shall complete incident logs prior to the end of their shift. Records shall be maintained at the premises containing the full name, date of birth, and SIA badge number of every Door Supervisor. The record shall include all dates and times when a Door Supervisor is employed. If Staff are employed through an agency the name and address of the agency must be included. The Door Supervisor records will be kept at the premises and made immediately available to officers of any responsible authority upon request.

Those performing the role of door supervisor shall not perform any other role when engaged for the purpose of door supervision activities.

Door supervisors shall be fully briefed prior to work with clear written instructions regarding their specific duties including an awareness of persons banned from the premises. These records shall be made available to the local licensing authority and/or Sussex Police upon request.

A member of the SIA door staff will monitor the outside smoking area whilst the premises licence is in operation or until the area has been emptied of patrons at closing time.

All SIA registered door supervisors shall wear and operate body worn video cameras with a recording facility. The body worn cameras will be recording all the time the door supervisors are on duty. All recordings shall be stored for a minimum period of 31 days, with date and time stamping. Viewing of recordings shall be made available upon the request of police, or authorised local authority officers, throughout the entire 31 days period. The premises will ensure there are sufficient spare batteries fully charged for the body worn cameras so there is no issue with cameras not recording due to flat batteries.

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.

Conditions for alcohol delivery service:

Alcohol deliveries will only be made to a residential or business address and not to a public place.

The age verification policy (including challenge 25) shall clearly be advertised at each stage of the order and on all advertising. All forms of advertising and promotional literature detailing the delivery service (including internet sites and flyers/leaflets) will clearly state that alcohol should only be purchased for delivery to intended recipients (or persons who will accept delivery on behalf of the named recipient) who are aged over 18. Customers will be reminded that it is a criminal offence for a person under 18 to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person aged under 18.

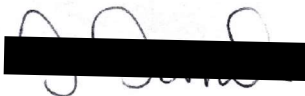
At the time the order is placed a declaration will be required from the person placing the order that that person is aged over 18 years of age, and that the intended recipient is over 18 years of age. This process will be documented, (tick box before proceeding, record of verbal acknowledgement or similar). These records must be retained for no less than twelve months and produced on request to an officer of a Responsible Authority.

1. For deliveries where the alcohol is delivered by a third party, the alcohol is concealed in a secure sealed package, and the DPS has no direct supervision or control over the delivery (such as an independent courier or Royal Mail), there cannot be an age verification challenge on delivery, but the above conditions will be followed.
2. For deliveries made directly by the DPS or their employees, staff or agent or persons instructed by the DPS/PLH, the person accepting the delivery must be aged 18 years or over. Where the person accepting delivery appears to be under 25, a recognised photographic ID must be produced prior to delivery. No ID, no delivery.
3. Where the premises contracts a third party to deliver alcohol on their behalf and the person collecting the alcohol from the premises delivers it directly to the customer within a short timescale (such as Deliveroo, Just Eats), the premises will ensure that the third party:
 - only employs delivery employees or agents aged 18 or over;
 - is aware that alcohol is included in the delivery;
 - that the delivery person actively engages with the person receiving delivery and operates a challenge 25 policy rather than just handing the delivery over;
 - that in the event that the recipient of the alcohol is challenged for ID and does not provide appropriate and valid ID, the delivery person will retain the alcohol and return it to the premises.

I enclose an email confirmation from Sarah Christian 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 David Derrick CD295
West Sussex Licensing Inspector
Sussex Police

A&W Environmental Protection Team's Representation

Variation of premises Licence. 24-25 Marine Parade. BN11 3PT

1 message

Michael Keech <michael.keech@adur-worthing.gov.uk>
To: Licensing Unit <licensing.unit@adur-worthing.gov.uk>
Cc: Simon Jones <simon.jones@adur-worthing.gov.uk>

29 July 2021 at 18:45

Licensing Act 2003

Application for a variation of Premises Licence - Mocarri Ltd, 24-25 Marine Parade, Worthing BN11 3PT

I refer to the above application and make the following comments on behalf of Public Health and Regulation at Worthing Borough Council concerning the prevention of Public Nuisance.

This application seeks to extend opening hours to 00:30 Mon-Sun and provide on-off alcohol sale and Late night refreshment between the hours 10:00 and 00:00.

The applicant has also requested playing of amplified recorded music on the premises. The application however, fails to clarify in Part F the hours over which recorded music will be provided and may therefore potentially be played until 00:30.

As there are residential dwellings listed on the premises, it is my opinion that if the application is granted as applied for, a public nuisance (as defined by the Licensing Act 2003, ("the Act") may be caused to residents within the vicinity of [24-25 Marine Parade, Worthing](#).

As there are residential premises immediately in the locality of the premises of concern, any noise associated with the licensed premises has the potential to cause a public nuisance to the occupiers of these properties. Whilst I acknowledge the premises are situated in an area which can at times be busy, it is nonetheless located in a mixed area of commercial and residential properties. The background noise at this location in the late evening will be low despite its location, meaning any noise produced by customers and music both inside and outside the premises is likely to be audible within neighbouring properties and therefore result in a public nuisance.

I understand the application states they wish to serve alcohol for consumption on the external area of the premises, Noise from customers outside may cause a public nuisance if this is into the late evening and night.

As the application requests opening beyond 23:00 hours, when background noise is relatively low and residents would reasonably expect to sleep, the operating schedule for the prevention of public nuisance (Part M (d)) must robustly address the potential for noise from recorded music and patrons and more importantly provide adequate safeguards to ensure noise does not cause a public nuisance. I do not consider the proposed measures in the application to be clarified or sufficient for this purpose.

For these reasons I must raise this representation on the grounds of the prevention of public nuisance.

Regards

Michael Keech

Environmental Health Technician (Environmental Protection Specialist),

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