



Licensing Act 2003 – Application for a Variation to a Premises Licence

The Factory Live
Unit 9a Ivy Arch Road
Worthing, BN14 8BX

Report by the Interim Director for Communities

1. Recommendation

- 1.1 That a Sub Committee of Licensing & Control Committee “B” considers and determines the application made by:

[REDACTED]

for a Variation to Premises Licence LN/[REDACTED] which authorises the sale of Alcohol & Provision of Regulated Entertainment at the above music venue.

2. Reasons for Hearing

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

3. Background

- 3.1 An application was made by [REDACTED] to the Licensing Authority, Worthing Borough Council, on 16 June 2022 for the grant of a variation to the premises licence.
- 3.2 The music venue is situated just north of the main railway line on the south side of Ivy Arch Road, a small industrial estate on the edge of the town centre. The nearest residential premises are located in Broadwater Road (A24) to the west, King Edward Avenue to the north and Station Road the other side of the railway line to the south. The closest residential property is over 50m from the venue.

- 3.3 Situated in this industrial estate are a number of offices, factories, warehouses, distribution centres, builders yards, car workshops and various small businesses but it also contains a mosque and boys' club.
- 3.5 The venue is located on the ground floor of a commercial building and has been utilised as a licensed music venue since May 2019 and for many years prior to that as a recording & rehearsal studio. [REDACTED] has been the licence holder since it was first licensed in 2019.
- 3.6 The current premises licence is attached at **Appendix C**. However, in summary, the licence authorises:
- Sale of Alcohol for consumption on the premises
 - 12:00 hrs to 23:00 hrs Sunday - Thursday
 - 12:00 hrs to 01:00 hrs (of the following morning) Friday & Saturday
 - Provision of Regulated Entertainment in the form of Live Music, Recorded Music & Dance
 - 08:00 hrs to 23:00 hrs Sunday - Thursday
 - 08:00 hrs to 01:00 hrs (of the following morning) Friday & Saturday
 - Opening to the Public
 - 08:00 hrs to 23:00 hrs Sunday - Thursday
 - 08:00 hrs to 01:00 hrs (of the following morning) Friday & Saturday

Appendix C

3.8 Attached to the report are:

- A plan & photos of the area (Appendix A)
- A plan of the venue (Appendix B)
- The current premises licence (Appendix C)
- The application (Appendix D)
- The representations made by the Responsible Authorities (Appendix E)
- The representations made by the Public (Appendix F)

4. The Application

4.1 The Application is attached at **Appendix D**. However, in summary, the application is seeking a variation to the licence to authorise:

- The sale of alcohol for consumption off the premises
- The provision of late night refreshment
- Amendment & extension of the following hours for licensable activity to:
 - Alcohol Sales for consumption on & off the premises:
 - 08:00 hrs to 23:00 hrs Sunday - Thursday
 - 08:00 hrs to 03:00 hrs (of the following morning) Friday & Saturday
 - Live Music & Recorded Music to:
 - 08:00 hrs to 03:00 hrs (of the following morning) Friday & Saturday
 - Late Night Refreshment

- 23:00 hrs to 03:00 hrs (of the following morning) Friday & Saturday
- Opening to the Public:
 - 08:00 hrs to 03:00 hrs (of the following morning) Friday & Saturday

No other changes were proposed by the application.

- 4.2 There is a comprehensive set of conditions on the licence. The licence holder considers these to have been successful in promoting all the licensing objectives and no application is made to amend or remove any of these current conditions. The applicant has offered a number of extra conditions and these can be found in the application's operating schedule in Appendix D.

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 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

- 6.4 *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.*

Late Night Refreshment

Cafes & Takeaways

- 7.18 *Fast food premises which are open after 23.00hrs can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or nightclubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not as attractive to people who have been drinking as those providing hot food and drink. The Licensing Authority considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are consequently more likely to be involved in anti-social behaviour.*

7.19 *Sussex Police have in the past raised concerns about the levels of crime & disorder that can occur outside fast food premises late at night due to alcohol fuelled behaviour, and the opportunities for crime afforded by the congregation of people. Fast food premises have a comparatively high association with reports of crimes of violence against the person. The consumption of food outside premises can result in food waste and litter on pavements, to an extent that amounts to a public nuisance.*

7.20 *In addition, where there are fast food premises in the vicinity of public houses and nightclubs the rapid dispersal of people leaving these venues is significantly hindered. This delay in dispersal causes the potential for the licensing objectives to be compromised.*

7.21 *Where the Police or others make representations against the grant or variation of a licence for late night refreshment regarding a premise in the vicinity of alcohol licensed premises because of serious concerns over dispersal problems the Licensing Authority will want to be assured that the Operating Schedule of the premise, and their overall management, training and levels of staffing, are appropriate to ensure that the Licensing Objectives are promoted in what may be challenging circumstances. Applications for extended hours may be refused in such circumstances where relevant representations on problems of late night disorder in an area are expressed. Alternatively the licence may be conditioned to include measures to address any concerns. Such as the provision of SIA door supervisors for example.*

7.22 *Each application will be considered on its merits, but the Licensing Authority will generally refuse to grant licences to late night fast food vans/trailers that*

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 - 2 X Representations
 - A&W Environmental Protection Team
 - Sussex Police
- Other Persons
 - 4 letters of representation received from the public.

7. Relevant Representations

7.1 Detail of the relevant representations received are reproduced at **Appendix E & F**. They are considered to relate to the statutory licensing objectives as follows:

- Prevention of Crime & Disorder
- Prevention of Public Nuisance

7.2 Sussex Police made a number of comments and listed a number of conditions that require removal from the licence to be replaced with updated conditions they consider required to enable this premise to meet the licensing objectives if members were of a mind to grant the variation.

- 7.3 Adur & Worthing Councils' Environmental Protection Team made a number of comments regarding their concerns that granting the extended hours will negatively impact on the prevention of public nuisance objective.
- 7.3 Four representations were received from the public which have expressed concerns regarding possible crime & disorder, anti-social behaviour and public nuisance implications that can be associated with alcohol sales and entertainment. Some of the information included in some of the representations is regarded as not relevant to a licensing application and consequently 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 some of the information included.
- 7.4 The applicant, the responsible authorities and members of the public that made representation have been formally notified of this hearing and invited to attend.

8. Mediation

- 8.1 The Licensing Act 2003 encourages mediation.
- 8.2 No information regarding mediation between the applicant and the responsible authorities or members of the public that made representation has been provided to date. Members will be informed if there are any developments.

9. Consideration

- 9.1 Members must take into consideration the following when determining this application:
- The four statutory licensing objectives
 - Worthing Borough Council's Statement of Licensing Policy
 - Guidance issued by the Home Secretary
 - The relevant representations from all parties and any mediated agreements reached.
- 9.2 These are the only matters to be addressed by the authority when considering this application. The statutory Licensing Objectives are the only grounds on which representations can be made, and the only grounds on which an authority will be able to refuse an application or impose conditions in addition to statutory conditions and those proposed by the applicant in the Operating Schedule.
- 9.3 When considering this application for a variation, pursuant to s 35 of the Act the following options available to the Sub-Committee:
- A. To grant the variation, as requested,
 - B. To grant the variation as requested but 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.
- 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:
- A. The applicant may appeal against any decision to modify the conditions of the licence.
 - B. The applicant may appeal against a rejection in whole or part of an application.
 - C. A person who has made relevant representations may appeal against a licence being granted, or against the modification or lack of modification of any conditions.
- 10.2 The Act allows for the local licensing authority to undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police or the fire authority, or any other party, such as a resident living in the vicinity of the premises. The government's guidance states:
- "The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with licensing objectives are occurring after the grant or variation of a premises licence.*
- At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.*
- 10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.
- 10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 10.5 All applications, before the 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 Variation to the Premises Licence at the 'Factory Live' music venue situated at Unit 9a Ivy Arch Road, Worthing made by [REDACTED] and give reasons for that determination.**

Interim Director for Communities

Tina Favier

Principal Author and Contact Officer:

Simon Jones

Public Health & Regulation Team Leader - Licensing

Tel: 01273 263191 or Email: simon.jones@adur-worthing.gov.uk

Background Papers:

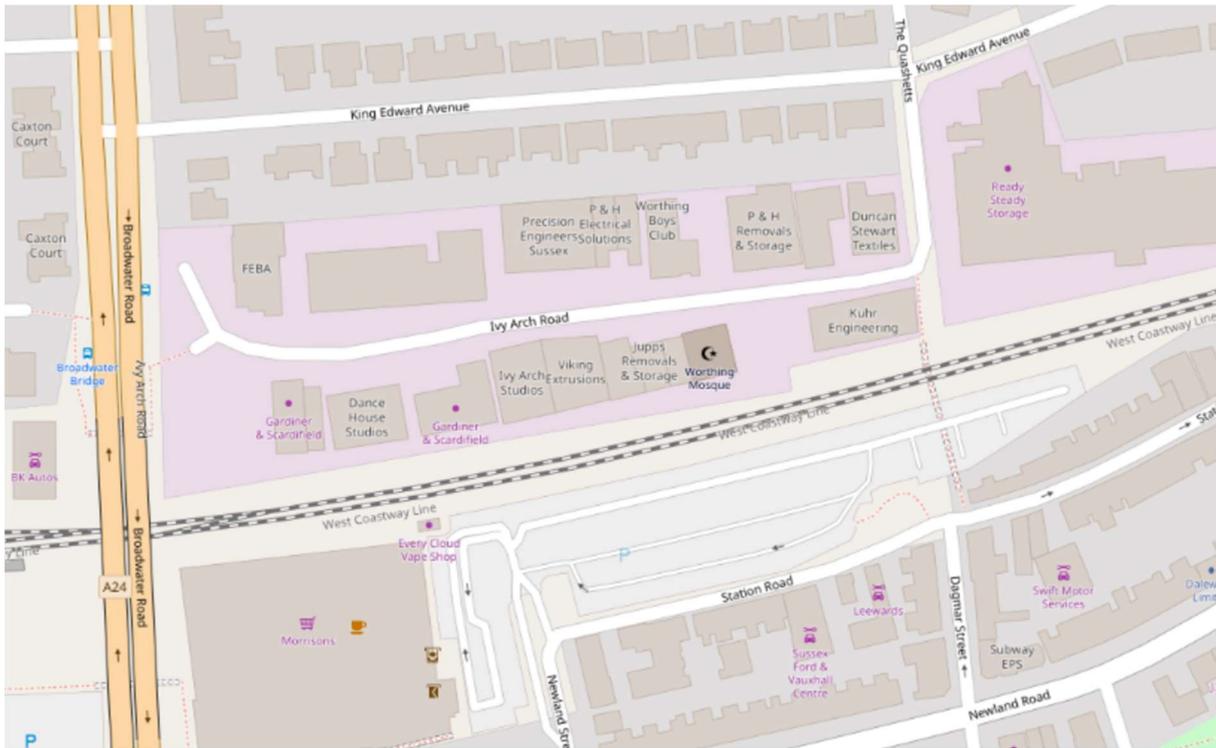
- Licensing Act 2003
 - <https://www.legislation.gov.uk/ukpga/2003/17/contents>
- Guidance issued under section 182 of the Licensing Act 2003
 - <https://www.gov.uk/government/publications/licensing-act-2003-amended-guidance-issued-under-section-182>
- Worthing Borough Council's Statement of Licensing 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 - Current Premises Licence
- Appendix D - The Application Form.
- Appendix E - Representations received from the Responsible Authorities
- Appendix F - Representations received from the public

Portland House, Worthing
Ref: SJ/LicU/LA03/VAR – Factor Live
Date: 29 July 2022

**Appendix A
Map & Photos of Area**

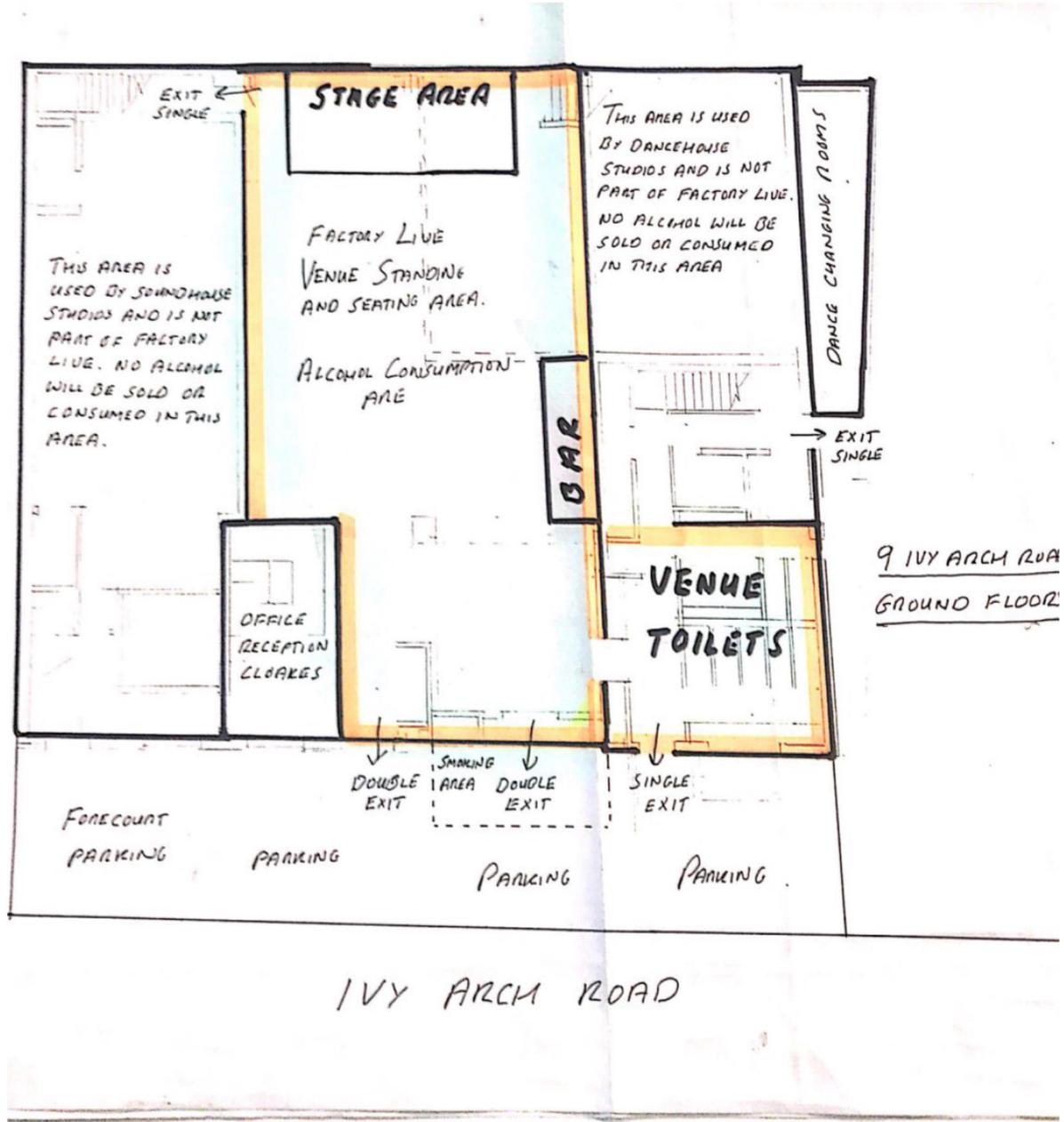


Note: Factory Live is based in the Dance House Studios Building





Factory Live
9a Ivy Arch Road, Worthing
Premises Licence [REDACTED] Plan
Date: 1 July 2019





WORTHING BOROUGH
COUNCIL

**Licensing Act 2003 – Sections 16 and 18
Premises Licence – Part A**

**Public Health & Regulation
Portland House
44 Richmond Road
Worthing
BN11 1HS**

Premises Licence Number - LN/ XXXXXXXXXX

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

The Factory Live Ltd
Unit 9a
Ivy Arch Road
Worthing
BN14 8BX

Telephone number

Licensable activities authorised by the licence

See attached Schedule

The times the licence authorises the carrying out of the licensable activities

See attached Schedule

Opening hours of the premises

Location : Music Venue

Day	Start	Finish
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	01:00
Saturday	08:00	01:00

Non Standard Timings & Seasonal Variations

Where the licence authorises alcohol whether these are on and/or off supplies

ON

Part 2 – Premises Licence Holder Details

Name
[REDACTED]

Registered Address
[REDACTED] [REDACTED] [REDACTED]
Telephone Numbers : [REDACTED]
E-mail : [REDACTED]

Registered number of holder
N/A

Designated Premises Supervisor Details (Where the premises licence authorises for the supply of alcohol)

Name
[REDACTED]

Registered Address
[REDACTED] [REDACTED] [REDACTED]

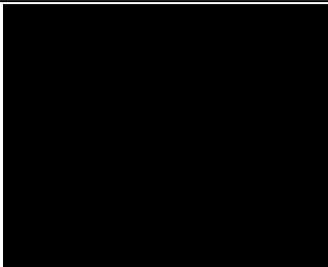
Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol	
Personal Licence Number :	LN/[REDACTED]
Licensing Authority :	Worthing Borough Council

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location :	Music Venue Bar	
Activities :	Alcohol ON Sales/Supply (M)	
Day	Start	Finish
Sunday	12:00	23:00
Monday	12:00	23:00
Tuesday	12:00	23:00
Wednesday	12:00	23:00
Thursday	12:00	23:00
Friday	12:00	01:00
Saturday	12:00	01:00
Non Standard Timings & Seasonal Variations		

Location :	Music Venue	
Activities :	Live Music (E) Recorded Music (F) Perform Dance (G)	
Day	Start	Finish
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	01:00
Saturday	08:00	01:00
Non Standard Timings & Seasonal Variations		

Signed :		Date : 29 July 2020
Authorised Officer (on behalf of the Licensing Authority)		

Annexe 1 : Mandatory Conditions

A. Mandatory conditions: Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

B. Mandatory conditions: Door Supervision

Where employed each such individual must be licensed by the Security Industry Authority.

C. Mandatory conditions: Irresponsible Promotions

The responsible person must ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion is any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

- Drinking Games including any game or activity that requires or encourages (or is designed to require or encourage) individuals to drink a quantity of alcohol within a time limit, or to drink as much as possible. This does not include “drinking up time”, shortly before the end of licensed hours.
- Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
- Promotional posters or promotional material on, or in the vicinity of, the premises which can be reasonably considered to condone, encourage or glamorise antisocial behaviour or refer to drunkenness favourably.
- Dispensing alcohol directly into the mouth of a customer by a member of staff. This includes activities such as the “dentist’s chair”. This prohibition does not apply where a person is not able to drink without assistance because of a disability.

D. Mandatory conditions: Free Drinking Water

Free potable water must be provided on request to customers where it is reasonably available on the premises.

E. Mandatory conditions: Age Verification

An age verification policy for the premises must be produced, implemented and details made available to authorised officers upon request. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

1. a holographic mark, or
2. an ultraviolet feature.

F. Mandatory conditions: Small Alcohol Measures

The responsible person must ensure that where any of the following alcoholic drinks are sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises. Customers must be made aware that these measures are available.

Where a customer orders a drink listed above but does not specify the alcohol measure, the customer must be made aware of the range of measures available. This can be either verbally or by ensuring they have seen the printed materials on which their availability is listed. If the responsible person is satisfied that the customer has been made, and continues to be, aware of the range of measures available, the responsible person does not need to repeat that information in relation to each sale.

G. Mandatory conditions: Permitted Price

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- I. *P is the permitted price*
- II. *D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and*
- III. *V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;*

“relevant person” means, in relation to premises in respect of which there is in force a premises licence —

- I. *the holder of the premises licence*
- II. *the designated premises supervisor (if any) in respect of such a licence, or*
- III. *the personal licence holder who makes or authorises a supply of alcohol under such a licence;*

Full details regarding this condition can be found in the Home office Guidance on banning the sale of alcohol below the cost of duty plus VAT for suppliers of alcohol and enforcement authorities in England & Wales dated May 2014.

Annexe 2: Conditions consistent with the 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 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.
2. When alcohol is not being supplied, all alcohol on the premises will be kept in a secure locked room or cupboard to which the public or students do not have access.
3. 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.
4. A documented risk assessment must be written by the Designated Premises Supervisor and agreed by Sussex Police, which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. It will include a written assessment demonstrating what considerations have been made for both normal day to day activities and any special events or functions which may arise during the year. This document shall be kept at the premises and made immediately available for inspection by officers of any responsible authority, upon request.
5. In the event that the premises is used for under 18s discos or other such under 18 events after 20:00, the premises will notify Sussex Police Licensing at least 28 days in advance in writing and will consult with them in advance on appropriate security and safety measures.

6. When exclusively theatrical performances or other arts based events are taking place at the premises, the Designated Premises Supervisor will provide door staff on a written risk assessment basis.
7. When the premises is being used after 20:00 until close for:
 - live music and/or dancing (the definition of dancing: audience participation, disco dancing etc. as opposed to performance of dance by performers in a theatrical or arts based setting being watched by a seated audience);
 - as a night club;
 - party or event venue;
 - with the provision of a DJ or DJs;
 - is being used as a bar or pub;
 - the event is open to the public and is not by exclusive prior invitation only (such as private weddings, birth parties etc.)then SIA door supervisors will be employed at the premises on a ratio of one per hundred persons or part thereof attending, starting with a minimum of two door supervisors, from opening or 20:00 (whichever is the later) until close.
8. If the event is by private prior invitation only, then the provision of door staff will be subject to the Designated Premises Supervisor's written risk assessment.
9. The management and premises will have an absolute zero tolerance policy towards drugs and drug misuse. Any illegal drugs seized will be stored in a secure "drugs box" and periodically the management will request the police to come and remove all drugs in the "drugs box" for destruction. Individuals found to have drugs in their possession either for the purpose of supply or personal use to be banned from the premises. The management will permit the police to use an "ION Track" drugs detector or other similar device inside the premises to detect illegal drugs use.
10. No unaccompanied children under the age of 16 will be permitted on the premises after 21:00hrs. Persons under the age of 18 will be permitted on the premises after 22:00hrs when licensable activities are taking place.
11. A personal licence holder shall be on the premises at all times after 21:00 hrs on a Friday and Saturday evening until closure.
12. Patrons will not be permitted to take drinks in open containers to consume outside of the building whilst smoking or otherwise congregating outside of the premises.
13. 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 where alcohol is sold.
14. 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.

15. No refuse or recycling activities to be conducted except between 08:00hrs and 18:00 hrs each day.
16. There shall be no adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
17. Adequate waste receptacles for use by customers leaving the premises will be provided.
18. Delivery of any supplies of goods necessary to the operation of the business will be carried out at such a time to prevent any nuisance or disturbance. Prominent notices will be displayed at the exits to the premises requesting the public respect the needs of residents and leave the premises in a quiet and orderly fashion and customers will be asked not to stand around talking loudly outside the premises.
19. The licence holder will ensure that staff that depart the premises late at night do so in an orderly manner.
20. All outside lighting will be screened or directed so as to not cause any disturbance to any nearby residents

Annexe 3 : Conditions attached after hearing by the Licensing Authority

None

Annexe 4 : Plans

See attached plan dated 1 July 2019



WORTHING BOROUGH
COUNCIL

**Licensing Act 2003 – Sections 16 and 18
Premises Licence Summary – Part B**

**Public Health & Regulation
Portland House
44 Richmond Road
Worthing
BN11 1HS**

Premises Licence Number - LN/ XXXXXXXXXX

Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

The Factory Live Ltd
Unit 9a
Ivy Arch Road
Worthing
BN14 8BX

Telephone number

Licensable activities authorised by the licence

See attached Schedule

The times the licence authorises the carrying out of the licensable activities

See attached Schedule

Opening hours of the premises

Location : Music Venue

Day	Start	Finish
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	01:00
Saturday	08:00	01:00

Non Standard Timings & Seasonal Variations

Where the licence authorises alcohol whether these are on and/or off supplies

ON

Premises Licence Holder Details

Name
██████████

Registered Address
██████████ ██████████ ██████████

Registered number of holder
N/A

Designated Premises Supervisor Details (Where the premises licence authorises for the supply of alcohol)

Name
██████████

Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol	
Personal Licence Number :	LN/██████████
Licensing Authority :	Worthing Borough Council

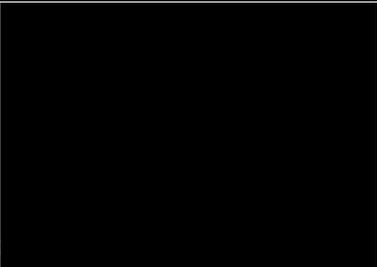
State whether access to the premises by children is restricted or prohibited
Restricted

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location :	Music Venue Bar	
Activities :	Alcohol ON Sales/Supply (M)	
Day	Start	Finish
Sunday	12:00	23:00
Monday	12:00	23:00
Tuesday	12:00	23:00
Wednesday	12:00	23:00
Thursday	12:00	23:00
Friday	12:00	01:00
Saturday	12:00	01:00
Non Standard Timings & Seasonal Variations		

Location :	Music Venue	
Activities :	Live Music (E) Recorded Music (F) Perform Dance (G)	
Day	Start	Finish
Sunday	08:00	23:00
Monday	08:00	23:00
Tuesday	08:00	23:00
Wednesday	08:00	23:00
Thursday	08:00	23:00
Friday	08:00	01:00
Saturday	08:00	01:00
Non Standard Timings & Seasonal Variations		

<p>Signed : </p> <p>Authorised Officer (on behalf of the Licensing Authority)</p>	<p>Date: 29 July 2020</p>
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**Application for a full variation of a premises licence
under the Licensing Act 2003**

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 (insert name(s) of applicant)
being the premises licence holder, apply to vary a premises licence under section 34 of the
Licensing Act 2003 for the premises described in Part 1 below.

Premises licence number

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
The Factory Live Unit 9a Ivyarch Road	
Post town Worthing	Post code BN14 8BX

Telephone number at premises (if any)

Non domestic rateable value of premises

Part 2 – Applicant Details

Daytime contact telephone number

Email address (optional)

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

Surname First names

Current postal address if different from premises address

Post Town Postcode

Part 3 - Variation

Please tick ✓

Do you want the proposed variation to have effect as soon as possible?

If not do when do you want the variation to take effect from?

Day	Month	Year					

If your proposed variation would mean that 5000 or more people are expected attend the premises at any one time please state the number expected to attend

Please describe briefly the nature of the proposed variation (please read guidance note 1)

- I am applying to vary the premises licence on two points:
- 1. I would like to extend the opening hours on Friday and Saturday nights from 1am to 3am
- 2. I would like to sell alcohol for consumption off the premises as well as on the premises

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if the application to vary is successful.

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) | X |
| f) | recorded music (if ticking yes, fill in box F) | X |
| 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

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for performing play (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)			
Day	Start	Finish	Indoors			
Mon			Outdoors			
			Both			
Tue			Please give further details here (please read guidance note 3)			
Wed					State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)	
Thur						
					Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)	
Fri						
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	X	
Day	Start	Finish		Outdoors		
Mon	08.00	23.00	Please give further details here (please read guidance note 3) I would like to have the flexibility to hold club nights on an ad hoc basis until 3am on Friday or Saturday nights in line with other venues in the town. I have done this on a number of occasions without incident using a TEN and would like to avoid repeated use of TENs and the time this takes to complete and process.	Both		
Tue	08.00	23.00				
Wed	08.00	23.00		State any seasonal variations for the performance of live music (please read guidance note 4) None		
Thur	08.00	23.00				
Fri	08.00	03.00		Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5) Amplified music to be played inside the premises until 3am on some Friday and Saturday nights, currently the licence only permits this until is until 1am.		
Sat	08.00	03.00				
Sun	08.00	23.00				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	X	
Day	Start	Finish		Outdoors		
Mon	08.00	23.00	Please give further details here (please read guidance note 3) I would like to have the flexibility to hold club nights on an ad hoc basis until 3am on Friday or Saturday nights in line with other venues in the town. I have done this on a number of occasions without incident using a TEN and would like to avoid repeated use of TENs and the time this takes to complete and process.	Both		
Tue	08.00	23.00				
Wed	08.00	23.00		State any seasonal variations for the playing of recorded music (please read guidance note 4) None		
Thur	08.00	23.00				
Fri	08.00	03.00		Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5) Amplified music to be played inside the premises until 3am on some Friday and Saturday nights, currently the licence only permits this until is until 1am.		
Sat	08.00	03.00				
Sun	08.00	23.00				

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e),(f)or(g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will the entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors	
				Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e), f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon	08.00	23.00	Please give further details here (please read guidance note 3) I would like to extend the hours that I can serve alcohol on a Friday and Saturday night so that I can hold occasional club nights until 3am as many venues do in Worthing. I have held a number of events using a TEN and have not experienced any problems or difficulties.	Both	X	
Tue	08.00	23.00				
Wed	08.00	23.00		State any seasonal variations for the provision of late night refreshment (please read guidance note 4) None		
Thur	08.00	23.00				
Fri	08.00	03.00		Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5) I would like apply for the provision of late night refreshment for Friday and Saturday nights only so that I can extend the hours during which I am open from 1am to 3am. This would not be every week but for occasional club style events.		
Sat	08.00	03.00				
Sun	08.00	23.00				

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			
Day	Start	Finish		Off the premises			
Mon	08.00	23.00	State any seasonal variations for the sale of alcohol (please read guidance note 4) None	Both	X		
Tue	08.00	23.00					
Wed	08.00	23.00					
Thur	08.00	23.00		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) * See section I applying for an extension in opening hours			
Fri	08.00	03.00*			There is currently a licence in place to serve alcohol on the premises during the hours listed*. I am applying to extend this to include off-sales as well.		
Sat	08.00	03.00*					
Sun	08.00	23.00		Refreshments will only be permitted in the fully enclosed terraced area at the front of the building or will be for customers to consume at home. Staff are always present outside the building throughout the event and will be briefed with regards to any off sales to ensure that these are consumed responsibly.			

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)

None/Not Applicable

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	<p>None</p> <p>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)</p> <p>As detailed above I am applying to extend the opening hours of the premises from 1am to 3am on Friday and Saturday evenings.</p>
Mon	08.00	23.00	
Tue	08.00	23.00	
Wed	08.00	23.00	
Thur	08.00	23.00	
Fri	08.00	03.00	
Sat	08.00	03.00	
Sun	08.00	23.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Removal of 1am finish time on Friday and Saturday evenings to be replaced with 3am finish time

Please tick ✓

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

The Factory Live has been open since late 2019 and has held a variety of events without incident. I am always mindful of maintaining the reputation of the venue and it is therefore in my interest to ensure that there are procedures in place to ensure high levels of compliance with the four objectives.

Our staff are regularly briefed and receive the training needed to undertake their duties responsibly. The leadership team discuss each event to ensure that the right staff and arrangements are in place so that events run smoothly and without incident. We have learnt from the events we have held over the past two years and now use this experience to inform our planning for each event.

b) The prevention of crime and disorder

There is a zero tolerance policy in place

We have SIA registered security staff, who know the venue, at all required events, at least at the required ratio.

Staff receive training and instruction on how to manage escalating incidents and volatile situations and use a radio system to maintain communication throughout the venue .

c) Public safety

Key staff are first aid trained

Security staff are SIA registered

All staff are briefed prior to events

Radio communication between key staff during the event

Health and Safety policy and procedures in place

d) The prevention of public nuisance

Security and venue staff supervise customers leaving the premises and are fully briefed of our high expectations with regards to community responsibility before each event.

Signage throughout the venue reminds customers to be respectful of neighbours when leaving the premises

The location of the building is in an industrial and commercial area, away from residential development. A sound survey was completed in October 2021 and we were fully compliant with the requirements

e) The protection of children from harm

Events which include children's performances are run by suitable organisations

Children under 14 are not permitted to most events unless accompanied by an adult

Bar staff challenge and seek age verification where necessary

Please tick ✓

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

X
X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 14th June 2022

Capacity Business Owner and Sole Director

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

--	--

Post town	Post code
------------------	------------------

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.

- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

- 4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Information on the Licensing Act 2003 is available on the website of the Home Office and the Department of Culture, Media & Sport

<http://www.homeoffice.gov.uk/>

http://www.culture.gov.uk/alcohol_and_entertainment

or from

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

Telephone: 01903 221068 or 01273 263331

Email: licensing.unit@adur-worthing.gov.uk

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

Factory Live, Ivy Arch Road, Worthing

1 message

14 July 2022 at 15:07

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

Hi Simon,

I am objecting to this application on the grounds of public nuisance.

The applicant refers to the sound survey that was undertaken for the planning application. (I have attached the document for ease of access) This survey assessed a gig that started at 8pm and finished at 10:45pm. The author makes a point of highlighting the ambient noise in locations dominated by traffic at that time of the evening. However, we can safely presume that traffic levels will drop later into the night and in the early hours of the morning. So what is reported in the survey during the lulls in traffic is what is relevant. Furthermore the survey did not consider patron noise out the front drinking and eating into the early hours of the morning. This proposal can not be compared with smokers using the outside area during the interval. Therefore we can not say with any certainty how music from the venue will affect existing dwellings. One public representation already alludes to bass being audible in his home at night.

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.** The noise survey does not cover the later period that the applicant wishes to operate nor does it set any requirements alluded to in the application for variation. So no information has been provided as to the possible effects of these changes on neighbouring dwellings or what controls will be in place to mitigate any impact. That said, for balance I am aware that the venue has operated under TEN's without any incident.

The public representations have also highlighted that Skywaves House will be demolished and rebuilt as living accommodation for homeless people. Survey positions near to the proposed development, which has delegated planning approval, shows that music and patron noise is clearly audible here. At the hours proposed the ambient noise from traffic will be much lower at these times. I have snipped and pasted the relevant part of the noise survey for ease of reference below.

			not audible.
[2] Along Ivy Arch Road	20:40	-	Attended observations during first half of the event. Music was just audible during lulls in road traffic, but where it was not possible to identify the song. Pedestrians were audible passing position, as well as passing vehicles on Ivy Arch road.
	21:19	53	During interval, dominated by road traffic. Patrons outside just perceptible.
[3] Along Ivy Arch Road	20:45	-	Attended observations during first half of the event. Music clearly audible at this position opposite. During lull in traffic it was possible to distinguish the song. Road traffic on A24 dominant.
	21:21	53	During interval, dominated by road traffic. Patrons audible.
	21:59-22:01	51-58	Measurement during second half of event, music audible with road traffic.
			Attended observations at during first half of the event. Music

It should also be noted that the current planning permission for the Factory Live premises, AWDM/0144/19, conditions the hours the premises can be used. Again, I have snipped and pasted the relevant part of the planning permission for ease of reference below.

03. The permitted uses shall only operate between the hours of:-

9.00 am and 11.00 pm on Mondays to Friday
9.00 am and 1:00 am Saturdays and
10.00 am and 10.30 pm on Sundays.

The premises shall be emptied of patrons 30 minutes outside of these hours.

All staff activity associated with the use shall cease at the premises within one hour of the closing time.

Reason: *In the interests of amenity having regard to saved policies RES7 and H18 of the Worthing Local Plan.*

Home Office amended guidance under Section 182 of the Licensing Act 2003 advises that planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

The standards in planning are to protect amenity and to prevent adverse noise effects, where as the licensing objective is to prevent public nuisance. There may be circumstances when a condition of planning permission is more stringent than the condition on the licence. In such cases **the planning condition prevails**. In this case it is the terminal hour set for the use of premises for commercial purposes mentioned above. Therefore, regardless what any amended licence may allow, the applicant must observe the earlier closing time required under planning. Premises operating in breach of their planning permission would be liable to enforcement action under planning law.

Yours Sincerely

[REDACTED]
Senior Environmental Health Officer, Adur & Worthing Councils

[REDACTED]
Website: Environmental Health

Address: Public Health & Regulation, Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA



[REDACTED]

Licensing Unit,
Adur and Worthing Councils
Portland House,
Richmond Road,
Worthing,
BN11 1LF



West Sussex Division Neighbourhood Licensing Team

6th July 2022

**RE: APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT
2003 FOR THE FACTORY LIVE, UNIT 9A, IVY ARCH ROAD, WORTHING, BN14 8BX.**

Dear Mr Jones,

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of the licensing objective(s) of the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

The applicant would like to extend the hours of live music, recorded music, late night refreshments, the sale of alcohol and the hours open to the public from **0800hrs to 0300hrs**, Friday and Saturday. Sunday to Thursday to remain the same as of the Premises License (0800hrs to 2300hrs).

The applicant also requests the sale of Alcohol for consumption off the premises as well as on the premises.

Sussex Police have no objection to the extended hours. Proposed conditions, amended conditions offered below in order to uphold the licensing objectives with regards to the requested extended hours.

Sussex Police object to the "off sales" element of this application based on the Prevention of Crime and Disorder and the Prevention of Public Nuisance. The application requests "Refreshments will only be permitted in the fully enclosed terraced area at the front of the building or will be for customers to consume at home". It also states that "staff are always present outside the building throughout the event and will be briefed with regards to any off sales to ensure that these are consumed responsibly".

Looking at the licensable area of the premises, the enclosed terrace area at the front of the building is not part of the licensable area. The issue we have is that this area would not be subject to any condition on the premises license which are put in place to uphold the licensing objectives. We understand that it is suggested that the outside area will be staffed, however control and consistency is required, enforced by the conditions on the premises license. Allowing customers to leave the licenced premises with sealed or open vessels could have an impact with the local community with regards to Crime and Disorder and public nuisance. Therefore Sussex police object to "off sales".



For avoidance of doubt, all of the existing conditions on the premises license will remain on the new varied licence with the exception of the amendments below:

Removal of the following existing conditions on the licence:

4. A documented risk assessment must be written by the Designated Premises Supervisor and agreed by Sussex Police, which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. It will include a written assessment demonstrating what considerations have been made for both normal day to day activities and any special events or functions which may arise during the year. This document shall be kept at the premises and made immediately available for inspection by officers of any responsible authority, upon request.

6. When the premises is being used after 20:00 until close for:

- live music and/or dancing (the definition of dancing: audience participation,
- disco dancing etc. as opposed to performance of dance by performers in a
- theatrical or arts based setting being watched by a seated audience);
- as a night club;
- party or event venue;
- with the provision of a DJ or DJs;
- is being used as a bar or pub;
- the event is open to the public and is not by exclusive prior invitation only (such as private weddings, birth parties etc.)

then SIA door supervisors will be employed at the premises on a ratio of one per hundred persons or part thereof attending, starting with a minimum of two door supervisors, from opening or 20:00 (whichever is the later) until close.

8. If the event is by private prior invitation only, then the provision of door staff will be subject to the Designated Premises Supervisor's written risk assessment.

Amendment to the existing CCTV condition as follows (with additions in red):

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 enclosed terrace area at the front of the building. The system shall be on and recording at all times the premises licence is in operation.

New conditions:

The Prevention of Crime and Disorder:

SIA door staff and risk assessment:

Security Industry Authority (SIA) door supervisors must be deployed at the premises at any time when:

1. When the premises is being used after 20:00 until close for:

- live music and/or dancing (the definition of dancing: audience participation, disco dancing etc. as opposed to performance of dance by performers in a theatrical or arts based setting being watched by a seated audience);



- as a night club;
- party or event venue;
- with the provision of a DJ or DJs;
- is being used as a bar or pub;
- the event is open to the public and is not by exclusive prior invitation only (such as private weddings, birth parties etc.)

then SIA door supervisors will be employed at the premises on a ratio of one per hundred persons or part thereof attending, starting with a minimum of two door supervisors, from opening or 20:00 (whichever is the later) until close.

2. 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, shatterproof, safety drinking vessels, ticket only events, entry restrictions and last entry times.

The risk assessment will consider the necessity for door staff at events both during the day and at night when occupancy capacity limits may be reached, and it is a necessity to closely monitor and control access to the venue.

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.

All SIA registered door supervisors (for both 1 and 2 above) 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 whether inside the premises or in the vicinity of the premises. 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.

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 (and not just an armband) 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.

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.

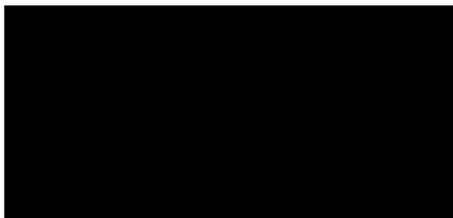
Door supervisors shall be fully briefed prior to work with clear written instructions regarding their specific duties including an awareness of persons banned from the premises. These records shall be made available to the local licensing authority and/or Sussex Police upon request.

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.

When persons are ejected from the premises they will only be taken through passages, rooms and doorways that are covered by fully functioning and working CCTV. Persons will not be ejected through areas not covered by CCTV.

Please contact this office on the number below or via email to ws_licensing_wor@sussex.pnn.police.uk should you wish to discuss this representation.

Yours sincerely



West Sussex Licensing Inspector
Sussex Police

Sussex Police, Neighbourhood Licensing Team



Factory Live Ivy Arch Road alcohol licensing

1 message

12 July 2022 at 21:50

To: "licensing.unit@adur-worthing.gov.uk" <licensing.unit@adur-worthing.gov.uk>

Hi

I understand that the Factory Live is requesting to extend their alcohol licensing until 3am.

I would like to object it as I live in the area and am worrying it would impact on our safety, increasing criminal acts and noise.

Regards,



Fwd: Re Factory Live Ivy Arch Road

1 message

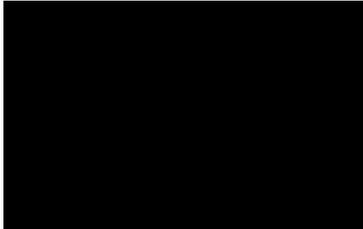
30 June 2022 at 07:48

[REDACTED]
[REDACTED]
To: licensing.unit@adur-worthing.gov.uk

RE Factory Live - changes to original Licence

1. I am objecting to alcohol being served **off premises at any time.**
 - a, People returning from town establishments will be able to top up here and it could cause noise, nuisance and more litter in an area already used as a dumping ground for bottles, cans and takeaway litter etc.
 - b. There is a Boys Club in Ivy Arch Road which is often open until 9pm and they have already had some persons trying to enter the building who were drunk. (not necessarily from the Factory Live) There is also a Mosque in this road.
 - c. Turning Tides have been given permission for 21 flats to be built a short distance from the Factory Live as temporary accommodation for homeless persons moving on to independence. There could be problems.
2. I am objecting to loud music and entertainment until 3am.
 - a. Although my property has the BT telephone exchange between it and the Factory Live we do often here base sounds thumping when we go to bed which is usually midnight.
 - b. Neighbours further along the road have complained about the noise from music.

Whilst I have no objection to the Factory Live as it stands, I have objections to the above alterations to the Licence.



The Licensing Unit
Adur and Worthing Council

R.E. Application, The Factory Live, Ivy Arch Road, Worthing.

The Factory Live Ivy Arch Road has been operating successfully for a few years now with barely any problems from residents so why is an alcohol license now required?

Presumably it is purely for commercial gain and to attract less desirable clientele. Customers attracted by the availability of alcohol at these proposed times inevitably bring fresh issues to to the area. Matters such as noise, anti social behaviour, vandalism, urination in gardens and vomiting in the street immediately come to mind. Ivy Arch and the surrounding residential areas are well away from the town centre and any corresponding police presence so in the event of any of the above events occurring the reaction of law enforcement will not be expected to be rapid and will result in a fresh set of disturbances.

Besides local residents consideration must be given to the Islamic Centre further along Ivy Arch road and the proposed centre for the homeless planned to be what is effectively, across the road.

I urge the licensing unit to impose an outright rejection on any such alcohol application.

Yours faithfully



The Factory Live Variation

1 message

5 July 2022 at 20:39

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

Dear Simon

On behalf of the South Broadwater Residents Association, we wish to object to:

Extension of the opening hours to 3am
The sale of alcohol until 3am for consumption on & off the premises.

One of our Committee members's property actually backs on to the opposite side of the road as do several residents of King Edward Avenue.

In addition Turning Tides has recently had their application approved for the provision of homes for the vulnerable in the old FIBA building just adjacent to the Factory Live
We are concerned that they will be inevitably be disturbed by noise until the early hours, not only from the venue itself but also attendees leaving the building.
We feel that there is a potential for people to gather drinking outside the venue and causing antisocial disturbance, not only there but in surrounding streets as they eventually find their way home or to the take-aways further up Broadwater Road.
The venue itself will have little control over this. There will also be the potential noise caused by staff clearing empty bottles etc in the early hours.

We would urge the Committee to reject this application and have requested Giasford Councillor John Turley to support our rejection which he has agreed to.

--

Best Regards


Chairman
South Broadwater Residents Association