



Committee Manager : Carrie O'Connor (Ext 37614)

1 September 2016

LICENSING SUBCOMMITTEE

A meeting of the Subcommittee will be held in Committee Room 1 (the Pink Room) at the Arun Civic Centre, Littlehampton on **Monday 12 September 2016 at 9.30 a.m.** and you are requested to attend.

Members : Councillors Cates, Dingemans and Purchase.

A G E N D A

1. ELECTION OF CHAIRMAN
2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declaration of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating:

- a) the item you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak under the normal procedure rules applicable to the Committee

You then need to re-declare your prejudicial/pecuniary interest at the commencement of the item or when the interest becomes apparent.

3. APPLICATION FOR A PREMISES LICENCE, THE NUOVO LOUNGE, 1-5 ASH LANE, RUSTINGTON

The Subcommittee is requested to consider an application made under Section 17 of the Licensing Act 2003 for a premises licence for the Nuovo Lounge, 1-5 Ash Lane, Rustington.

Note : *Indicates report is attached for Members of the Licensing and Enforcement Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via www.arun.gov.uk

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant officer in advance of the meeting.

ARUN DISTRICT COUNCIL

LICENSING SUBCOMMITTEE – 12 SEPTEMBER 2016

Decision Hearing

Subject: Application for a Premises Licence, the Nuovo Lounge, 1 - 5 Ash Lane, Rustington.

Report by: Andrew Burrows, Assistant Licensing Officer.

Report date: 31st August 2016

EXECUTIVE SUMMARY

An application has been made to the Licensing Authority under section 17 of the Licensing Act 2003 for the issue of a premises licence (14800) for the Nuovo Lounge, 1 - 5 Ash Lane, Rustington, BN16 3BU.

A representation has been made by Sussex Police, as a Responsible Authority, opposing the granting of this application.

OFFICER COMMENTS

The Sub-Committee should make an evidence based determination, justified as being appropriate for the promotion of the licensing objectives.

1. BACKGROUND

- 1.1 Melrose Pubcare has made an application on behalf of Loungers Limited, for a premises licence for their premises 'Nuovo Lounge' situated at 1 – 5 Ash Lane, Rustington.
- 1.2 The application is attached as **appendix A**.

2. REPRESENTATIONS

- 2.1 Sussex Police, as a Responsible Authority, have made a representation opposing the application on the grounds that the Licensing Objectives will not be promoted. Their representation is attached as **appendix B** for the committee's consideration.

- 2.2 After consultation with the police the applicant has agreed to accept all conditions proposed by them, save one condition, concerning the time and circumstances under which children would be permitted to be on the premises.
- 2.3 The correspondence between the police and the applicant is attached as **appendix C**.

3. ARUN DISTRICT COUNCIL POLICY CONSIDERATIONS

12.3 The licensing authority will not usually impose conditions on operators that require the admission of children. The licensing authority recognises this is a matter for individual licence holder's discretion. Nothing in this statement of policy limits the access of children to licensed premises unless it is necessary for the prevention of harm to children.

12.5 The licensing authority may consider attaching conditions to licences and certificates to prevent harm to children where relevant representations have been made, and Appendix 3 gives an indication as to the scope of such conditions.

4. OBSERVATIONS

- 4.1 The Committee/Subcommittee is obliged to determine this application with a view to promoting the licensing objectives which are:
- The Prevention of Crime and Disorder
 - The Prevention of Public Nuisance
 - Public Safety
 - The Protection of Children from Harm
- 4.2 In making its decision the Committee is also obliged to have regard to national guidance and Arun's Statement of Licensing Policy.
- 4.3 The Committee must also have regard to all relevant representations made and evidence that it hears.

5. OPTIONS

- 5.1 The Committee may:
- (a) Grant the licence as applied for.
 - (b) Grant the licence as at 5.1. (a) But add whatever conditions it deems are appropriate to promote the licensing objectives.
 - (c) Modify the application.
 - (d) Refuse the application.

APPENDICES:

A: Application.

B: Representation.

C: Correspondence.

Background Papers:

Licensing Act 2003

Section 182 Guidance (March 2015)

Arun Statement of Licensing Policy

Contact: Andy Burrows x 37749

**Application for a premises licence to be granted
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 that 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 Loungers Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Nuovo Lounge, 1-5 Ash Lane, Rustington,			
Post town	West Sussex	Postcode	BN16 3BU

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£26,000

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over			Please tick yes		
Current postal address if different from premises address					
Post town			Postcode		
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Loungers Limited
Address 15-16 Lower Park Row, Bristol BS1 5BN
Registered number (where applicable) 04595806
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 07964 901464
E-mail address (optional) raj@loungers.co

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	0	082016

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

DD	MM	YYYY

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

Located on Ash Lane, Rustington these premises are about to undergo a major refurbishment to form a new café/bar, Nuovo Lounge.

The premises will comprise entrance to the ground floor trade area, with the bar/servery at the rear with the cellar and access WC to the right. There is also an external trading area at the front of the premises for customers use in good weather. Stairs lead to the first floor trade area which accommodates the kitchen and additional toilets. The general layout is all as shown on the plan provided.

The operation will be a food-led Continental style café/bar. Opening will be all-day everyday with food available at all times. There will be a focus towards being family friendly with highchairs available, a selection of board games, daily newspapers & a free book swap facility. Music will be limited to background only.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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

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

- | Provision of regulated entertainment | Please tick any that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| <u>Supply of alcohol</u> (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| 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	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (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 films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
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)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>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</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Both	<input type="checkbox"/>	<u>Please give further details here</u> (please read guidance note 3)
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur			<u>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</u> (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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

G

Performances 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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
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 this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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)		
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	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) This facility may be required to cover the occasional service of hot beverage or food after 23.00. State any seasonal variations for the provision of late night refreshment (please read guidance note 4) 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) New Years Eve 23.00 to 01.30 hrs		
Mon	23.00	23.30			
Tue	23.00	23.30			
Wed	23.00	23.30			
Thur	23.00	00.30			
Fri	23.00	00.30			
Sat	23.00	00.30			
Sun	23.00	23.30			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) New Years Eve 10.00 to 01.00 hrs.		
Mon	1000	2300			
Tue	1000	2300			
Wed	1000	2300			
Thur	1000	0000			
Fri	1000	0000			
Sat	1000	0000			
Sun	1000	2300			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Justin Geri
Address [REDACTED]
Postcode [REDACTED]
Personal licence number (if known) 3815/05/00598/LAPERT
Issuing licensing authority (if known) Chichester District Council

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0800	2330	
Tue	0800	2330	
Wed	0800	2330	
Thur	0800	0030	
Fri	0800	0030	
Sat	0800	0030	
Sun	0800	2330	
Non standard timings. Where you intend 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)			
New Year's Eve 08.00 to 01.30 hrs.			

M Describe the steps you intend to take to promote the four licensing objectives:**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

Overcrowding shall not be permitted in any part of the premises

The premises license holder, or the person appointed to be in charge of the premises when licensable activity is taking place, shall provide or have the unhampered use of a telephone on the premises for use in an emergency.

b) The prevention of crime and disorder

Management and staff shall be in attendance in the trading area at all times that alcohol is sold or supplied.

A CCTV system will be installed and shall be maintained and working. The system will be fit for purpose of the prevention and detection of crime, and be capable of providing images of identification standard. The system will display on the recordings the correct date and time and images will be retained for 31 days. The siting of the cameras will be in consultation with the Police crime reduction officer.

The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an 'incident/refusals logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

There shall be no off sales of alcohol.

c) Public safety

Fire appliances, suitable to the fire risks in the premises, shall be provided to the satisfaction of the Licensing Authority and such equipment shall be maintained in proper working order and kept available for instant use. Such equipment shall be conspicuously placed and unobstructed at all times.

d) The prevention of public nuisance

Background music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

Applicant shall co-operate with Police or Officers of the Local Authority in the implementation of any initiatives to combat crime, disorder, antisocial behaviour or nuisance in the vicinity.

The premises license holder shall take appropriate measures to ensure that patrons leave the premises in a quiet & orderly fashion.

The premises license holder shall ensure that adequate measures are in place to prevent the escape of odours from the premises. This includes odours from food preparation & refuse storage.

The premises license holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers & to prevent such litter from accumulating in the immediate vicinity of their premises.

The outdoor customer seating area shall be closed to customers by 22.00hrs.

e) The protection of children from harm

All staff to be trained in the prevention of under age sales to a level commensurate with their duties. All such training to be updated as necessary for instance when legislation changes and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.

An approved proof of age scheme shall be adopted, implemented and advertised within the premises such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

Checklist:


Please tick to indicate agreement

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant 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	 Peter Rosser
Date	11 th July 2016
Capacity	Authorised Agent

For joint applications, signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)

Peter Rosser
 Melrose Associates
 8 St. Mary Street
 Thornbury

Post town	Bristol	Postcode	BS35 2AB
Telephone number (if any)	01454 419262		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) melrose@pubcare.co.uk			

Consent of individual to being specified as premises supervisor

IJustin Geri..... (full name of prospective premises supervisor)

of .. [redacted] ..(home address of prospective premises supervisor)

Date of Birth 26th May 1970... Contact tel. number [redacted]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

..... Premises Licence (type of application)

By..... Loungers Ltd..... (name of applicant)

relating to a premises licence New Application..... (number of existing licence, if any)

for Nuovo Lounge, 1-5 Ash Lane, Rustington,
West Sussex, BN16 3BU
(name and address of premises of which the application relates)

and any premises licence to be granted or varied in respect of this application made

by as above..... (name of applicant)

concerning the supply of alcohol at

.....as above..... (name and address of premises to which application relates).

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below

Personal licence number 3815/05/00598/LAPERT.....

Personal Licence issuing authority ...Chichester District Council.....

Signed [redacted]

Name (please print) Justin Geri..... Date 11/7/16

Licensing Act 2003 Notice

NOTICE IS HEREBY GIVEN that an application for a Premises Licence under the above-mentioned legislation has been made by Loungers Ltd

to Arun District Council in respect of premises known as:
Nuovo Lounge, 1-5 Ash Lane, Rustington, West Sussex, BN16 3BU

Proposed licensable activities are as follows:

The sale of alcohol for consumption on the premises only from 10.00 hrs until 23.00 hrs Sunday to Wednesday and 10.00 hrs until 00.00 hrs Thursday to Saturday and 10.00 to 01.00 hrs (following day) on New Year's Eve.

Late night refreshment until 23.30 hrs Sunday to Wednesday, 00.30 hrs Thursday to Saturday and 01.30 hrs (following day) on New Year's Eve, all as specified in the application.

The application is open to representation from interested parties and responsible authorities to be received no later than 10th August 2016.

All representations should be made in writing and sent to:
Licensing Team, Environmental Health Service,
Arun District Council,
Arun Civic Centre, Maltravers Road,
Littlehampton, West Sussex BN17 5LF
or email licensing@arun.gov.uk.

A public register of all Licensing Act 2003 permissions and applications is held by Arun District Council, Arun Civic Centre, Littlehampton, West Sussex BN17 5LF. The public register is also available on www.arun.gov.uk/licensingact2003

It is an offence to knowingly or recklessly to make a false statement in connection with an application and the maximum fine for this offence is £5,000.



The Licensing Team
 Environmental Health Department
 Arun District Council
 Arun Civic Centre
 Maltravers Road
 Littlehampton
 BN17 5LF

West Sussex Division Neighbourhood Licensing Team

Dear Ms Meeten

Wednesday 13th July 2016

APPLICATION FOR A PREMISES LICENCE TO BE GRANTED UNDER THE LICENSING ACT 2003 FOR NUOVO LOUNGE, 1-5 ASH LANE, RUSTINGTON, BN16 3BU

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 following Licensing Objectives:

- i) Prevention of crime and disorder;
- ii) Prevention of public nuisance and
- iii) The protection of children from harm.
- iv) Public safety

Sussex Police have no objection to the principal of the application, however while the operating schedule provided identifies a number steps to address the licensing objectives it is considered that additional measures are necessary, therefore Sussex Police propose the following conditions some of which may be new or merely rewording of those on the application;

- A list of staff members who are authorised to sell alcohol on the premises shall be kept. This shall be endorsed by the DPS with the date such authorisation commences. Each of these staff members shall receive full training pertinent to the Licensing Act before being permitted to start selling alcohol, specifically with regard to age-restricted sales and the refusal of sales to persons believed to be under the influence of alcohol or drugs. Induction training must be completed prior to any sale of alcohol being authorised. Refresher training shall be undertaken thereafter at intervals of no more than twelve (12) weeks whereby staff are reminded of their responsibilities. All restricted sales training undertaken by staff members shall be fully documented and signed by the employee and the DPS. These records shall be kept for a minimum of twenty four (24) months, and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff.
- The premises shall at all times maintain and operate a sales refusals log and an incident log will be kept to record all refusals and incidents of crime or disorder. Full details of all incidents are to be recorded, including details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and the final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. These shall be reviewed and signed by the Designated Premises Supervisor at intervals of no more than four (4) weeks. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. These records shall be

Sussex Police, Neighbourhood Licensing Team
 Centenary House, Durrington Lane, Worthing,
 West Sussex. BN13 2PQ
 Telephone: 01273 404030

kept for a minimum of twenty four (24) months and made immediately available upon request to the Local Authority Licensing Officers and Sussex Police Officers or Licensing staff.

- 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). CCTV needs to be operated and maintained throughout the premises internally and externally to cover all 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. The CCTV images will record and display dates and times and these times will be checked regularly to ensure their accuracy. 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. Subject to Data Protection 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 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.
- All alcohol for consumption in external areas shall only be served by waiter/waitress directly to seated patrons. Vertical drinking shall not be permitted. To be replaced by the following condition:
- In external areas alcohol shall only be consumed by patrons who are seated at tables. Vertical drinking shall not be permitted.
- After 21:00 hours, all children under 18 years must be accompanied by a responsible adult and may only remain on the premises if partaking in a sit down meal. To be replaced by the following 2 conditions:
- No unaccompanied persons under the age of eighteen will be permitted on the premises from 21:00 hours, unless accompanied by a responsible adult (aged 18 or over).
- From 22:00 hours until close on any day, no children under the age of eighteen will be permitted on the premises.
- The external areas must be cleared of all tables, chairs and barriers when not in use and/or the items shall be securely stored.
- Staff must ensure that all empty glasses and bottles are promptly cleared away from the public areas. Regular patrols are to be conducted, at least hourly, both inside and outside the premises.
- Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.

If the applicant is agreeable to the proposed conditions, Sussex Police can resolve this representation subject to these conditions being attached to the premises licence.

Please do not hesitate to contact this office on the number below or via email to ws_licensing_wor@sussex.pnn.police.uk should you wish to discuss anything referred to in this communication.

Yours sincerely



Chief Inspector Burtenshaw
District Commander

Sussex Police, Neighbourhood Licensing Team
Centenary House, Durrington Lane, Worthing,
West Sussex. BN13 2PQ
Telephone: 01273 404030

Andrew Burrows

From: Peter Rosser [REDACTED]
Sent: 26 August 2016 12:52
To: [REDACTED]
Cc: Andrew Burrows; Raj Manek; Natalie Crowley
Subject: Nuovo Lounge representation

Hi Hannah,

I understand Licensing are keen to hear if we have agreed on the wording of this final condition in order to avoid the need for a hearing.

In the interests of compromise, I'm sure my clients will accept your suggested condition but relating to under 16 yrs rather than 18yrs, i.e.

'After 22:00 hours, all children under 16 years must be accompanied by a responsible adult and may only remain on the premises if partaking in a sit down meal or attending a private function or event. Such private functions and events must be booked at least 24 hours in advance and a risk assessment must be performed by the premises staff, with the promotion of the licensing objectives in mind'.

As you know the age at which children need to be accompanied by an adult in pubs is under 16 yrs not 18 yrs and with no requirement for partaking in any meal. It would therefore seem perverse that Lounge customers should suffer under a condition requiring 16 and 17 yrs olds to leave the premises at 22.00 yrs whereas there is no need in a pub!

Apart from that I think we would be happy to accept the above condition and hope you now feel that in doing so we adequately promote the licensing objective of the protection of children from harm.

As you will recall we have already accepted:

'In external areas alcohol shall only be consumed by patrons who are seated at tables. Vertical drinking shall not be permitted'.

I look forward to hearing back from you,

Regards,

Pete Rosser.
Melrose

From: Natalie Crowley
Sent: 19 August 2016 12:51
To: [REDACTED]
Cc: Pete Rosser [REDACTED]
Subject: RE: Nuovo Lounge representation

Hi Hannah,

Whilst our client understands your comments and concerns, they would ideally like to agree to a condition that would not affect the business module of the premises. With that in mind, my client has requested we do not accept the condition that you requested in your email below, but offer a condition we have attached to other premises Licences around the UK. This condition, we believe will settle the Police concerns regarding vertical drinking.

At least 70% of the trade area will be given over to customer seating

Please let me know if the Police are willing to accept the above

Kind regards

Natalie Crowley
Licensing Assistant
Melrose Pubcare
8 St Mary Street
Thornbury
Bristol
BS35 2AB
01454 419262 Ext 5

www.pubcare.co.uk

From: [redacted] mailto:[redacted]
Sent: 18 August 2016 15:38
To: Natalie Crowley [redacted]; Peter Rosser [redacted]
Cc: licensing@arun.gov.uk [redacted]
Subject: RE: Nuovo Lounge representation

Good afternoon Natalie,

Thank you for your email below. However Sussex Police do not consider that this promotes the licensing objective of the protection of children from harm. The premises is quite clearly listed on the application as a café/bar, without any restriction of vertical drinking inside the building. It is indicated that the premises wishes to trade until 00:30 hours and the plans provided do not identify the layout in terms of seating and tables. While it is possible to provide food until close of business, this is optional. There is nothing to prevent the premises remaining open as a vertical drinking establishment and as such Sussex Police would consider that children remaining on a vertical drinking premises after 22:00 hours places them at risk. As a family venue however Sussex Police are able to agree the condition below:

After 22:00 hours, all children under 18 years must be accompanied by a responsible adult and may only remain on the premises if partaking in a sit down meal or attending a private function or event. Such private functions and events must be booked at least 24 hours in advance and a risk assessment must be performed by the premises staff, with the promotion of the licensing objectives in mind.

If the applicant is happy to agree the amended condition attached to the premises licence, Sussex Police can resolve this representation. Please can the applicant confirm this in writing to this office and to Arun District Council's licensing team.

Kind Regards,

Hannah Squibb
Assistant Licensing Officer
Neighbourhood Licensing Team
West Sussex
101 x 581533
01273 404030

From: Natalie Crowley [redacted]
Sent: 18 August 2016 13:15
To: Squibb Hannah 35365 [redacted]

Cc: Pete Rosser [REDACTED]
Subject: FW: Nuovo Lounge representation

Hi Hannah,

Thank you for your email.

I can confirm my client is happy to accept the first condition as listed below, along with the other conditions previously agreed to.

With regards to the second condition, my client feels this is unrealistic due to the style and operation of the premises. These are a family oriented premises, as described in the previous email. However, to reach a compromise and avoid a hearing our client would be willing to amend the condition to 23.00 hours, as below.

- From 23:00 hours until close on any day, no children under the age of eighteen will be permitted on the premises.

If the police are happy to accept the amendment to the second condition, we will then agree to all conditions and therefore avoid a hearing.

Look forward to hearing from you

Kind regards

Natalie Crowley
Licensing Assistant
Melrose Pubcare
8 St Mary Street
Thornbury
Bristol
BS35 2AB
01454 419262 Ext 5
[REDACTED]
www.pubcare.co.uk

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Please consider the environment before printing this email or its attachments

From [REDACTED] [mailto:[REDACTED]]
Sent: 17 August 2016 14:46
To: Melrose <Melrose@pubcare.co.uk>
Subject: RE: Nuovo Lounge representation

Good afternoon,

As per our telephone conversation yesterday I am emailing to confirm that Sussex Police are able to revise the condition with reference to under 18 year olds. Following a review of the information that your office has sent over and a visit to the proposed premises site Sussex Police are able to amend the original condition sought, to the following:

- No unaccompanied persons under the age of eighteen will be permitted on the premises from 21:00 hours, unless accompanied by a responsible adult (aged 18 or over).

- From 22:00 hours until close on any day, no children under the age of eighteen will be permitted on the premises.

I have accordingly altered the initial representation raised by Sussex Police on the 21st July 2016 to reflect the negotiated conditions, which I have attached to this email for clarity.

If the applicant is happy to agree to having the amended conditions attached to the premises licence, Sussex Police can resolve this representation. Please can the applicant confirm this in writing to this office and to Arun District Council's licensing team.

Kind Regards,

Hannah Squibb
 Assistant Licensing Officer
 Neighbourhood Licensing Team
 West Sussex
 101 x 581533
 01273 404030

From: Peter Rosser [REDACTED]
Sent: 09 August 2016 17:55
To: Squibb Hannah 35365 [REDACTED]
Subject: RE: Nuovo Lounge representation

Hi Hannah,

Thanks for your reply and accepting our offered amendment to the external areas condition.

Regarding the children's condition. Although we understand your concern and would support the view that certain pub premises are not suitable for unaccompanied children after 21.00 hrs Nuovo Lounge will not fall into that category. These will be food driven, family friendly licensed premises, albeit with a bar but hardly the type of operation to threaten the fourth licensing objective.

Families or groups may be present, with children, during the evening and not necessarily partaking in a sit down meal. A family may have completed their meal by, say, 8.30 and remain on site to talk or meet friends. By accepting the meal element of your suggested condition management would be obliged to ask the children to eat another meal or leave the premises at 9.00 p.m!

The Lounge operation is built around a broad family appeal, management are trained accordingly and they are a safe environment for children. None of the other seventy odd Lounges in operation suffer under this condition and I can't recall ever having been asked to apply it.

Although not wishing to appear intransigent Loungers just cannot accept a condition which would force management to eject persons under 18 yrs from the premises just because they are not eating. I would urge you to reconsider and recognise our claim that these will be a family friendly operation and our offer of "*After 21:00 hours, all children under 18 years must be accompanied by a responsible adult*" is both appropriate and proportionate in the circumstances.

I was rather hoping to avoid a hearing on this matter but Loungers have gone as far as they can to meet your concerns. I am happy to discuss further if you feel it might help and am in the office all day Thursday 11/8.

Regards,

Pete Rosser.
 Melrose

From: [redacted] (mailto:[redacted])
Sent: 09 August 2016 11:41
To: Peter Rosser [redacted]
Subject: RE: Nuovo Lounge representation

Good morning Pete,

Thank you for sending this information over to us. I have looked through the document and your email with my manager and she has agreed to make the alteration requested to the external areas condition and remove the waiter/waitress service aspect. However my manager is still concerned with the refusal to accept the condition Sussex Police requested with regards to children after 21:00. This was placed on as a condition to assist in the promotion of the protection of children from harm and my manager is unsure as to why children under 18 years of age are desired to be allowed into the premises after 21:00 if not partaking in a sit down meal. This would technically allow customers to bring children of any age into the premises without a specific reason and as such Sussex Police would not be able to make the changes requested. However my manager would be able to authorise the following amendment:

- After 21:00 hours, all children under 18 years must be accompanied by a responsible adult and may only remain on the premises if partaking in a sit down meal or attending a private function or event. Such private functions and events must be booked at least 24 hours in advance and a risk assessment must be performed by the premises staff, with the promotion of the licensing objectives in mind.

This amendment would consequently allow under 18's to attend events and private functions after 21:00 at the premises, which would ensure that under 18's are allowed to attend family-centred activities on the premises yet still promote the protection of children from harm.

I am copying in the Arun District Council's licensing team so they are aware we are currently in mediation with regards to the representation raised. If the applicant is happy to agree to having the amended conditions attached to the premises licence, Sussex Police can resolve this representation. Please can the applicant confirm this in writing to this office and to Arun District Council's licensing team.

Kind Regards,

Hannah Squibb
Assistant Licensing Officer
Neighbourhood Licensing Team
West Sussex
101 x 581533
01273 404030

From: Peter Rosse [redacted]
Sent: 28 July 2016 17:16
To: Squibb Hannah 35365 [redacted]
Subject: Nuovo Lounge representation

Hi Hannah,

Further to our telephone conversation this afternoon.

We are happy to accept all your conditions save the two we discussed:

- All alcohol for consumption in external areas shall only be served by waiter/waitress directly to seated patrons. Vertical drinking shall not be permitted.
- After 21:00 hours, all children under 18 years must be accompanied by a responsible adult and may only remain on the premises if partaking in a sit down meal.

In view of the style of operation whereby customers can visit the bar/servery than take drinks back to their tables may we re-word this condition as follows?:

- In external areas alcohol shall only be consumed by patrons who are seated at tables. Vertical drinking shall not be permitted.

Regarding children, these are family friendly premises and marketed as such. Please see the attached for a good overview of the style of operation. We have two Lounges in Brighton which are fairly typical - Modelo Lounge and Verano Lounge.

My client is reluctant to accept the above condition in its entirety as under 18's may well be present in the premises without necessarily taking a meal, but possibly just with parents. These are well managed premises with virtually no incidents or crime or disorder across the national chain. Management are well acquainted with the law relating to underage drinking and their responsibility regarding the protection of children from harm.

Can we offer to re-word this condition as follows:

- After 21:00 hours, all children under 18 years must be accompanied by a responsible adult.

I hope we can agree on these amendments and thereby avoid a hearing.

I'm back in the office Monday afternoon.

Regards,

Pete Rosser.
 Melrose Pubcare
 10 St Mary Street,
 Thornbury,
 Bristol
 BS35 2AB
 +44(0)1454 419262 Ext 5
 07802738950



www.pubcare.co.uk

From: [Redacted] [mailto:[Redacted]]
Sent: 21 July 2016 13:57
To: Melrose [Redacted] licensing@arun.gov.uk
Cc: WS_Licensing_WOR@sussex.pnn.police.uk
Subject: Nuovo Lounge representation

Good afternoon,

Please find attached a representation raised by Sussex Police in relation to the premises licence application for Nuovo Lounge, 1-5 Ash Lane, Rustington, BN16 3BU. If the applicant is happy to agree to having the amended conditions attached to the premises licence, Sussex Police can resolve this representation. Please can the applicant confirm this in writing to this office and to Arun District Council's licensing team.

Please do not hesitate to contact this office if you have any questions/queries in regards to this document.

Kind Regards,

Hannah Squibb
 Assistant Licensing Officer
 Neighbourhood Licensing Team
 West Sussex

101 x 581533
01273 404030

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