



Email: [committeeservices@horsham.gov.uk](mailto:committeeservices@horsham.gov.uk)  
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# Licensing Sub-Committee

Tuesday, 29th September, 2015 at 2.30 pm  
Cowdray Room, Parkside, Chartway, Horsham

Councillors:

John Blackall  
Peter Burgess

Roy Cornell  
Ian Howard

You are summoned to the meeting to transact the following business

## Agenda

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	Page No.
1. <b>Election of Chairman for the meeting</b>	
2. <b>Apologies for absence</b>	
3. <b>Declarations of Members' Interests</b> To receive any declarations of interest from Members of the Sub-Committee	
4. <b>Announcements</b> To receive any announcements from the Chairman of the Sub-Committee or the Chief Executive	
5. <b>Application for a variation to an existing Premises Licence</b> To consider an application for a variation to an existing Premises Licence, under section 34 of the Licensing Act 2003, in respect of Wabi Restaurant, 38 East Street, Horsham RH12 1HL	1 - 38
6. <b>Urgent Business</b> Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances	

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## Report to Licensing Sub Committee

Date of meeting – Tuesday 29<sup>th</sup> September 2015

By Chris Boyle, Licensing Officer

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### **Application for a Variation to an existing Premises Licence under section 34 of the Licensing Act 2003.**

#### **Executive Summary**

The Premises Licence Holder, East Street (Horsham) Limited have made an application in respect of Wabi Restaurant, 38 East Street, Horsham, West Sussex, RH12 1HL.

The application seeks to extend the opening hours of the rear garden patio area till 01:00hrs Saturday and Sunday mornings. At present the existing premises licence as granted states the following:

- The rear garden patio area will be closed to the public for all activities between the hours of 23:00 and 07:00hrs the following day with the exception that it is used as a fire exit in the event of an emergency.

The variation application seeks to amend the times above to 01:00hrs and 07:00hrs, Saturday and Sunday only.

#### **Recommendations**

The Sub- Committee is recommended:

- i) To determine the application to vary an existing premises licence

#### **Reasons for Recommendations**

- i) The Sub-Committee is required to make a decision under the Licensing Act 2003

#### **Background Papers**

1. Variation Application
2. Noise Management Plan
3. Current Premises Licence
4. Representation from Environmental Health and Licensing
5. Representation from members of the public

**Wards affected:**

Denne

**Contact:**

Chris Boyle, Licensing Officer, extension 5578

## **Background Information**

### **1 Introduction and Background**

- 1.1 For the Sub-Committee to determine the application for a variation to the existing premises licence which seeks to extend the opening hours of the rear patio garden area.
- 1.2 On the 13<sup>th</sup> August 2015, Horsham District Council Licensing Department received an application for a variation of the existing premises licence from the Premises Licence Holder, East Street (Horsham) Limited. The application seeks to amend and extend the hours of operation in relation to the permitted hours the rear garden can be opened to customers.

At present the premises licence states the following:

*The rear garden patio area will be closed to the public for all activities between the hours of 23:00hrs and 07:00hrs the following day with the exception that it is used as a fire exit in the event of an emergency.*

The application submitted on the 13<sup>th</sup> August seeks to amend the above times to 01:00hrs and 07:00hrs on a Saturday and Sunday Morning.

- 1.3 The Principal Environmental Health Officer with Horsham District Council, submitted an objection to the grant of the variation application on the grounds of the following licensing objective, Prevention of Public Nuisance in that the application was to be granted would cause “potential noise and general disturbance to neighbouring residents living in the vicinity of the premises”
- 1.4 During the twenty eight (28) day consultation period, six (6) members of the public have submitted relevant objections to the grant of the variation of the application on the grounds of the following licensing objective: Prevention of Public Nuisance.

### **2 Relevant Council policy**

- 2.1 Statement of Licensing Policy dated January 2014

### **3 Details**

- 3.1 This licensed premises has operated for many years with the existing premises licence being granted on the 09<sup>th</sup> April 2014 following a variation of the then licence. There has been a number of premises licence granted to these premises under both the Licensing Act 1964 and the present Licensing Act 2003.

The current premises licence permits the following licensable activities:

- The sale by retail and supply of alcohol.
- Performance of live music.
- Any playing of recorded music.
- Late night refreshment.

- 3.2 On the 13<sup>th</sup> August 2015, Horsham District Council Licensing Department received an application for a variation of the existing premises licence from the Premises Licence Holder, East Street (Horsham) Limited. The application seeks to amend and extend the hours of operation in relation to the permitted hours the rear garden can be opened to customers.

At present the premises licence states the following:

*The rear garden patio area will be closed to the public for all activities between the hours of 23:00hrs and 07:00hrs the following day with the exception that it is used as a fire exit in the event of an emergency.*

The application submitted on the 13<sup>th</sup> August seeks to amend the above times to 01:00hrs and 07:00hrs on a Saturday and Sunday Morning.

- 3.3 The Principal Environmental Health Officer with Horsham District Council, submitted an objection to the grant of the variation application on the grounds of the following licensing objective, Prevention of Public Nuisance in that the application was to be granted would cause “potential noise and general disturbance to neighbouring residents living in the vicinity of the premises”
- 3.4 During the twenty eight (28) day consultation period a total of six (6) relevant representations against the grant of the application were received by Horsham Districts Councils Licensing Department on the grounds of the following licensing objective: Prevention of Public Nuisance.
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### **4 Next Steps**

- 4.1 The Licensing Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives.
- 4.2 In making its decision, the Sub-Committee is also required to have regard to Guidance issued under the Section 182 Licensing Act 2003 (as amended) and the councils own Licensing Policy

- 4.3 The Sub-Committee must take one of the following steps as it considers necessary for the promotion of the Licensing Objectives:
- To permit the variation application
  - To reject the variation in whole or in part
  - To modify the conditions of the licence as they relate to the application
  - To exclude a licensable activity from the licence
- 4.4 The Sub Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be appropriate in order to promote the four licensing objectives.

## **5 Outcome of Consultations**

- 5.1 The application was advertised in the local newspaper covering the area (West Sussex County Times). Notices were also displayed on site and on Horsham District Councils website with accordance with the Statutory Requirements under the Licensing Act 2003.
- 5.2 A copy of the application was served on all statutory Consultees in accordance with the provisions contained within the Licensing Act 2003 and its associated regulations.
- 5.3 Responsible Authority Representation.
- 5.4 Local Licensing Authority – Environmental Health and Licensing
- The Principal Environmental Health Officer for Horsham District Council contend that the applicant has failed to take sufficient steps to promote the following licensing Objective: Prevention of Public Nuisance
- 5.5 Sussex Police – No Representation
- 5.6 West Sussex Fire & Rescue Service – No Representation
- 5.7 Local Planning Authority – No Representation
- 5.8 Public Health – No Representation
- 5.9 Health & Safety Executive – No Representation
- 5.10 Local National Health Trust – No Representation

## **6 Other Courses of Action Considered but Rejected**

- 6.1 None

## **7 Financial Consequences**

7.1 None

## **8 Legal Consequences**

8.1 The Licensing Act 2003 (as amended) and secondary legislation in the form of regulations there under

8.3 Guidance issued under Section 182 of the Licensing Act 2003.

8.4 Horsham District Councils Licensing Policy dated January 2014.

## **9 Staffing Consequences**

9.1 None

## **10 Risk Assessment**

10.1 None



## Appendix 1

### Consequences of the Proposed Action

How will the proposal help to reduce Crime and Disorder?	Not Relevant
How will the proposal help to promote Human Rights?	Not Relevant
What is the impact of the proposal on Equality and Diversity?	Not Relevant
How will the proposal help to promote Sustainability?	Not Relevant





**Applicant Name:**

EAST STREET (HORSHAM) LTD

**Name & Address of Premises:**

WABI RESTAURANT  
38 EAST STREET  
HORSHAM  
WEST SUSSEX  
RH12 1HL

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes which accompany the various sections. If you need to add more details to this form by hand please **USE OR ATTACH ADDITIONAL SHEETS** as necessary and write legibly in block capitals in black ink. You may wish to keep a copy of the completed form for your records (note a PDF copy will be sent to your email address). Please return completed application forms to Horsham District Council and any relevant authorities as listed in the Licensing Policy Statement.

**Guidance Notes**

This application cannot be used to vary the licence so as to extend the period that 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. Where taking place in the building or other structure please tick as appropriate. Indoors may include a tent.
2. For example state the 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.
3. For example (but not exclusively), where the activity will occur on additional days during the summer months.
4. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
5. Please give timings in 24-hour clock format (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.
6. If you wish people to be able to consume alcohol on the premises please tick on. If you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish for people to be able to do both please tick both.
7. Please give information about anything intended to occur at the premises or ancillary to the use of the premises that 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 of restricted age groups, the presence of gaming machines.
8. Please list here the steps you will take to promote all four licensing objectives together.
9. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
10. Where there is more than one applicant, the applicants or their respective agents must sign the application form.
11. This is the address that we shall use to correspond with you about this application.

**Schedule 4 : Application to vary a Premises Licence under Section 34 of the Licensing Act 2003**

**Full name/s of the Premises Licence holder/s:**

- 1) ROBERT CHETTY
- 2)
- 3)
- 4)

I/We the premises licence holder/s named above, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below/over page

**Premises Licence Number:** 130692

## Part 1 - Premises Details

Premises Name **WABI RESTAURANT**

Address **38 EAST STREET**

City / Town **HORSHAM**

**WEST SUSSEX**

Postcode **RH12 1HL**

Tel No **01403 788140**

Email **info@wabi.co.uk**

Non-Domestic Rateable Value (£) **37750**

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## Applicant Details

Name: **Mr** **ROBERT**

**CHETTY**

Home Address  
(if different from  
premises address) **16 PARKFIELD**

Applicant 18 years old or over? **Yes**

City / Town **HORSHAM**

Phone **01403 248028**

County **WEST SUSSEX**

Mobile **07706194393**

Postcode **RH12 2BG**

Email **robchetty87@hotmail.com**

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## Variation

Do you want the proposed variation to have effect as soon as possible?( If yes please tick)

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

If your proposed variation would mean that 5,000 or more people could be expected to attend the premises at any one time, please state the number expected to attend

Please describe briefly the nature of the proposed variation

**This application cannot be used to vary the licence so as to extend the period that 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.**

**OPENING OF THE REAR GARDEN PATIO AREA UNTIL 01:00HRS ON FRIDAY AND SATURDAY EVENINGS. A NOISE MANAGEMENT PLAN (FOUND ATTACHED) WILL BE IMPLEMENTED TO ASSIST WITH REDUCTION OF NOISE POLLUTION.**

**Operating Schedule**

What licensable activities do you intend to carry on from the premises? (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment:** (tick for yes)

- a) Play(s)  (if ticking yes, fill in box A)
- b) Film(s)  (if ticking yes, fill in box B)
- c) Indoor sporting event(s)  (if ticking yes, fill in box C)
- d) Boxing or wrestling entertainment  (if ticking yes, fill in box D)
- e) Live music  (if ticking yes, fill in box E)
- f) Recorded music  (if ticking yes, fill in box F)
- g) Performances 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 entertainment facilities for:** (tick for yes)

- i) Making music  (if ticking yes, fill in box I)
- j) Dancing  (if ticking yes, fill in box J)
- k) Entertainment of a similar description to that falling within (i) or (j)  (if ticking yes, fill in box K)

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

**Supply of alcohol**  (if ticking yes, fill in box M)

**In all cases complete boxes N, O and P (see later pages)**

**A - Play(s)**

Will the performance of a play take place indoors, outdoors or both? Please select. (Read guidance note 2)

Please give further details here (please read guidance note 3)

State any seasonal variations for performing plays (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for the performance of a play at different times to those listed in the column on the left, please list (please read guidance note 5)

**Standard timings** (read guidance note 6)

Mon		to		Friday		to	
Tues				Sat			
Wed				Sun			
Thur							

**B - Film(s)**

Will the exhibition of films take place indoors, outdoors or both?

Please select. (Read guidance note 2)

Please give further details here (please read guidance note 3)

State any seasonal variations for exhibition of films (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)

**Standard timings** (read guidance note 6)

Mon	<input type="text"/>	to	<input type="text"/>	Fri	<input type="text"/>	to	<input type="text"/>
	<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>
Tues	<input type="text"/>		<input type="text"/>	Sat	<input type="text"/>		<input type="text"/>
	<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>
Wed	<input type="text"/>		<input type="text"/>	Sun	<input type="text"/>		<input type="text"/>
	<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>
Thur	<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>
	<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>

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**C - Indoor Sports**

Please give further details here (please read guidance note 3)

State any seasonal variations for Indoor sporting event(s) (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for Indoor sporting event(s) at different times to those listed in the column below, please list (please read guidance note 5)

**Standard timings** (read guidance note 6)

Mon	<input type="text"/>	to	<input type="text"/>	Fri	<input type="text"/>	to	<input type="text"/>
	<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>
Tues	<input type="text"/>		<input type="text"/>	Sat	<input type="text"/>		<input type="text"/>
	<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>
Wed	<input type="text"/>		<input type="text"/>	Sun	<input type="text"/>		<input type="text"/>
	<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>
Thur	<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>
	<input type="text"/>		<input type="text"/>		<input type="text"/>		<input type="text"/>

**D - Boxing or Wrestling**

Will the Boxing or wrestling entertainment take place indoors, outdoors or both? Please select.  
(Read guidance note 2)

Please give further details here (please read guidance note 3)

State any seasonal variations (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for Boxing or wrestling entertainment at different times to those listed in the column below, please list (please read guidance note 5)

**Standard timings** (read guidance note 6)

Mon		to		Fri		to	
Tues				Sat			
Wed				Sun			
Thur							

**E - Live Music**

Will the performance of live music take place indoors, outdoors or both? Please select.  
(Read guidance note 1) **Both indoors & outdoors**

Please give further details here (please read guidance note 2)

**NO LIVE MUSIC IN THE REAR GARDEN PATIO AREA AFTER 23:00HRS**

State any seasonal variations for performance of live music (please read guidance note 3)

**NONE**

Non-standard timings. Where you intend to use the premises for performance of live music at different times to those listed in the column below, please list (please read guidance note 4)

**Standard timings** (read guidance note 6)

Mon	10:00	to		Fri	10:00	to	
Tues	10:00			Sat			
Wed	10:00			Sun			
Thur	10:00						

**F - Recorded music**

Will the playing of recorded music take place indoors, outdoors or both? Please select.

(Read guidance note 1) **Both indoors & outdoors**

Please give further details here (please read guidance note 2)

**NO PLAYING OF RECORDED MUSIC IN THE REAR GARDEN PATIO AREA AFTER 23:00HRS.**

State any seasonal variations for playing recorded music (please read guidance note 3)

**NONE**

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 4)

**Standard timings** (read guidance note 5)

Mon	10:00	to	00:00	Fri	10:00	to	02:00
Tues	10:00		00:00	Sat	10:00		02:00
Wed	10:00		00:00	Sun	10:00		00:00
Thur	10:00		00:00				

**G - Performances of dance**

Will the performance of dance take place indoors, outdoors or both? Please tick.

(Read guidance note 1) **Both indoors & outdoors**

Please give further details here (please read guidance note 2)

State any seasonal variations for the performance of dance (please read guidance note 3)

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 4)

**Standard timings** (read guidance note 5)

Mon		to		Fri		to	
Tues				Sat			
Wed				Sun			
Thur							



**H - Anything of a similar description to that falling within (e), (f) or (g)**

Please give a description of the type of entertainment you will be providing

Will this entertainment take place indoors, outdoors or both? Please select. (Read guidance note 1)

Please give further details here (please read guidance note 2)

State any seasonal variations for entertainment (please read guidance note 3)

Non-standard timings. Where you intend to use the premises for the entertainment at different times to those listed in the column on the left, please list (please read guidance note 4)

**Standard timings** (read guidance note 5)

Mon		to		Thur(Cntd)		to	
				Fri			
Tues							
				Sat			
Wed							
				Sun			
Thur							

**I - Provision of facilities for making music**

Please give a description of the facilities for making music you will be providing

Will the facilities for making music be indoors, outdoors or both? Please tick. (Read Guidance note 1)

Please give further details here (please read guidance note 2)

State any seasonal variations for the provision of facilities for making music(read guidance note 3)

Non-standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 4)

**Standard timings** (read guidance note 6)

Mon		to		Thur(Cntd)		to	
				Fri			
Tues							
				Sat			
Wed							
				Sun			
Thur							

**J - Provision of facilities for dancing**

Please give a description of the type of facilities for dancing that the club will be providing

Will the facilities for making music be indoors, outdoors or both? Please tick. (Read Guidance note 1)

Please give further details here (please read guidance note 2)

State any seasonal variations for the provision of facilities for making music (please read guidance note 3)

Non-standard timings. Where you intend to use the premises for the provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 4)

**Standard timings** (read guidance note 5)

Mon		to		Fri		to	
Tues				Sat			
Wed				Sun			
Thur							

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**K - Provision of facilities for entertainment of a similar description to that falling within I or J**

Please give a description of the type of entertainment facility you will be providing

Will the entertainment facility be indoors, outdoors or both? Please select. (Read Guidance note 1)

Please give further details here (please read guidance note 2)

State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or j (please read guidance note 3)

Non-standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or j at different times to those listed in the column on the left, please list (please read guidance note 4)

**K - Provision of facilities for entertainment of a similar description to that falling within I or J (continued)**

**Standard timings** (read guidance note 5)

Mon		to		Fri		to	
Tues				Sat			
Wed				Sun			
Thur							

**L - Late Night Refreshment**

Please give a description of the type of entertainment facility you will be providing

**RESTAURANT AND COCKTAIL LOUNGE**

Will this late night refreshment take place indoors, outdoors or both? Please tick. (Read guidance note 1) **Both Indoors & Outdoors**

Please give further details here (please read guidance note 2)

**LATE NIGHT REFRESHMENT TO BE MADE AVAILABLE WITHIN THE REAR GARDEN PATIO AREA UNTIL 01:00HRS.**

State any seasonal variations for late night refreshment (please read guidance note 3)

**NONE**

Non-standard timings. Where you intend to use the premises for late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 4)

**Standard timings** (read guidance note 5)

Mon	23:00	to	00:00	Fri	23:00	to	02:00
Tues	23:00		00:00	Sat	23:00		02:00
Wed	23:00		00:00	Sun	23:00		00:00
Thur	23:00		00:00				

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## M - Supply of Alcohol

Will the sale of alcohol be for consumption on the premises, off the premises or both? Please select. (Read guidance note 6) **Both indoors & outdoors**

State any seasonal variations for the supply of alcohol (please read guidance note 3)

**NONE**

Non-standard timings. Where you intend to use the premises for the provision of supply of alcohol at different times to those listed in the column below, please list (please read guidance note 4)

### Standard timings (read guidance note 5)

Mon	10:00	to	00:00	Fri	10:00	to	02:00
Tues	10:00		00:00	Sat	10:00		02:00
Wed	10:00		00:00	Sun	10:00		00:00
Thur	10:00		00:00				

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## N - Adult Entertainment

### Specify adult entertainment or services, activities, other entertainment or matters

Please highlight any adult entertainment or services, activities, other entertainment or matter ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 7)

**NONE**

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## O - Hours Premises are open to public

State any seasonal variations (please read guidance note 3)

**NONE**

Non-standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column on the left, please list (please read guidance note 4)

### Standard timings (read guidance note 5)

Mon	09:00	to	00:30	Fri	09:00	to	02:30
Tues	09:00		00:30	Sat	09:00		02:30
Wed	09:00		00:30	Sun	09:00		00:30
Thur	09:00		00:30				

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

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

A NOISE MANAGEMENT PLAN (N.M.P.) HAS BEEN IMPLEMENTED TO ASSIST IN THE PROMOTION OF THE KEY LICENSING OBJECTIVES.  
THE DESIGNATED PREMISES SUPERVISOR WILL BE HELD ACCOUNTABLE FOR THE IMPLEMENTATION OF THE N.M.P. IN THEIR ABSENCE ANOTHER AUTHORISED PERSON/S WILL ENSURE THE N.M.P. IS BEING ADHERED TOO.

b) The prevention of crime and disorder

SIA LICENSED DOOR SUPERVISOR OR WABI MANAGEMENT TO BE PRESENT IN THE REAR GARDEN PATIO ARE FROM 23:00HRS.

c) Public Safety

STAFF MEMBERS WILL KEEP THE REAR GARDEN PATIO AREA FREE OF EMPTY GLASSWARE AND BOTTLES SO AS TO PREVENT INJURY TO EITHER CUSTOMERS OR OTHER STAFF MEMBERS.

d) The prevention of public nuisance

CLEAR SIGNAGE WILL BE DISPLAYED WITHIN THE REAR GARDEN PATIO AREA KINDLY ASKING CUSTOMERS TO BE RESPECTFUL OF THE NEEDS OF LOCAL RESIDENTS AND TO BEHAVE IN A PEACEFUL MANNER.

e) The protection of children from harm

NO CHILDREN WILL BE ALLOWED WITHIN THE REAR GARDEN PATIO AREA AFTER 20:00HRS UNLESS PARTAKING IN A SIT DOWN MEAL WITH A RESPONSIBLE ADULT WHILST THE FIRST FLOOR RESTAURANT AREA IS CLOSED.



# Noise Management Plan for Wabi Rear Garden Patio Area

## Introduction

As a professional operator we acknowledge that we have a primary responsibility to ensure that our premises do not generate excessive noise disturbance. The purpose of this Noise Management Plan is to detail the procedures we aim to adopt to ensure, as far as possible, the minimisation of disturbance to local residents by activities in and around Wabi's Rear Garden Patio Area.

A balance of needs must be achieved by ensuring social activity is not marred whilst controlling potential adverse noise effects. Our aim is to adopt the best practicable options to ensure that the conditions of the Licensing Act (2003) are met.

The plan has been developed with assistance from Horsham District Council and is designed to prevent public nuisance and meet the licensing objectives under the Licensing Act (2003). This plan will remain consistent in helping minimise and adverse impact on the natural environment.

All staff members employed by Wabi and those contracted from outside of the business (i.e. Security Contractors) will be made aware and trained to adhere to the Noise Management Plan. Records of this will be kept on file along with other training records.

With the Noise Management Plan, we have the following in place:

- Robust policies and procedures applied to the Wabi Rear Garden Patio Area.
- Training procedures for Management and other staff associated with Wabi.
- A detailed complaints monitoring system

## The Key Elements of this Plan are:

- Minimise the impact on local residents
- To satisfy the Local Licensing Authority
- The identification of the range of potential noise sources relating to the premises and the acceptable levels of noise arising from the Rear Garden Patio Area
- A detailed list of steps to manage noise pollution
- A Complaints Procedure

<b>Source</b>	<b>Steps Taken to Prevent</b>
<b>Amplified music (recorded or live) with particular attention to low bass levels</b>	<ul style="list-style-type: none"> <li>• Playing of amplified music within the Rear Garden Patio Area to cease at 23:00hrs.</li> <li>• Volume level to be as 'background/ambient' and not to be heard over regular conversation after 21:00hrs.</li> <li>• Rear Garden Patio Area doors to be kept closed except for access and egress of customers and staff.</li> </ul>
<b>Externally mounted plant and equipment e.g. chiller units, air conditioning units, extract ventilation</b>	<ul style="list-style-type: none"> <li>• Use of the aforementioned to be used at low levels or not at all when possible after 23:00hrs therefore to decrease noise pollution being created.</li> </ul>
<b>People</b>	<ul style="list-style-type: none"> <li>• SIA Licensed Door Supervisor or Member of Wabi Management to be present within the Rear Garden Patio Area from 23:00hrs.</li> </ul>

	<ul style="list-style-type: none"> <li>• Operate a '3 strikes' scheme with unpeaceful customers. Use conflict management procedures to ensure peaceful removal of customers if needed.</li> <li>• Limited capacity for the Rear Garden Patio Area to 50 <b>Customers</b> from 23:00hrs.</li> <li>• Display clear signage within the Rear Garden Patio Area to kindly ask customers to respect the needs of local residents and to behave in a peaceful manner.</li> </ul>
<b>Other sounds</b>	<ul style="list-style-type: none"> <li>• Staff members to keep the Rear Garden Patio Area clear of empty or unattended glassware and bottles as much as possible. This is to prevent excessive noise caused by smashing glass. This will also aid customer and staff safety.</li> </ul>

### **Complaints Procedure**

All complaints relating to Wabi should go via the Duty Manager.

If the complaint is related to licensable activities the Designated Premises Supervisor will be contacted immediately. The Designated Premises Supervisor will investigate the issue and take appropriate action to locate and remove the source and will then monitor the outcome.

The Designated Premises Supervisor and/or the General Manager will review the complaint and contact the complainant if possible the following day.

Should a response be required immediately (on the night) back to the complainant this will be done by the Duty Manager immediately after reporting to the Designated Premises Supervisor.

All complaints should be treated with utmost sympathy and politeness. With the correct attitude and politeness any issue can be defused quickly if not immediately. Wabi will always have an 'open door' policy to discuss issues with neighbours as we have always promoted our standing within the Horsham community.





## **INTERNAL MEMORANDUM**

To:	<b>Chis Boyle Licensing Officer</b>	Date:	<b>24<sup>th</sup> August 2015</b>
From:	<b>Paul Hobbs, EHO, Environmental Health and Licensing</b>	Your Ref:	<b>Wabi, East Street, Horsham</b>

### **Licensing Act 2003 - Wabi, East Street, Horsham**

### **Variation to open the rear garden patio area - 01:00hrs on Friday and Saturday**

I refer to the above application to vary the Premise Licence to extend the current hours of use for the rear external garden area. The applicant has submitted a Noise Management Plan and specified that there will be no music played in the garden. Its use is limited to patrons drinking & eating only. They also advise that the number of patrons using the patio after 23.00 will be limited to a maximum of 50 persons who will be supervised by a SIA Licensed Door Supervisor.

Wabi have applied for a number of Temporary Event Notices (TENs) in recent months to allow customers to use the external patio after 23.00. Environmental Health (EH) did not object to the TENs as we used the opportunity to monitor for complaints of noise from neighbouring residents. We did this in order to assess the legitimate aspirations of the business against the protection of local of residents from noise nuisance. Unfortunately we have received complaints of excessive noise from patrons using the external patio. As a result of the complaints EH objected to a recent application for a TEN to use the patio after 23.00.

This Department has serious concerns regarding this application due to potential noise and general disturbance to neighbouring residents living in the vicinity to the premises. Local residents are entitled to expect a fair degree of peace and quiet after the hours of 23.00.

During the later hours there is a significant reduction of background noise levels from traffic noise, etc. This reduction in background noise will intensify the impact of any direct noise source from persons speaking, shouting or laughing whilst using the external areas. Noise will be more intrusive especially when neighbours open windows in summer months.

The noise generated from 50 people is likely to be more intrusive when the ambient noise level is quieter. Another factor to take into consideration is that people socialising tend to become louder as the evening progresses. Such groups are difficult to manage and if asked to vacate the premises are likely to cause more disturbance once in the adjacent streets.

Continued...

Therefore this department objects to this application on the grounds that it will undermine the licensing objective for the prevention of public nuisance.

Kind regards

A handwritten signature in black ink, appearing to read 'Paul Hobbs', written in a cursive style.

**Paul Hobbs**  
**Principal Environmental Health Officer**

**From:** [REDACTED]  
**Sent:** 30 August 2015 19:09  
**To:** Licensing  
**Subject:** proposed change of hours Wabi.East Street.

Dear sir,

with regard to the proposed change of licensing terms for wabi japanese restaurant, east street, horsham. we would like to make our feelings known,

in the strongest possible terms, regarding the proposed change of licensing hours in the garden of the above premises. the license was granted strictly

on the adherence to the closing of the garden at 11.pm sharp each evening, following years of noise and problems from previous tenants.

whilst appreciating that wabi is a completely different type of operation, there have been many occasions when we have had to object to the licensing department

of the council about noise from the garden in the evening.our house is directly opposite the garden of wabi and, due to the configuration of the surrounding premises

with walls, alleys etc any sound, no matter how apparently innocuous is magnified and travels around and to the back of local premises.this prevents any use of bedrooms

even with windows closed, and any possible chance of escaping the intrusion of other peoples talking, no matter where in our house or garden you are and generally

causes us to dread weekends. if this request is to keep in line with other local licensed premises, we would point out that they have car park and empty commercial premises

adjacent. wabi is in a designated residential area.If it is to keep smokers happy not having to stand in the street then we feel our local residents needs for quality of

life are more important.we were not supposed to be able to hear any sounds from within the premises whilst standing outside it, this surely includes the garden.

yours sincerely,

[REDACTED]

the only saving grace, to date, has been the knowledge that the intrusion will stop at least at 11pm

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**From:** [REDACTED]  
**Sent:** 09 September 2015 17:11  
**To:** PublicHealth.Licensing  
**Cc:** [REDACTED]  
**Subject:** Wabi license extension

Dear Sirs,

I am writing to object to the application to serve alcohol in the garden of Wabi restaurant on East Street until 1 a.m. on Friday and Saturday nights. My reasons are as follows:

1. There will be an unacceptable level of noise from the garden causing a nuisance to local residents. This garden fronts and has access to Denne Road which has a significant proportion of residential properties.
2. There are sufficient outlets for late night drinking in Horsham without increasing or extending licenses the existing licenses.
3. The application is likely to increase the problems that already exist in Horsham, including drunken behaviour, vandalism, broken windows, shouting and screaming, litter, fighting, swearing and vomit.
4. Wabi already has an extension to their licence until 2.30 a.m. on Friday and Saturday and no further extension is necessary.
5. There is no adequate police or other presence to cope with the situation in central Horsham which is out of control.
6. Elderly residents in my road are afraid to go into the town centre at night because of the drunken behaviour.
7. A balance has to be struck and no further extension of licenses should be permitted unless there are exceptional reasons for doing so, which there are not in this case.
8. Horsham has a growing and serious public order problem caused by excessive drinking especially at weekends. It needs bringing under control by reduced licensing hours, stricter licence control and a more effective policing policy.

[REDACTED]

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**From:** [REDACTED]

**Sent:** 25 August 2015 22:26

**To:** Licensing

**Subject:** Representation against the variation to the licence application to extend the hours of operation of the rear garden of Wabi

Please find below a representation against the variation to the licence application.

Please can you confirm receipt of this email, thank you.

Dear Sir,

We would like to make a representation against the variation to the licence application made by East Street (Horsham) to extend the hours of operation of the rear garden of Wabi located at 38 East Street Horsham, from 23.00hrs to 0100 on a Friday and Saturday night on the grounds of prevention of public nuisance.

We enclose a scale plan of the area which shows the relationship with the front of our house, shown with a blue cross and the garden of Wabi – the distance shown by the red line is 30.5m. The front of our house, where the main bedroom is located is located, is therefore in close proximity and overlooks the garden of Wabi, though other residential properties are even closer, as you can see.

When the Wabi garden is occupied the noise from patrons in the garden is clearly audible in our bedroom. Whilst the noise is loudest in the summer when our windows are open for ventilation, as we are in a Horsham District Council conservation area and to maintain the appearance of our Victorian house, we have wooden sash windows which have limited noise attenuation – so we can clearly hear noise from the Wabi garden even when the windows are closed.

With the current garden closing time of 23.00hrs the issue is tolerable.

However, as a demonstration of how much nuisance this extension to the garden closing time would bring, on the night of Saturday 1<sup>st</sup> August 2015 we were unable to get to sleep after we went to bed shortly before 23.00hrs due to the noise from the patrons in the Wabi garden. We contacted Wabi at about 23.40 to enquire why the garden was still occupied, contrary to their license and were informed that they had a special extension until 00.00. We were unable to get to sleep until after the garden closed at midnight. Therefore it is reasonable to state that if the garden opening time was extended to 01.00 on Fridays and Saturdays, we would be unable to get to sleep until after this time when the garden is occupied with a number of Wabi customers, much of the time. As this is over two hours later than our normal bed time, this would be intolerable and is therefore totally unacceptable.

The garden was also cleared late last Friday, 21<sup>st</sup> August, which also delayed us getting to sleep.

It is worth noting that this proximity to local residents was the reason why the rear garden closing time was set at 23.00 in the original licence – the local residential occupation has not changed since, so nor should the licence.

We therefore consider that extending the garden closing time this late is completely inappropriate for licenced premises adjoining a residential area, and would cause real nuisance to local residents, as has already been demonstrated and therefore should not be accepted.

We would also like to request that you do not extend the garden closing time on an occasional ad-hoc basis.

Yours faithfully,

[Redacted signature line]

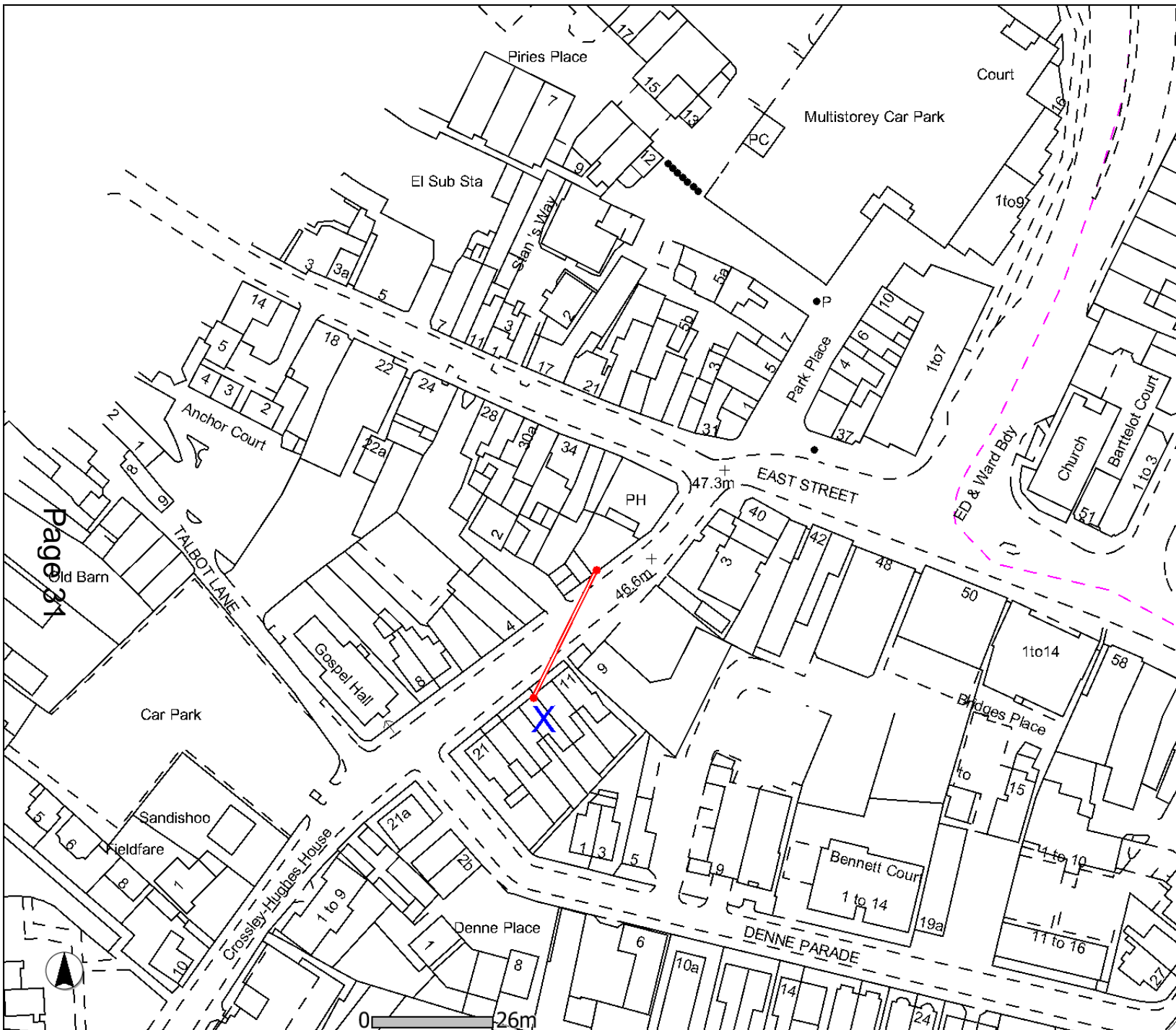
[Redacted line]

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Centre of Map Window (E,N): 517363 , 130449

<b>WABI</b>	
Plot Scale	1:1250
Plot Date	25/8/2015
	

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[REDACTED]

**Sent:** 09 September 2015 15:38

**To:** PublicHealth.Licensing

**Subject:** Application ref.LI/15/0309/PREM - Garden at rear of Wabi nightclub/restaurant

Dear Sirs,

I am writing to voice my objections to the application to serve alcohol in the garden of Wabi restaurant on East Street until 1 a.m. on Friday and Saturday nights.

My objections are based on the following:

1. There will be an unacceptable level of noise from the garden causing a nuisance to local residents.
2. There will be further problems added to those that already exist in Horsham, namely the drunken behaviour that has become a feature of the streets around the Carfax on Friday and Saturday nights including where I live in Causeway, the vandalism of premises as witnessed nearly every week by the smashed windows, the shouting and screaming at full volume that wakes up local residents, the litter of beer cans food packages and cigarette ends in the streets, the fighting and appalling language, and the mess from vomit that has to be cleared up the next day.
3. Wabi has, I believe. an extension to their licence until 2.30 a.m. on Friday and Saturday. We are woken up in the early hours on most Saturdays and Sundays. Extra drinking facilities will not help this already out-of-control situation.
4. If there is a police presence to control this disturbance I have yet to see it. Adding more drinking capacity will simply add more problems to the overstretched facilities at A&E and Paramedic/Ambulances and policing.

Horsham has a growing public order problem caused by excessive drinking at the weekends. It needs bringing under control by reduced licensing hours, stricter licence control and a more effective policing policy.

Yours sincerely,

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 09 September 2015 16:03  
**To:** PublicHealth.Licensing  
**Subject:** Application ref LI/15/0309/PREM

Dear Sirs,

I am writing to voice my objections to the application to serve alcohol in the garden of Wabi restaurant on East Street until 1 a.m. on Friday and Saturday nights.

My objections are based on the following:

1. There will be an unacceptable level of noise from the garden causing a nuisance to local residents.
2. **There will be further problems added to those that already exist in Horsham, namely the drunken behaviour that has become a feature of the streets around the Carfax on Friday and Saturday nights including where I live in Causeway, the vandalism of premises as witnessed nearly every week by the smashed windows, the shouting and screaming at full volume that wakes up local residents, the litter of beer cans food packages and cigarette ends in the streets, the fighting and appalling language, and the mess from vomit that has to be cleared up the next day.**
3. **Wabi has, I believe. an extension to their licence [until 2.30 a.m. on Friday and Saturday](#). We are woken up in the early hours on most Saturdays and Sundays.** Extra drinking facilities will not help this already out-of-control situation.
4. If there is a police presence to control this disturbance I have yet to see it. Adding more drinking capacity will simply add more problems to the overstretched facilities at A&E and Paramedic/Ambulances and policing.

Horsham has a growing public order problem caused by excessive drinking at the weekends. It needs bringing under control by reduced licensing hours, stricter licence control and a more effective policing policy.

Yours sincerely,

[REDACTED]

[REDACTED]

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4 September 2015

Public Health and Licensing

[REDACTED]

Horsham District Council

[REDACTED]

[REDACTED]

[REDACTED]

**“Wabi” - 38 East Street Horsham - application for extension of hours in respect of the rear garden**

Regrettably, I cannot support this application.

As part of the substantial re-development associated with the establishment of “Wabi” as a quality restaurant, the existing garden area at the rear of the building was revamped to fit the image of the restaurant. Unfortunately, that revamp was unable to address sufficiently the preceding difficulty of noise egress and its impact on neighbouring residential properties.

Even within its current licensing hours, there have been occasions when the noise levels emanating from the garden have been considerably intrusive for nearby residents.

Extending the hours as requested will mean the likelihood of the occasional nuisance becoming a frequent feature, posing a serious detriment to the interests of nearby residents. For various reasons, the window for undisturbed sleep in this immediate locality is already very narrow, especially at weekends. As might be presumed, granting this application will not alleviate that problem but add to it.

I request, therefore, that the application be refused.

Yours faithfully

[REDACTED]

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