
One Club - Review

1 message

Louise Bailey <louise.bailey@dadds.co.uk>

1 November 2017 at 14:48

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

Dear Mr Jones,

Further to our conversations in the last few weeks I confirm with regret we have been unable to reach an agreement with the police service despite efforts on both sides. But, notwithstanding that, we are still waiting for information requested on the 3rd October 2017 and this information is essential so we can prepare our client's case against the review application. We attach herewith a copy of the letter sent to the police service on 3rd October, to date we have not had any response.

We ask as it is in the public interest to adjourn the matter and we have asked the police service if they would consent to such an adjournment.

We look forward to hearing from you.

Kind regards

Louise Bailey

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 **Pauline Giddings - Molotov and One Club.pdf**
404K

Police Licensing Officer
Sussex Police
West Sussex Divisional HQ
Centenary House, Durrington Lane
Worthing, West Sussex
BN13 2PQ

Our Ref: dd/lb/WEL1-1

Your Ref:

3rd October 2017

Paula.giddings@sussex.pnn.police.uk

Dear Ms Giddings,bh

Re: Molotov Cocktail & Vodka Bar, 31 Chatsworth Road, Worthing, BN11 1LY – Review under the Licensing Act 2003

We confirm we write in reference to the above and confirm we have been instructed to act on behalf of the premise licence holders.

Upon reading the application for review for Molotov Cocktail & Vodka Bar and One Club reviews we ask for the following disclosure.

1. Enforcement Policy

- i) Please provide a copy of the Enforcement Policy in relation to licensed premises. We enclose herewith a copy of the Police Standards Directorate Routemap regarding enforcement of licensed premises and you will note amongst other things, that there is a process when there is a problem identified at the premises there would normally be a meeting with the premises representatives, a written note sharing information and concerns and agreeing problems and if necessary developing an action plan. As you will be aware, the Police Standards Directorate suggests it is good practice to have a written record of those meetings and any letters that arise out of them. We ask if you could confirm what if any meetings have been had in the last 12 months.
- ii) Please provide a copy of the notes of those meetings.
- iii) Please provide copies of any letters written to the premise licence holder and/or the designated premises supervisor in the last 12 months regarding any cause of concerns regarding the way the premises is managed or any matters arising under the Licensing Act 2003, excluding the review papers.

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2. Breach of Conditions

- iv) Please disclose any letters written to the premise licence holder or the designated premises supervisor in the last 12 months regarding any breach of conditions, any actions plans that have been developed and any notes of review of action plan.

3. Miss Gina Pickett (deceased)

- v) Please provide any information to substantiate the hearsay statement that, amongst other things, the premise licence holder has failed in its discharging a duty of care to Miss Gina Pickett; which as a result culminated in her death.
- vi) Please confirm who was in attendance at the Public Inquest of Miss Pickett and who on behalf of Sussex Police recorded that the Coroner allegedly said amongst other things: "I am minded to add a rider indicating that Miss Pickett at the time, was under the influence of alcohol, and severely intoxicated, and that has led directly to her death".
- vii) We request copies of the footage regarding the last movements of Miss Pickett. We understand there is no criminal investigation arising out of her death given the allegations made, we ask that the CCTV be released in relation to licensing reviews and used for no other purpose. Our client can give an undertaking in that regard, or at the very least that the CCTV should be able to be viewed by Dadds Solicitors at the Police Station and possibly may we suggest that can be carried out next Tuesday, 17th October 2017.

4. PC Jones

- viii) We ask for copies of PC Jones notebook of visits which he has undertaken at our clients licensed premises within the last 12 months, and particularly the notebooks referring to the visits made:
 - (a) 25th November 2016
 - (b) 11th and 12th February 2017
 - (c) 7th June 2017
 - (d) 25th June 2017
- ix) We also ask for any records stored electronically on the police licensing system database, for example kept on Innkeeper or a database of a similar kind.

- x) Under the Freedom of Information can we have any email communication, written communication between PC Jones and the licensing authority regarding our client's premises within the last 12 months.
- xi) It is our understanding that the Ion Track machine was used to analyse swabs taken by PC Jones. Please can you provide a record of training for PC Jones, a copy of the procedure for processing samples and a copy of the Handbook for the machine's use.
- xii) Could we also be provided with the details of the swabs used, how they were stored, how they were analysed and a copy of any reports obtained therefrom. We would request under the Freedom of Information all correspondence regarding the swabs and readings and any processing or data regarding samples taken from our client's premises voluntarily, which were processed by the police.
- xiii) Please provide evidence the machine has been serviced and maintained.
- xiv) Please provide any information regarding the interpretation of the reading, for example, readings over 4 indicate direct contact with a bulk amount of the source narcotic. Please refer to your statement.

5. Sara Liau Detective Constable

- xv) Please could we be disclosed with a copy of the police criminal investigation log appropriately redacted in relation to Gina Pickett. It is our understanding based on the information before us that there was no criminal investigation, however we may understand there may have been an initial investigation to see whether there was a crime. We ask for a copy of the conclusion of the officer's investigation. For the avoidance of doubt to redact any third-party information to identify individuals.
- xvi) We kindly ask whether the Detective Constable can disclose what CCTV was recovered, in which locations so that we can consider whether we need to make a formal request for such CCTV. Notwithstanding the aforementioned request the CCTV we are aware of that has been viewed by the licensing sub-committee.
- xvii) We would be grateful if the Detective Constable is able to ascertain whether there was a toxicology report, microbiology report or chemistry results from the medical examiner. Furthermore, please can the officer confirm where the crime scene was located or where the deceased was found, and at what time.

6. Crime Data (General)

- xviii) We would kindly ask for the police service to provide the list of the top 5 crime generating licensed premises in the Town Centre of Worthing within the last 12 months. Furthermore, please confirm how many crimes of violence against the person have been recorded at the aforementioned 5 premises. Please confirm whether our client is included in the top 5 premises for violence against a person.
- xix) Please confirm how many arrests, cautions or warnings or fixed penalty notices have been given to customers of our premises within the last 12 months. Please provide the crime data that you hold on your police database for our premises within the last 12 months regarding any crime committed by a patron of our premises. Our premises relates to Molotov Cocktail & Vodka Bar and One Club, 31 Chatsworth Road, Worthing, BN11 1LY.

7. PC Vasey

- xx) Please provide any statements or records held by PC Vasey regarding our client's premises and any communication between PC Vasey and PC Jones and the licensing authority within the last 12 months.

8. Licensing Officer Pauline Giddings and Police Sergeant Standing

- xxi) Please provide any records or notes made by these officers regarding any visits to the premises and furthermore any email exchanges or communication between the officers and any responsible authority regarding our premises within the last 12 months.

We thank you in anticipation of receiving the aforementioned by return so that our client has an opportunity to respond to the recent licensing review application due to be heard on the 2nd November 2017.

Should you require any further information, please do not hesitate to ask.

Yours faithfully



DADDS LLP

No.	Date	Alleged events	Page no	Comments
1	Saturday 19/11/2016 03:04	Police observed altercation between males exiting One Club. Officers approached aggressive male who assaulted Police officer. Arrested for D&D, Assault and resisting arrest. No report from police of doorstaff intervening or managing situation. Male found guilty at Mags – fined.	5	
2	Sunday 20/11/2016 03:15	Police summoned by door staff who had ejected male following alleged racist comment. Male stated his was hit with a bottle by another male. Doorstaff confirmed male was also going to be ejected. He was arrested for GBH. Victim was verbally abusive.	5	
3	Saturday 17/12/2016 02:30	<p>Reported on 21/12/2016 by male assaulted 02:30-02:45 on 17/12/2016</p> <p>While at bar received blow to face resulting in fractured nose, 2 black eyes, cut to forehead and damage to ear and teeth. Unable to provide clarity around the incident as in and out of consciousness. Claimed manager had driven him to hospital. Not until February that premises volunteered name of suspect to police. Police disappointed in lack of support from venue. Door staff failed to supply statements and, although arrest made.</p> <p>NFA - lack of evidence. No call to police or Ambulance at time. Mr Lanz criticized for transporting victims of serious crime to hospital in his own vehicle on this and other</p>	5/6	Male was attended to after suspected assault. He and his 2 friends were unclear or unwilling to provide any info as to what happened. First aid was given after some persuasion. The group were uncooperative and refused help. They left after we were able to at least get personal details. An hour later after closing, I saw the group outside across the road, I went over to speak to them. The injured male felt dizzy, after several minutes he finally agreed to go to A&E but only if I drove them there. They were not willing to wait for an ambulance and showed no interest in making their own way there. There had been no allegation of assault by this time.

No.	Date	Alleged events	Page no	Comments
		occasions without contacting Emerg services, seeking medical assistance or preserving crime scene.		
4	Sunday 25/12/2016 03:23	Ambulance called to male assaulted in street. Bruising to face, 3 chipped teeth cut to right side and possible broken nose. When questioned by police victim said he was drinking with friends at One Club and left at 3am. Assaulted on way home. On arrival at hospital, was deemed unfit to provide statement due to high intoxication. Eventually a suspect was arrested and found guilty at Mags Court	6	Fight happened 20 minutes after the male left the venue and away from the venue.
5	Saturday 14/01/2017 02:55	Police report of male 'kicking off' at One Club On arrival he was detained by door staff – ejected for level of intoxication and his behaviour. Further abuse and assaulted door staff – arrested for common assault. Door staff did not wish to make statement or pursue further action. Male received penalty notice for disorder (£90) and D&D but NFA in relation to assault.	6	FPN £90.
6	Saturday 04/02/2017 00:30hrs	PC Jones conducted Licensing visit to One Club Mr Wells (DPS & PLH) not present James Lanz present – PC Jones spoke with him regarding incident No.3 where he took victim to hospital in his own car. Mr Lanz said it was quicker than waiting for an ambulance – Police advised him to	6/7	There have been several occasions over the past 10 years, where we have called for an ambulance and we have been told it could be 2 hours or more before one will arrive. Often an ambulance may longer. When the 999 operator calls back to update us, I inform them that

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		<p>always call police – he agreed. Also discussed replacing ID scanner.</p>		<p>the local A&E dept is less than a mile away. Nearly every time the operator agrees that it would be quicker and more beneficial for us to transport the injured party to A&E ourselves. I will not do this anymore unless given documented permission from the relevant authorities.</p>
7	<p>Saturday 12/02/2017 01:32</p>	<p>PC Jones & Simon Jones (Licensing) conduct licensing visit. Mr Wells on holiday- Mr Lanz present. PC Jones spoke re information from the ID scanner system. Information was requested on 12/01/2017 relating to an incident on 17/12/2016 but nothing was provided. Mr Lanz said he operating company had refused to provide the information. PC Jones then issued a closure notice under S19 CJPA 2001 to Mr Lanz which requires PLH to comply with the condition or the matter may be referred to Mags court and closure enforced. Copies of letter were sent to DPS and PLH's</p> <p>6. An identification scanning system with a strict no ID/no entry policy shall be operated at all times licensable activities are taking place unless prior written agreement with Sussex Police has been obtained or the system has suffered mechanical breakdown beyond the control of the proprietor. Information from the system shall be made available upon request to the Police in accordance with the Data Protection Act. Any breakdown or system failure will</p>	7	<p>PC Jones spoke to the manager about this matter 7 weeks after on the 4th FEB 2017.</p> <p>The hard drive suffered a corruption on the ID scanner, communication about this malfunction was discussed with the police service.</p>

No.	Date	Alleged events	Page no	Comments
		<i>be reported to the Police immediately and remedied as soon as practicable.</i>		
8	Saturday 12/02/2017 02:21	Police officers on patrol passing premises notices number of males being detained by door staff. Males had been ejected from premises following altercation inside. Males became aggressive and abusive – one subsequently arrested for D&D Issued penalty notice for disorder. Door staff were making every effort to handle the situation, but this had arisen due to level of intoxication of male drinking in One Club.	7	FPN £90.
9	Sunday 05/03/2017 02:09	Police officers in area flagged down by Door staff outside One Club. Reported that a female they had ejected for assault was alleging she had been sexually assaulted by male inside the premises. Suspect was very drunk, detained and arrested. Both parties intoxicated. Female later unwilling to support further police action – Male released without charge.	7	Doorstaff handled the situation correctly. NFA.
10	Saturday 18/03/2017 23:22	Police called to premises following incident where male bleeding from head injury. Door staff informed officers victim pushed by another male fell over and banged his head. Suspect & victim very intoxicated. Door staff provided statement for officers staff agreed to provide CCTV by closing	7/8	NFA. CCTV was ready by the end of the night, no one came to collect it, it was picked up the next evening. The male was accidentally pushed over by his friend. No assault took place.

No.	Date	Alleged events	Page no	Comments
		<p>time. It was provided by 7pm following evening. Victim decided not to proceed with the matter – NFA</p>		
11	<p>Saturday 15/04/2017</p>	<p><u>Event occurred in April – Licensing Team only became aware in June 2017</u></p> <p>Underage female admitted to premises where it is believed she bought and consumed MDMA.</p> <p>Experienced seizure.</p> <p>Doorstaff reportedly removed her by her hands & feet and placed her outside premises.</p> <p>Girls foster mother attended premises and complained re child's welfare and that no ambulance was called. She also highlighted that they had let underage in premises – advised by doorstaff she must have used fake ID</p> <p>Girl taken by parent to hospital- detained overnight</p> <p>Police concerned vulnerable female removed from premises with no medical attention</p> <p>No attempt to ascertain what substance taken or where it came from.</p> <p>Failure of premises to protect public and no duty of care.</p>	8	<p>Waiting further information.</p>

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12	Sunday 23/07/2017 03:04	Police called to Chapel Road by female saying she had been hit by boyfriend. Officers unable to confirm assault due to her level of intoxication. Following day checks made – ascertained that they had been in Worthing prior to entering One Club. They had had drinks before – leaving the club at 2am, and walking home, her boyfriend 'lost it' punched walls, screamed at her, grabbed her or punched her to the floor – not able to clarify. Male admitted involvement and received police caution	11	Incident occurred away from the venue and an hour after they had left.
13	Sunday 13/08/2017 00:45	Police officers conduct licensing check at the premises. Estimated 224 customers – ID Scanner not in use as broken. ID was checked by door staff. Breaches condition 6 annexe 3 During check officers observed a female asleep on table near the bar. She was escorted from the premises given water and sat down outside. It should be noted that during Feb 2016 PC Vasey conducted vulnerability training for staff at the premises. This was to reinforce the actions and responsibilities and duty of care for staff. Training was attended by James Lanz and other staff members. PC Jones has asked for records of other staff but to date they have not been provided.	11	The female customer was attended too and given water, her friends were located and they all went home safely. ID scanner stopped working only for 20 minutes, all entry ID's were still recorded.
14	15/10/2017 01:35	Police attended incident outside club where doorstaff restraining male. Female approached by a second female	Add Evid	Late information, waiting comment

No.	Date	Alleged events	Page no	Comments
15	15/10/2017 02:40	<p>asked for cigarette. When refused she was struck around the head with an object (possibly shoe) by the suspect.</p> <p>Victim's boyfriend became involved further fight ensued resulting in the SIA door staff detaining one of the males. Female victim had pain and swelling to the side of head. Taken to Worthing A&E. Described by police as very drunk and struggling to walk or stand unaided.</p> <p>The two males who became involved in the subsequent incident arrested -later released without charge. Victim spoken to following morning did not wish to make statement or pursue matter. The victim confirmed she had been in 'Liquid Lounge'.</p>		
16	22/10/2017 01:15	<p>Officers approached by door staff from premises re female who having been punched in the stomach by male patron wished to press charges. Suspect was pointed out to police. Male ejected by SIA door staff following incident inside. Described by police as heavily intoxicated, barely able to stand unaided with slurred speech. Suspect arrested and detained until sober enough to be interviewed. Victim no longer wished to pursue the matter -male released without charge.</p> <p>Incident 1</p> <p>Door staff involved in incident witnessed by DPS Mr Vijayakumar. Matter is currently sub judice but understood that 2 members of the door team have now been dismissed. Member of public taken to hospital for treatment.</p> <p>Number of concerns to Police surrounding this incident, and related incidents which took place at this time. Disappointing</p>	Add Evid	Late information, waiting comment
16			Add Evid	Late information, waiting comment

No.	Date	Alleged events	Page no	Comments
17	22/10/2017 01:15	<p>to note that actions of one of the door staff on duty that evening, had previously come to the attention of Sussex Police and subsequently the SIA. It would appear that the reassurances Sussex Police received from the premises staff that he would no longer be employed as a member of the door team, were erroneous. CCTV footage from an external camera was provided by the DPS, body worn video footage was not available from any of the 5 door supervisors involved.</p> <p>Incident 2</p> <p>Further incident involving the premises door staff took place immediately after occurrence above, whereby independent 3rd party male watching incident 1 was approached by member of door team. What follows is also sub judice, but relates to actions of the door staff and male witness. CCTV footage from external camera provided by DPS, however body worn video footage was not available from door supervisors involved.</p> <p>No call to police was made in relation to either two incidents nor in relation to incident inside prior to either of these inside Molotov.</p> <p>Breach of Annexe 3 condition 4 -SIA door staff shall utilise functioning body worn videos at all times when they are on duty.</p>	Add Evid	Late information, waiting comment
18	29/10/2017	<p>During licensing visit to One Club by a uniformed police officer, noted that an "extremely intoxicated" male was being removed from the premises and handed to the street pastors. Whilst it is positive that he had not been left on his own while in a</p>	Add Evid	Late information, waiting comment.

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		vulnerable state, it is of concern that patrons of One Club are still being allowed to surpass their alcohol tolerance levels.		