

**Minutes of a Meeting of the
WBC Licensing and Control Committee 'B' of
Worthing Borough Council**

Gordon Room, Town Hall, Chapel Road, Worthing

Monday 2 November 2017

Councillor Paul High (Chairman)

*Sean McDonald**

Noel Atkins**

Paul Baker

Keith Bickers

*Callum Buxton**

*Rebecca Cooper

Lionel Harman

Joshua High

Susan Jelliss

Jane Sim

Bob Smytherman

Steve Wills

Paul Westover

Tom Wye

*Absent on the 2 November 2017

**Absent on the 27 November 2017

LCCB/17-18/19 Declarations of Interest

Councillors Paul High, Noel Atkins and Bob Smytherman declared a non-pecuniary interest as members of West Sussex County Council

Councillor Paul Westover declared a pecuniary interest as he had carried out works on behalf of the Licence Holder at the premises and at other locations. *Cllr Westover left the meeting at this point on the 2 November 2017 and did not return to the meeting.*

LCCB/17-18/20 Confirmation of Minutes

Resolved: that the minutes of the meetings of the 18 September 2017 and the 2 October 2017 be approved as the correct record and be signed by the Chairman.

LCCB/17-18/21 Public Question Time

There were no questions from the public

LCCB/17-18/22 Items Raised Under Urgency Provisions

There were no urgent items

**LCCB/17-18/23 Licensing Act 2003 - Application for the Review of the Premises
Licence under Section 51 - The One Club**

Before the Committee was a report by the Director for Communities, a copy of which was circulated to all Members, a copy of which is attached to the signed copy of these minutes as item 4. Other additional papers had been submitted copies of which are attached to the signed copy of these minutes.

An application for review of a premises licence had been received by Sussex Police in relation to the 'One Club'. The application by the Police asked Members to consider revocation of the licence and that the licence holder had been undermining the Licensing Objectives: prevention of crime and disorder, public safety and the protection of children from harm.

The respondent's representative sought to recommend that the hearing be adjourned. He stated that some of the documents he had requested from the Police had only been given to him on the day of the hearing and other documents he had yet to receive despite him giving good notice. The Police's representative contended that the documents in question either did not exist or were arguably not relevant to the hearing. Members were told that it was in the public interest to hold the Review Hearing and not adjourn.

The meeting adjourned at 7.05pm to consider the request and reconvened at 7.15pm

The Chairman told the meeting that the short notice provided by the applicant to the respondent did not give the respondent reasonable time to consider information requested. Therefore the Committee took the view that a short adjournment was necessary. The parties were told that the meeting would reconvene on Monday 27 November at 6.30pm in the Gordon Room.

The meeting adjourned at 7.19pm and reconvened at 6.30pm on the 27 November 2017

LCCB/17-18/24 Declarations of Interest

Councillors Paul High, and Bob Smytherman declared a non-pecuniary interest as members of West Sussex County Council

Councillor Paul Westover had declared a pecuniary interest at the meeting on the 2 November that he had carried out works on behalf of the Licence Holder at the premises and at other locations. *Cllr Westover left the meeting at this point on the 2 November 2017 and did not return to the adjourned meeting.*

LCCB/17-18/25 Public Question Time

There were no questions from the public

LCCB/17-18/26 Licensing Act 2003 - Application for the Review of the Premises Licence under Section 51 - The One Club

Before the Committee was a report by the Director for Communities, a copy of which was circulated to all Members, a copy of which is attached to the signed copy of these minutes as item 4. Other additional papers had been submitted copies of which are attached to the signed copy of these minutes, also submitted was a 'consent order' or 'memorandum of understanding' that concerned a mediation between the parties and a proposed way forward.

The Licensing Officer introduced the report to the Committee and reported the current situation in relation to the application. Members were told that the applicant and respondent had met on a number of occasions and had agreed a number of measures concerning management, security, training and the hours of training. Members were being respectfully requested by the parties to note the agreement and impose the additional conditions. The Licensing Officer told

Members that should they wish to make a different decision they would need to provide clear and precise reasons.

The Committee was told that Subject to the mediated agreement between Sussex Police and the Premises Licence Holder being accepted by the Licensing Committee, and the conditions being imposed on the Premises Licence of One Club, WSCC Public Health would resolve their representation in relation to the premises.

When asked the applicant agreed that the Licensing Officer had provided an accurate summary.

There were no questions for the Licensing Officer from Members

The Barrister for the Police introduced the report to the Committee. Members were told that there had been an agreed way forward following ongoing discussions between the Police and the Respondent. The Police had recognised that there had been changes taking place at the premises. The agreement between the parties was a considered piece of work and he spoke for all parties in asking the Committee to approve the agreement.

A Member asked the Police representative why the reduction in opening times by half an hour was seen to be effective and how had this number been reached between the parties. Members were told that the reduction of hours was part of a package of changes being proposed to improve the situation. Taken on its own the reduction in opening hours would allow less time for people to drink whilst recognising the fact that the venue was a nightclub and needed later hours to be a viable business.

A Member asked what purpose a 'quiet room' served. The Committee was told that it was a safe space where someone could go to be away from the nightclub should they need to recover or calm down and that it was relatively common for clubs to have one.

The Chairman asked if both parties would agree to sign the document they had presented prior to the committee making a decision. This was done, a copy of which is attached to the signed copy of these minutes.

There were no questions for the Police from the applicant or the West Sussex Public Health representative.

The Respondent's representative made a representation to the Committee. Members were told that the Committee should accept the mediated agreement unless there were good reasons to do otherwise. Guidance from the Secretary of state stated that the Committee should do what was necessary and proportionate to uphold the licensing objectives and that a considered agreement had been reached which included positive steps and changes to promote the licensing objectives. The representative explained to members the reasons for the introduction of a quiet room.

A Member asked if the respondent fully understood the agreement and found nothing to be ambiguous.

The respondent's representative told members that the respondent understood the agreement and that the Licensing Officer would need to ensure that the conditions of a licence could be understood by a lay person.

The Parties declined to sum up.

The Committee adjourned at 6:59 to consider its decision and reconvened at 7:20pm

The meeting was told that in reaching its decision the Committee had given due regard to the statutory licensing objectives, Worthing Borough Council's Statement of Licensing Policy, Guidance under section 182 by the Home Secretary and Licensing Act 2003, Human Rights legislation and the rules of natural justice. The application and both written and oral relevant representations from the Police and West Sussex Public Health Department, The written and oral representations and testimony and relevant information supplied by the licence holder (which included witness evidence) and the Mediated Memorandum of Agreement between the Police and Premises Licence Holder. In discharging its functions the Committee did so with a view to promoting the Licensing objectives, the relevant objectives here were the prevention of crime and disorder and public safety (and protection of children from harm).

Resolved: that the mediated Memorandum of Agreement reached between the Police and the Premises Holder be approved in relation to the One Club premises licence, as it meets the licensing objectives as outlined in the Memorandum of Agreement, which is to be approved, upon the parties signing and agreeing the terms of the Agreement, which has already been signed

Reasons for decision: Members recognise that there were failures under the current system and the mediated arrangements by consent outlined in the order sought to rectify these problems. The Police being experts in crime and disorder have agreed jointly with the premise holder that these are necessary and proportionate and a workable solution for the premises licence holder to operate, to ensure they remain legally compliant and promote the licensing objectives of crime and disorder, public safety and protection of children from harm. This would also resolve West Sussex County Council Public Health representation in relation to these premises.

Members would also highlight that this memorandum of agreement shall form part of the Licensing arrangements and amended conditions for the one club. In the case of conflict or ambiguity between any provisions the original provisions take precedence along with the specifically amended conditions 3 through to 9 and 11 within the memorandum of agreement.

Advice to Parties: It should be noted that the applicant, premises licence holder and those who have made representations in connection with this application may appeal against this decision within 21 days by giving notice to the Justices' Chief Executive at Worthing Magistrates' Court, Christchurch Road, Worthing.

If an appeal is lodged then the Committee's decision is suspended until such time as the appeal has been disposed of by the courts.

The meeting was declared closed by the Chairman at 7.25pm, it having commenced at 6.30pm.

Chairman