

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

**Council Chamber, Town Hall, Chapel Road, Worthing**

**Thursday 7 June (adjourned)  
Thursday 12 July 2018 (adjourned)  
Tuesday 11 September 2018**

Councillor Paul High (Chairman)  
Sean McDonald

Mike Barrett  
Keith Bickers  
Lionel Harman  
\*Karen Harman  
Joshua High  
Charles James  
Richard Mulholland

\*Louise Murphy  
Jane Sim  
\*Bob Smytherman  
\*Paul Westover  
Mark Withers  
Tom Wye

\*Absent

**LCCB/18-19/01     Declarations of Interest**

Councillor Paul High declared an interest as a member of West Sussex County Council  
Councillor Sean McDonald declared an interest as a member of West Sussex County Council

**LCCB/18-19/02     Confirmation of Minutes**

**Resolved:** that the minutes of the meeting of the 12 December 2017 and the 5 April 2018 be approved as the correct record

**LCCB/18-19/03     Public Question Time**

There were no questions from members of the public

**LCCB/18-19/04     Licensing Act 2003 - Application for the Review of the Premises Licence under Section 51**

Before the Committee was a report by the Director for Communities, a copy of which was circulated to all members and a copy of which is attached to the signed copy of these minutes as item 4.

The report before members detailed an application from Sussex Police for the review of the premises licence for Molotov Cocktail and Vodka Bar, the review sought revocation of the Licence. In the past the licence was the subject of a review application made by Sussex Police in November 2012. That application was successfully mediated and the Committee resolved at hearing on 23 January 2013 that a mediated agreement reached between the applicant and

the licence holders be approved. This included the replacement of the then DPS and a number of new conditions of licence were imposed. The current review was being sought following alleged breaches of the premises licence and further concerns regarding the intoxication of patrons. It was contended that the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) had failed in discharging a duty of care to their patrons. The Committee had initially determined that the licence be revoked at a meeting in September 2017. The respondents appealed that decision and on appeal at the magistrates court there was joint consent to remit the matter back to the Authority for a re-hearing which was ratified by a court order.

The Licensing Officer explained that a request for adjournment had been received from the respondent due to a bereavement. The Committee agreed the adjournment and postponed the matter until the 12 July.

*The meeting adjourned on the 7 June 2018 and reconvened on the 12 July 2018*

#### **LCCB/18-19/05      Declarations of Interest**

Councillor Paul High declared an interest as a member of West Sussex County Council  
Councillor Sean McDonald declared an interest as a member of West Sussex County Council

#### **LCCB/18-19/06      Licensing Act 2003 - Application for the Review of the Premises Licence under Section 51**

The Licensing Officer outlined the case before the Committee and gave members a breakdown of the matter to date. The applicant informed members of a development that would involve the divulgence of exempt information and asked the Committee to consider excluding the press and public.

#### **LCCB/18-19/07      Exclusion of Press and Public**

The Committee took advice and agreed that the matter being brought by the applicant should be held in private session

**Resolved:** that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting from the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A to the Act indicated against the item.

#### **LCCB/18-19/08      Licensing Act 2003 - Application for the Review of the Premises Licence under Section 51**

The applicant's barrister told the Committee of a recent incident in the vicinity of the premises that was serious and 'unprecedented' in nature. As a result members were told that the applicant (the Police) was seeking an adjournment to the hearing in order to investigate the incident. The barrister for the respondent informed the Committee that his clients supported the request for adjournment. The Committee discussed the matter and agreed that the adjournment was necessary and adjourned the meeting until the 11 September.

*The meeting adjourned on the 12 July 2018 and reconvened on the 11 September 2018*

### **LCCB/18-19/09      Declarations of Interest**

Councillor Paul High declared an interest as a member of West Sussex County Council  
Councillor Sean McDonald declared an interest as a member of West Sussex County Council

### **LCCB/18-19/10      Licensing Act 2003 - Application for the Review of the Premises Licence under Section 51**

The Chairman of the Committee opened the meeting and addressed the matter of the exclusion of the press and public. The parties both agreed that the matter would not stray into areas that would include the divulgence of exempt matters and that they did not think the Committee should exclude the press and public.

The Licensing Officer introduced the report to the Committee and outlined the application for the Members. As part of the outline Members were told that there had been a mediated agreement between the parties which was being put to the Committee for consideration. A copy of the mediation document is attached to the signed copy of these minutes.

*The meeting was adjourned at 10:15am for the committee to consider the mediation document and reconvened at 10:40am*

### **Applicant makes representation to the Committee**

The barrister for the Police made a representation to the committee which is summarised as follows

- There had been some time since the original application;
- Things in the past had been unsustainable but since that time there had been a change of management at the premises. There had been a drop-off in the problems associated with the premises. Licensing was not ordinary litigation. It was desirable and common sense that there was the longest possible assessment of how things had improved.
- The barrister explained that it was not the role of the committee to punish the licence holder but to take a problem solving role
- In reference to the incident that precipitated an adjournment of the last hearing the barrister told members that the Police were happy to say that there was no suggestion of a link between the incident and the premises.

The barrister for the Police set out the main points of the mediation document for the Committee as follows:

- The conditions listed on the mediation document replaced annex two and three of the existing licence;
- Matters listed under H1, H2 and H3 should be removed (it was later clarified that this did not apply to the condition regulating opening times for new year's eve);
- Essentially the Police believed that the mediated agreement before members was sufficient to promote the licensing objectives;
- Members were told that reference to Data Protection in the document should also include reference to General Data Protection Regulations

### **Questions for the applicant from Members**

A Member asked about a condition in relation to operation of glass doors. Members were told that the matter was left to the management of the premises

A Member asked if there could be an amendment so that logs of those working should show the time of work as well as the date. The Police acknowledged that this would be helpful.

A Member sought clarification of what should happen in the event of CCTV malfunction. Members were told that what happened was a matter for the club save the condition that the police should be contacted in the event of a failure.

A Member asked why there was not reference to a drug policy amongst the conditions and was told that one was not included although it was revealed that the premises did have a drugs policy.

### **Questions for the applicant from the respondent**

There were no questions

### **Questions for the applicant from responsible authorities**

There were no questions

### **Representation from responsible authorities**

The representative from West Sussex County Council public health stated that subject to the mediated agreement being adopted by the Committee WSCC Public Health would withdraw their representation.

### **Representation from the respondent**

The respondent made the following representation which is summarised as follows:

- Both sides had devised a mediated agreement and both were satisfied that this would promote the licensing objectives;
- Conditions of the licence should be appropriate and proportionate;
- The conditions of the licence did not reflect everything that the premises did and it was not thought that additional conditions were necessary;
- If the ID Scanner broke down the usual process for the club would be to take records by using an ipad.

### **Questions for the respondent from Members**

A Member sought reassurance that the Police would be able to obtain CCTV evidence when requested and was told there would be a competent person at all times available to help with data retrieval in conjunction with General Data Protection Regulations.

A Member asked if there would be extra SIA staff employed to carry out duties specified in conditions. Reassurance was sought that SIA staff would not be stretched too thinly. Members were told that there would be no dilution in the amount of competent staff.

### **Questions for the respondent from the applicant**

There were no questions

### **Questions for the respondent from the responsible authorities**

There were no questions

### **Summing Up:**

#### **Applicant summing up**

There was none

#### **Responsible Authorities summing up**

There was none

#### **Respondent Summing up:**

The respondent told the Committee that the parties agreed the steps within the mediated agreement as proportionate.

*The meeting adjourned at 11:20am to consider the decision and reconvened at 11:45am*

The meeting was told that In reaching its decision the Licensing and Control Committee B gave due regard to the statutory licensing objectives, Worthing Borough Councils 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 Public Health. The written and oral representations and testimony and relevant information supplied by the 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.

**Decision:** The decision of the Committee is to accept the Mediation Agreement between the parties as presented to the Committee.

- That the new list of conditions be approved (as attached to a signed copy of these minutes)
- The existing conditions on pages 61-63 [to be replaced] with new Annex 2 and 3 [from point H1] with the following amendments
- on point 3 add 'and times' (at the end).  
Point 8, [line 5], Annex 3 '/GDPR' to be added after Data Protection.
- On page 61, under H1, "The sale of alcohol on New Year's Eve from the end of permitted hours to the start of permitted hours on the following day." is to remain.

**Reasons for decision:** The Committee acknowledges the working relationship between the Police and the Premises Licence Holder and trust this will continue.

**Advice to Parties:** Those who have made representations in connection with this application are reminded that they may appeal against this decision within 21 days by giving notice to the Magistrates Court.

Interested parties are reminded they may apply for review of this licence 'after a reasonable interval' pursuant to section 51 of the Licensing Act.

Any licence granted under the Licensing Act 2003 does not override any planning restrictions on the premises or any restrictions that may be attached to the lease of these premises.

The Licensee is reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises in breach of a premises licence.

The meeting was declared closed by the Chairman at 11.56am, it having commenced at 10:00am

**Chairman**

1. There shall be no access from between these premises (Molotov) and the adjoining premises next door (Oxygen) by members of the public
2. The glass doors which separate the main bar area from the frontage of the public house must not be left or propped open at any time and patrons must not be allowed to congregate outside on the paved area immediately outside the frontage of the building.
3. A duty record of attendants must be maintained. The record must, on a daily basis, list the names of individuals who have worked on that day and times.
4. Departing customers must not be permitted to take glasses or opened bottles outside the premises.

### **Annexe 2 : Conditions consistent with the Operating Schedule**

1. Pre-opening safety checks to all fire exits and emergency lighting shall be carried out and the results recorded every evening before opening.
2. On the nights when permitted regulated entertainment is provided, SIA trained and licensed door supervisors shall be in attendance.
3. The capacity limit of 160 persons shall not be exceeded.
4. A sound insulation scheme shall be maintained and management will carry out regular monitoring.
5. Regulated Entertainment to take place indoors only
6. No person under 18 years of age shall be allowed in the premises.
7. Regulated entertainment shall cease half an hour prior to the licensed closing time of the premises i.e. at the commencement of "wind down" time.
8. A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
9. Doors and windows shall be kept closed while regulated entertainment is in progress (except to allow for momentary access or egress of patrons and staff).
10. The noise of regulated entertainment from the premises shall neither exceed 56dB LAeq (5min) before 23.00hrs, 53dB LAeq (5 min) between 23.00hrs and 02.00hrs nor 50dB LAeq (5min) after 02.00hrs. The noise level shall be measured at any 1.2-1.5M above the south pavement of Chatsworth Road or the west pavement of High Street.

11. The premises will make a contribution by way of at least one member of door staff to assist with "Taxi Marshalling" on all occasions that the premise is open until 02.00hrs or later.

12. The management of the premises will make a working arrangement with one or more of the local taxi or private hire companies in order that customers are able to be taken home with the minimum of delay.

13. The latest entry/re-entry times to the premises by the public on any Sunday shall be 23.00hrs.

14. There will be no external disposal of bottles or rubbish between the hours of 00.00hrs (midnight) and 08.00hrs on any day.

### **Annexe 3: Conditions attached after hearing by the Licensing Authority**

1. The self-monitoring of noise levels is to be carried out at different times each evening.

2. Security industry Authority (SIA) door supervisors shall be employed through an external contract company.

3. SIA door-staff in relation to the premises shall be employed every night from 22:00 or when regulated entertainment commences and until 30 minutes after the closure of the premises in order to effectively operate a dispersal policy Chatsworth Road. At all other times when licensable activities are taking place, a written risk assessment shall be provided to & agreed with Sussex Police.

4. Management shall adopt a dispersal policy which will be implemented by the door staff. This will be agreed with Sussex Police to prevent groups gathering and engaging in altercations. Records shall be made available to the local licensing authority and/or Sussex Police upon request.

5. Management shall adopt a vulnerable persons' policy which will be implemented by all staff engaging with members of the public. This shall form part of staff training (including refresher training) which shall be fully documented, dated and signed by both the DPS & staff member.

6. SIA door staff shall utilise functioning body worn videos at all times when they are on duty.

7. Those performing the role of door supervisor shall not perform any other role when engaged for the purpose of door supervision activities. Door supervisors shall be fully briefed prior to work with clear written instructions regarding their specific duties including an awareness of persons banned from the premises and the premises policy for caring for vulnerable persons. These records shall be made available to the local licensing authority and/or Sussex Police upon request. A member of the SIA door staff to be permanently located and actively patrolling



within the smoking area while the premises licence is in operation or until the area has been emptied of patrons at closing Time.

8. An identification scanning system with a strict no ID/no entry policy shall be operated at all times when SIA door staff are operating 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 and General Data Protection Regulations. Any breakdown or system failure will be reported to the Police immediately via phoning 101 (or equivalent reporting telephone number) or via email and remedied as soon as practicable;

9. When the ID Scanner is required entry be restricted to those patrons whose ID has been scanned.

10. A challenge 25 Policy will apply with regard to the sale of alcohol. Any person who appears to be under the age of 25 shall be required to provide satisfactory photographic evidence that they are 18 years old or over before being sold or supplied with any alcoholic drink, or on entry should the ID scan system become inoperative.

11. No games shall be conducted in the premises whereby alcohol or bar credit is given as a prize in any manner or form.

12. An incident management policy shall be drawn up in agreement with Sussex Police and shall be implemented at all times while the premises is conducting licensable activities until 30 minutes after closing time.

13. An incident/refusals register shall be maintained and kept on the premises to record refusals and incidents of crime and disorder. These records shall be made available to the local licensing authority and/or Sussex Police upon request.

14. Staff Members to be engaged in selling alcohol on the premises shall receive full training pertinent to the Licensing act, in particular but not exclusively in regard to age restricted sales and the refusal of sales to persons believed to be under the influence of alcohol or drugs and the premises vulnerable persons policy.

15. Induction training must be completed and fully documented prior to the sale of any alcohol by the staff member and refresher training thereafter at intervals no less than 8 weeks. All restricted sales training undertaken by staff members shall be fully documented and recorded.

16. All training records shall be made available to Sussex Police, Local Authority Licensing Officers and the Local Trading Standards service upon request.

17. CCTV to be installed in accordance with Home Office guidelines relating to UK police requirements for digital CCTV. systems covering the entire premises including the outside areas/front of premises.

18. CCTV images shall be retained for at least 28 days and except for, mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure shall be notified to the Police immediately and remedied as soon as practicable.

19. It will be the responsibility of the DPS or duty manager to ensure that any requests from the police for a recording to be made for evidential purposes is carried out as soon as possible in compliance with the General Data Protection Regulations

20. When the DPS is not present ,the duty manager shall be specified in writing by the DPS. Contact details shall be made available to Sussex Police upon request, in respect of an investigation, in compliance with the General Data Protection Regulations.

21. All drinks glasses shall be of tempered/toughened glass. Polycarbonate drinking vessels will be used when a need is identified by the licence holder's own risk assessment or when required by Sussex Police in writing.

22. No drinking vessels shall be permitted in the smoking area save for drinking vessels, containing water.

23. Checks of the toilets to be made at a minimum of every 30 minutes and recorded.

24. Checks of the smoking area to be made at a minimum of every 30 minutes on those occasions when SIA door staff are not positioned in the smoking area.

25. The premises shall maintain and operate a Quiet Room on a Friday and a Saturday from 21:00; The quiet room shall have a free and easily accessible supply of drinking water and shall be supervised by a qualified First Aider.

26. The designated premises supervisor and or a personal licence holder shall be present on the premises as the. primary responsible person from 20:00 on each Thursday Friday & Saturday evenings .until closing. On those occasions where the DPS is unable to be present a personal licence holder shall be specified in writing as the responsible person.

27. The premises is to have a designated floor walker at all times that the premises are open for licensable activities and a policy in relation to monitoring of patrons to prevent and to minimise intoxication

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1. James Lanz shall be removed from a position of management and shall not be engaged in any management or employment directly or indirectly by Lounge Leisure Group.

2. The premises is to appoint a new manager and provide to Sussex Police an Organisational Chart including the roles and responsibilities of the manager and designated premises supervisor in relation to licensing laws and the interaction between the police service and the licensing authority.

3. External training will be provided and monitored by the designated premises supervisor in relation to the sale and supply of alcohol. The training shall include preventing and looking out for intoxication and caring for vulnerable persons.

4. The CCTV system and cameras shall be updated in accordance with the recommendations contained within the Sussex Police Designing Out Crime Officer's (DOCOC) report. [This includes additional cameras at the rear of the premises near the toilets, the DJ booth the front seating area on the right and at the entrance. It should also include coverage of the quiet/safe space for vulnerable persons.]

5. CCTV signage in accordance with DOCOC's recommendations.