



WORTHING BOROUGH
C O U N C I L

29 August 2017

Licensing and Control Sub Committee

Date:	7 September 2017
Time:	6.30pm
Venue:	Council Chamber, Worthing Town Hall

Committee Membership: Councillors Paul High (Chairman), Callum Buxton, Robert Smytherman

Agenda

Part A

1. Declarations of Interest / Substitute Members

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such as an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

2. Public Question Time

To receive any questions from Members of the public in accordance with Standing Order 11.2

(Note: Public Question Time will operate for a maximum of 30 minutes.)

3. Licensing Act 2003 - Application for a Variation of a Premises Licence to specify an individual as Designated Premises Supervisor under Section 37 - Molotov Cocktail & Vodka Bar

To consider a report by the Director for Communities, copy attached as item 3

4. Licensing Act 2003 - Application for a Variation of a Premises Licence under Section 34 - Molotov Cocktail & Vodka Bar

To consider a report by the Director for Communities, copy attached as item 4

5. Licensing Act 2003 - Application for a Variation of a Premises Licence to specify an individual as Designated Premises Supervisor under Section 37 - One Club

To consider a report by the Director for Communities, copy attached as item 5

6. Licensing Act 2003 - Application for a Variation of a Premises Licence under Section 34 - One Club

To consider a report by the Director for Communities, copy attached as item 6

Part B - Not for publication - Exempt Information Reports

None

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Chris Cadman-Dando Democratic Services Officer 01903 221364 chris.cadman-dando@adur-worthing.gov.uk	Ruth Pallister Solicitor 01903 221050 ruth.pallister@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.



Licensing Act 2003
Application for a Variation of a Premises Licence to specify an individual as
Designated Premises Supervisor under Section 37

Molotov Cocktail & Vodka Bar
31 Chatsworth Road
Worthing
BN11 1LY

Report by the Director for Communities

1. Recommendation

- 1.1 That a Sub Committee of Licensing & Control Committee "B" considers and determines the application made by:
Peter Mott & Barry Wells T/a Lounge Leisure Group
to specify an individual as Designated Premises Supervisor (DPS) named on Premises Licence no. LN/100001195. The licence authorises the sale of alcohol for consumption on & off the premise and the provision of regulated entertainment at the above venue.

2. Reasons

- 2.1 The application has been the subject of formal objection by Sussex Police on Crime & Disorder grounds as defined in the Act and it therefore falls to members to determine this application.

3. Background

- 3.1 Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.
- 3.2 Mr Barry Wells is one of the licence holders and has been the DPS named on LN/100001195 since February 2013. He is also DPS at his other premise known as the One Club.
- 3.3 An application was made by Messrs. Mott & Wells to Worthing Borough Council on the 14 July 2017 to change the individual specified as DPS on the

Premises Licence at the bar known as 'Molotov Cocktail & Vodka Bar' from Mr Barry Wells into the name of Mr James Lanz.

- 3.4 Mr James Lanz holds a Personal Licence LN/100000904 issued by Worthing Borough Council. He has held his licence since August 2005 and has been employed as General Manager of the bar during this time.
- 3.5 There is currently a variation application (under section 34) outstanding on this premises licence and, in addition, Sussex Police have applied to Worthing Borough Council for a Review of this Premises Licence (under section 51). The Review is also currently outstanding.
- 3.6 The Review, applied for on 26 July 2017, is on the grounds that the licensing objectives:
- The prevention of crime & disorder
 - Public safety

have been seriously undermined by the carrying on of licensable activities at this premise. The application includes information supporting that argument.

- 3.7 The hearing to consider this review is scheduled for 18 September 2017.
- 3.8 A copy of the current premises licence with a plan is attached. (**Appendix A**)
- 3.9 The application for variation to specify an individual as DPS and Mr Lanz's consent are attached. (**Appendix B**)
- 3.10 A copy of Sussex Police's objection is attached. (**Appendix C**)

4. Application

- 4.1 The Application is attached as Appendix B. However, in summary, Messrs Mott & Wells are applying to specify Mr James Lanz as DPS. The application has been properly made and includes the consent of the proposed DPS.
- 4.2 Mr Peter Mott, Mr Barry Wells and Mr James Lanz have been invited to attend this hearing.

5. Promotion of the Licensing Objectives

- 5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:
- prevention of crime & disorder;
 - public safety;
 - prevention of public nuisance;
 - protection of children from harm.

When determining a Premises Licence DPS Variation application only the former of these objectives, the prevention of crime and disorder, is relevant.

- 5.2 In carrying out its licensing functions, the licensing authority must also have regard to Guidance issued by the Secretary of State and its own Statement of Licensing Policy.

6. Consultation

- 6.1 A copy of the application was served on Sussex Police by this authority as required by the act. As a result an objection has been received from Sussex Police a copy of which has been served on the applicant.

7. Relevant Representations

- 7.1 Details of the objection received from Sussex Police are reproduced as Appendix C and relate to the only relevant statutory licensing objective the Prevention of Crime and Disorder.

- 7.2 The outline of the Police's objection is that :

Molotov is currently the subject to Premises Licence Review proceedings sought by Sussex Police. The review papers detail a number of failings at the premises, specifically numerous breaches of the premises licence and incidents of high intoxication of patrons of the premises.

Mr Lanz has been employed at Molotov as the manager for a number of years and is present on a daily basis. He has been integral to the premises management, whilst it has been trading under its current and previous names. The management team, headed by Mr Lanz, Mr Wells, the current Designated Premises Supervisor and the Premises Licence Holder; were in place during the Review of the premises licence in November 2012. This resulted in a considerable number of conditions being added to the premises licence by the licensing committee. These conditions have not been adhered to and the licensing objectives have not been promoted.

This close involvement in managing a failing premises gives Sussex Police little confidence in Mr Lanz' ability to ensure the premises is run in accordance with the Licensing Act 2003; adhering to the conditions attached to the premises licence and thereby promoting the licensing objectives in order to keep members of the public safe and prevent crime.

It is contended that the above constitutes exceptional circumstances and therefore Sussex Police invite the committee to refuse the application

7.3 Sussex Police have been invited to attend this Sub-Committee hearing.

8. Mediation

8.1 No detail regarding mediation was available as this report was published but members will be fully updated prior to the hearing commencing.

9. Consideration

9.1 The following paragraphs from the Guidance issued under section 182 of the Licensing Act 2003 are considered particularly relevant.

Police objections to new designated premises supervisors

4.26 *The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking.*

4.27 *Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.*

4.28 *The portability of personal licences between premises is an important concept under the 2003 Act. It is expected that police objections would arise in only genuinely exceptional circumstances. If a licensing authority believes that the police are routinely objecting to the designation of new premises supervisors on grounds which are not exceptional, they should raise the matter with the chief officer of police as a matter of urgency.*

Representations from the police

9.12 *In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be*

appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.2 Members must take into consideration the following when determining the application:

- The statutory licensing objective relating to the Prevention of Crime & Disorder.
- Worthing Borough Council's Statement of Licensing Policy
- Guidance issued by the Secretary of State
- Relevant Objection from the Police

9.3 These are the only matters to be addressed by the authority when considering this application. The statutory licensing objective relating to the prevention of Crime & Disorder is the only ground on which an objection can be made by Sussex Police, and the only ground on which an authority will be able to refuse an application

9.4 When considering this application for an application for a variation of a premises licence to specify an individual as DPS the following options are available to the Sub-Committee:

- a. Grant the variation.
- b. Reject the application.

9.5 Members are required to give reasons for their decision.

10. Safeguards

10.1 Under Section 181 and Schedule 5 of the Act, the following rights of appeal to the Magistrates' Court in respect of applications for transfer of a premises licence includes:

- a. The applicant may appeal against any refusal to vary the licence to specify an individual as Designated Premises Supervisor.
- b. The Police having made relevant objections may appeal against the variation being granted.

10.2 The Act also allows for the local licensing authority to undertake a review of a premises licence, when requested to do so by a responsible authority, such as the police or the fire authority, or any other party, such as a resident living in the vicinity of the premises. The government's guidance states:

The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with licensing objectives are occurring after the grant or variation of a premises licence.

At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

11. Legal Implications

- 11.1 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.
- 11.2 Members must consider each application on its own merits, and in accordance with the principles of natural justice as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 11.3 All applications before Committee must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 11.4 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and the responsible authorities particularly the Police.

12. Other Implications

- 12.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account. There are no significant equalities implications that have been identified.

13. Recommendation

- 13.1 **Members are requested to determine the application for a Variation of the Premises Licence at Molotov to specify Mr James Lanz as Designated Premises Supervisor made by Mr Peter Mott & Barry Wells and give reasons for that determination.**

**Mary D'Arcy
Director for Communities**

Principal Author and Contact Officer: Simon Jones (01273 263191)

Background Papers:

Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003

Worthing Borough Council's Statement of Licensing Policy

Appendices:

- Appendix A - Copy of current Premises Licence and plan.
- Appendix B - Application for a Variation of a Premises Licence to specify an individual as Designated Premises Supervisor
- Appendix C - Copy of Sussex Police's objection.

Portland House, Worthing, BN11 1HS

Ref: SJ/Lic.U/LA03/DPS Variation – Molotov Cocktail & Vodka Bar

Date: 11 August 2017.

Appendix A- Premises Licence and plan.



**WORTHING BOROUGH
COUNCIL**

**Licensing Act 2003 – Sections 16 and 18
Premises Licence – Part B**

**Public Health & Regulation
Portland House, Richmond Road
Worthing
BN11 1HS**

Premises Licence Number - LN/100001195

Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
Molotov Cocktail & Vodka Bar 31 Chatsworth Road Worthing BN11 1LY	
Telephone number	01903 609000

Licensable activities authorised by the licence
See attached Schedule

The times the licence authorises the carrying out of the licensable activities
See attached Schedule

Opening hours of the premises		
Location : Public House		
Day	Start	Finish
Sunday	12:00	01:00
Monday	11:00	02:30
Tuesday	11:00	02:30
Wednesday	11:00	02:30
Thursday	11:00	03:20
Friday	11:00	03:20
Saturday	11:00	03:20
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> • 12.00 to 02.30hrs, of the following morning, on a Sunday preceding a Bank Holiday Monday and when Christmas Eve, Boxing Day and New Year's Day fall on a Sunday. • New Year's Eve from normal closing time the premises may remain open until the start of normal opening hours New Year's Day. 		

Where the licence authorises alcohol whether these are on and/or off supplies
ON & OFF

Premises Licence Holder Details

Name
Peter Mott & Barry Wells T/a Lounge Leisure Group

Registered Address
Molotov Cocktail & Vodka Bar 31 Chatsworth Road Worthing BN11 1LY

Registered number of holder
N/A

Designated Premises Supervisor Details (Where the premises licence authorises for the supply of alcohol)

Name
Mr Barry Wells

Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol	
Personal Licence Number :	██████████
Licensing Authority :	Worthing Borough Council

State whether access to the premises by children is restricted or prohibited
Restricted

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location : Retro		
Activities : Alcohol ON&OFF Sales/Supply (M)		
Day	Start	Finish
Sunday	12:00	00:30
Monday	11:00	02:00
Tuesday	11:00	02:00
Wednesday	11:00	02:00
Thursday	11:00	02:30
Friday	11:00	02:30
Saturday	11:00	03:00
Non Standard Timings & Seasonal Variations		
Alcohol sales may continue:		
<ul style="list-style-type: none"> • Until 02.00hrs, of the following morning, on a Sunday preceding a Bank Holiday Monday and when Christmas Eve, Boxing Day and New Year's Day fall on a Sunday. • New Year's Eve from the end of normal permitted hours until the start of permitted hours New Year's Day. 		

Location : Retro		
Activities : Recorded Music (F) Perform Dance (G)		
Day	Start	Finish
Sunday	12:00	00:30
Monday	11:00	02:00
Tuesday	11:00	02:00
Wednesday	11:00	02:00
Thursday	11:00	03:00
Friday	11:00	03:00
Saturday	11:00	03:00
Non Standard Timings & Seasonal Variations		
Entertainment may continue:		
<ul style="list-style-type: none"> • Until 02.00hrs, of the following morning, on a Sunday preceding a Bank Holiday Monday and when Christmas Eve, Boxing Day and New Year's Day fall on a Sunday. • New Year's Eve from the end of normal permitted hours until the start of permitted hours New Year's Day. 		

Location : Retro		
Activities : Live Music (E)		
Day	Start	Finish
Sunday	19:00	00:30
Monday	19:00	02:00
Tuesday	19:00	02:00
Wednesday	19:00	02:00
Thursday	19:00	03:00
Friday	19:00	03:00
Saturday	19:00	03:00
Non Standard Timings & Seasonal Variations		
Live Music may continue:		
<ul style="list-style-type: none"> • Until 02.00hrs, of the following morning, on a Sunday preceding a Bank Holiday Monday and when Christmas Eve, Boxing Day and New Year's Day fall on a Sunday. • New Year's Eve from the end of normal permitted hours until the start of permitted hours New Year's Day. 		

Signed on behalf of the issuing licensing authority

Senior Licensing Officer

Date : 6 July 2017

Annexe 1 : Mandatory Conditions

A. Mandatory conditions: Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

B. Mandatory conditions: Door Supervision

Where employed each such individual must be licensed by the Security Industry Authority.

C. Mandatory conditions: Irresponsible Promotions

The responsible person must ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion is any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

- Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.

D. Mandatory conditions: Free Drinking Water

Free potable water must be provided on request to customers where it is reasonably available on the premises.

E. Mandatory conditions: Age Verification

An age verification policy for the premises must be produced, implemented and details made available to authorised officers upon request. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- a holographic mark, or
- an ultraviolet feature.

F. Mandatory conditions: Small Alcohol Measures

The responsible person **must** ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises. Customers must be made aware that these measures are available.

G. Mandatory conditions : Permitted Price

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- I. *P is the permitted price*
- II. *D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and*
- III. *V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;*

“relevant person” means, in relation to premises in respect of which there is in force a premises licence —

- I. *the holder of the premises licence*
- II. *the designated premises supervisor (if any) in respect of such a licence, or*
- III. *the personal licence holder who makes or authorises a supply of alcohol under such a licence;*

H. Conditions consistent with the Embedded Restrictions of the Justices’ ‘On’ Licence (Licensing Act 1964)*

1. Permitted Hours

Alcohol shall not be sold or supplied except during the premise’s permitted hours.

Restrictions

The above restrictions do not prohibit:

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.

- a) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty’s naval, military or air forces;

- e) the taking of alcohol from the premises by a person residing there; or
- f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. Premises with no children's certificate-

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168,171 and 201 Licensing Act 1964

I. Conditions consistent with the Specific Conditions of the Public Entertainment Licence.

1. Between 23.30hrs until closing Sunday – Saturday inclusive the premises may be used in conjunction with the 'One Club' Nightclub, and entrance and exit shall be available only through the Nightclub via the internal staircase.

If the One Club nightclub is closed to the public on a Sunday, Monday, Tuesday or Wednesday evening then members of the public may enter using the bar's main entrance in Chatsworth Road after 23.30hrs.

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. The procedure for managing the premises shall be in accordance with the document submitted by Holgate Fire & Safety Ltd dated 20 August 2003 entitled "Recommended procedure for managing the premises with the Light Bar linked to the first floor via an internal stairway."
4. 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.
5. Departing customers must not be permitted to take glasses or opened bottles outside the premises.

J. The Standard Conditions of the Public Entertainment Licence.

Are converted, where relevant, onto this Premises Licence. A copy of these can be obtained from Worthing Borough Council.

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. All drinks glasses shall be of tempered/toughened glass.
8. First Aid kits and emergency equipment shall be properly maintained.
9. An NIEC electrical certificate will be obtained every 24 months.
10. 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.
11. A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
12. 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).
13. 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.
14. 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.
15. 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.
16. The latest entry/re-entry times to the premises by the public on any Sunday shall be 23.00hrs.

17. The Applicant will use a sound level meter to allow objective self-monitoring of Retro and One Club to be carried out and recorded. Such records to be made in writing and made available on request to any Officer of Worthing Borough Council. The self-monitoring will take place as follows:
Sundays to Wednesdays – once during the course of the evening.
Thursdays to Saturdays – twice during the course of the evening.
18. There will be no external disposal of bottles or rubbish between the hours of 00.00hrs (midnight) and 08.00hrs on any day.
19. The Licensee/DPS will offer monthly meetings to the Central Worthing Residents Association and other local residents to discuss any issues that arise.

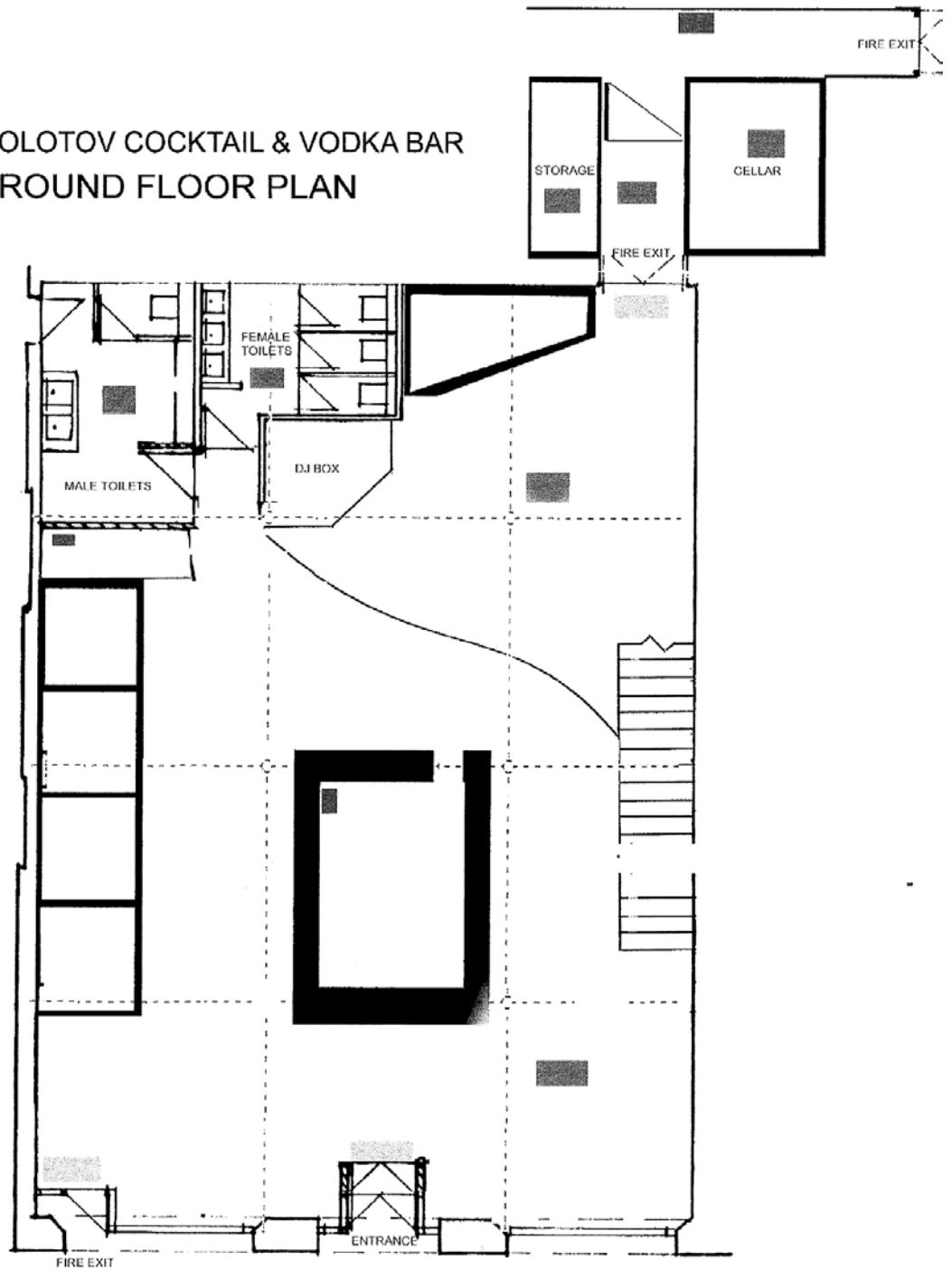
Annexe 3 : Conditions attached after hearing by the Licensing Authority




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 Retro 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 in Chatsworth Road. At all other times when licensable activities are taking place, a written risk assessment shall be 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. SIA door staff shall utilise functioning body worn videos at all times when they are on duty.
6. 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. 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.
7. 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. Any breakdown or system failure will be reported to the Police immediately and remedied as soon as practicable;
8. When the ID Scanner is required entry be restricted to those patrons whose ID has been scanned.

9. 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.
10. No games shall be conducted in the premises whereby alcohol or bar credit is given as a prize in any manner or form.
11. 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.
12. 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.
13. 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.
14. 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.
15. All training records shall be made available to Sussex Police, Local Authority Licensing Officers and the Local Trading Standards service upon request.
16. 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.
17. 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 and immediately remedied as soon as practicable.
18. 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 data protection act.
19. 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.
20. No drinking vessels shall be permitted in the smoking area save for drinking vessels containing water.

Annexe 4 : Plans

**MOLOTOV COCKTAIL & VODKA BAR
GROUND FLOOR PLAN**



-  Fire Alarm Call Point
-  Emergency Lights
-  Fire Exit

Appendix B
Application to Transfer & Consent Form



Adur & Worthing Council
Licensing Unit
RECEIVED
14 JUL 2017



Portland House, Richmond Road, Worthing, BN11 1HS Initials

Licensing Act 2003

Application package to vary a premises licence to specify an individual as designated premises supervisor including the DPS consent form

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.


I/We P. MOY & B. LILLS (full name(s) of premises licence holder) being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number W02000

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>31 CHATSWORTH ROAD</u>	
Post town <u>WORTHING</u>	Post code <u>BN11 1LQ</u>
Telephone number (if any) 	
Description of premises (please read guidance note 1) <u>COCKTAIL BAR</u>	

Part 2

Full name of proposed designated premises supervisor <i>JAMES EDWARD LANE</i>
Nationality <i>BRITISH</i>
Place of birth <i>SHROTHAM 134 SEA</i>
Date of birth <i>02-09-80</i>
Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any) 
Full name of existing designated premises supervisor (if any) <i>BARRY CAMERON WELLS</i>

Please tick ✓

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

<input checked="" type="checkbox"/>
<input type="checkbox"/>

I have enclosed the premises licence or relevant part of it

If you have not enclosed the premises licence, or relevant part of it, please give reasons why not

Reasons why I have failed to enclose the premises licence or relevant part of it
--

Please tick ✓

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

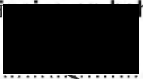
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY (UNLIMITED) AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 3 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 13/7/17

Capacity D.P.S and Licence holder

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	



ADUR & WORTHING COUNCILS

Portland House, Richmond Road, Worthing, BN11 1HS

Consent of individual to being specified as premises supervisor

I JAMES GARDNER LANE (full name of prospective premises supervisor)
of FLAT 3, GARDEN TERRACE, MARINE PARADE
LOCKTANK BAY, BN12 3NR (home address of prospective premises supervisor)
hereby confirm that I give my consent to be specified as the designated premises supervisor
in relation to the application for CARNO OF OPS (type of application)
by (name of applicant)
relating to a premises licence [REDACTED] (number of existing licence, if any)
for

INDIAN COUNTRY K. LODHA BAR (FORMERLY 26720)
31 CHATSWORTH ROAD, WORTHING, BN11 1LH
..... (name and address of premises to which the application relates)

and any premises licence to be granted or varied in respect of this application made by
..... (name of applicant)

concerning the supply of alcohol at

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

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

Personal licence number [REDACTED] (insert personal licence number, if any)

Personal licence issuing authority WORTHING BOROUGH COUNCIL

..... (insert name and address and telephone number of personal licence issuing authority, if any)

[REDACTED] signed

JAMES LANE name (please print)

15/2/17 dated

Appendix C Sussex Police's objection

Licensing Unit,
Adur and Worthing Councils
Portland House,
Richmond Road,
Worthing,
BN11 1LF



West Sussex Division Neighbourhood Licensing Team

27th July 2017

RE: APPLICATION FOR VARIATION TO SPECIFY A NEW DESIGNATED PREMISES SUPERVISOR
FOR THE PREMISES LICENCE AT MOLOTOV CHATSWORTH ROAD WORTHING BN11 1LY TO MR
JAMES LANZ.

NOTICE OF OBJECTION UNDER SECTION 37 (5) OF THE LICENSING ACT 2003

Dear Mr Jones,

Notice is hereby given on behalf of the Chief Officer of Police for Sussex that the exceptional circumstances of this case are such that it is considered that the granting of this application would undermine the crime prevention objective.

Molotov is currently the subject to Premises Licence Review proceedings sought by Sussex Police. The review papers detail a number of failings at the premises, specifically numerous breaches of the premises licence and incidents of high intoxication of patrons of the premises.

Mr Lanz has been employed at Molotov as the manager for a number of years and is present on a daily basis. He has been integral to the premises management, whilst it has been trading under its current and previous names. The management team, headed by Mr Lanz, Mr Wells, the current Designated Premises Supervisor and the Premises Licence Holder; were in place during the Review of the premises licence in November 2012. This resulted in a considerable number of conditions being added to the premises licence by the licensing committee. These conditions have not been adhered to and the licensing objectives have not been promoted.

This close involvement in managing a failing premises gives Sussex Police little confidence in Mr Lanz' ability to ensure the premises is run in accordance with the Licensing Act 2003; adhering to the conditions attached to the premises licence and thereby promoting the licensing objectives in order to keep members of the public safe and prevent crime.

It is contended that the above constitutes exceptional circumstances and therefore Sussex Police invite the committee to refuse the application

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

Please contact this office on the number below or via email to ws_licensing_wor@sussex.pnn.police.uk should you wish to discuss this representation.

Yours sincerely



Chief Inspector Ockwell

District Commander



**Licensing Act 2003
Application for a Variation of a Premises Licence under Section 34**

**Molotov Cocktail & Vodka Bar
31 Chatsworth Road
Worthing
BN11 1LY**

Report by the Director for Communities

1. Recommendation

- 1.1 That a Sub Committee of Licensing & Control Committee "B" considers and determines the application made by:

Peter Mott & Barry Wells T/a Lounge Leisure Group

for a variation of their Premises Licence no. LN/100001195. The licence authorises the sale of alcohol for consumption on the premise and the provision of regulated entertainment at the bar.

2. Reasons for the Hearing

- 2.1 The application has been the subject of formal representation and it therefore falls to this authority to determine the application.

3. Background

- 3.1 An application was made by Messrs. Mott & Wells to Worthing Borough Council on the 14 July 2017 The application is for grant of a full variation to the existing Premises Licence.
- 3.2 This premise had been operated for many years as a bar and music venue. The venue is situated on the ground floor but in the past has had a direct internal stairs access to the nightclub above. The licence allowed the premise to operate as an extension of the nightclub after 23:30hrs. The Bar opens directly out onto the street, and is situated in Chatsworth Road opposite the Guildbourne Shopping Centre Multi Storey car park in a predominantly commercial neighbourhood.

- 3.3 The bar has recently been refurbished and the name changed to Molotov Cocktail & Vodka Bar. The nature of the business has changed and is no longer suited to being operated as part of the nightclub even on a part time basis. Consequently an application to vary the licence has been made to update the licence to reflect these changes.
- 3.4 The venue currently operates under the authority of premises licence LN/100001195 which is the subject of this application. This licence authorises:
- Sales of Alcohol for consumption on & off the premise
 - Sunday between 12:00hrs and 00:30hrs of the following morning
 - Monday – Wednesday between 11:00hrs and 02:00hrs of the following morning
 - Thursday – Friday between 11:00hrs and 02:30hrs of the following morning
 - Saturday between 11:00hrs and 03:00hrs of the following morning
 - Provision of Regulated Entertainment
 - Sunday between 12:00hrs and 00:30hrs of the following morning
 - Monday – Wednesday between 11:00hrs and 02:00hrs of the following morning
 - Thursday - Saturday between 19:00hrs and 03:00hrs of the following morning
 - Opening to the Public
 - Sunday between 12:00hrs and)1:00hrs of the following morning
 - Monday – Wednesday between 11:00hrs and 02:30hrs of the following morning
 - Thursday – Saturday between 11:00hrs and 03:20hrs of the following morning
- 3.4 Mr Barry Wells is the Designated Premises Supervisor of the venue. He has been in post since February 2013 and holds a Personal Licence issued by Worthing Borough Council.
- 3.5 There is currently a DPS variation application (under section 37) outstanding on this premises licence and, in addition, Sussex Police have applied to Worthing Borough Council for a Review of this Premises Licence LN/100001195 (under section 51). That Review is also currently outstanding.
- 3.5 Attached to the report are:
- Plan of the area (Appendix A)
 - Plan of the venue (Appendix B)
 - Application (Appendix C)
 - Current premises licence (Appendix D)
 - Copies of the representations received (Appendix E)

4. The Application

4.1 The application is attached at Appendix C. However, in summary, Messrs Mott & Wells are seeking to vary Premises Licence LN/100001195 to authorise:

- *Removal of the bar (Molotov Cocktail & Vodka Bar) from the scope of the One Club's premises licence by removing the following relevant conditions:*
 - *Between 23.30hrs until closing Monday – Saturday inclusive the premises may be used in conjunction with the 'One Club' and entrance and exit to the bar shall be available only through the Nightclub via the internal staircase.*
 - *The procedure for managing the premises shall be in accordance with the document submitted by Holgate Fire & Safety Ltd dated 20 August 2003 entitled "Recommended procedure for managing the premises with the 'Retro' bar linked to the first floor via an internal stairway."*
- *Remove the obsolete conditions consistent with:*
 - *Embedded Restrictions of the Justices' 'On' Licence (Licensing Act 1964) With the exception of the hours for the sale of alcohol on New Year's Eve.*
 - *The Standard Conditions of the Public Entertainment Licence*
- *Remove the following conditions of licence as obsolete, unenforceable, not relevant to the nature of the business or covered by other legislation:*
 - *Pre-opening safety checks to all fire exits and emergency lighting shall be carried out and the results recorded every evening before opening.*
 - *The capacity limit of 160 persons shall not be exceeded.*
 - *No person under 18 years of age shall be allowed in the premises.*
 - *First Aid kits and emergency equipment shall be properly maintained.*
 - *An NIEC electrical certificate will be obtained every 24 months.*
 - *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.*
 - *A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.*
 - *The latest entry/re-entry times to the premises by the public on any Sunday shall be 23.00hrs.*
 - *The Licensee/DPS will offer monthly meetings to the Central Worthing Residents Association and other local residents to discuss any issues that arise.*
 - *The self-monitoring of noise levels is to be carried out at different times each evening.*
 - *SIA door staff shall utilise functioning body worn videos at all times when they are on duty.*
 - *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. Any breakdown or*

- system failure will be reported to the Police immediately and remedied as soon as practicable;*
- *When the ID Scanner is required entry be restricted to those patrons whose ID has been scanned.*
 - *No drinking vessels shall be permitted in the smoking area save for drinking vessels containing water.*
- *Amend the following conditions of licence:*
 - *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.*
replace with
 - *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*
 - *SIA door staff in relation to Retro 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 in Chatsworth Road. At all other times when licensable activities are taking place, a written risk assessment shall be agreed with Sussex Police.*
replace with
 - *SIA door staff in relation to Molotov shall be employed when regulated entertainment commences and until 30 minutes after the closure of the premises in order to effectively operate a dispersal policy in Chatsworth Road. At other times SIA door staff will be employed when a need is identified by the licence holder's written risk assessment or requested in writing by Sussex Police.*

No changes to the hours for licensable activity or types of regulated activity provided were proposed by this application and all other conditions of licence to remain unchanged.

5. Promotion of the Licensing Objectives

5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:

- prevention of crime and disorder;
- public safety;
- prevention of public nuisance;
- protection of children from harm.

5.2 In carrying out its licensing functions, the licensing authority must also have regard to Guidance issued by the Home Secretary and its own Statement of Licensing Policy. Members are advised that the following sections of the Worthing Borough Council's Policy may be particularly relevant to consideration of this matter, though of course the Policy in its entirety must be

considered. Sections indicated relate to paragraph numbers in the Policy itself:

Prevention of Crime & Disorder

- 4.1 *Alcohol can fuel violence, disorder, domestic violence and anti-social behaviour that can seriously blight a community. The Council recognises the need to crack down on one of the key causes of such behaviour - the binge drinking culture and fully supports the 'Alcohol Strategy 2012' published by the Home Office.*
- 4.2 *The Council places huge importance on the prevention of crime and disorder. A high standard of control is, therefore, expected to be exercised over all licensed premises.*
- 4.3 *In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself, the Guidance issued under section 182 to the Act and this policy. The Council will give "due regard" to all possible implications and its Licensing & Control Committee will always consider all the information available and relevant representations made, including those from the public and the responsible authorities, particularly the Police.*
- 4.8 *In addition to the requirements for the Council to promote the licensing objectives, it also has a duty, as detailed in paragraph 4.3, under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. The Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder within the vicinity if relevant representations are received. Whether or not incidents can be regarded as being in the vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case.*
- 4.9 *The Council recognises that the Licensing Act is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night time economy in town centres.*

Public Safety

- 4.11 *The 2003 Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, hotels, cafes/restaurants, shops and fast food outlets/takeaways.*
- 4.12 *Each of these types of premises present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.*
- 4.13 *The Council also recognises that the provision of live music, discos and dancing within a premise can lead to potential flashpoints for violence and disorder. The Council would expect all entertainment to be properly risk assessed in the Operating Schedule to ensure public safety.*

6. Consultation

6.1 The application has been subject to the statutory consultation and statutory public advertisement arrangements in accordance with the provisions of the Act, in respect of which representations have been received from the following:

- Responsible Authorities - One

7. Relevant Representations

7.1 Details of the representations received are reproduced in full at Appendices E. The comments made objecting are considered to relate to the statutory licensing objectives as follows:

- Prevention of Public Nuisance
- Public Safety.

7.3 All parties have been invited to attend the Sub-Committee and included in this report are the letters of representation reproduced in full.

8. Mediation

8.1 The Licensing Act 2003 encourages mediation.

8.2 No information regarding any mediation between the applicants and police has been made available at the time of the drafting of this report but members will be updated in due course if there are developments.

9. Consideration

9.1 Members must take into consideration the following when determining this application:

- The four statutory licensing objectives
- Worthing Borough Council's Statement of Licensing Policy
- Guidance issued by the Home Secretary
- Relevant representations made by all the parties

9.2 These are the only matters to be addressed by the authority when considering this application. The statutory licensing objectives are the only grounds on which representations can be made, and the only grounds on which an authority will be able to refuse an application or impose conditions in addition to statutory conditions and those proposed by the applicant in the Operating Schedule.

9.3 When considering this application for a variation to the premises licence, pursuant to section 35 of the Act the following options are available to the Sub-Committee:

- a. Grant the variation, as requested,

- b. Grant the variation as requested, with additional conditions appropriate to the promotion of the specific licensing objectives on which relevant representations have been received.
- c. Reject the whole or part of the application.

9.4 Members are required to give reasons for their decision.

10. Legal Implications

10.1 Under Section 181 and Schedule 5 of the Act, rights of appeal to the Magistrates' Court in respect of applications for variation of an existing licence include:

- (1) The applicant / licence holder may appeal against any decision to modify the conditions of the licence.
- (2) The applicant may appeal against a rejection in whole or part of an application.
- (3) Those that have made relevant representations may appeal against a variation being granted, rejected, or against the modification or lack of modification of any conditions.

10.2 Members are reminded that the Act allows for the local licensing authority to undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police, or the fire authority, or any other person, such as a resident living in the vicinity of the premises. The Government's guidance states: *"The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. It is the existence of these procedures which should, in general, allow licensing authorities to apply a light touch bureaucracy to the grant and variation of premises licences by providing a review mechanism when concerns relating to the licensing objectives arise later in respect of individual premises."*

10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.

10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.

10.5 All applications before Committee must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.

10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly

relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and the responsible authorities particularly the Police.

11. Other implications

- 11.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account.

12. Recommendation

- 12.1 Members are requested to determine the application made by Mr Peter Mott & Mr Barry Wells for a variation to the Premises Licence at the Molotov Cocktail & Vodka Bar situated in Chatsworth Road, Worthing and give reasons for that determination.**

**Mary D’Arcy
Director for Communities**

Principal Author and Contact Officer:

Simon Jones
Senior Licensing Officer
Telephone: 01273 263191

Background Papers:

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003
<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing>
- Worthing Borough Council’s Statement of Licensing Policy
<http://www.adur-worthing.gov.uk/media/media,98561,en.pdf>

Appendices:

- Appendix A - Plan of area
- Appendix B – Plan of premise.
- Appendix C - Application Form
- Appendix D - Current Premises Licence
- Appendix E – Police Representation

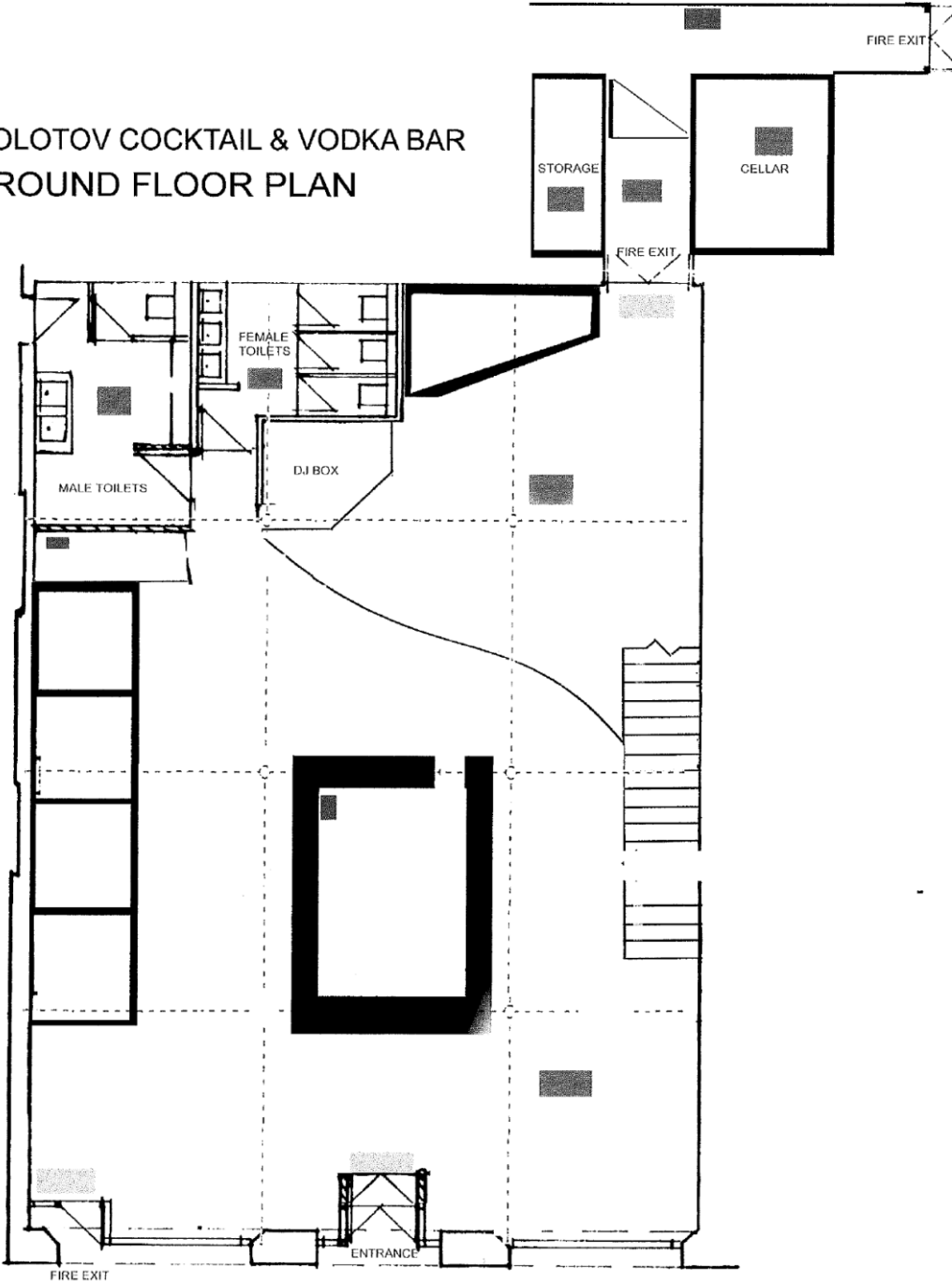
Ref: SJ/Lic.U/LA03/Variation – Molotov
Date: 11 August 2017.

Appendix A – Map of Area



Title: Liquid Lounge 31 Chatsworth Rd Scale 1:1250 Date Plotted 14/7/2005

MOLOTOV COCKTAIL & VODKA BAR
GROUND FLOOR PLAN



- Fire Alarm Call Point
- Emergency Lights
- Fire Exit

Appendix C – Application



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Peter Mott & Barry Wells T/A Lounge Leisure Group being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/100001195
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Molotov Cocktail & Vodka Bar 31 Chatsworth Road			
Post town	Worthing	Postcode	BN11 1LY

Telephone number at premises (if any)	01903 609000
Non-domestic rateable value of premises	£

Part 2 – Applicant details

Daytime contact telephone number	01903 609000		
E-mail address (optional)	liquidworthing@aol.com		
Current postal address if different from premises address			
Post town		Postcode	

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

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The application seeks to:

- Remove the bar (Molotov Cocktail & Vodka Bar) from the scope of the nightclub's premises licence by removing the following conditions:
 - o Between 23.30hrs until closing Monday – Saturday inclusive the premises may be used in conjunction with the 'One Club' and entrance and exit to the bar shall be available only through the Nightclub via the internal staircase.
 - o The procedure for managing the premises shall be in accordance with the document submitted by Holgate Fire & Safety Ltd dated 20 August 2003 entitled "Recommended procedure for managing the premises with the 'Retro' bar linked to the first floor via an internal stairway."

The trading style of the new bar being inconsistent with that of the nightclub means that it will not now be used as an extension of the nightclub
- Remove the conditions consistent with:
 - o Embedded Restrictions of the Justices' 'On' Licence (Licensing Act 1964) as obsolete. With the exception of the hours for the sale of alcohol on New Year's Eve.
 - o The Standard Conditions of the Public Entertainment Licence which were converted, where relevant, onto this Premises Licence.

These being considered obsolete, covered by other legislation or not relevant to the current trading style of the business.
- Remove the following conditions of licence as obsolete, unenforceable, not relevant to the nature of the business or covered by other legislation:
 - o Pre-opening safety checks to all fire exits and emergency lighting shall be carried out and the results recorded every evening before opening.
 - o The capacity limit of 160 persons shall not be exceeded.
 - o No person under 18 years of age shall be allowed in the premises.
 - o First Aid kits and emergency equipment shall be properly maintained.
 - o An NIEC electrical certificate will be obtained every 24 months.
 - o 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.
 - o A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
 - o The latest entry/re-entry times to the premises by the public on any Sunday shall be 23.00hrs.

- o The Licensee/DPS will offer monthly meetings to the Central Worthing Residents Association and other local residents to discuss any issues that arise.
 - o The self-monitoring of noise levels is to be carried out at different times each evening.
 - o SIA door staff shall utilise functioning body worn videos at all times when they are on duty.
 - o 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. Any breakdown or system failure will be reported to the Police immediately and remedied as soon as practicable;
 - o When the ID Scanner is required entry be restricted to those patrons whose ID has been scanned.
 - o No drinking vessels shall be permitted in the smoking area save for drinking vessels containing water.
- Amend the following condition of licence:
 - o 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.
replace with
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
 - o SIA door staff in relation to Retro 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 in Chatsworth Road. At all other times when licensable activities are taking place, a written risk assessment shall be agreed with Sussex Police.
replace with
SIA door staff in relation to Molotov shall be employed when regulated entertainment commences and until 30 minutes after the closure of the premises in order to effectively operate a dispersal policy in Chatsworth Road. At other times SIA door staff will be employed when a need is identified by the licence holder's a written risk assessment or requested in writing by Sussex Police.
- No changes to the hours for licensable activity or types of regulated activity provided are proposed by this application and all other conditions of licence to remain unchanged.

If your proposed variation would mean that 5,000 or more people

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) **Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (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 late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).
None

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	11:00	02:30	
Tue	11:00	02:30	
Wed	11:00	02:30	
Thur	11:00	03:20	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p> <p>Current-Hours</p> <ul style="list-style-type: none"> • 11.00hrs to 03.00hrs of the following morning on: Sunday preceding a Bank Holiday Monday Sunday when it is a Christmas Eve, Boxing Day and New Year's Day. • 11.00hrs to 04.30hrs of the following morning on New Year's Eve.
Fri	11:00	03:20	
Sat	11:00	03:20	
Sun	12:00	01:00	

M

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- Remove the bar (Molotov Cocktail & Vodka Bar) from the scope of the nightclub's premises licence by removing the following conditions:
 - o Between 23.30hrs until closing Monday – Saturday inclusive the premises may be used in conjunction with the 'One Club' and entrance and exit to the bar shall be available only through the Nightclub via the internal staircase.
 - o The procedure for managing the premises shall be in accordance with the document submitted by Holgate Fire & Safety Ltd dated 20 August 2003 entitled "Recommended procedure for managing the premises with the 'Retro' bar linked to the first floor via an internal stairway."The trading style of the new bar being inconsistent with that of the nightclub means that it will not now be used as an extension of the nightclub

- Remove the conditions consistent with:
 - o Embedded Restrictions of the Justices' 'On' Licence (Licensing Act 1964) as obsolete. With the exception of the hours for the sale of alcohol on New Year's Eve.
 - o The Standard Conditions of the Public Entertainment Licence which were converted, where relevant, onto this Premises Licence.These being considered obsolete, covered by other legislation or not relevant to the current trading style of the business.

- Remove the following conditions of licence as obsolete, unenforceable, not relevant to the nature of the business or covered by other legislation:
 - o Pre-opening safety checks to all fire exits and emergency lighting shall be carried out and the results recorded every evening before opening.
 - o The capacity limit of 160 persons shall not be exceeded.
 - o No person under 18 years of age shall be allowed in the premises.
 - o First Aid kits and emergency equipment shall be properly maintained.
 - o An NIEC electrical certificate will be obtained every 24 months.
 - o 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.
 - o A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
 - o The latest entry/re-entry times to the premises by the public on any Sunday shall be 23.00hrs.
 - o The Licensee/DPS will offer monthly meetings to the Central Worthing Residents Association and other local residents to discuss any issues that arise.
 - o The self-monitoring of noise levels is to be carried out at different times each evening.
 - o SIA door staff shall utilise functioning body worn videos at all times when they are on duty.
 - o 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. Any breakdown or system failure will be reported to the Police immediately and remedied as soon as practicable;

- o When the ID Scanner is required entry be restricted to those patrons whose ID has been scanned.
- o No drinking vessels shall be permitted in the smoking area save for drinking vessels containing water.

- Amend the following condition of licence:
 - o 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.
 replace with
 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
 - o SIA door staff in relation to Retro 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 in Chatsworth Road. At all other times when licensable activities are taking place, a written risk assessment shall be agreed with Sussex Police.
 replace with
 SIA door staff in relation to Molotov shall be employed when regulated entertainment commences and until 30 minutes after the closure of the premises in order to effectively operate a dispersal policy in Chatsworth Road. At other times SIA door staff will be employed when a need is identified by the licence holder's a written risk assessment or requested in writing by Sussex Police.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

The Licence holders volunteered a substantial number of conditions to the Liquid Lounge's Premises Licence during the initial Licensing process in September 2005 and others have been added since. These conditions are considered to be more than adequate to promote all the licensing objectives and reinforce Mr Mott & Wells position as responsible licensees running a safe venue. No application is made to amend or remove any of these conditions bar the ones that are the subject of this variation application.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

- made in relation to the introduction of the late night levy. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	12/7/17
Capacity	CO OWNER

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	12/7/17
Capacity	D.P.S CO OWNER



WORTHING BOROUGH
COUNCIL

Licensing Act 2003 – Sections 16 and 18
Premises Licence – Part B

Public Health & Regulation
Portland House, Richmond Road
Worthing
BN11 1HS

Premises Licence Number - LN/100001195

Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
Molotov Cocktail & Vodka Bar 31 Chatsworth Road Worthing BN11 1LY	
Telephone number	01903 609000

Licensable activities authorised by the licence
See attached Schedule

The times the licence authorises the carrying out of the licensable activities
See attached Schedule

Opening hours of the premises		
Location : Public House		
Day	Start	Finish
Sunday	12:00	01:00
Monday	11:00	02:30
Tuesday	11:00	02:30
Wednesday	11:00	02:30
Thursday	11:00	03:20
Friday	11:00	03:20
Saturday	11:00	03:20

Non Standard Timings & Seasonal Variations
<ul style="list-style-type: none"> 12.00 to 02.30hrs, of the following morning, on a Sunday preceding a Bank Holiday Monday and when Christmas Eve, Boxing Day and New Year's Day fall on a Sunday. New Year's Eve from normal closing time the premises may remain open until the start of normal opening hours New Year's Day.

Where the licence authorises alcohol whether these are on and/or off supplies
ON & OFF

Premises Licence Holder Details**Name**

Peter Mott & Barry Wells T/a Lounge Leisure Group

Registered AddressMolotov Cocktail & Vodka Bar
31 Chatsworth Road
Worthing
BN11 1LY**Registered number of holder**

N/A

Designated Premises Supervisor Details (Where the premises licence authorises for the supply of alcohol)**Name**

Mr Barry Wells

Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol**Personal Licence Number :** LN/100000905**Licensing Authority :** Worthing Borough Council**State whether access to the premises by children is restricted or prohibited**

Restricted

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location : Retro		
Activities : Alcohol ON&OFF Sales/Supply (M)		
Day	Start	Finish
Sunday	12:00	00:30
Monday	11:00	02:00
Tuesday	11:00	02:00
Wednesday	11:00	02:00
Thursday	11:00	02:30
Friday	11:00	02:30
Saturday	11:00	03:00
Non Standard Timings & Seasonal Variations		
Alcohol sales may continue:		
<ul style="list-style-type: none"> • Until 02.00hrs, of the following morning, on a Sunday preceding a Bank Holiday Monday and when Christmas Eve, Boxing Day and New Year's Day fall on a Sunday. • New Year's Eve from the end of normal permitted hours until the start of permitted hours New Year's Day. 		

Location : Retro		
Activities : Recorded Music (F) Perform Dance (G)		
Day	Start	Finish
Sunday	12:00	00:30
Monday	11:00	02:00
Tuesday	11:00	02:00
Wednesday	11:00	02:00
Thursday	11:00	03:00
Friday	11:00	03:00
Saturday	11:00	03:00
Non Standard Timings & Seasonal Variations		
Entertainment may continue:		
<ul style="list-style-type: none"> • Until 02.00hrs, of the following morning, on a Sunday preceding a Bank Holiday Monday and when Christmas Eve, Boxing Day and New Year's Day fall on a Sunday. • New Year's Eve from the end of normal permitted hours until the start of permitted hours New Year's Day. 		

Location :	Retro	
Activities :	Live Music (E)	
Day	Start	Finish
Sunday	19:00	00:30
Monday	19:00	02:00
Tuesday	19:00	02:00
Wednesday	19:00	02:00
Thursday	19:00	03:00
Friday	19:00	03:00
Saturday	19:00	03:00
Non Standard Timings & Seasonal Variations		
Live Music may continue:		
<ul style="list-style-type: none"> • Until 02.00hrs, of the following morning, on a Sunday preceding a Bank Holiday Monday and when Christmas Eve, Boxing Day and New Year's Day fall on a Sunday. • New Year's Eve from the end of normal permitted hours until the start of permitted hours New Year's Day. 		

Signed on behalf of the issuing licensing authority

Senior Licensing Officer

Date : 6 July 2017

Annexe 1 : Mandatory Conditions

A. Mandatory conditions: Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

B. Mandatory conditions: Door Supervision

Where employed each such individual must be licensed by the Security Industry Authority.

C. Mandatory conditions: Irresponsible Promotions

The responsible person must ensure that staff do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. An irresponsible promotion is any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises

- Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.

D. Mandatory conditions: Free Drinking Water

Free potable water must be provided on request to customers where it is reasonably available on the premises.

E. Mandatory conditions: Age Verification

An age verification policy for the premises must be produced, implemented and details made available to authorised officers upon request. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- a holographic mark, or
- an ultraviolet feature.

F. Mandatory conditions: Small Alcohol Measures

The responsible person **must** ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises. Customers must be made aware that these measures are available.

G. Mandatory conditions : Permitted Price

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- I. *P is the permitted price*
- II. *D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and*
- III. *V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;*

“relevant person” means, in relation to premises in respect of which there is in force a premises licence —

- I. *the holder of the premises licence*
- II. *the designated premises supervisor (if any) in respect of such a licence, or*
- III. *the personal licence holder who makes or authorises a supply of alcohol under such a licence;*

H. Conditions consistent with the Embedded Restrictions of the Justices’ ‘On’ Licence (Licensing Act 1964)*

1. Permitted Hours

Alcohol shall not be sold or supplied except during the premise’s permitted hours.

Restrictions

The above restrictions do not prohibit:

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.

- a) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
- c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty’s naval, military or air forces;
- e) the taking of alcohol from the premises by a person residing there; or
- f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

2. Premises with no children's certificate-

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Source Section 168, 171 and 201 Licensing Act 1964

I. Conditions consistent with the Specific Conditions of the Public Entertainment Licence.

1. Between 23.30hrs until closing Sunday – Saturday inclusive the premises may be used in conjunction with the 'One Club' Nightclub, and entrance and exit shall be available only through the Nightclub via the internal staircase.

If the One Club nightclub is closed to the public on a Sunday, Monday, Tuesday or Wednesday evening then members of the public may enter using the bar's main entrance in Chatsworth Road after 23.30hrs.

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. The procedure for managing the premises shall be in accordance with the document submitted by Holgate Fire & Safety Ltd dated 20 August 2003 entitled "Recommended procedure for managing the premises with the Light Bar linked to the first floor via an internal stairway."
4. 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.
5. Departing customers must not be permitted to take glasses or opened bottles outside the premises.

J. The Standard Conditions of the Public Entertainment Licence.

Are converted, where relevant, onto this Premises Licence. A copy of these can be obtained from Worthing Borough Council.

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. All drinks glasses shall be of tempered/toughened glass.
8. First Aid kits and emergency equipment shall be properly maintained.
9. An NIEC electrical certificate will be obtained every 24 months.
10. 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.
11. A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
12. 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).
13. 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.
14. 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.
15. 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.
16. The latest entry/re-entry times to the premises by the public on any Sunday shall be 23.00hrs.
17. The Applicant will use a sound level meter to allow objective self-monitoring of Retro and One Club to be carried out and recorded. Such records to be made in writing and made available on request to any Officer of Worthing Borough Council. The self-monitoring will take place as follows:
 - Sundays to Wednesdays – once during the course of the evening.
 - Thursdays to Saturdays – twice during the course of the evening.

18. There will be no external disposal of bottles or rubbish between the hours of 00.00hrs (midnight) and 08.00hrs on any day.
19. The Licensee/DPS will offer monthly meetings to the Central Worthing Residents Association and other local residents to discuss any issues that arise.

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 Retro 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 in Chatsworth Road. At all other times when licensable activities are taking place, a written risk assessment shall be 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. SIA door staff shall utilise functioning body worn videos at all times when they are on duty.
6. 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. 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.
7. 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. Any breakdown or system failure will be reported to the Police immediately and remedied as soon as practicable;
8. When the ID Scanner is required entry be restricted to those patrons whose ID has been scanned.
9. 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.
10. No games shall be conducted in the premises whereby alcohol or bar credit is given as a prize in any manner or form.

11. 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.
12. 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.
13. 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.
14. 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.
15. All training records shall be made available to Sussex Police, Local Authority Licensing Officers and the Local Trading Standards service upon request.
16. 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.
17. 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 and immediately remedied as soon as practicable.
18. 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 data protection act.
19. 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.
20. No drinking vessels shall be permitted in the smoking area save for drinking vessels containing water.

Appendix E - Police Representation



Licensing Unit,
Adur and Worthing Councils
Portland House,
Richmond Road,
Worthing,
BN11 1LF

West Sussex Division Neighbourhood Licensing Team

27th July 2017

**RE: APPLICATION FOR VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR
MOLOTOV COCKTAIL VODKA BAR
CHATSWORTH ROAD BN11 1LY**

Dear Mr Jones,

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of the licensing objective of the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

The premises, while run by the same management team and premises licence holders, has previously been subject to a premises licence review hearing. As a consequence of the hearing held in 2012 the licensing committee attached a number of conditions to the premises licence.

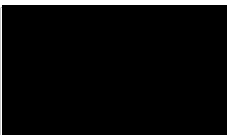
The Molotov premises licence is currently subject to a Review application submitted by Sussex Police on 25th July 2017. The Review is sought due to serious concerns relating to the management of the premises; a continued and repeated breach of the conditions attached to the premises licence, and to high intoxication of patrons.

Sussex Police consider that the failings identified in relation to this licenced premises are such that to grant the removal or emendation of the current conditions would further place members of the public at risk.

Therefore Sussex Police invite the licensing committee to refuse this variation application.

Please contact this office on the number below or via email to ws_licensing_wor@sussex.pnn.police.uk should you wish to discuss this representation.

Yours sincerely



Chief Inspector Ockwell

District Commander

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



Licensing Act 2003
Application for a Variation of a Premises Licence to specify an individual as
Designated Premises Supervisor under Section 37

One Club
31 Chatsworth Road
Worthing
BN11 1LY

Report by the Director for Communities

1. Recommendation

- 1.1 That a Sub Committee of Licensing & Control Committee “B” considers and determines the application made by:

Peter Mott & Barry Wells T/a Lounge Leisure Group

to specify an individual as Designated Premises Supervisor (DPS) named on Premises Licence no. LN/100001196. The licence authorises the sale of alcohol for consumption on the premise, the provision of regulated entertainment and sale of late night refreshment at the above night club.

2. Reasons

- 2.1 The application has been the subject of formal objection by Sussex Police on Crime & Disorder grounds as defined in the Act and it therefore falls to members to determine this application.

3. Background

- 3.1 Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.
- 3.2 Mr Barry Wells is one of the licence holders and has been the DPS named on LN/100001196 since February 2013. He is also DPS at his other premise known as Molotov.
- 3.3 An application was made by Messrs. Mott & Wells to Worthing Borough Council on the 14 July 2017 to change the individual specified as DPS on the Premises Licence at the nightclub known as ‘One Club’ from Mr Barry Wells into the name of Mr James Lanz.

- 3.4 Mr James Lanz holds a Personal Licence LN/100000904 issued by Worthing Borough Council. He has held his licence since August 2005 and has been employed as General Manager of the club during this time.
- 3.5 There is currently a variation application (under section 34) outstanding on this premises licence and, in addition, Sussex Police have applied to Worthing Borough Council for a Review (under section 51) of the Premises Licence (LN/100001195) relating to the Molotov Cocktail & Vodka Bar. That Review is also currently outstanding.
- 3.6 The hearing to consider that review is scheduled for 18 September 2017.
- 3.7 A copy of the current premises licence with a plan is attached. **(Appendix A)**
- 3.8 The application for variation to specify an individual as DPS and Mr Lanz's consent are attached. **(Appendix B)**
- 3.9 A copy of Sussex Police's objection is attached. **(Appendix C)**

4. Application

- 4.1 The Application is attached as Appendix B. However, in summary, Messrs Mott & Wells are applying to specify Mr James Lanz as DPS. The application has been properly made and includes the consent of the proposed DPS.
- 4.2 Mr Peter Mott, Mr Barry Wells and Mr James Lanz have been invited to attend this hearing.

5. Promotion of the Licensing Objectives

- 5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:
- prevention of crime & disorder;
 - public safety;
 - prevention of public nuisance;
 - protection of children from harm.

When determining a Premises Licence DPS Variation application only the former of these objectives, the prevention of crime and disorder, is relevant.

- 5.2 In carrying out its licensing functions, the licensing authority must also have regard to Guidance issued by the Secretary of State and its own Statement of Licensing Policy.

6. Consultation

- 6.1 A copy of the application was served on Sussex Police by this authority as required by the act. As a result an objection has been received from Sussex Police a copy of which has been served on the applicant.

7. Relevant Representations

- 7.1 Details of the objection received from Sussex Police are reproduced as Appendix C and relate to the only relevant statutory licensing objective the Prevention of Crime and Disorder.

- 7.2 The outline of the Police's objection is that :

Mr Lanz has been employed at One Club & Molotov as the manager for a number of years and is present on a daily basis. He has been integral to the premises management, whilst it has been trading under its current and previous names. The management team, headed by Mr Lanz, Mr Wells, the current Designated Premises Supervisor and the Premises Licence Holder; were in place during the Review of the premises licence in November 2012. This resulted in a considerable number of conditions being added to the premises licence by the licensing committee. These conditions have not been adhered to and the licensing objectives have not been promoted.

Molotov the adjoining premises is currently the subject to Premises Licence Review proceedings sought by Sussex Police. The review papers detail a number of failings at the premises, specifically numerous breaches of the premises licence and incidents of high intoxication of patrons of the premises.

This close involvement in managing a failing premises gives Sussex Police little confidence in Mr Lanz' ability to ensure the premises is run in accordance with the Licensing Act 2003; adhering to the conditions attached to the premises licence and thereby promoting the licensing objectives in order to keep members of the public safe and prevent crime.

It is contended that the above constitutes exceptional circumstances and therefore Sussex Police invite the committee to refuse the application

- 7.3 Sussex Police have been invited to attend this Sub-Committee hearing.

8. Mediation

- 8.1 No detail regarding mediation was available as this report was published but members will be fully updated prior to the hearing commencing.

9. Consideration

- 9.1 The following paragraphs from the Guidance issued under section 182 of the Licensing Act 2003 are considered particularly relevant.

Police objections to new designated premises supervisors

- 4.26 *The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking.*
- 4.27 *Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.*
- 4.28 *The portability of personal licences between premises is an important concept under the 2003 Act. It is expected that police objections would arise in only genuinely exceptional circumstances. If a licensing authority believes that the police are routinely objecting to the designation of new premises supervisors on grounds which are not exceptional, they should raise the matter with the chief officer of police as a matter of urgency.*

Representations from the police

- 9.12 *In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.*
- 9.2 Members must take into consideration the following when determining the application:
- The statutory licensing objective relating to the Prevention of Crime & Disorder.
 - Worthing Borough Council's Statement of Licensing Policy
 - Guidance issued by the Secretary of State
 - Relevant Objection from the Police
- 9.3 These are the only matters to be addressed by the authority when considering this application. The statutory licensing objective relating to the prevention of Crime & Disorder is the only ground on which an objection can be made by

Sussex Police, and the only ground on which an authority will be able to refuse an application

9.4 When considering this application for an application for a variation of a premises licence to specify an individual as DPS the following options are available to the Sub-Committee:

- a. Grant the variation.
- b. Reject the application.

9.5 Members are required to give reasons for their decision.

10. Safeguards

10.1 Under Section 181 and Schedule 5 of the Act, the following rights of appeal to the Magistrates' Court in respect of applications for transfer of a premises licence includes:

- a. The applicant may appeal against any refusal to vary the licence to specify an individual as Designated Premises Supervisor.
- b. The Police having made relevant objections may appeal against the variation being granted.

10.2 The Act also allows for the local licensing authority to undertake a review of a premises licence, when requested to do so by a responsible authority, such as the police or the fire authority, or any other party, such as a resident living in the vicinity of the premises. The government's guidance states:

The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with licensing objectives are occurring after the grant or variation of a premises licence.

At any stage, following the grant of a premises licence, a responsible authority, or any other person, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

11. Legal Implications

11.1 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.

11.2 Members must consider each application on its own merits, and in accordance with the principles of natural justice as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.

- 11.3 All applications before Committee must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 11.4 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and the responsible authorities particularly the Police.

12. Other Implications

- 12.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account. There are no significant equalities implications that have been identified.

13. Recommendation

- 13.1 Members are requested to determine the application for a Variation of the Premises Licence at the One Club to specify Mr James Lanz as Designated Premises Supervisor made by Mr Peter Mott & Barry Wells and give reasons for that determination.**

**Mary D'Arcy
Director for Communities**

Principal Author and Contact Officer: Simon Jones (01273 263191)

Background Papers:

Licensing Act 2003
Guidance issued under section 182 of the Licensing Act 2003
Worthing Borough Council's Statement of Licensing Policy

Appendices:

- Appendix A - Copy of current Premises Licence and plan.
- Appendix B - Application for a Variation of a Premises Licence to specify an individual as Designated Premises Supervisor
- Appendix C - Copy of Sussex Police's objection.

Portland House, Worthing, BN11 1HS

Ref: SJ/Lic.U/LA03/DPS Variation – One Club
Date: 11 August 2017.

Appendix A- Premises Licence and plan.



Licensing Act 2003 – Sections 16 and 18
Premises Licence – Part B

Housing, Health and Community Safety
9 Commerce Way
Lancing
BN15 8TA

Premises Licence Number - LN/100001196

Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
One Club 31 Chatsworth Road Worthing BN11 1LY	
Telephone number	01903 609000

Licensable activities authorised by the licence
See attached Schedule

The times the licence authorises the carrying out of the licensable activities
See attached Schedule

Opening hours of the premises		
Location : One Club - Nightclub		
Day	Start	Finish
Sunday		
Monday	19:00	02:30
Tuesday	19:00	02:30
Wednesday	19:00	02:30
Thursday	19:00	03:20
Friday	19:00	03:20
Saturday	19:00	03:50
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> 19.00hrs to 03.00hrs of the following morning on: Sunday preceding a Bank Holiday Monday Sunday when it is a Christmas Eve, Boxing Day and New Years Day. 19.00hrs to 04.30hrs of the following morning on New Year's Eve. 		

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
ON

Premises Licence Holder Details

Name
Peter Mott & Barry Wells T/A Lounge Leisure Group

Registered Address
One Club 31 Chatsworth Road Worthing West Sussex

Registered number of holder, for example company number, charity number (where applicable)
N/A

Designated Premises Supervisor Details (Where the premises licence authorises for the supply of alcohol)

Name
Mr Barry Wells

Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol	
Personal Licence Number :	00188
Licensing Authority :	Worthing Borough Council

State whether access to the premises by children is restricted or prohibited
Prohibited

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location: Bars		
Activities: Alcohol ON Sales/Supply (M)		
Day	Start	Finish
Sunday		
Monday	19:00	02:00
Tuesday	19:00	02:00
Wednesday	19:00	02:00
Thursday	19:00	02:30
Friday	19:00	03:00
Saturday	19:00	03:30
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> 19.00hrs to 02.30hrs of the following morning on: Sunday preceding a Bank Holiday Monday Sunday when it is a Christmas Eve, Boxing Day and New Years Day. 19.00hrs to 04.00hrs of the following morning on New Year's Eve. 		

Location: Nightclub		
Activities: Live Music (E), Recorded Music (F), Perform Dance (G), Music Making Facilities (I), Dance Facility (J)		
Day	Start	Finish
Sunday		
Monday	19:00	02:00
Tuesday	19:00	02:00
Wednesday	19:00	02:00
Thursday	19:00	03:00
Friday	19:00	03:00
Saturday	19:00	03:30
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> 19.00hrs to 02.30hrs of the following morning on: Sunday preceding a Bank Holiday Monday Sunday when it is a Christmas Eve, Boxing Day and New Years Day. 19.00hrs to 04.30hrs of the following morning on New Year's Eve. 		

Location: Designated Smoking Area		
Activities: Late Night Refreshment (L)		
Day	Start	Finish
Sunday		
Monday	23:00	02:30
Tuesday	23:00	02:30
Wednesday	23:00	02:30
Thursday	23:00	03:00
Friday	23:00	03:00
Saturday	23:00	03:30
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> • 23.00hrs to 03.00hrs of the following morning on: Sunday preceding a Bank Holiday Monday Sunday when it is a Christmas Eve, Boxing Day and New Years Day. • 23.00hrs to 04.30hrs of the following morning on New Year's Eve. 		

Signed on behalf of the issuing licensing authority

Senior Licensing Officer

Date: 12 March 2015

One Club

Annexe 1 : Mandatory Conditions

A. Mandatory conditions: Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

B. Mandatory conditions: Door Supervision

Where employed each such individual must be licensed by the Security Industry Authority.

C. Mandatory conditions: Irresponsible Promotions

The responsible person must take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one which encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children.

Irresponsible promotions take a number of forms including drinking games, large quantities of alcohol for free or for a fixed price, prizes and rewards schemes, event promotions and posters & flyers, games involving alcohol dispensed directly by one person into the mouth of another person.

D. Mandatory conditions: Free Drinking Water

Free potable water must be provided on request to customers where it is reasonably available on the premises.

E. Mandatory conditions: Age Verification

An age verification policy for the premises must be produced, implemented and details made available to authorised officers upon request.

G. Mandatory conditions: Small Alcohol Measures

Small alcohol measures must be made available.

For example: spirits: 25 ml or 35 ml; wine: 125ml glasses.

H. Mandatory conditions : Permitted Price

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- I. *P is the permitted price*
- II. *D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and*
- III. *V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;*

“relevant person” means, in relation to premises in respect of which there is in force a premises licence —

- I. *the holder of the premises licence*
- II. *the designated premises supervisor (if any) in respect of such a licence, or*
- III. *the personal licence holder who makes or authorises a supply of alcohol under such a licence;*

H. Conditions consistent with the Specific Conditions of the Public Entertainment Licence.

1. Between 23.30hrs until closing Monday – Saturday inclusive the premises may be used in conjunction with the ‘Retro’ bar, and entrance and exit to the bar shall be available only through the Nightclub via the internal staircase.
2. The procedure for managing the premises shall be in accordance with the document submitted by Holgate Fire & Safety Ltd dated 20 August 2003 entitled “Recommended procedure for managing the premises with the ‘Retro’ bar linked to the first floor via an internal stairway.”
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.
4. Departing customers must not be permitted to take glasses or opened bottles outside the premises.
5. The maximum number of persons permitted at any time in that part of the premises to which the Premises Licence applies to be limited to:

One Club	530 persons
Retro	160 persons
6. The licence holder shall ensure that persons entering and leaving the club are counted by his/her employees or agents using counting machines approved by the Licensing Authority and that the total recorded on each counting machine shall, at all times, be available for inspection by Officers of the Licensing Authority, the Fire Authority and/or the Sussex Police.
7. There shall be a minimum of one SIA door supervisor per 100 customers, or part thereof, present and at least one of the SIA attendants will be female.
8. Departing customers must not be permitted to take glasses or opened bottles outside the premises.

Annexe 2 : Conditions Consistent with the Operating Schedule

A. General conditions covering the whole club:

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. CCTV of a quality acceptable to Sussex Police, covering the entire premise shall be in operation continuously. Recordings shall be kept on hard disk for at least 2 months and be available to officers of Sussex Police and the Licensing Authority on demand.
3. SIA trained and licensed door supervisors shall be in attendance when the public is present.
4. The capacity limit of 690 persons shall not be exceeded.

5. A sound insulation scheme shall be maintained and management will carry out regular monitoring.
6. Regulated Entertainment to take place indoors only.
7. No person under 18 years of age shall be allowed in the premise except when they are either:
 - o an invited guest attending a private pre-booked party.
 - o attending a specially organised 'under 18 event' where no alcohol is available and the only over 18s present, besides those involved in the organisation & policing of the event, are older students, tutors or parents.
 Whenever an event is being held on the premises to which under 18 year olds are permitted to attend, Sussex Police will be given at least 7 days advanced notification.
8. First Aid kits and emergency equipment shall be properly maintained.
9. An NIEC electrical certificate will be obtained every 24 months.
10. 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.
11. A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
12. The 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).
13. 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.
14. 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.
15. 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.
16. The Applicant will use a sound level meter to allow objective self-monitoring of 'Retro' and the One Club to be carried out and recorded. Such records to be made in writing and made available on request to any Officer of Worthing Borough Council. The self-monitoring will take place as follows:
 - Sundays to Wednesdays – once during the course of the evening.
 - Thursdays to Saturdays – twice during the course of the evening.
17. There will be no external disposal of bottles or rubbish between the hours of 00.00 hrs (midnight) and 08.00 hrs on any day.
18. The Licensee/DPS will maintain an active membership of club-watch and attend the regular meetings.

B. Conditions specific to the designated smoking area adjacent to the club:

1. The external smoking area will be monitored and policed by the premise's SIA registered door staff. The club's rules and conditions will be enforced within this area and customers' standards of behaviour will be expected to meet the levels demanded within the club.
2. Plastic drink containers only will be permitted in this area. No Glasses or Bottles.

3. A policy of zero tolerance to illegal drugs will be enforced at all times.
4. The area will be monitored by the premises CCTV system. Imaging storage and inspection to be in accordance with the Police's requirement.
5. Staff will actively participate in litter collection within the 'smoking area' and suitable bins/ashtrays will be provided for customer use.
6. No amplified music will be played in this area and signs will be displayed reminding patrons that they are outside and to keep noise to a minimum. Door staff will enforce this. Noisy & disruptive customers will be asked to leave if door staff advice isn't adhered to.
7. Following Risk assessment, preventative and control measures are to be kept in place to ensure the safety of customers and employees whilst in the designated area.
8. Food provided from the mobile trailer situated in the designated smoking area will be for consumption on the premises. No food will be taken into the street.

C. Conditions specific to the 'Bottle Bar' in south east corner of main club area:

1. No draft beer will be supplied from this bar.
2. All products sold shall be in plastic containers.
3. The bar will be manned by a trained member of staff whenever open.

Annexe 3 : Conditions attached after review hearing by the Licensing Authority

1. Security industry Authority (SIA) door supervisors shall be employed through an external contract company.
2. SIA trained and licensed door supervisors shall be in attendance when the public is present and until 30 minutes after the closure of the premises in order to effectively operate a dispersal policy in Chatsworth Road;
3. 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.
4. SIA door staff shall utilise functioning body worn videos at all times when they are on duty.
5. 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. 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.
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 be reported to the Police immediately and remedied as soon as practicable.
7. Entry be restricted to those patrons whose ID has been scanned into the ID scanner system operated by the premises.

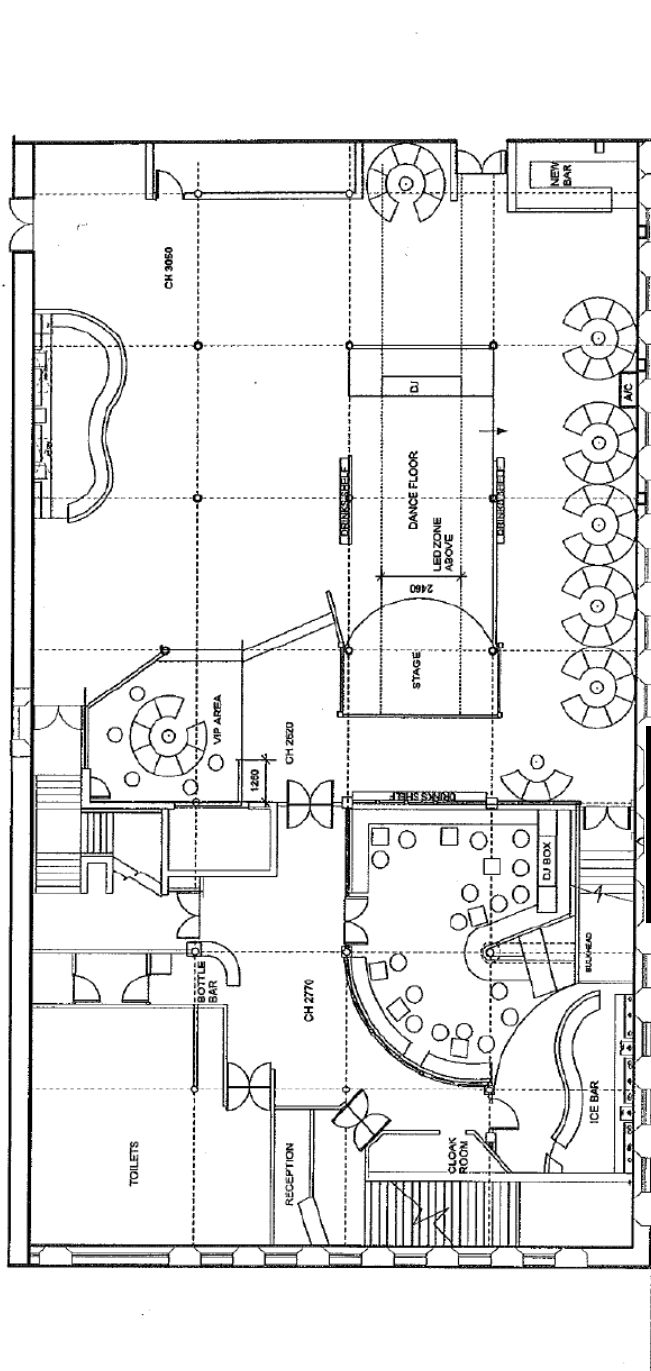
8. A challenge 25 Policy will apply with regard to the sale of alcohol. Any person who appears to be under the age of 25 shall be required to provide satisfactory photographic evidence that they are 18 years old or over before being sold or supplied with any alcoholic drink, or on entry should the ID scan system become inoperative.
9. No games shall be conducted in the premises whereby alcohol or bar credit is given as a prize in any manner or form.
10. 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.
11. 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.
12. 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.
13. 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.
14. All training records shall be made available to Sussex Police, Local Authority Licensing Officers and the Local Trading Standards service upon request
15. 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.
16. 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 and immediately remedied as soon as practicable.
17. 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 data protection act.
18. Polycarbonate drinking vessels (excluding bottles) will be used at all times. Polycarbonate bottles will be used when a need is identified by the licence holder's own risk assessment or when required by Sussex Police in writing.
19. No drinking vessels shall be permitted in the smoking area save for drinking vessels containing water.

Annexe 4 : Plans

See Attached:

- Plan of smoking area certified and dated 23.04.07.
- Plan & drawing of main club area certified and dated 23.11.10.

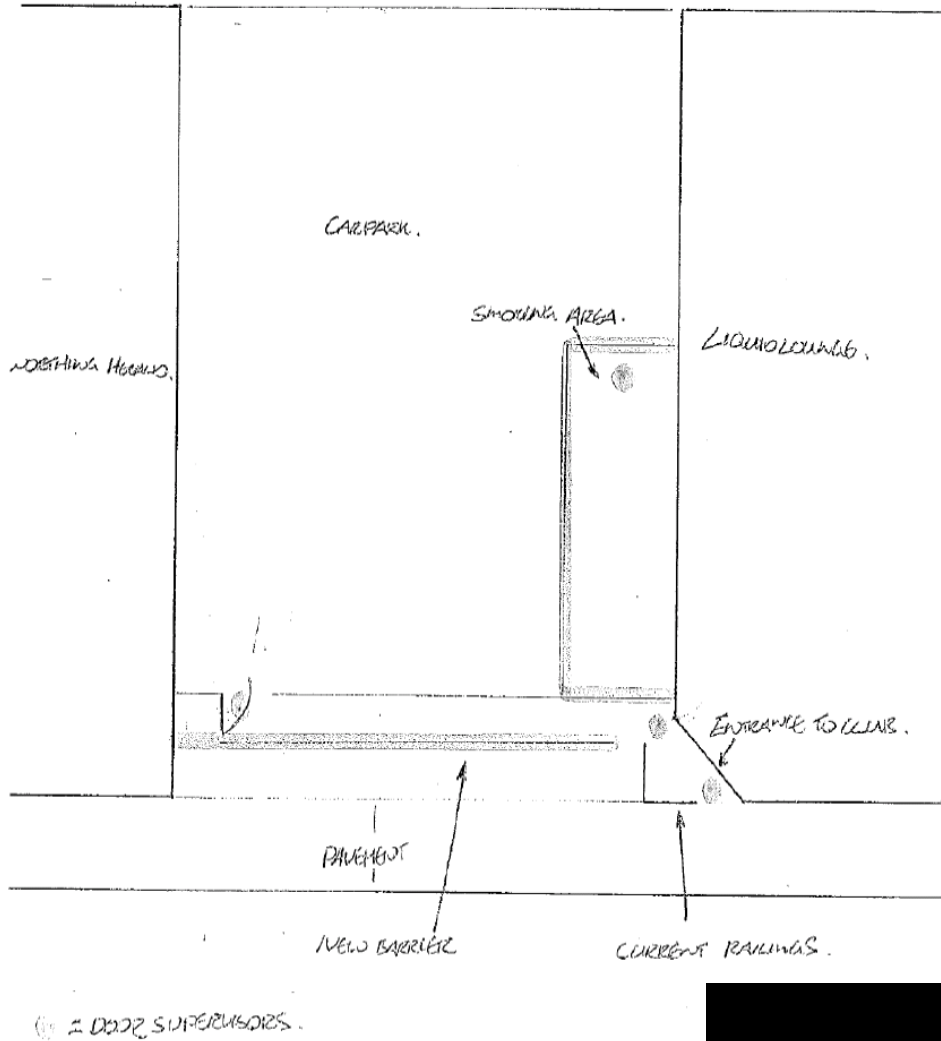
One Club
Chatsworth Road



PROPOSED CLUB OPTION 1
SCALE 1:100
FIRST FLOOR
LIQUID LOUNGE

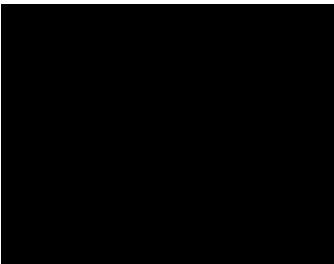
When Customers wish to go outside for a cigarette, they will be given a stamp on their hand. We will only let a certain amount of people at any one time in the smoking area. This will be approximately 30 to 40 people.

The numbers will be controlled by 2 extra door supervisors who will be responsible for the smoking area by the use of clickers. They will be in direct communication with the door supervisor at reception who will be in charge of stamping customers and allowing them outside.



WJ
10/11/11
12:00

Appendix B
Application to Transfer & Consent Form



ADUR & WORTHING COUNCILS
Licensing Unit
RECEIVED
14 JUL 2017
Initials



Portland House, Richmond Road, Worthing, BN11 1HS

Licensing Act 2003
Application package to vary a premises licence to specify an individual as designated premises supervisor including the DPS consent form

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I/We RAVEY CHRISTOPHER COOKE (full name(s) of premises licence holder) being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number DN6 LUB
LN/100001196

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>31 CAASWORTH ROAD</u>	
Post town <u>WORTHING</u>	Post code <u>BN11 1LY</u>
Telephone number (if any) <u>01903 609000</u>	

Description of premises (please read guidance note 1)
AVON CLUB

Part 2

Full name of proposed designated premises supervisor <i>JAMES GIOVANNI LANZ</i>
Nationality <i>BRITISH</i>
Place of birth <i>STOKE NEWINGTON BY SEA</i>
Date of birth <i>02-09-80</i>
Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any) <i>LA/10000902</i>
Full name of existing designated premises supervisor (if any) <i>BARRY CARSTOPPER WELLS</i>

Please tick ✓

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

<input checked="" type="checkbox"/>
<input type="checkbox"/>

I have enclosed the premises licence or relevant part of it

If you have not enclosed the premises licence, or relevant part of it, please give reasons why not

Reasons why I have failed to enclose the premises licence or relevant part of it
--

Please tick ✓

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY (UNLIMITED) AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 3 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 3). If [redacted] behalf of the applicant please state in what capacity.

Signature [redacted]

Date 13/7/17

Capacity D.P.S and license holder

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact Name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	



Portland House, Richmond Road, Worthing, BN11 1HS

Consent of individual to being specified as premises supervisor

I James Gordon Law (full name of prospective premises supervisor) of Flat 3, Gages Terrace, Manning Road, Chichester, BN11 3NR (home address of prospective premises supervisor)

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for Change of Use (type of application) by (name of applicant) relating to a premises licence LA/10000196 (number of existing licence, if any) for

ONE CLUB -> OXYGEN BAR & LIQUID CLUB 31 CHATWORTH ROAD (name and address of premises to which the application relates)

and any premises licence to be granted or varied in respect of this application made by (name of applicant) concerning the supply of alcohol at

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

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

Personal licence number LA/10000204 (insert personal licence number, if any)

Personal licence issuing authority CHICHESTER BOROUGH COUNCIL (insert name and address and telephone number of personal licence issuing authority, if any)

[Redacted signature]

signed

James Law dated 23/3/17

name (please print)

dated

Appendix C Sussex Police's objection

Licensing Unit,
Adur and Worthing Councils
Portland House,
Richmond Road,
Worthing,
BN11 1LF



West Sussex Division Neighbourhood Licensing Team

27th July 2017

RE: APPLICATION FOR VARIATION TO SPECIFY A NEW DESIGNATED PREMISES SUPERVISOR
FOR THE PREMISES LICENCE AT ONE CLUB CHATSWORTH ROAD WORTHING BN11 1LY TO MR
JAMES LANZ.

NOTICE OF OBJECTION UNDER SECTION 37 (5) OF THE LICENSING ACT 2003

Dear Mr Jones,

Notice is hereby given on behalf of the Chief Officer of Police for Sussex that the exceptional circumstances of this case are such that it is considered that the granting of this application would undermine the crime prevention objective.

Mr Lanz has been employed at One Club & Molotov as the manager for a number of years and is present on a daily basis. He has been integral to the premises management, whilst it has been trading under its current and previous names. The management team, headed by Mr Lanz, Mr Wells, the current Designated Premises Supervisor and the Premises Licence Holder; were in place during the Review of the premises licence in November 2012. This resulted in a considerable number of conditions being added to the premises licence by the licensing committee. These conditions have not been adhered to and the licensing objectives have not been promoted.

Molotov the adjoining premises is currently the subject to Premises Licence Review proceedings sought by Sussex Police. The review papers detail a number of failings at the premises, specifically numerous breaches of the premises licence and incidents of high intoxication of patrons of the premises.

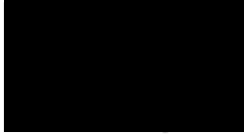
This close involvement in managing a failing premises gives Sussex Police little confidence in Mr Lanz' ability to ensure the premises is run in accordance with the Licensing Act 2003; adhering to the conditions attached to the premises licence and thereby promoting the licensing objectives in order to keep members of the public safe and prevent crime.

It is contended that the above constitutes exceptional circumstances and therefore Sussex Police invite the committee to refuse the application

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

Please contact this office on the number below or via email to ws_licensing_wor@sussex.pnn.police.uk should you wish to discuss this representation.

Yours sincerely



Chief Inspector Ockwell

District Commander



**Licensing Act 2003
Application for a Variation of a Premises Licence under Section 34**

**One Club
31 Chatsworth Road
Worthing
BN11 1LY**

Report by the Director for Communities

1. Recommendation

- 1.1 That a Sub Committee of Licensing & Control Committee "B" considers and determines the application made by:

Peter Mott & Barry Wells T/a Lounge Leisure Group

for a variation of their Premises Licence no. LN/100001196. The licence authorises the sale of alcohol for consumption on the premise, the provision of regulated entertainment and sale of late night refreshment at the above night club.

2. Reasons for the Hearing

- 2.1 The application has been the subject of formal representation and it therefore falls to this authority to determine the application.

3. Background

- 3.1 An application was made by Messrs. Mott & Wells to Worthing Borough Council on the 14 July 2017 The application is for grant of a full variation to the existing Premises Licence.
- 3.2 This premise had been operated for many years as a traditional nightclub with courtyard smoking area. The main part of the venue is situated on the first floor but has a ground floor outdoor smoking area shared with the neighbouring building. The main entrance opens directly onto the street and is situated in Chatsworth Road opposite the back entrance to the Guildbourne Shopping Centre in a predominantly commercial neighbourhood.

3.3 The venue currently operates under the authority of premises licence LN/100001196 which is the subject of this application. This licence authorises:

- Sales of Alcohol for consumption on & off the premise
 - Monday – Wednesday between 19:00hrs and 02:00hrs of the following morning
 - Thursday between 19:00hrs and 02:30hrs of the following morning
 - Friday & Saturday between 19:00hrs and 03:00hrs of the following morning

- Provision of Regulated Entertainment
 - Monday – Wednesday between 19:00hrs and 02:00hrs of the following morning
 - Thursday & Friday between 19:00hrs and 03:00hrs of the following morning
 - Saturday between 19:00hrs and 03:30hrs of the following morning

- Late Night Refreshment
 - Monday – Wednesday between 2300hrs and 02:30hrs of the following morning
 - Thursday & Friday between 23:00hrs and 03:00hrs of the following morning
 - Saturday between 23:00hrs and 03:30hrs of the following morning

- Opening to the Public
 - Monday – Wednesday between 19:00hrs and 02:30hrs of the following morning
 - Thursday & Friday between 19:00hrs and 03:20hrs of the following morning
 - Saturday between 19:00hrs and 03:50hrs of the following morning

3.4 Mr Barry Wells is the Designated Premises Supervisor of the venue. He has been in post since February 2013 and holds a Personal Licence issued by Worthing Borough Council.

3.5 There is currently a DPS variation application (under section 37) outstanding on this premises licence and, in addition, Sussex Police have applied to Worthing Borough Council for a Review of Messrs Mott & Wells' other Premises Licence (LN/100001195) relating to the Molotov Cocktail & Vodka Bar (under section 51). That Review is also currently outstanding.

3.5 Attached to the report are:

- Plan of the area (Appendix A)
- Current plan of the venue (Appendix B)
- Application & proposed plan (Appendix C)
- Current premises licence (Appendix D)
- Copies of the representation received (Appendix E)

4. The Application

4.1 The application is attached at Appendix C. However, in summary, Messrs Mott & Wells are seeking to vary Premises Licence LN/100001196 to authorise:

- Change of name of the business from 'One Club' to 'Oxygen Bar & Liquid Club'
- Changes to the layout of the premise removing a glass dividing wall between the main area of the club and the lounge area. (as per the plans provided)
- Remove the bar (Molotov Cocktail & Vodka Bar) from the scope of the club's premises licence by removing the following relevant conditions:
 - Between 23.30hrs until closing Monday – Saturday inclusive the premises may be used in conjunction with the 'Retro' bar, and entrance and exit to the bar shall be available only through the Nightclub via the internal staircase.
 - The procedure for managing the premises shall be in accordance with the document submitted by Holgate Fire & Safety Ltd dated 20 August 2003 entitled "Recommended procedure for managing the premises with the 'Retro' bar linked to the first floor via an internal stairway."
- Remove the following conditions of licence as obsolete, unenforceable or covered by other legislation:
 - The maximum number of persons permitted at any time in that part of the premises to which the Premises Licence applies to be limited to: ne Club 530 persons, Retro 160 persons.
 - Pre-opening safety checks to all fire exits and emergency lighting shall be carried out and the results recorded every evening before opening.
 - The capacity limit of 690 persons shall not be exceeded.
 - First Aid kits and emergency equipment shall be properly maintained.
 - An NIEC electrical certificate will be obtained every 24 months.
 - 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.
 - A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
 - The Applicant will use a sound level meter to allow objective self-monitoring of 'Retro' and the One Club to be carried out and recorded. Such records to be made in writing and made available on request to any Officer of Worthing Borough Council. The self-monitoring will take place as follows:
 - Sundays to Wednesdays – once during the course of the evening.
 - Thursdays to Saturdays – twice during the course of the evening.

- Amend the following condition of licence:
 - Entry be restricted to those patrons whose ID has been scanned into the ID scanner system operated by the premises.
 - To read
 - Entry be restricted to those patrons whose ID has been scanned into the ID scanner system operated by the premises or clearly over 30 years of age and are accompanied by a patron that has ID.

No changes to the hours for licensable activity or types of regulated activity provided were proposed by this application and all other conditions of licence to remain unchanged.

5. Promotion of the Licensing Objectives

5.1 The Licensing Act 2003 and regulations require that the Council, as local licensing authority, carries out its functions with a view to promoting the four licensing objectives:

- prevention of crime and disorder;
- public safety;
- prevention of public nuisance;
- protection of children from harm.

5.2 In carrying out its licensing functions, the licensing authority must also have regard to Guidance issued by the Home Secretary and its own Statement of Licensing Policy. Members are advised that the following sections of the Worthing Borough Council's Policy may be particularly relevant to consideration of this matter, though of course the Policy in its entirety must be considered. Sections indicated relate to paragraph numbers in the Policy itself:

Prevention of Crime & Disorder

4.1 *Alcohol can fuel violence, disorder, domestic violence and anti-social behaviour that can seriously blight a community. The Council recognises the need to crack down on one of the key causes of such behaviour - the binge drinking culture and fully supports the 'Alcohol Strategy 2012' published by the Home Office.*

4.2 *The Council places huge importance on the prevention of crime and disorder. A high standard of control is, therefore, expected to be exercised over all licensed premises.*

4.3 *In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself, the Guidance issued under section 182 to the Act and this policy. The Council will give "due regard" to all possible implications and its Licensing & Control Committee will always consider all the information available and relevant representations made, including those from the public and the responsible authorities, particularly the Police.*

- 4.8 *In addition to the requirements for the Council to promote the licensing objectives, it also has a duty, as detailed in paragraph 4.3, under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. The Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder within the vicinity if relevant representations are received. Whether or not incidents can be regarded as being in the vicinity of licensed premises is a question of fact and will depend on the particular circumstances of the case.*
- 4.9 *The Council recognises that the Licensing Act is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night time economy in town centres.*

Public Safety

- 4.11 *The 2003 Act covers a wide range of premises that require licensing, including, cinemas, concert halls, theatres, nightclubs, public houses, hotels, cafes/restaurants, shops and fast food outlets/takeaways.*
- 4.12 *Each of these types of premises present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.*
- 4.13 *The Council also recognises that the provision of live music, discos and dancing within a premise can lead to potential flashpoints for violence and disorder. The Council would expect all entertainment to be properly risk assessed in the Operating Schedule to ensure public safety.*

6. Consultation

- 6.1 The application has been subject to the statutory consultation and statutory public advertisement arrangements in accordance with the provisions of the Act, in respect of which representations have been received from the following:
- Responsible Authorities - One

7. Relevant Representations

- 7.1 Details of the representations received from Sussex Police are reproduced in full at Appendices E. The comments made objecting are considered to relate to the statutory licensing objectives as follows:
- Prevention of Public Nuisance
 - Public Safety.
- 7.3 All parties have been invited to attend the Sub-Committee and included in this report are the letters of representation reproduced in full.

8. Mediation

- 8.1 The Licensing Act 2003 encourages mediation.
- 8.2 No information regarding any mediation between the applicants and police has been made available at the time of the drafting of this report but members will be updated in due course if there are developments.

9. Consideration

- 9.1 Members must take into consideration the following when determining this application:
- The four statutory licensing objectives
 - Worthing Borough Council's Statement of Licensing Policy
 - Guidance issued by the Home Secretary
 - Relevant representations made by all the parties
- 9.2 These are the only matters to be addressed by the authority when considering this application. The statutory licensing objectives are the only grounds on which representations can be made, and the only grounds on which an authority will be able to refuse an application or impose conditions in addition to statutory conditions and those proposed by the applicant in the Operating Schedule.
- 9.3 When considering this application for a variation to the premises licence, pursuant to section 35 of the Act the following options are available to the Sub-Committee:
- a. Grant the variation, as requested,
 - b. Grant the variation as requested, with additional conditions appropriate to the promotion of the specific licensing objectives on which relevant representations have been received.
 - c. Reject the whole or part of the application.
- 9.4 Members are required to give reasons for their decision.

10. Legal Implications

- 10.1 Under Section 181 and Schedule 5 of the Act, rights of appeal to the Magistrates' Court in respect of applications for variation of an existing licence include:
- (1) The applicant / licence holder may appeal against any decision to modify the conditions of the licence.
 - (2) The applicant may appeal against a rejection in whole or part of an application.
 - (3) Those that have made relevant representations may appeal against a variation being granted, rejected, or against the modification or lack of modification of any conditions.
- 10.2 Members are reminded that the Act allows for the local licensing authority to

undertake a review following the grant of a premises licence, when requested to do so by a responsible authority, such as the police, or the fire authority, or any other person, such as a resident living in the vicinity of the premises. The Government's guidance states:

"The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. It is the existence of these procedures which should, in general, allow licensing authorities to apply a light touch bureaucracy to the grant and variation of premises licences by providing a review mechanism when concerns relating to the licensing objectives arise later in respect of individual premises."

- 10.3 In determining this application, the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses will be given due weight.
- 10.4 Members must consider each application on its own merits, and in accordance with the principles of natural justice as well as the provisions of the Licensing Act 2003. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 10.5 All applications before Committee must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 10.6 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all applications and this is re-emphasised by the Licensing Act 2003 itself. In giving "due regard" to these possible implications members will consider and weigh up all the information available and representations made, including those from the public and the responsible authorities particularly the Police.

11. Other implications

- 11.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account.

12. Recommendation

- 12.1 Members are requested to determine the application made by Mr Peter Mott & Barry Wells for a variation to the Premises Licence at the One Club situated in Chatsworth Road, Worthing and give reasons for that determination.**

**Mary D'Arcy
Director for Communities**

Principal Author and Contact Officer:

Simon Jones
Senior Licensing Officer
Telephone: 01273 263191

Background Papers:

- Licensing Act 2003
- Guidance issued under section 182 of the Licensing Act 2003
<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/guidance-section-182-licensing>
- Worthing Borough Council's Statement of Licensing Policy
<http://www.adur-worthing.gov.uk/media/media,98561,en.pdf>

Appendices:

- Appendix A - Plan of area
- Appendix B – Plan of premise.
- Appendix C - Application Form
- Appendix D - Current Premises Licence
- Appendix E – Police Representation

Ref: SJ/Lic.U/LA03/Variation – One Club
Date: 11 August 2017.

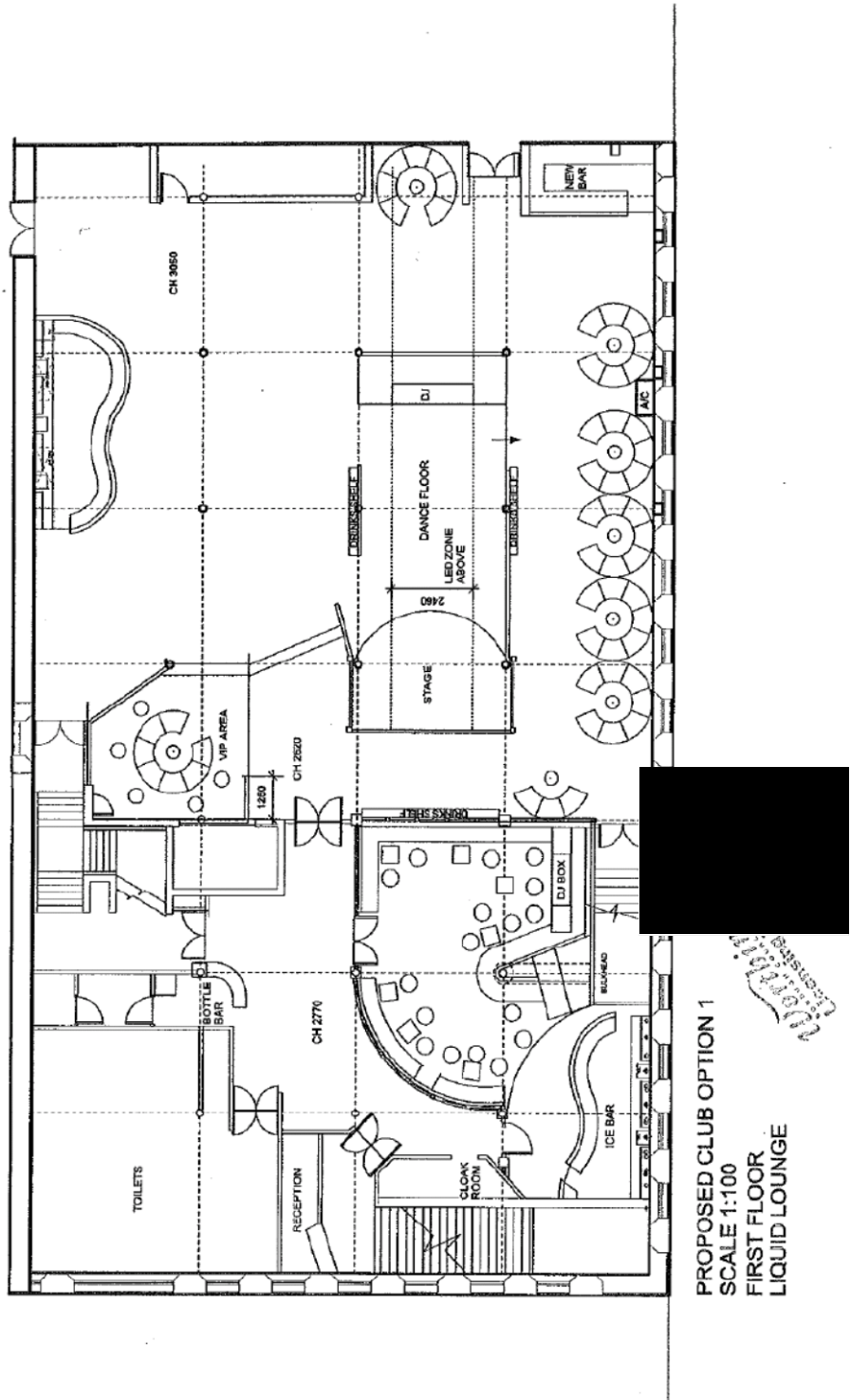
Appendix A – Map of Area



Title: Liquid Lounge 31 Chatsworth Rd Scale 1:1250 Date Plotted 14/7/2005

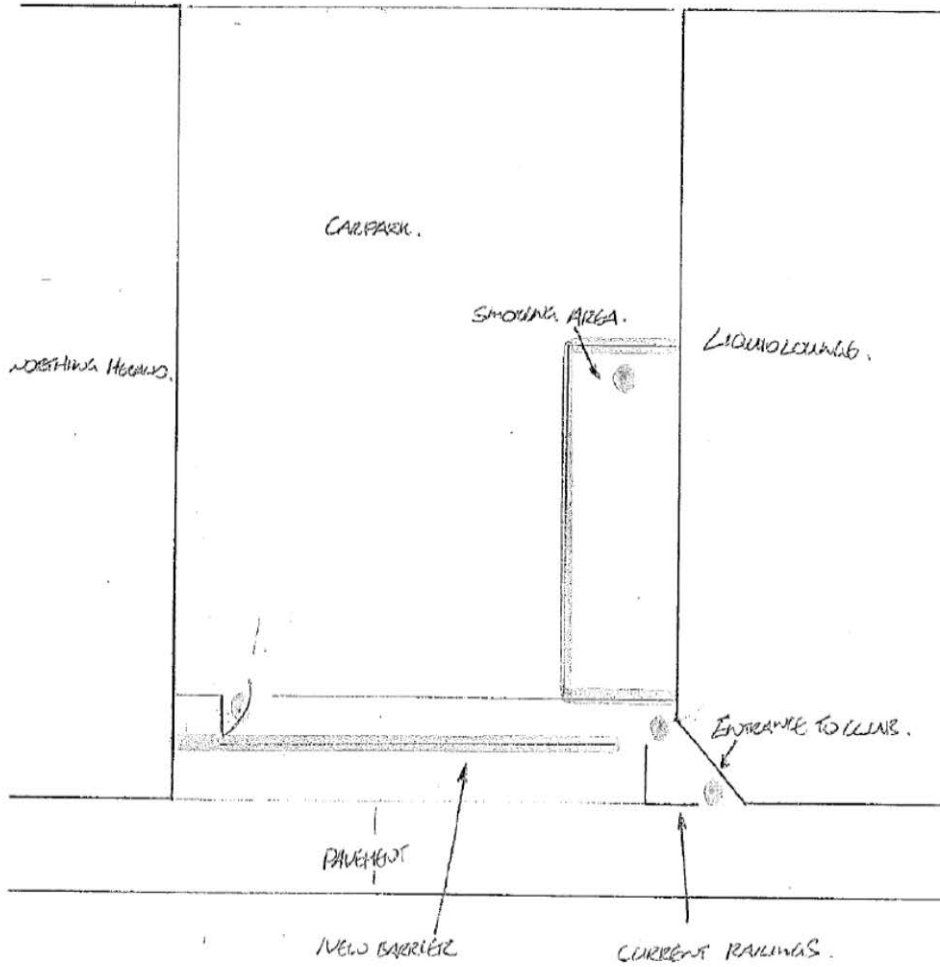
Appendix B – Current Plan of Venue

One Club
Chatsworth Road



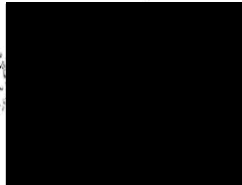
When Customers wish to go outside for a cigarette, they will be given a stamp on their hand. We will only let a certain amount of people at any one time in the smoking area. This will be approximately 30 to 40 people.

The numbers will be controlled by 2 extra door supervisors who will be responsible for the smoking area by the use of clickers. They will be in direct communication with the door supervisor at reception who will be in charge of stamping customers and allowing them outside.



2 DOOR SUPERVISORS

WORTHING
POLICE
STATION



Appendix C – Application

Application to vary a premises licence under the Licensing Act 2003

14 JUL 2017

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Initials

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Peter Mott & Barry Wells T/A Lounge Leisure Group
being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/100001196
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description One Club 31 Chatsworth Road			
Post town	Worthing	Postcode	BN11 1LY

Telephone number at premises (if any)	01903 609000
Non-domestic rateable value of premises	£

Part 2 – Applicant details

Daytime contact telephone number	01903 609000		
E-mail address (optional)	liquidworthing@aol.com		
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

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

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The application seeks:

- Change the name of the business from 'One Club' to 'Oxygen Bar & Liquid Club'
- Change the layout of the premise removing a glass dividing wall between the main area of the club and the lounge area.
- Remove the ground floor bar 'Retro' (now known as Molotov) from the scope of this licence by removing the following conditions:
 - o Between 23.30hrs until closing Monday – Saturday inclusive the premises may be used in conjunction with the 'Retro' bar, and entrance and exit to the bar shall be available only through the Nightclub via the internal staircase.
 - o The procedure for managing the premises shall be in accordance with the document submitted by Holgate Fire & Safety Ltd dated 20 August 2003 entitled "Recommended procedure for managing the premises with the 'Retro' bar linked to the first floor via an internal stairway."
- Remove the following conditions of licence as obsolete, unenforceable or covered by other legislation:
 - o The maximum number of persons permitted at any time in that part of the premises to which the Premises Licence applies to be limited to: ne Club 530 persons, Retro 160 persons.
 - o Pre-opening safety checks to all fire exits and emergency lighting shall be carried out and the results recorded every evening before opening.
 - o The capacity limit of 690 persons shall not be exceeded.
 - o First Aid kits and emergency equipment shall be properly maintained.
 - o An NIEC electrical certificate will be obtained every 24 months.
 - o 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.
 - o A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
 - o The Applicant will use a sound level meter to allow objective self-monitoring of 'Retro' and the One Club to be carried out and recorded. Such records to be made in writing and made available on request to any Officer of Worthing Borough Council. The self-monitoring will take place as follows:
 - Sundays to Wednesdays – once during the course of the evening.
 - Thursdays to Saturdays – twice during the course of the

evening.

- Amend the following condition of licence:
 - o Entry be restricted to those patrons whose ID has been scanned into the ID scanner system operated by the premises.
To read
 - o Entry be restricted to those patrons whose ID has been scanned into the ID scanner system operated by the premises or clearly over 30 years of age and are accompanied by a patron that has ID.

No changes to the hours for licensable activity or types of regulated activity provided are proposed by this application and all other conditions of licence to remain unchanged.

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

No

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	19:00	02:30	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)</p> <p>Current Hours</p> <ul style="list-style-type: none"> • 19.00hrs to 03.00hrs of the following morning on: Sunday preceding a Bank Holiday Monday Sunday when it is a Christmas Eve, Boxing Day and New Year's Day. • 19.00hrs to 04.30hrs of the following morning on New Year's Eve.
Tue	19:00	02:30	
Wed	19:00	02:30	
Thur	19:00	03:20	
Fri	19:00	03:20	
Sat	19:00	03:50	
Sun			

M

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- Remove the ground floor bar 'Retro' (now known as Molotov) from the scope of this licence by removing the following conditions:
 - o Between 23.30hrs until closing Monday – Saturday inclusive the premises may be used in conjunction with the 'Retro' bar, and entrance and exit to the bar shall be available only through the Nightclub via the internal staircase.
 - o The procedure for managing the premises shall be in accordance with the document submitted by Holgate Fire & Safety Ltd dated 20 August 2003 entitled "Recommended procedure for managing the premises with the 'Retro' bar linked to the first floor via an internal stairway."

- Remove the following conditions of licence as obsolete, unenforceable or covered by other legislation:
 - o The maximum number of persons permitted at any time in that part of the premises to which the Premises Licence applies to be limited to: One Club 530 persons, Retro 160 persons.
 - o Pre-opening safety checks to all fire exits and emergency lighting shall be carried out and the results recorded every evening before opening.
 - o The capacity limit of 690 persons shall not be exceeded.
 - o First Aid kits and emergency equipment shall be properly maintained.
 - o An NIEC electrical certificate will be obtained every 24 months.
 - o 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.
 - o A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
 - o The Applicant will use a sound level meter to allow objective self-monitoring of 'Retro' and the One Club to be carried out and recorded. Such records to be made in writing and made available on request to any Officer of Worthing Borough Council. The self-monitoring will take place as follows:
 - Sundays to Wednesdays – once during the course of the evening.
 - Thursdays to Saturdays – twice during the course of the evening.

- Amend the following condition of licence:
 - o Entry be restricted to those patrons whose ID has been scanned into the ID scanner system operated by the premises.
To read
 - o Entry be restricted to those patrons whose ID has been scanned into the ID scanner system operated by the premises or clearly over 30 years of age and are accompanied by a patron that has ID.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
--

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

The Licence holders volunteered a substantial number of conditions to the Liquid Lounge's Premises Licence during the initial Licensing process in September 2005 and others have been added since. These conditions are considered to be more than adequate to promote all the licensing objectives and reinforce Mr Mott & Wells position as responsible licensees running a safe venue. No application is made to amend or remove any of these conditions bar the ones that are the subject of this variation application.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or X
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. X
- I understand that I must now advertise my application. X
- I have enclosed the premises licence or relevant part of it or explanation. X
- I understand that if I do not comply with the above requirements my application will be rejected. X

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	12/7/17
Capacity	CO-OWNER

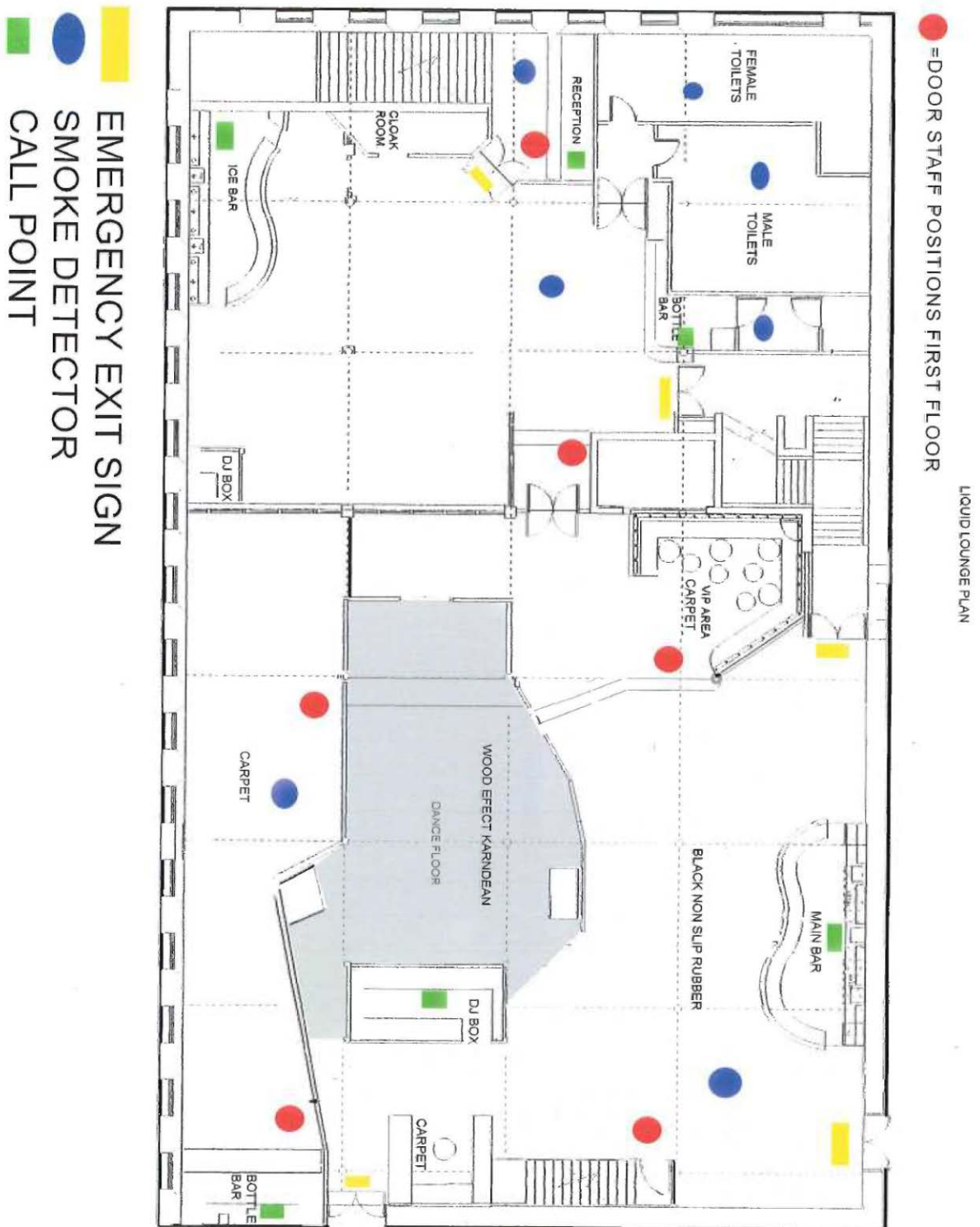
Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	[REDACTED]
Date	12/7/17
Capacity	D.P.S CO OWNER

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code
Telephone number (if any)		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)		

Proposed Plan



Housing, Health and Community Safety
9 Commerce Way
Lancing
BN15 8TA

Premises Licence Number - LN/100001196

Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	
One Club 31 Chatsworth Road Worthing BN11 1LY	
Telephone number	01903 609000

Licensable activities authorised by the licence
See attached Schedule

The times the licence authorises the carrying out of the licensable activities
See attached Schedule

Opening hours of the premises		
Location : One Club - Nightclub		
Day	Start	Finish
Sunday		
Monday	19:00	02:30
Tuesday	19:00	02:30
Wednesday	19:00	02:30
Thursday	19:00	03:20
Friday	19:00	03:20
Saturday	19:00	03:50
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> 19.00hrs to 03.00hrs of the following morning on: Sunday preceding a Bank Holiday Monday Sunday when it is a Christmas Eve, Boxing Day and New Years Day. 19.00hrs to 04.30hrs of the following morning on New Year's Eve. 		

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
ON

Premises Licence Holder Details**Name**

Peter Mott & Barry Wells T/A Lounge Leisure Group

Registered AddressOne Club
31 Chatsworth Road
Worthing
West Sussex**Registered number of holder, for example company number, charity number (where applicable)**

N/A

Designated Premises Supervisor Details (Where the premises licence authorises for the supply of alcohol)**Name**

Mr Barry Wells

Personal licence number and issuing authority of personal licence held by Designated Premises Supervisor where the premises licence authorises the supply of alcohol**Personal Licence Number :** 00188**Licensing Authority :** Worthing Borough Council**State whether access to the premises by children is restricted or prohibited**

Prohibited

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location: Bars		
Activities: Alcohol ON Sales/Supply (M)		
Day	Start	Finish
Sunday		
Monday	19:00	02:00
Tuesday	19:00	02:00
Wednesday	19:00	02:00
Thursday	19:00	02:30
Friday	19:00	03:00
Saturday	19:00	03:30
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> 19.00hrs to 02.30hrs of the following morning on: Sunday preceding a Bank Holiday Monday Sunday when it is a Christmas Eve, Boxing Day and New Years Day. 19.00hrs to 04.00hrs of the following morning on New Year's Eve. 		

Location: Nightclub		
Activities: Live Music (E), Recorded Music (F), Perform Dance (G), Music Making Facilities (I), Dance Facility (J)		
Day	Start	Finish
Sunday		
Monday	19:00	02:00
Tuesday	19:00	02:00
Wednesday	19:00	02:00
Thursday	19:00	03:00
Friday	19:00	03:00
Saturday	19:00	03:30
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> 19.00hrs to 02.30hrs of the following morning on: Sunday preceding a Bank Holiday Monday Sunday when it is a Christmas Eve, Boxing Day and New Years Day. 19.00hrs to 04.30hrs of the following morning on New Year's Eve. 		

Location: Designated Smoking Area		
Activities: Late Night Refreshment (L)		
Day	Start	Finish
Sunday		
Monday	23:00	02:30
Tuesday	23:00	02:30
Wednesday	23:00	02:30
Thursday	23:00	03:00
Friday	23:00	03:00
Saturday	23:00	03:30
Non Standard Timings & Seasonal Variations		
<ul style="list-style-type: none"> • 23.00hrs to 03.00hrs of the following morning on: Sunday preceding a Bank Holiday Monday Sunday when it is a Christmas Eve, Boxing Day and New Years Day. • 23.00hrs to 04.30hrs of the following morning on New Year's Eve. 		

Signed on behalf of the issuing licensing authority

Senior Licensing Officer

Date: 12 March 2015

One Club

Annexe 1 : Mandatory Conditions

A. Mandatory conditions: Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

B. Mandatory conditions: Door Supervision

Where employed each such individual must be licensed by the Security Industry Authority.

C. Mandatory conditions: Irresponsible Promotions

The responsible person must take all reasonable steps to ensure that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one which encourages the sale or supply of alcohol for consumption on the premises and carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children.

Irresponsible promotions take a number of forms including drinking games, large quantities of alcohol for free or for a fixed price, prizes and rewards schemes, event promotions and posters & flyers, games involving alcohol dispensed directly by one person into the mouth of another person.

D. Mandatory conditions: Free Drinking Water

Free potable water must be provided on request to customers where it is reasonably available on the premises.

E. Mandatory conditions: Age Verification

An age verification policy for the premises must be produced, implemented and details made available to authorised officers upon request.

G. Mandatory conditions: Small Alcohol Measures

Small alcohol measures must be made available.

For example: spirits: 25 ml or 35 ml; wine: 125ml glasses.

H. Mandatory conditions : Permitted Price

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

Where —

- I. *P is the permitted price*
- II. *D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and*
- III. *V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;*

“relevant person” means, in relation to premises in respect of which there is in force a premises licence —

- I. *the holder of the premises licence*
- II. *the designated premises supervisor (if any) in respect of such a licence, or*
- III. *the personal licence holder who makes or authorises a supply of alcohol under such a licence;*

H. Conditions consistent with the Specific Conditions of the Public Entertainment Licence.

1. Between 23.30hrs until closing Monday – Saturday inclusive the premises may be used in conjunction with the ‘Retro’ bar, and entrance and exit to the bar shall be available only through the Nightclub via the internal staircase.
2. The procedure for managing the premises shall be in accordance with the document submitted by Holgate Fire & Safety Ltd dated 20 August 2003 entitled “Recommended procedure for managing the premises with the ‘Retro’ bar linked to the first floor via an internal stairway.”
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.
4. Departing customers must not be permitted to take glasses or opened bottles outside the premises.
5. The maximum number of persons permitted at any time in that part of the premises to which the Premises Licence applies to be limited to:

One Club	530 persons
Retro	160 persons
6. The licence holder shall ensure that persons entering and leaving the club are counted by his/her employees or agents using counting machines approved by the Licensing Authority and that the total recorded on each counting machine shall, at all times, be available for inspection by Officers of the Licensing Authority, the Fire Authority and/or the Sussex Police.
7. There shall be a minimum of one SIA door supervisor per 100 customers, or part thereof, present and at least one of the SIA attendants will be female.
8. Departing customers must not be permitted to take glasses or opened bottles outside the premises.

Annexe 2 : Conditions Consistent with the Operating Schedule

A. General conditions covering the whole club:

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. CCTV of a quality acceptable to Sussex Police, covering the entire premise shall be in operation continuously. Recordings shall be kept on hard disk for at least 2 months and be available to officers of Sussex Police and the Licensing Authority on demand.
3. SIA trained and licensed door supervisors shall be in attendance when the public is present.
4. The capacity limit of 690 persons shall not be exceeded.
5. A sound insulation scheme shall be maintained and management will carry out regular monitoring.
6. Regulated Entertainment to take place indoors only.

7. No person under 18 years of age shall be allowed in the premise except when they are either:
 - an invited guest attending a private pre-booked party.
 - attending a specially organised 'under 18 event' where no alcohol is available and the only over 18s present, besides those involved in the organisation & policing of the event, are older students, tutors or parents.
 Whenever an event is being held on the premises to which under 18 year olds are permitted to attend, Sussex Police will be given at least 7 days advanced notification.
8. First Aid kits and emergency equipment shall be properly maintained.
9. An NIEC electrical certificate will be obtained every 24 months.
10. 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.
11. A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
12. The 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).
13. 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.
14. 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.
15. 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.
16. The Applicant will use a sound level meter to allow objective self-monitoring of 'Retro' and the One Club to be carried out and recorded. Such records to be made in writing and made available on request to any Officer of Worthing Borough Council. The self-monitoring will take place as follows:
 - Sundays to Wednesdays – once during the course of the evening.
 - Thursdays to Saturdays – twice during the course of the evening.
17. There will be no external disposal of bottles or rubbish between the hours of 00.00 hrs (midnight) and 08.00 hrs on any day.
18. The Licensee/DPS will maintain an active membership of club-watch and attend the regular meetings.

B. Conditions specific to the designated smoking area adjacent to the club:

1. The external smoking area will be monitored and policed by the premise's SIA registered door staff. The club's rules and conditions will be enforced within this area and customers' standards of behaviour will be expected to meet the levels demanded within the club.
2. Plastic drink containers only will be permitted in this area. No Glasses or Bottles.
3. A policy of zero tolerance to illegal drugs will be enforced at all times.
4. The area will be monitored by the premises CCTV system. Imaging storage and inspection to be in accordance with the Police's requirement.

5. Staff will actively participate in litter collection within the 'smoking area' and suitable bins/ashtrays will be provided for customer use.
6. No amplified music will be played in this area and signs will be displayed reminding patrons that they are outside and to keep noise to a minimum. Door staff will enforce this. Noisy & disruptive customers will be asked to leave if door staff advice isn't adhered to.
7. Following Risk assessment, preventative and control measures are to be kept in place to ensure the safety of customers and employees whilst in the designated area.
8. Food provided from the mobile trailer situated in the designated smoking area will be for consumption on the premises. No food will be taken into the street.

C. Conditions specific to the 'Bottle Bar' in south east corner of main club area:

1. No draft beer will be supplied from this bar.
2. All products sold shall be in plastic containers.
3. The bar will be manned by a trained member of staff whenever open.

Annexe 3 : Conditions attached after review hearing by the Licensing Authority

1. Security industry Authority (SIA) door supervisors shall be employed through an external contract company.
2. SIA trained and licensed door supervisors shall be in attendance when the public is present and until 30 minutes after the closure of the premises in order to effectively operate a dispersal policy in Chatsworth Road;
3. 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.
4. SIA door staff shall utilise functioning body worn videos at all times when they are on duty.
5. 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. 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.
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 be reported to the Police immediately and remedied as soon as practicable.
7. Entry be restricted to those patrons whose ID has been scanned into the ID scanner system operated by the premises.
8. 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.
9. No games shall be conducted in the premises whereby alcohol or bar credit is given as a prize in any manner or form.

10. 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.
11. 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.
12. 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.
13. 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.
14. All training records shall be made available to Sussex Police, Local Authority Licensing Officers and the Local Trading Standards service upon request
15. 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.
16. 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 and immediately remedied as soon as practicable.
17. 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 data protection act.
18. Polycarbonate drinking vessels (excluding bottles) will be used at all times. Polycarbonate bottles will be used when a need is identified by the licence holder's own risk assessment or when required by Sussex Police in writing.
19. No drinking vessels shall be permitted in the smoking area save for drinking vessels containing water.

Annexe 4 : Plans

See Attached:

- Plan of smoking area certified and dated 23.04.07.
- Plan & drawing of main club area certified and dated 23.11.10.

Appendix E - Police Representation



Licensing Unit,
Adur and Worthing Councils
Portland House,
Richmond Road,
Worthing,
BN11 1LF

West Sussex Division Neighbourhood Licensing Team

27TH July 2017

**RE: APPLICATION FOR VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 FOR
ONE CLUB, CHATSWORTH ROAD BN11 1LY**

Dear Mr Jones,

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds of the licensing objective of the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

The premises, while run by the same management team and premises licence holders, has previously been subject to a premises licence review hearing. As a consequence of the hearing held in 2012, the licensing committee attached a number of conditions to the premises licence.

The premises licence and management team for One Club are the same as for the adjoining premises Molotov.

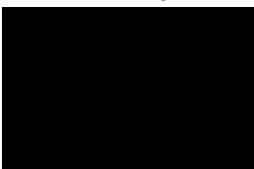
The Molotov premises licence is currently subject to a Review application submitted by Sussex Police on 25th July 2017. The Review is sought due to serious concerns relating to the management of the premises; a continued and repeated breach of the conditions attached to the premises licence, and high intoxication of patrons.

Sussex Police have been engaged with the management team for both premises in relation to failings which have been identified by Sussex Police. As such it is considered that to grant the removal, or emendation, of the current conditions would be to place members of the public at risk.

Therefore Sussex Police invite the licensing committee to refuse this variation application.

Please contact this office on the number below or via email to ws_licensing_wor@sussex.pnn.police.uk should you wish to discuss this representation

Yours sincerely



Chief Inspector Ockwell

District Commander

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