



WORTHING BOROUGH
C O U N C I L

29 September 2020

Worthing Licensing & Control Committee B	
Date:	7 October 2020
Time:	6.30 pm
Venue:	Remote Meeting via Zoom

<p>Committee Membership: Councillors Sean McDonald (Chairman), Charles James (Vice-Chairman), Roy Barraclough, Mike Barrett, Keith Bickers, Henna Chowdhury, Karen Harman, Richard Mulholland, Richard Nowak, Jane Sim, Dawn Smith, Bob Smytherman, Nicola Waight, Paul Westover and Steve Wills</p>

Agenda

Part A

1. Declaration of Interests

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 and interest becomes apparent during the meeting.

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

2. Confirmation of minutes

To confirm the minutes of the 25 February 2020

3. 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)

4. Licensing Act 2003 Application for the Review of the Premises Licence under Section 51 - Molotov Cocktail & Vodka Bar (Pages 1 - 110)

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

5. Exclusion of the Press and Public

In the opinion of the Proper Officer the press and public should be excluded from the meeting for consideration of the following item. Therefore the meeting is asked to consider passing the following resolution:

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

6. Licensing Act 2003 - Application for the Review of the Premises Licence under Section 51 - exempt annexes (Pages 111 - 218)

Exempt annexes to agenda item 4

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	Shelley-Ann Flanagan Lawyer 01903 221095 Shelley-ann.flanagan@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.



WORTHING BOROUGH
COUNCIL

Licensing & Control Committee B

7 October 2020

Ward: Central

Licensing Act 2003
Application for the Review of the Premises Licence under Section 51

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

Report by the Director for Communities

1. Recommendation

- 1.1 That the full Licensing & Control Committee "B" considers and determines the application from:

Sussex Police

for a Review of the premises licence at the above venue under section 51 of the Licensing Act 2003.

2. Reasons for the Hearing

- 2.1 An application for a Review of premises licence No: LN/000001195 held by

Beachcomber Leisure Ltd.

has been received from Chief Inspector Leadbeater on behalf of the Chief Constable of Sussex Police. The Police being a Responsible Authority as defined under the Act.

- 2.2 Worthing Borough Council is the Licensing Authority that granted the above licence and it therefore falls to members to determine this application.
- 2.3 The application was originally due to be considered by this Committee on 5 March 2020 but was adjourned at the request of the licence holders due to the quantity of additional evidence provided by Sussex Police on 18 February 2020. The application was then due to be considered by this Committee on 1 April but due to the Covid-19 lock-down this was further postponed in agreement with the Chair, the applicant and the licence holders.

3. Background

- 3.1 Premises Licence no. LN/000001195 covers the Molotov Cocktail & Vodka Bar and authorises the sale of alcohol and the provision of regulated entertainment. It has been held by Beachcomber Leisure Ltd. since September 2019. Prior to this Peter Mott & Barry Wells T/A The Lounge Leisure Group had held the licence since the introduction of the Licensing Act 2003 in November 2005. Mr Mott and Mr Wells are directors of Beachcomber Leisure Ltd.
- 3.2 Molotov Cocktail & Vodka Bar is situated in a large multi storey, multi use building, Chatsworth House, situated in Chatsworth Road. 'Molotov' is situated on the ground floor and operates primarily as a bar.
- 3.3 This Review application, made by Sussex Police regarding Molotov's premises licence, was received on 13 January 2020. It was accompanied by 5 Appendices of supporting documentation relating to previous review applications.
- 3.4 In the past this licence has been the subject of two Review applications made by Sussex Police. Applications were received in:
- November 2012
 - July 2017
- 3.5 On 26 July 2017 Sussex Police applied for a Review of the Premises Licence seeking its revocation on the grounds that the activities at the premises were undermining the Licensing Objectives:
- The Prevention of Crime & Disorder
 - Public Safety
- The application was considered by this committee on 18 September 2017. The Committee heard from all parties and resolved that the premises licence should be revoked and provided its reasons. However, the decision was appealed against by Messrs. Mott & Wells.
- 3.6 Under Section 181 (2) of the Licensing Act, on appeal the magistrates may
- dismiss the appeal,
 - substitute for the decision appealed against any other decision which could have been made by the licensing authority, or
 - remit the case to the licensing authority to dispose of it in accordance with the direction of the court,
- In this case there was joint consent to remit the matter back to this Authority for a re-hearing which was ratified by a court order.
- 3.7 On 7 June 2018 this Committee reheard the application. However, on this occasion, mediation between Sussex Police and the licence holders had reached agreement. The Licensing & Control Committee B was requested to accept the mediated agreement between the parties and impose the new list of conditions agreed by the parties on the Premises Licence to replace the existing conditions. After hearing from all the parties the Committee agreed to do this.

- 3.8 Previous to that application a Review application was made by Sussex Police in November 2012. That application was successfully mediated and this Committee resolved at hearing on 23 January 2013 that a mediated agreement reached between the applicant and the licence holders be approved. This included the replacement of the then Designated Premises Supervisor (DPS) together with a number of new conditions of licence.
- 3.9 The current DPS of the venue is Mr Nooralam Amarkhail . He has been in post since 16 August 2019. He holds a Personal Licence issued by Worthing Borough Council. Prior to him the DPS was:
- Mr Stefan Whittington who was in post 17 April 2019 – 15 August 2019
 - Mr Vinojan Vijayakumar who was in post 11 September 2018 – 16 April 2019
 - Mr Barry Wells who was in post 25 February 2013 – 11 September 2018
- 3.10 A plan of the area is attached. (Appendix A)
- 3.11 A plan of the premises is attached. (Appendix B)
- 3.12 The application is for a review of the licence due to representations made regarding the following licensing objectives:
- Prevention of crime & disorder
 - Public Safety
- The application is attached with the supporting documentation received with the application. (Appendix C)
- 3.13 The current Premises Licence allows:
- a) Sale of alcohol between:
- 12.00hrs and 00.30hrs, of the following morning, Sunday
 - 11.00hrs and 02.00hrs, of the following morning, Mon. to Wednesday
 - 11.00hrs and 02.30hrs, of the following morning, Thursday & Friday
 - 11.00hrs and 03.00hrs, of the following morning, Saturday.
- b) Provision of regulated entertainment:
- 12.00hrs and 00.30hrs, of the following morning, Sunday
 - 11.00hrs and 02.00hrs, of the following morning, Mon. to Wednesday
 - 11.00hrs and 03.00hrs, of the following morning, Thursday to Saturday.
- c) Hours the premise can open to the public:
- 12.00hrs and 01.00hrs, of the following morning, Sunday
 - 11.00hrs and 02.30hrs, of the following morning, Mon. to Wednesday
 - 11.00hrs and 03.20hrs, of the following morning, Thursday to Saturday.
- (Appendix D)
- 3.14 Copies of additional documentation received in support of the Police's application is attached. (Appendices E 1- 3) Please note Appendix E 2 contains confidential information. In addition Sussex Police have provided CCTV footage for members to view and this too is confidential and not for public viewing.

- 3.15 Copies of documentation received in support of the licence holder were requested but to date none have been provided. If any are forthcoming they will be forwarded to members.

4. The Application

- 4.1 The Application for Review is attached at Appendix C.
- 4.2 The application is made on behalf of Sussex Police a responsible authority as defined in the Section 13 of the Act.
- 4.3 The applicant has included detailed information in the application supporting their case that the licence holder is undermining the Licensing Objectives:
- Prevention of crime & disorder
 - Public Safety

Sussex Police are requesting that members consider revocation of the licence.

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

According to the Home Office Guidance each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times.

- 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 and disorder

- 4.8 *The Licensing Authority places huge importance on the prevention of crime and disorder. A high standard of control is, therefore, expected to be exercised over licensed premises.*
- 4.10 *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 interested parties and the responsible authorities, particularly the Police.

- 4.11 *In their role as a responsible authority, Sussex Police are an essential source of advice and information on the impact and potential impact of licensable activities in the borough, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and usually have good working relationships with those operating in the local area. The council recognises that Sussex Police are the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The Council will 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.*
- 4.12 *Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems. The Council will expect Operating Schedules to satisfactorily address these issues from the design of the premises through to the daily operation of the business, including, where appropriate, the arrangements proposed in respect of prevention of both alcohol and drug misuse.*
- 4.15 *In addition to the requirements for the Council to promote the licensing objectives, it also has a duty, as detailed in para. 4.10, 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."*

Public Safety

- 4.18 *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.*
- 4.19 *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.*
- 4.20 *The Licensing Authority 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.*
- 4.23 *The Council will consider attaching conditions to licences and permissions to promote public safety. In attaching conditions the Council will seek to avoid*

duplication with the requirements of other regulatory regimes, for example legislation covering health and safety at work and fire safety.

Enforcement

- 12.1 *Once licensed, it is essential premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the 2003 Act and the Council will make arrangements to monitor premises.*

Reviews

- 12.5 *The 2003 Act provides a clear focus on the promotion of the four statutory licensing objectives which must be addressed when licensing functions are undertaken. The Act provides tough powers, in the form of the review procedure, to enable licensing authorities to bring the minority of badly managed premises, which are failing to promote the licensing objectives, into line with the best.*
- 12.10 *When considering an application for a Review the priority of the Licensing Authority will be to establish the cause or causes of the concerns and failures and to take necessary and proportionate remedial action.*
- 12.11 *However, when considering applications for Review arising in connection with crime (this includes underage alcohol sales) deterrence is an appropriate objective. Whilst punishment may not strictly be a valid tool on an application for Review in cases where there has been activity in connection with crime, deterrence can be. The Licensing Authority will not confine its decision simply to considerations of remedying. To simply re-emphasis conditions which clearly have not been adhered to in the past will not in most cases prevent further breaches of the law in the future and consequently would not promote the Licensing Objectives.*

6. Consultation

- 6.1 The application has been subject to statutory consultation and statutory public advertising arrangements in accordance with the provisions of the Act.

7. Relevant Representations

- 7.1 The application received no representations.
- 7.2 Both the applicant and licence holder have produced information supporting their arguments at Appendices E & F.
- 7.3 The applicant and licence holder have been invited to attend the Committee meeting. All parties have the right to address members.

8. Mediation

- 8.1 As part of the review process the Licensing Act encourages, where possible, mediation.

- 8.2 Officers are aware that a mediation meeting was held on 26 February but was unsuccessful. Any developments will be reported as soon as received or at the hearing.

9. Consideration

- 9.1 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. These being the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Each objective is of equal importance and it is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times.
- 9.2 But members should note that the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:
- *Necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises of entertainment;*
 - *Introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet customers' expectations;*
 - *Greater choice for consumers, including tourists, about where, when and how they spend their leisure time;*
 - *Encouragement of more family friendly premises where younger children can be free to go with the family;*
 - *Further development within communities of our rich culture of live music, dancing and theatre, both in rural areas and in our towns and cities;*
 - *Regeneration of areas that need the increased investment and employment opportunities that a thriving and safe night-time economy can bring.*
- 9.3 When determining this application members need to carefully consider the following:
- The four statutory licensing objectives
 - Worthing Borough Council's 'Statement of Licensing Policy'
 - 'Guidance issued under Section 182' by the Home Secretary
 - The application & relevant representations
 - The testimony and any relevant information supplied by the licence holders.
- 9.4 These are the only matters to be addressed by the authority when considering this review 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, suspend or revoke a licence or impose conditions.
- 9.5 When considering an application for a review, pursuant to s51 of the Act, the following options are available to the Committee to ensure promotion of the Licensing Objectives:

- To take no action.
- Modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition).
- Exclude a licensable activity from the scope of the licence.
- Remove the designated premises supervisor because they consider the problems are the result of poor management.
- Suspend the licence for a period not exceeding three months
- Revoke the licence.

The committee could also issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

9.6 In determining an application for a review the following sections of the Home Secretary's Guidance issued under section 182 of the Licensing Act 2003 (Amended – April 2018) should be taken into account:

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.20 In deciding which of these powers to invoke (see section 9.5 of this report), it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a

temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

9.8 Sussex Police have not made any representation suggesting that the management, or staff, of Molotov have engaged in criminal activity.

9.9 In all cases 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 review of an existing license include:

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

10.2 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 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.

- 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. There are no significant direct race relations or equal opportunity implications that have been identified.

12. Recommendation

- 12.1 Members are requested to determine the application by Sussex Police for a Review of the Premises Licence, held by Beachcomber Leisure Ltd., at the Molotov Cocktail & Vodka Bar situated in Chatsworth Road. Members are requested to give reasons for their determination.**

Dr Catherine Howe
Director for Communities

Principal Author and Contact Officer:

Simon Jones
Public Health & Regulation – Team Leader Licensing
Telephone 01273 263191.

Background Papers:

- Licensing Act 2003
- Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf
- Worthing Borough Council's Statement of Licensing Policy
<http://www.adur-worthing.gov.uk/media/media,98561,en.pdf>

Appendices:

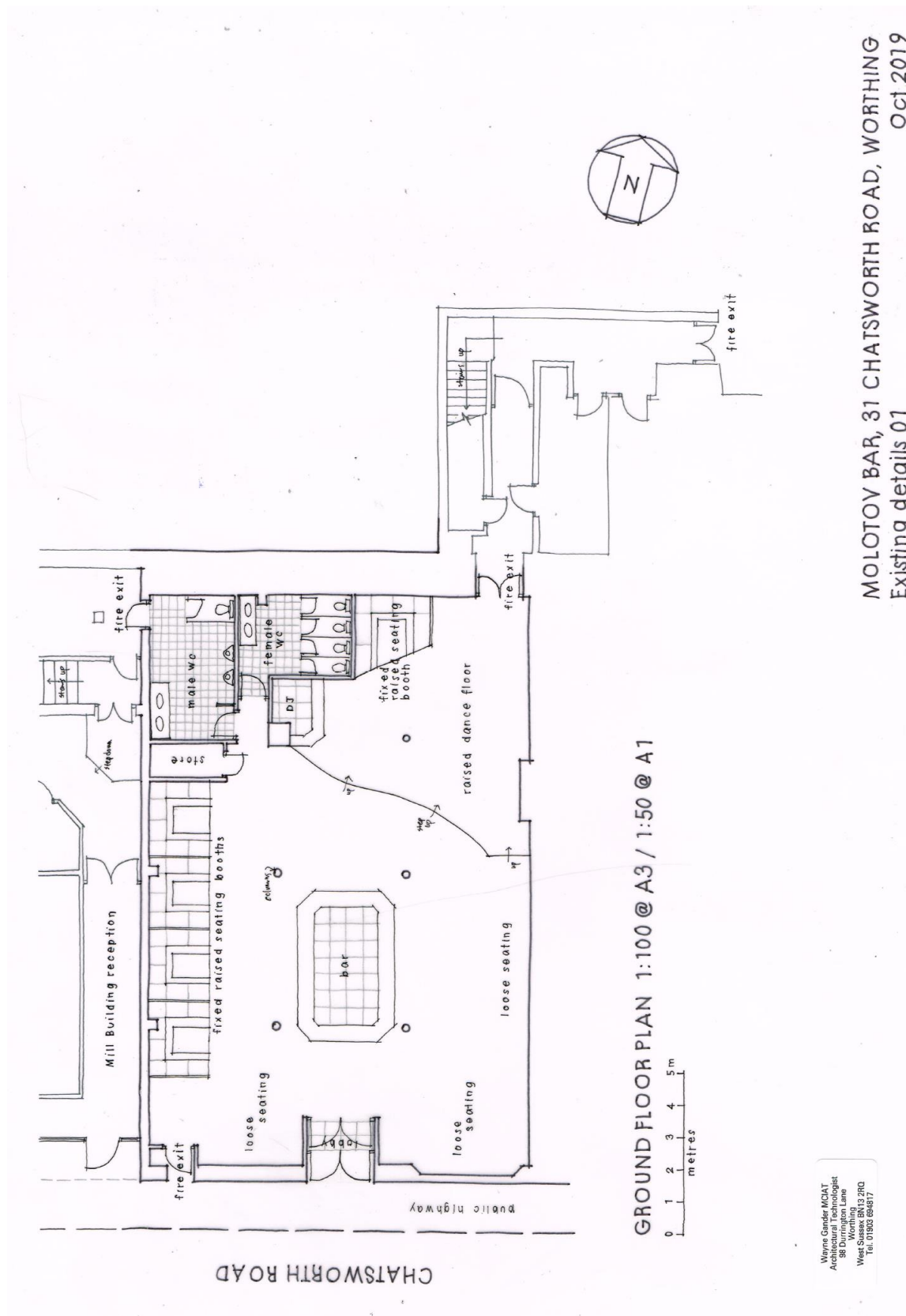
- Appendix A - A plan of the area.
- Appendix B - A plan of the premises.
- Appendix C – The Review Application & Supporting Documentation.
- Appendix D – Molotov's Premises Licence.
- Appendices E1-3 – Additional Documentation supporting the Application.

Adur & Worthing Public Health & Regulation Licensing Unit
Portland House, Worthing

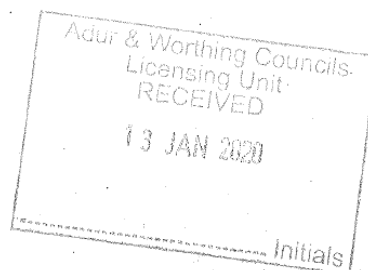
Ref: SJ/Lic.U/LA03/Review – Molotov
Date: 25 September 2020.

Appendix A Plan of Area





Appendix C Review Application



Application for the review of 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, <i>(insert name of applicant)</i>	Chief Insp Leadbeatter for and on behalf of the Chief Constable of Sussex Police
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Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Molotov Cocktail & Vodka Bar

Postal address of premises or, if none, ordnance survey map reference or description

31 Chatsworth Road

Post Town
Worthing

Post code (if known)
BN11 1LY

Name of premises licence holder or club holding club premises certificate (if known)

Beachcomber Leisure Ltd.

Number of premises licence or club premises certificate (if known)

LN/100001195

Part 2 – Applicant details

I am,	
	Please mark X for yes
1) an interested party (please complete (A) or (B) below)	
a) a person living in the vicinity of the premises	<input type="checkbox"/>
b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2) A responsible authority (please complete (C) below)	X
3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT
Name and address: Chief Inspector Leadbeatter C/O Licensing Officer M Humphreys Sussex Police West Sussex Divisional Headquarters Centenary House Durrington Lane, Worthing West Sussex BN13 2PQ
Telephone number (if any) 01273 404030
(Email address (if any)) WS_licensing_wor@sussex.pnn.police.uk

This application to review relates to the following licensing objective(s)	
Please mark X for yes (one or more boxes)	
1) the prevention of crime and disorder	X
2) public safety	X
3) the prevention of public nuisance	<input type="checkbox"/>
4) the protection of children from harm	<input type="checkbox"/>
Please state the ground(s) for review (please read guidance note 1)	
<p>On 23rd January 2013 there was a Review Hearing for the premises Retro/Light Bar, now known as Molotov Cocktail and Vodka Bar, in Chatsworth Road Worthing; in conjunction with The Liquid Lounge night club. This adjacent premises was connected via internal stairs and at that time both were under the same ownership. At the hearing, the Licensing Committee decided to apply a number of conditions to the licence of both premises to ensure the Licensing Objectives were promoted and patrons were kept safe.</p> <p>A new licence, with the additional conditions, was issued to the owners (namely Barry Wells and Peter Mott) who were in place at the time of the Review heard on 23rd January 2013, and have continued to own and manage the premises since that date.</p> <p>The Review Application from Nov 2012 (heard on 23rd Jan 2013) is attached at Appendix A. The determination of the review hearing January 2013 is attached at Appendix B.</p> <p>In July 2017 a further Review was sought by Sussex Police following continued poor management of the premises. This was sought not only due to the numerous breaches of the conditions placed upon the licence by the licensing Committee but also the tragic death of a female patron who, having left the premises in an extremely vulnerable condition, fell sustaining fatal injuries. The Review application is attached at Appendix C</p> <p>The Review of 17th July 2017 resulted in the Licensing Committee Revoking the premises licence. The licence holders then appealed the decision to the Magistrates Court. The matter however was not heard at court but after a number of adjournments was re-heard by the licensing committee on 11th September 2018.</p> <p>At this time further conditions were added to the licence following mediation. The determination is attached at Appendix D</p> <p>Following these previous interventions from Sussex Police and the serious concerns raised; it was anticipated that this premises would be fully conversant with the conditions attached to the premises licence and of the expectations of the premises licence holders and the premises supervisor in ensuring that the licenced premises was operated safely and lawfully.</p> <p>It is with considerable disappointment therefore that Sussex Police seek a further review to address ongoing failings and breaches of the conditions attached to the premises licence.</p> <p>Molotov Cocktail & Vodka Bar is located in the town centre in Chatsworth Road and now operates under a Premises Licence held by Beachcomber Leisure Ltd. Peter Mott and Barry Wells are the directors of Beachcomber Ltd. The current Designated Premises Supervisor (DPS) is Nooralam Amarkhail. Mr Amarkhail has worked at the premises for a number of years but was specified as DPS in August 2019</p> <p>It is a relatively small premises with an area at the rear of the bar used as a dance floor. The bar is located centrally with a mixture of vertical drinking, booths, tables and various styles of seating. The premises licence permits the sale of alcohol on and off the premises, as below:</p> <p>12:00 ~00:30 Sunday,</p>	

11:00~02:00 Monday Tuesday Wednesday,

11:00~02:30 Thursday Friday

11:00~03:00 Saturday (plus additional extensions for seasonal variations e.g. bank holidays)

Non Standard Timings & Seasonal Variations

Alcohol sales may continue:

- 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.

The ability to provide live & recorded music and dance reflects the above hours but permits continuance until 03:00 hours following opening on Thursday, Friday and Saturday.

Please provide as much information as possible to support the application (please read guidance note 2)

18th November 2018 01:22 Sunday

On 18th November 2018 police officers were called at 01:25hrs by a member of public saying there was an altercation between a female and a male in Chatsworth road. On arrival the female appeared to be extremely intoxicated. It was very difficult for officers to establish what had occurred due to her level of confusion and incoherence. A member of door staff from the Molotov Cocktail Bar told the officers he had seen a male push the female and would be able to provide a statement but that he had not intervened. It was ascertained that the male and female were in fact a couple.

The male was arrested and transported to the custody suite. Later, during interview, it was established that the couple had in fact been drinking at Molotov for some considerable time. The male described his female partner as getting more and more drunk, stating that she was the worst he had seen her. On a scale of 1 to 10 (ten being the most intoxicated) he estimated she was at level 9. He stated that due to this he was then assisting her in leaving the club.

22nd November 2018 at 17:00 Thursday

On 22nd November 2018 PC Middleton of the Prevention Licensing Team visited the premises in relation to the incident. He spoke with the DPS, at that time Mr Vijayakumar, and Mr Amarkhail the duty manager. Mr Vijayakumar stated the male and female had entered the premises between 20:30 and 21:00 hours and there were approximately 4 patrons at that time. He stated they remained at the premises until approximately 01:30 hours the next day. Mr Vijayakumar believed that there had been some sort of dispute between the male and the female and that the male had left followed immediately by the female. The DPS stated that this was on the CCTV however it seems this was not able to be played and viewed at the police station. When asked about the intoxication level of the female Mr Vijayakumar stated he thought she was 5/10 at the most as she was not unsteady on her feet and that he did not consider her speech was slurred. He expressed shock when informed that she had been considered, by both the officers and by her partner, to be extremely intoxicated.

Ultimately the female victim elected not to support the police prosecution and the matter was filed.

23rd November 0:57 hours Friday

At 00:57 hours on 23rd November 2018 Sussex Police received a call from a member of the public stating that he had been punched in the face by another male, while in Molotov Bar Worthing. Police officers attended the premises at 00:10 on the day of 25/11/18 to view the CCTV in order that a potential crime could be properly investigated. They were met by the DPS Vinojan Vijayakumar who stated that he had already viewed the CCTV and it did not show anything. The officers never the less requested to be shown the CCTV. Mr Vijayakumar seemed to prevaricate stating "It's a small room". Nonetheless the officers went inside and into the CCTV room. Mr Vijayakumar was able to promptly provide the name of a suspect and quickly identified the CCTV recording for the correct time period. However when it came to the footage of the incident, showing the suspect apparently 'fronting up' to a male, he skipped passed it. He proceeded to continually replay differing parts each time omitting the incident. The officers asked him to desist and to merely let the footage play through. After a couple of minutes the officers clearly witnessed the two males squaring up to each other. It then plainly showed one male punching the other with considerable force. Mr Vijayakumar expressed his considerable surprise that clear evidence had in fact been captured on the CCTV system. The officers at the time reported concern that the assistance Mr Vijayakumar had provided was less than dependable.

17th January 2019 at 14:00 Wednesday

A Meeting was held at Centenary House Police Station with members of the licensing team, Mr

Vinojan Vijayakumar (DPS at the time) and Mr Stefan Whittington (General Manager) to discuss progress since the review hearing. It was noted that during the meeting when asked to produce records of specific incidents, Mr Vijayakumar was unable to do so despite being asked prior to the meeting to bring along all incident and refusal logs. The incident on the 23rd November was discussed and concerns raised over police officers who had experienced issues in obtaining CCTV from the premises. Mr Vijayakumar strongly disputed being obstructive and said that he had cooperated fully with the officers in question.

3rd February 2019 01:08 Sunday

On 3rd February 2019 an incident occurred outside One Club, the night club adjacent to Molotov. At this time both were managed by the same premises licence holders and using the same SIA door team.

A member of door staff, Jamie Hutchings (JH) made a report to Sussex Police stating that he had been punched to the face by a male who had been refused entry to the nightclub. However, upon viewing the CCTV the footage, it appeared to conflict significantly with the account given to the officers by the SIA door supervisor. The footage shows a male evidently trying hard to persuade door staff to allow him entry. While he was persistent, he was not apparently aggressive to any of the door supervisors. After some time conversing with JH another door supervisor Callum Brewer (CB) appears from the side, suddenly pushing the male some 8ft into the road. CB then returns to his post by the entrance while 2 other door staff pursue the male into the road where he was detained. Fortunately no vehicles were driving past at the time.

Body Worn Video (BWV) footage was then requested in order to ensure all evidence was considered as part of the investigation; specifically the audio recordings which cannot be captured via CCTV. It was not available. Regrettably none of the SIA door staff had activated their cameras during the time leading up to the incident. Without this it is not possible to ascertain what, if anything, was exchanged between the member of the public and the door staff prior to the assault taken place.

It should be noted that following the Review Hearing in 2017 a condition was attached to the premises licence at Annexe 2 point (20) which states

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

The reason for it explicitly stating 'functioning' was to avoid door staff wearing body worn cameras without utilising them appropriately. This breach demonstrates that this addendum has failed

While it is acknowledged this incident took place outside the 'sister' premises 'One Club'; at that time both used the same SIA door company and both were run by the same premises licence holders, who remain responsible for the Molotov cocktail bar today.

1st March 2019

A letter was sent to Mr Wells raising concerns about the incident on the 3rd Feb 2019 and the failure to adhere to conditions, particularly those relating to the use of body worn video (BWV).

16th March 2019 01:41 hours Saturday

At approximately 01:40 hours, police officers on duty in the Worthing town centre were approached by a male who had been ejected from within the Molotov Cocktail bar by door staff. The male was visibly drunk, he was slurring his words, smelled of intoxicating liquor and was

swaying slightly. The male was shouting and swearing towards officers, stating the door staff were racist and waving his arms in the air. Officers asked the male to leave the area, but he continued to swear and shout racist remarks. He was then arrested for drunk and disorderly behaviour and further arrested for a racially aggravated Section 5 public order offence and taken to custody. He went to court and he received a fine and an order to complete 200 hours of unpaid work.

29 May 2019 at 10:00 Wednesday

A meeting was held at Centenary House with members of Sussex Police Licensing team, Mr Barry Wells, Mr Stephen Whittington and a representative of their SIA door team.

The conditions of the licence were discussed and concerns were raised about door staff not utilising body worn video. Mr Wells acknowledged receipt of the letter dated 1st March and stated he had since spoken to their head of security about purchasing more body worn video cameras.

06th October 2019 at 01:47 (Sunday) Sub Judice

On 6th October 2019 uniform police officers were on patrol in Worthing town centre when they were flagged down by members of the public concerned about the behaviour of SIA door supervisors on duty outside the Molotov bar in Chatsworth Road. They informed the officers that they were concerned for a male who was being manhandled with excessive force by the door staff.

On arrival, the police officers spoke with the Designated Premises Supervisor (DPS) Nooralam Amarkhail. Mr Amarkhail stated that a male had fallen over and staff were currently giving him first aid in the premises next door (formerly One Club now known as Jungle Night Club). On attending the male it became apparent to the officers that he had sustained an injury to his lip and was complaining about a pain in his shoulder. It was unclear how the male had sustained the injuries and he was unable to remember.

In view of the male's confusion and the injuries sustained the officers took him to the local hospital. At this stage, police were not informed by the staff at the premises that they had been engaging with the male at the time he sustained his injuries; nor was it revealed that he had been placed in the recovery position as he seemed to have struck his head on the floor. The police officers later returned to view the footage, to ascertain what had occurred and to establish if an offence had been committed. However there was some confusion over whether the CCTV was currently being viewed or not available to be viewed. Mr Amarkhail asked the officers to return in 15 minutes when the premises would be closed. When the officers again attended the door staff were no longer present. The DPS agreed to show the CCTV footage to the officers, but then acknowledged that he could not in fact access the system. He stated that the password had been changed. It is presumed therefore that the CCTV was not being viewed earlier when the officers originally requested to see it.

After several failed attempts Mr Amarkhail stated that he would obtain the footage and deliver it to Chatsworth Road Police Station later that same morning (Sunday 6th Oct). Unfortunately it was not provided.

During the afternoon of 6th October PC CL454 Luff attended the premises to obtain the promised footage. Previous experience of delays in obtaining evidence from the premises had seriously hampered police investigations and it was preferred that this would not be the case again. At this point the hospital had confirmed that the male had sustained a broken humorous and required stitches to his lip, it was therefore, imperative that all lines of enquiries could be promptly & effectively pursued. Both the current DPS Mr Amarkhail, and Mr Vijayakumar, the previous DPS, were present but neither seemed able to access the system nor to provide the footage. As a result the owner of Asset Security Company was contacted. He assured PC Luff that a copy of the CCTV would be provided to the police by the following day.

PC Luff took a photograph of the premises incident log. This had apparently been completed by a member of the SIA door team Mr [REDACTED]. The information recorded is not consistent with the

CCTV footage provided, nor with other accounts of the incident given to police officers.

7th October 2019 the CCTV was handed in at Chatsworth Road police station. A copy of which was forwarded by the officer to the Prevention Licensing Team.

It was disappointing that on viewing the CCTV there were clear discrepancies between the account provided to police officers and the images recorded on the footage. This investigation is currently ongoing and the evidence cannot at this stage be placed in the public domain; however it is clear that the male did not simply fall as stated by Mr Amarkhail. Furthermore as a result of the victim's impact with the ground he appears to have been rendered unconscious and had to be placed in the recovery position by the male's nephew. It is also clear that the DPS Mr Amarkhail, becomes physically involved with the male at the outset of the incident; this is despite being located alongside trained members of SIA registered door staff.

In order to properly investigate this potential assault the investigating officers then requested copies of the SIA door supervisors' body worn video (BWV) footage. The use of BWV is important as not only does it provide a visual account of what happened but had the BWV been switched on we would have been able to hear the conversation that was being had, therefore verifying or discrediting the account given by all parties involved. The uses of sound can be used to verify any verbal confrontation and aggression by members of the public.

Once again none of the door supervisors on duty had remembered to utilise their cameras, either at any time during the incident, nor during the subsequent interaction. In consequence no record of the verbal exchange taking place was available; nor any continuous footage of the incident as the area between the double doors is not sufficiently covered by the CCTV cameras.

Again the condition at Annexe 2 point (20) has been breached

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

Both staff and patrons are continually placed at risk when accountability & criminal offences cannot be verified due to the premises licence holders repeatedly failing in their duty to run a licensed premises lawfully.

It should be noted that the male was removed to the medical room of Jungle. This premises licence has been transferred and is no-longer run by the same licence holders. However, the door company remains the same for both. The alleged behaviour and demeanour of the male once in the first aid room should also have been recorded in accordance with the conditions of the premises licence. This was not volunteered by any of the individuals involved and has subsequently been lost.

On viewing the CCTV footage it was also noted that a member of door staff is located at the I.D. Scanner where he remains throughout the incident. He appears to be specifically positioned there in order to check I.D. against the I.D. Scanning device. Despite a number of people entering the premises, at no time is he seen to check the ID of any of them entering the premises. When asked in interview who this member of door staff was, Mr Amarkhail said that he did not know his name.

The conditions attached to the premises licence at Annexe 2 (22) and Annexe 2 (23) state:

- **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 General Data Protection Regulations. Any breakdown or system failure will be reported to the Police immediately via phoning 101 (or equivalent reporting telephone number)or via email and remedied as soon as practicable;

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

This breach was further evidenced during police interview by a member of the door team who stated that they did not check the ID persons entering the premises who are well known to them.

Sussex Police have carefully considered the ongoing issues surrounding this premises. There have been a variety of designated premises supervisors in place and the current DPS has been employed there in a managerial role for a number of years and was in situ during the Review of the premises licence considered by this Licensing Committee in 2017/2018.

Sussex Police have made every effort to work with the premises to ensure members of the public are kept safe. Despite having their premises licence brought to review on 2 previous occasions, staff seem unable or unwilling to ensure compliance with the conditions attached to the premises licence. Serious criminal investigations have been hindered due to the failure to provide valuable evidence which should have been easily and readily available via CCTV or from body worn video camera footage. Sussex Police have been required to refer members of the SIA door company to the Security Industry Authority on account of their aggressive behaviour and their lack of professionalism when employed in a role of responsibility. Ultimately it is the responsibility of the premises supervisor to ensure all of the staff that they employ to engage with the public, are professional and conversant with the conditions placed upon the premises licence. It is beholden upon them to ensure their designated premises supervisor is equally professional and capable of managing the premises to the highest standard; protecting not only the licence holder's business interest, but the welfare and wellbeing of the members of the public who seek to enjoy the Worthing night time economy safely.

It is extremely disappointing that Sussex Police find that once again this premises is failing and that any efforts the premises licence holder has made to maintain a control of the premises have been futile. It is difficult to know what can be recommended when these opportunities have been wasted and members of the public continue to be placed at risk. It cannot be acceptable to allow one premises to continue to have a disregard for the Licensing Act 2003, for the Local Authority Licensing Policy, for the Local Authority Licensing committee and for the safety of the public.

Sussex Police therefore contend that it is necessary and appropriate that the Licensing Committee gives serious consideration to the revocation of the Premises Licence.

Please mark X for yes	
Have you made an application for review relating to this premises before?	X

If yes, please state the date of that application	05/11/2012 17/07/2017
---	--

If you have made representations before relating to this premises please state what they were and when you made them
--

An objection was raised on 12/09/2017 to an application for a DPS variation for this premises to appoint Mr Vinojan Vijayakumar as DPS. A Copy of this objection is attached as **Appendix E.**

Please mark X for yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X
- I understand that if I do not comply with the above requirements my application will be rejected X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature (on behalf of the applicant)



Date:09/01/2020

Capacity:

Chief Inspector

Contact name (where not previously given) and postal 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 using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.



WORTHING BOROUGH
COUNCIL

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

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

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 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

Part 2 – Premises Licence Holder Details

Name
Beachcomber Leisure Ltd.

Registered Address
<div>████████████████████ ████████████████ ██████████ ██████</div> Telephone Numbers : ██████████

Registered number of holder
12186945

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

Name
Mr Nooralam Amarkhail

Registered Address
<div>██████████ urt</div> Telephone Numbers : ██████████

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/201900064
Licensing Authority :	Worthing Borough Council

Schedule 1 – Licensable Activities authorised by this Licence

Times the licence authorises the carrying out of the licensable activities

Location : Bar		
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 : Public House		
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 :	Public House	
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 : 24 March 2020

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

- Drinking Games including any game or activity that requires or encourages (or is designed to require or encourage) individuals to drink a quantity of alcohol within a time limit, or to drink as much as possible. This does not include “drinking up time”, shortly before the end of licensed hours.
- 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.
- Promotional posters or promotional material on, or in the vicinity of, the premises which can be reasonably considered to condone, encourage or glamorise antisocial behaviour or refer to drunkenness favourably.
- Dispensing alcohol directly into the mouth of a customer by a member of staff. This includes activities such as the “dentist’s chair”. This prohibition does not apply where a person is not able to drink without assistance because of a disability.

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 are 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.

Where a customer orders a drink listed above but does not specify the alcohol measure, the customer must be made aware of the range of measures available. This can be either verbally or by ensuring they have seen the printed materials on which their availability is listed. If the responsible person is satisfied that the customer has been made, and continues to be, aware of the range of measures available, the responsible person does not need to repeat that information in relation to each sale.

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;*

Full details regarding this condition can be found in the Home office Guidance on banning the sale of alcohol below the cost of duty plus VAT for suppliers of alcohol and enforcement authorities in England & Wales dated May 2014.

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

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

The above restriction does 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.

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

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

Annexe 2 : Conditions consistent with the Operating Schedule

1. All doors and windows to be kept closed from 21:00hrs on any day

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

Attached at Hearing : 11 September 2018

1. Pre-opening safety checks to all fire exits and emergency lighting shall be carried out and the results recorded every evening before opening.
2. On the nights when permitted regulated entertainment is provided, SIA trained and licensed door supervisors shall be in attendance.
3. The capacity limit of 160 persons shall not be exceeded.
4. A sound insulation scheme shall be maintained and management will carry out regular monitoring.
5. Regulated Entertainment to take place indoors only
6. No person under 18 years of age shall be allowed in the premises.
7. Regulated entertainment shall cease half an hour prior to the licensed closing time of the premises i.e. at the commencement of "wind down" time.
8. A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
9. Doors and windows shall be kept closed while regulated entertainment is in progress (except to allow for momentary access or egress of patrons and staff).
10. The noise of regulated entertainment from the premises shall neither exceed 56dB LAeq (5min) before 23.00hrs, 53dB LAeq (5 min) between 23.00hrs and 02.00hrs nor 50dB LAeq (5min) after 02.00hrs. The noise level shall be measured at any 1.2-1.5M above the south pavement of Chatsworth Road or the west pavement of High Street.
11. The premises will make a contribution by way of at least one member of door staff to assist with "Taxi Marshalling" on all occasions that the premise is open until 02.00hrs or later.
12. The management of the premises will make a working arrangement with one or more of the local taxi or private hire companies in order that customers are able to be taken home with the minimum of delay.
13. The latest entry/re-entry times to the premises by the public on any Sunday shall be 23.00hrs.
14. There will be no external disposal of bottles or rubbish between the hours of 00.00hrs (midnight) and 08.00hrs on any day.
15. The self-monitoring of noise levels is to be carried out at different times each evening.
16. Security industry Authority (SIA) door supervisors shall be employed through an external contract company.

17. SIA door staff in relation to the premises shall be employed every night from 22:00 or when regulated entertainment commences and until 30 minutes after the closure of the premises in order to effectively operate a dispersal policy in Chatsworth Road. At all other times when licensable activities are taking place, a written risk assessment shall be provided to & agreed with Sussex Police.
18. 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.
19. Management shall adopt a vulnerable persons' policy which will be implemented by the all staff engaging with members of the public. This shall form part of staff training (including refresher training) which shall be fully documented, dated and signed by both the DPS & staff member.
20. SIA door staff shall utilise functioning body worn videos at all times when they are on duty.
21. Those performing the role of door supervisor shall not perform any other role when engaged for the purpose of door supervision activities. Door supervisors shall be fully briefed prior to work with clear written instructions regarding their specific duties including an awareness of persons banned from the premises and the premises policy for caring for vulnerable persons. These records shall be made available to the local licensing authority and/or Sussex Police upon request. A member of the SIA door staff to be permanently located and actively patrolling within the smoking area while the premises licence is in operation or until the area has been emptied of patrons at closing time.
22. 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 General Data Protection Regulations. Any breakdown or system failure will be reported to the Police immediately via phoning 101 (or equivalent reporting telephone number)or via email and remedied as soon as practicable;
23. When the ID Scanner is required entry be restricted to those patrons whose ID has been scanned.
24. 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.
25. No games shall be conducted in the premises whereby alcohol or bar credit is given as a prize in any manner or form.
26. 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.
27. 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.

28. Staff Members to be engaged in selling alcohol on the premises shall receive full training pertinent to the Licensing act, in particular but not exclusively in regard to age restricted sales and the refusal of sales to persons believed to be under the influence of alcohol or drugs and the premises vulnerable persons policy.
29. 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.
30. All training records shall be made available to Sussex Police, Local Authority Licensing Officers and the Local Trading Standards service upon request.
31. 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.
32. CCTV images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure shall be notified to the Police immediately and remedied as soon as practicable.
33. It will be the responsibility of the DPS or duty manager to ensure that any requests from the police for a recording to be made for evidential purposes is carried out as soon as possible in compliance with the General Data Protection Regulations
34. When the DPS is not present the duty manager shall be specified in writing by the DPS. Contact details shall be made available to Sussex Police upon request, in respect of an investigation, in compliance with the General Data Protection Regulations.
35. 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.
36. No drinking vessels shall be permitted in the smoking area save for drinking vessels containing water.
37. Checks of the toilets to be made at a minimum of every 30 minutes and recorded.
38. Checks of the smoking area to be made at a minimum of every 30 minutes on those occasions when SIA door staff are not positioned in the smoking area.
39. The premises shall maintain and operate a Quiet Room on a Friday and a Saturday from 21:00; The quiet room shall have a free and easily accessible supply of drinking water and shall be supervised by a qualified First Aider.
40. The designated premises supervisor and or a personal licence holder shall be present on the premises as the primary responsible person from 20:00 on each Thursday Friday & Saturday evenings until closing. On those occasions where the DPS is unable to be present a personal licence holder shall be specified in writing as the responsible person.
41. The premises is to have a designated floor walker at all times that the premises are open for licensable activities and a policy in relation to monitoring of patrons to prevent and to minimise intoxication.

42. James Lanz shall be removed from a position of management and shall not be engaged in any management or employment directly or indirectly by Lounge Leisure Group.
43. The premises is to appointment a new manager and provide to Sussex Police an Organisational Chart including the roles and responsibilities of the manager and designated premises supervisor in relation to licensing laws and the interaction between the police service and the licensing authority.
44. External training will be provided and monitored by the designated premises supervisor in relation to the sale and supply of alcohol. The training shall include preventing and looking out for intoxication and caring for vulnerable persons.
45. The CCTV system and cameras shall be updated in accordance with the recommendations contained within the Sussex Police Designing Out Crime Officer's (DOCO) report. [This includes additional cameras at the rear of the premises near the toilets, the DJ booth the front seating area on the right and at the entrance. It should also include coverage of the quiet/safe space for vulnerable persons.]
46. CCTV signage in accordance with DOCO's recommendations.

Annexe 4 : Plans

See attached plan – Oct 2019

Appendix A

קצת על חינוך

**Application for the review of a premises licence or club premises
certificate 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 Jean Irving, Force Licensing and Public Safety Manager
Sussex Police, for and on behalf of the Chief Constable of Sussex Police

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the
review of a club premises certificate under section 87 of the Licensing Act 2003
for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Liquid Lounge Chatsworth House 31 Chatsworth Road	
Post town Worthing	Post code (if known) BN11 1LY

Name of premises licence holder or club holding club premises certificate (if known) Peter Mott & Barry Wells t/a Lounge Leisure Group

Number of premises licence or club premises certificate (if known) LN/000001196

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
 - b) a body representing persons living in the vicinity of the premises ☐
 - c) a person involved in business in the vicinity of the premises ☐
 - d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Jean Irving, Force Licensing and Public Safety Manager for and on behalf of the Chief Constable of Sussex Police. C/O Simon Morgan Sussex Police Divisional Headquarters Centenary House Durrington Lane Worthing West Sussex BN13 2PQ
Telephone number (if any) 101 x 81261 or 01243 843666
E-mail address (optional) WS_licensing_WOR@sussex.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) the prevention of public nuisance
- 3) the protection of children from harm
- 4) public safety

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

Please state the ground(s) for review (please read guidance note 1)

Sussex Police contend that the Licensing Objectives of:

- i) Prevention of crime & disorder
- ii) The prevention of public nuisance
- iii) The protection of children from harm
- iv) Public safety

have been seriously undermined by the volume of incidents involving crime, disorder and public nuisance in and around these premises and by the continuing failure of the Designated Premises Supervisor (DPS) Peter Mott, representatives of the Premises Licence Holder (Peter Mott & Barry Wells T/A Lounge Leisure Group) and the premises management team to address issues of violence, drunkenness and disorder within and in the immediate vicinity of the premises.

On February 2010, Peter Mott and [REDACTED] were required to attend a Local Action Team (LAT) meeting after Sussex Police identified that the levels of crime, disorder, public nuisance and anti-social behaviour in and around Chatsworth Road, Worthing had risen to unacceptably high levels. It was established that the Liquid Lounge, situated within the heart of the LAT area, was responsible for many of the identified problems. Sussex Police were particularly concerned that in the month of February 2010, the Liquid Lounge had more incidents attributable to their premises than any other nightclub in Sussex.

Representatives from Worthing Borough Council and the Town centre anti-social behaviour team were also in attendance. During this meeting, Mr. Mott and [REDACTED] presented a number of measures they believed would help reduce the problems associated with Liquid Lounge.

Sussex Police believe, that despite repeated police intervention since that meeting, the measures put into place by the management of the Liquid Lounge 'complex' have failed to provide a sustainable solution to the continuing high levels of crime and disorder attributable to the 'complex' and that it is now necessary to review the Premises Licence.

Sussex Police contend that within the period of approximately eighteen months, the management of the Liquid Lounge have been responsible for numerous serious assaults including four assaults occasioning grievous bodily harm (GBH) and over a dozen assaults of actual bodily harm (ABH). Police officers have been assaulted attempting to detain violent and drunk Liquid Lounge patrons outside the premises and have intervened in six incidents of public disorder instigated by patrons from the premises. During this time-frame, Sussex Police have received reports of sexual offences being committed against patrons inside the premises and; notably, upon females who have left the premises in a vulnerable, drunken state.

Drunkenness features in almost all of the incidents cited within this document. On a number of occasions, Sussex Police have raised their concerns with the management of the premises, stating that there is a clear correlation between increased drunkenness at the premises and an increase in crime and disorder associated with the Liquid Lounge. However, the management at the Liquid Lounge still fail to promote the licensing objectives or offer an acceptable duty of care towards the patrons who attend their premises. Sussex Police believe that it is now necessary to instigate review proceedings and address the continuing failure of the Liquid Lounge management team to adequately remedy these serious and ongoing problems.

Please provide as much information as possible to support the application
(please read guidance note 2)

Liquid Lounge and The Light Bar are premises joined internally by a flight of stairs. While two Premises Licences exist, the Premises Licence Holder, the Designated Premises Supervisor (DPS) and the management team are common to both. Located in Chatsworth Road in the centre of Worthing, the premises are run concurrently, allowing access from one to the other between certain times, as specified on the premises licence. It is therefore necessary to examine records of all relevant incidents for both premises and while it is appreciated there are two premises licences, this review application is sought in conjunction with that for The Light Bar, premises Licence number **LN/000001195**.

Below is a chronology of significant incidents which have occurred and been recorded at The Liquid Lounge. Due to the co-joined nature of the Liquid Lounge and The Light Bar, Sussex Police accept that, despite exercising diligence to accurately source these incidents, some of those cited may have originated from The Light Bar. In some cases, the failure of the management team to report these incidents has contributed to the possibility of discrepancies.

.....

Saturday 17th November 2012 (03:19 hours)

Door Staff removed a male patron from the premises. During this process, a bag of pills, believed to be 'ecstasy', fell from his pocket and the male was subsequently arrested by police for possession of Class A controlled drugs. The arresting officer noted that the male was 'very intoxicated.' The suspect was unable to comply with the 'booking in' process at custody due to being 'too drunk.'

Sunday 4th November 2012 (approximately 03:00 hours)

Two females attended the premises, arriving at approximately 23:00 hours. One of the females alleged that a male befriended her before leading her out of the smoking area of the club to a nearby public place, where he raped her. The other female informed the police that she considered herself as 'pretty drunk' when she entered the Liquid Lounge. Both females consumed a number of drinks at the nightclub. The victim's friend described herself as being 'smashed' and believed the victim was similarly drunk. She then admitted to being very ill at the end of the evening and vomiting outside the premises. Both females stated that they had difficulty in recalling events throughout the whole evening. The premises possess an 'I.D Scan' machine but, as it is not a condition of the premises licence, it was not in use. Consequently it was not possible to check who had been in the premises that evening.

Friday 2nd November 2012 (03:28 hours)

The police received a call from a member of the public stating that a male had been assaulted and was outside Liquid Lounge on the floor. On police arrival, the offenders had left the scene. Two males had been assaulted one had been punched to the back of the head and the other kicked in the face. Police located a male in the local area and he was subsequently arrested for assault occasioning actual bodily harm (ABH). It was later established that during the assault, one of the victims requested that a member of public seek assistance from the door staff at Liquid

Lounge. As a result, door staff attended and assisted the victim and told the assailant and his friend to leave the area. An ambulance was called and the victim was conveyed to Worthing Hospital where he was too incoherent to give an account of events, making it difficult to ascertain the level of injury sustained. The victim, who had been drinking at the Liquid Lounge, was drunk and had been ejected from the premises at approximately 02:15hrs. It was later established that the assailant was also believed to have been drinking at the Liquid Lounge. The suspect was unable to comply with the 'booking in' process at custody due to being 'too drunk.'

Saturday 27th October 2012 (01:43 hours)

A male inside the venue was engaged in conversation by another male who, without provocation, punched the victim with force to the right side of his jaw, before punching him again to the left side of his face. This caused the victim to collapse on the floor. The offender then continued to punch the victim repeatedly in the face until door staff restrained him. Despite two uniformed police officers arriving within six minutes of the offence to carry out a routine licensing visit, this serious assault was not reported to them. The suspect was permitted to leave the premises and staff escorted the victim to the toilets so that he could wash the blood off his face. The venue staff refused to call for an ambulance and instead instructed him to walk to Worthing Hospital despite the victim stating that he was suffering great pain. The victim believed that door staff would inform the police and sat down on the wall outside The Light Bar. A member of the door staff team then helped him to his feet and 'ushered' him away from the venue. A Consultant at Worthing Hospital attended to the victim and confirmed that the assault had fractured his jaw in two places and that he now required facial surgery. The victim was transferred to St. Richard's Hospital in Chichester. Police were informed of the assault at 06:06hrs when a friend of the victim reported the incident. The crime scene was not preserved and CCTV inside the venue did not capture the assault, which has now been recorded as a grievous bodily harm (GBH). The premises were not using their 'I.D Scan' system, which would have retained details of the suspect.

Sunday 21st October 2012 (04:50 hours)

Police Officers responded to a disturbance outside Liquid Lounge and located a drunk male being helped up from the pavement by a passer-by. The aggrieved stated that another male had become verbally aggressive with him before punching him in the face. The victim had facial injuries consisting of a bleeding mouth and forehead and a chipped tooth. An ambulance was called and the victim was conveyed to Worthing Hospital. Officers described the victim, who had previously been drinking at the Liquid Lounge, as being very intoxicated. Shortly afterwards, two male suspects were located and arrested for assault occasioning actual bodily harm (ABH). Both had 'Liquid Lounge' stamps on their hands and admitted to having been recently inside the venue. Both were incapable of signing for their rights at custody due to being too drunk.

Saturday 20th October 2012 (01:22 hours)

Police officers outside Liquid Lounge requested assistance when they witnessed numerous people being ejected from the premises and disorder occurring outside the venue. A male patron felt compelled to intervene, stopping two males from punching a female before the police assumed control. A female reported being hit on the head by another female whilst on the dance floor inside the premises. This offender was arrested for assault occasioning actual bodily harm (ABH). The offender stated that she had been assaulted by the initial victim's friend outside the venue; this led to the arrest of a second female for assault occasioning actual bodily harm (ABH). Both

females were incapable of signing for their rights due to being too drunk. Both admitted the assaults. The assault inside the premises was not captured on CCTV.

Sunday 9th September 2012 (01:20 hours)

Between 01:20 hours and 03:30 hours officers from the Sussex Police Licensing Team made a number of un-scheduled visits to the premises. Within moments of arriving, the officers witnessed two males both clearly displaying signs of drunkenness. The men, having paid an entry fee to James Lanz, were allowed to enter the premises unchallenged. Following police intervention, both males were ejected and their entrance fee refunded. Officers noted that one of the males was so drunk he was incapable of speaking coherently.

Further observations indicated that the door staff failed to make any proactive interventions until they became aware of the police presence. Officers witnessed intoxicated persons moving freely into the smoking area and back into the premises, unchallenged by door staff, despite them being unable to stand without the use of the adjacent fencing.

Two very drunk males were also seen in the smoking area drinking directly from champagne bottles. While door staff eventually removed the bottles, these were handed back to the customers on re-entering the premises.

The atmosphere in and around the smoking area and at the front of the premises was considered by the officers to be unpleasant and aggressive due to the high levels of drunkenness. This also led to patrons using vociferously offensive, foul and abusive language.

Saturday 21st July 2012 (03:00 hours)

A seventeen year old male was seen by police officers to leave the venue. He was clearly in an extremely intoxicated state. An officer stated that he was walking into parked cars and had difficulty standing up. This male was joined by another seventeen year old male, who had similarly come out of the venue. This second juvenile was also intoxicated. The first male approached another group of patrons who had left the venue. Shortly afterwards he was assaulted by someone from this group and suffered a facial injury. This drunken male then required the attention of both the police and ambulance staff.

Friday & Saturday 20th & 21st July 2012

During this weekend, Sergeant Fisher was responsible for policing the night-time economy. He reported that on Friday 19th July, on three occasions, he had been approached by patrons from the Liquid Lounge who had been assaulted by other patrons within the club and had been ejected from the premises by door staff. One complainant had clearly suffered a swollen lip from an assault and was seen by Sergeant Fisher to be loitering by the door to Liquid Lounge before entering into a heated verbal altercation with a group of males who were leaving the venue. The police were not made aware of any assaults at the premises that night. When Sergeant Fisher spoke to [REDACTED] on Saturday night, stating that he had been informed by three members of the public that they had been assaulted within the premises and ejected by his door staff, [REDACTED] replied that he was unaware of any assaults at the venue on Friday night.

Sunday 24th June 2012 (03:30 hours)

A male patron was on the dance floor when he bumped into another male who

punched him in the face causing a cut to the victim's nose and swelling to his right eye. The injuries were consistent with an actual bodily harm (ABH) offence. The assailant was not located by door staff and the CCTV within the premises failed to capture the incident.

Saturday 12th May 2012 (02.22 hours)

A male patron was on the dance floor when he was punched hard in the face. The attack was unprovoked and caused the male to collapse, suffering from 'indescribable pain in the jaw.' Despite a member of the Liquid Lounge staff witnessing the assault, the offender was able to leave the club unchallenged.

An ambulance was not called and the police were not alerted to this serious assault despite being on patrol outside the premises.

The manager, [REDACTED] transported the victim to Worthing hospital, dropping him outside the front entrance.

Sussex Police contend that this was a deliberate act to avoid bringing the matter to the attention of police.

The victim was later transferred to St. Richard's hospital in Chichester where it was confirmed that his jaw had been fractured in three places and required three plates and eight screws to be inserted into his gums. The victim was informed that it would take three years for the bones to re-set.

As a result of not informing the police, the crime scene for this grievous bodily harm assault (GBH) was not preserved for forensic examination and the likelihood of identifying the suspect was therefore greatly reduced.

The police were informed of this assault by a friend of the aggrieved on Saturday afternoon as he was unable to contact the police on account of the nature and extent of his injuries.

Sunday 22nd April 2012 (01:58 hours)

Police outside the premises noticed a member of door staff respond to an incident inside the premises and enquired what was occurring. He was informed that a male patron had been assaulted in the toilets and was currently unconscious. When the suspect was brought out, he was promptly arrested. It was clear that the suspect was drunk. The officer then observed the aggrieved and his friend exiting the premises, both were described as being 'extremely intoxicated'. These males became verbally abusive to police officers, requesting to be left alone; as such, the detained drunken suspect was de-arrested.

Sunday 22nd April 2012

Police received a complaint from a female who had attended Liquid Lounge on Saturday 21st April. She felt unwell at the premises and collapsed outside the front when she went out for some air. She described being carried back inside the premises and being taken to 'Tokyo 31', a room within Liquid Lounge which was empty at the time. She was left there unattended. After approximately twenty minutes, she attempted to leave but realised that she had been locked into the premises. The female then used the fire escape to exit and called a taxi. Staff knew that the female's partner was the D.J currently playing at the club and they failed to inform him that she had collapsed.

Sussex Police contend that the staff at the premises failed to demonstrate any duty of care towards the vulnerable female; they failed to call an ambulance or to advise anybody of her condition.

20th April 2012 Letter sent to Peter Mott

The Sussex Police Licensing Team sent a letter to Peter Mott (DPS) stating that the 'I.D Scan' system currently used at the premises was sub-standard and two sexual assault investigations involving patrons from Liquid Lounge had been hampered due to its shortcomings. The letter also stated that there were increasing reports of drunkenness at the premises with police officers witnessing customers leaving the Liquid Lounge extremely intoxicated. The DPS was advised to bring this to the attention of the staff at the premises and remedy the situation.

Saturday 14th April 2012 (02:18hours)

A male was dancing with his friend at the premises when he was punched in the back of the head in an unprovoked attack. The suspect was removed from the club. The aggrieved's friend reported this assault to the police as the staff at the premises had failed to do so. The offender was arrested and was unable to comply with the 'booking in' process at custody due to his drunken state. He was later cautioned for common assault.

Friday 13th April 2012 (04:20 hours)

Two females had entered the premises just before midnight. Inside, they met a male who refused to leave them alone. The girls later became separated whilst purchasing drinks. One of the females stated she was physically escorted from the premises by this male and then raped by him. The victim stated that she was extremely drunk and incapable of walking unaided. The matter was investigated by Sussex Police as a serious sexual assault.

Sunday 8th April 2012 (02:00hrs)

A police officer contacted the Licensing Team in order to check conditions regarding entry/re-entry times to the premises. The officer stated that a minimum of 15 persons had been allowed direct entry to Liquid Lounge after 01:30hrs and that this was a regular occurrence. It was noted that these were not smokers re-entering the premises.

This is in contravention of the licence conditions, which restricted entry beyond this time to Le Chic, an adult entertainment venue. It was also stated by PC Swietlik, a police licensing officer, who contacted [REDACTED] and advised him of the breach. Mr Lanz was apparently unaware of this condition. PC Swietlik advised that he should refer to the premises licence as a condition states:

The latest entry/re-entry times to the premises by the public shall be:

Monday to Wednesday 01.00hrs

Thursday to Saturday 01.30hrs

Entry to Le Chic 02.00hrs

With the exception of customers that have left the premises to smoke and have remained within the specially designated and cordoned smoking area adjacent to the nightclub.

Friday 6th April 2012 (02:15 hours)

Police officers on patrol outside Liquid Lounge called for urgent assistance when a

fight broke out between two males in the smoking area at the premises. Both males sustained injuries and were arrested by police for assault and public order offences. Both were unable to comply with the 'booking in' process at custody due to their drunken state. One of the males received a police caution.

Saturday 31st March 2012 (02:26 hours)

Police officers on patrol outside Liquid Lounge called for urgent assistance when a male was forcibly ejected from the premises by door staff. Officers saw the male thrown down onto the pavement and noted that he had sustained a head injury as there was blood running down his forehead and face. When police attempted to intervene, the male started to swing punches at a member of the door staff. The two officers had difficulty restraining the male, who they described as 'clearly drunk' and smelling of 'intoxicating liquor'. As the police grappled with this aggressive male, door staff stood back and failed to assist. The male was sprayed with pepper spray but attempted to grab a body-worn camera unit from the officer. He was arrested for affray, drunk and disorderly, threats to kill, threats to commit arson with intent to endanger life and resist arrest. At custody, he was unable to comply with the 'booking in' process due to his drunken state. This male was charged with drunk and disorderly and threats to cause criminal damage.

Friday 23rd March 2012 (01:45 hours)

A male on the dance floor was head-butted in the face by another male causing his front tooth to chip and knocking him to the floor. The assault was reported to a member of the door staff and the offender was removed from the premises. The management failed to notify police of the alleged assault, which was reported by the aggrieved later in the day. CCTV at the premises failed to capture the assault but showed the suspect being escorted out of Liquid Lounge followed by two members of the door staff. When questioned, a member of the door staff informed the police that the male was asked to leave the premises because he was 'too drunk'.

Sunday 4th March 2012 (02:56 hours)

A drunken male who was ejected from the premises contacted Sussex Police and began to remonstrate about the way the door staff had treated him. He explained that he had a duty of care for two 'drunken females' who were still inside the club.

Sunday 4th March 2012 (03:05 hours)

Police officers on patrol outside the Liquid Lounge were alerted to a male being restrained by door staff after being identified as having punched another male inside the premises. The victim was located and had blood pouring from his nose. He was taken to Worthing hospital with a suspected fracture to the nose. The offender was arrested for assault occasioning actual bodily harm (ABH). He was unable to comply with the 'booking in' process due to his drunken state and in interview he admitted to being drunk. He later received a police caution for common assault.

Saturday 3rd March 2012 (03:46 hours)

Police received an emergency call from a female stating that her boyfriend had been assaulted inside Liquid Lounge. She reported that he had blood coming from his lip and nose and he had bruising to the head. She also described him as being 'very drunk.' An ambulance was called to attend to him.

A witness stated that the aggrieved had been attacked on the dance floor. CCTV showed the male leaving the club, but failed to capture the assault. The victim was

spoken to and admitted to being very drunk at the time.

Saturday 11th February 2012 (02:00 hours)

A male was ejected from the premises due to his drunken behaviour. Witnesses stated that the male was seen to stumble down some of the stairs with two door supervisors, landing heavily on the pavement outside. The male sustained an injury and was taken to Worthing Hospital.

Sunday 27th November 2011 (03:00 hours)

Police officers were approached by an exceedingly drunk female at the taxi rank in Worthing town centre. She had difficulty standing upright and speaking coherently. Officers ascertained that she had just come from Liquid Lounge after being sexually assaulted on two occasions. She described how she had punched the male offender in the face after each sexual assault and was ejected by door staff after the second incident. She was in company with another drunk female who had been with her at Liquid Lounge. Both stated that they had no money for taxis as this had been used to purchase shots at the nightclub.

No assaults had been reported to Sussex Police by the management of Liquid Lounge.

Saturday 5th November 2011 (00:35 hours)

Police observed a male being ejected from Liquid Lounge; he was clearly drunk and in an agitated state. Officers moved the male away from door staff to avoid further confrontation. Despite being warned for using foul and abusive language, the male continued to verbally abuse the officers and was arrested for a public order offence. The male attempted to bite an officer whilst being restrained and assaulted another officer by kicking her in the arm whilst being conveyed to custody. Once in custody, he was unable to comply with the 'booking in' process due to being 'very drunk'. This male was charged with a public order offence and assault police.

Saturday 24th September 2011 (01:30hours)

A female patron found two females looking through her hand bag and, after finding that items of her property were missing, reported the suspects to the management. The management arranged for the females to be searched and took their details, but failed to report the matter to the police, allowing the suspects to leave. The female reported this to the police later in the day. She stated that [REDACTED] had reassured her that he would call the police at the time.

Sunday 3rd September 2011 (approximately 02:00 hours)

A female contacted police to report that she had been assaulted whilst at Liquid Lounge. When inside the nightclub a female asked her to come outside. Once outside the premises and in view of two members of staff, one of whom was a member of the door staff, she was head-butted by the female. The assailant was subsequently ejected from the premises. The police were not called to deal this incident.

After a short period, the victim went outside to the smoking area. The assailant, now across the road with her friend, noticed the victim and started shouting abuse. The victim remained standing next to a member of the door staff and turned her back, not wishing to engage in conversation. The victim was then subjected to a further assault as her hair was grabbed forcefully, pulling her head backwards. The door staff

intervened and local police officers attended the scene.

Two females were arrested in connection with the assault, one of whom had also assaulted a police officer during the struggle to maintain order outside the nightclub. The CCTV from the premises failed to show the incident and staff at the premises were unable to assist with police enquiries, resulting in no further action taken.

Saturday 27th August 2011 (approx 01:00 hours)

A male was ejected by door staff from Liquid Lounge and proceeded to be abusive to both members of the door staff and police officers within clear hearing of members of the public. Police requested that the male desist but were ignored. The male was highly intoxicated and when arrested for a public order offence, he resisted arrest. The male's aggression and drunkenness made it necessary to forego usual 'booking in' procedures at custody and he was taken directly to a cell. He was later charged with a public order offence and assault police.

Saturday 30th July 2011 (approx 23:59 hours)

A male and his girlfriend attended Liquid Lounge at approximately midnight. While at the premises the male recognised a female who approached him and exchanged a few words. The female then turned and punched the male in the face causing pain, bruising and swelling to his nose. She then head-butted him in the face. Door staff at the premises proceeded to eject the assailant. After a short interval, the offender was allowed re-entry to the premises whereupon she immediately returned to the victim and committed a further assault punching him to the face, causing further pain and reddening. On becoming aware of this further incident both the aggrieved and the alleged assailant were ejected from the premises by the door staff. The management failed to notify Sussex Police of these assaults and CCTV from the premises failed to show the incident.

18th July 2011 Meeting at Chatsworth Road Police Station

The Police Licensing Team invited Peter Mott the Designated Premises Supervisor and representative of the Premises Licence holder, together with [REDACTED] the premises manager to a meeting in order to address the unacceptably high level of reported incidents at the premises.

It was explained that since the last meeting with [REDACTED] on 27th May 2011, Liquid Lounge had the highest amount of recorded incidents in West Sussex. In addition to this, Liquid Lounge showed the highest level of drunk and disorderly incidents in the whole Sussex Police Authority area.

Both Peter Mott and [REDACTED] explained that they had introduced measures to reduce these problems, including altering music and lighting and pricing tariffs, re-positioning the CCTV and re-assessing the staff training and admission policy.

It was made clear that the number of assaults and drink-related incidents needed to be addressed. Sussex Police also stated that it was imperative that the management monitor those queuing at the Liquid Lounge and make early assessments whether or not to allow individuals entry due to their intoxication.

Saturday 9th July 2011 (02:45 hours)

Having spent the evening drinking with friends in Worthing, a male proceeded to the nightclub at around midnight and was permitted entry. At approximately 02:45 hours he was punched in the face in an unprovoked attack.

The victim suffered whiplash, a cut upper lip, a cut internal upper gum and damage to two lower teeth. The victim later required root canal surgery and two teeth re-capping. The victim also suffered breathing problems due to a suspected fractured nose.

The assault was not reported to the police on the night by the premises management. Following later enquiries an arrest was made. The suspect admitted the offence and admitted to becoming drunk at Liquid Lounge and was charged with assault occasioning actual bodily harm (ABH).

Saturday 25th June 2011 (02:49 hours)

At 02:30 hours police officers observed two males entering Liquid Lounge and were of the opinion that due to their obvious drunkenness, they should not have been allowed access to the premises. The males later left the venue in the company of a third male and subsequently became aggressive with door staff, provoking a fight. A few moments later the males were again seen to start trouble at the taxi rank. Two of them were subsequently arrested by officers for being drunk and disorderly. It is the opinion of the police officers present that none of these events would have occurred had the males not initially been admitted to Liquid Lounge.

Thursday 23rd June 2011 Meeting at Liquid Lounge

Police Licensing Officers attended the premises and spoke with [REDACTED] regarding their concerns about drunken patrons being ejected from Liquid Lounge and then causing disorder outside the premises. The Licensing Officers also stated that they had received reports of door staff being 'heavy-handed' when interacting with patrons. Advice was given regarding door staff being more discerning as to who was allowed entry into the premises and to monitor signs of drunkenness in the queue. James Lanz agreed to act on the advice and conduct door staff training.

Sunday 19th June 2011 (00:10 hours)

Two male patrons were ejected from the premises for being drunk. One male became abusive and disorderly outside the premises and was issued with a Section 27 'direction to leave the vicinity' notice. He failed to comply and was subsequently arrested. The second male was similarly issued with a ticket, which he also failed to comply with. He then became abusive and threatening and was arrested for a public order offence after attempting to head-butt a police officer. The first male had to forgo 'booking in' procedures due to being too drunk. The second male similarly had to forego usual 'booking in' procedures; this was due to his aggression and drunkenness. The first male received a police caution and the second male was charged with a public order offence.

Sunday 12th June 2011 (01:00 hours)

A male patron was in the smoking area outside the premises when he became involved in a verbal altercation with another male. He was threatened with violence and punched in the face. The assailant then re entered the premises. The management then gave the victim a lift to hospital, but failed to report the assault to

the police.

The victim underwent a forty five minute operation to his face which involved twenty two stitches being administered.

Because the matter was not reported by the management, the offender was never located and the crime was undetected.

Tuesday 31st May 2011 (02:00 hours)

Following a call to police, officers attended Liquid Lounge where a male was causing a disturbance after being ejected from the premises. The male was intoxicated and was subsequently arrested for being drunk and disorderly. At custody, he was unable to comply with the 'booking in' process due to his drunken state. He was issued with a penalty disorder notice for drunk and disorderly.

Friday 27th May 2011 Meeting at Centenary House Police Station

Sergeant Simon Morgan called a meeting with the management of Liquid Lounge. [REDACTED] attended and represented Peter Mott (DPS) who was not able to attend. The recent spate of serious assaults inside and in the immediate vicinity of the premises was discussed as were the reports of patrons becoming drunk at Liquid Lounge. It was pointed out that there was a clear correlation between drunkenness and the frequency and severity of assaults at Liquid Lounge. It was requested that the management take immediate positive action to ensure that drunks are not admitted to the premises and that no sales of alcohol are made to patrons who are drunk.

Saturday 21st May 2011 (02:45 hours)

Police officers deployed outside Liquid Lounge were alerted to an incident within the premises. Two male patrons, having exchanged words, were leaving the premises with the intention of fighting outside. At the top of the stairs one male was grabbed by a member of the door staff, who pinned his arms behind him. This allowed the first male to land three or four punches to his face before heading down the stairs. The restrained male shook off the member of door staff and lunged at his assailant. This attack resulted in both males falling down the stairs causing them to land on a female, who was also on the stairs. The two males continued fighting and required restraining. The female suffered considerable and potentially life-threatening injuries; namely a severely torn liver with a laceration of 6.5cm by 5cm and suspected broken ribs. One of the males sustained a suspected broken bone in his right hand. One male was later charged with grievous bodily harm (GBH); this was the same male who had been arrested for punching another patron inside the Liquid Lounge on Friday 8th April and, similarly, inflicting GBH injuries.

Friday 13th May 2011 (03:30 hours)

Police officers on duty became aware of a large group of people being spoken to by door staff. Officers stopped but were advised by the door staff that there were no issues with the group. The officers drove away but having completed a circuit, returned to Chatsworth Road where they again witnessed the group of males in close proximity to a male lying prone on the ground.

It was established that the victim had been assaulted by two males who, having punched the victim to the floor, proceeded to kick him and to stamp on his head. Bleeding from a head wound, he had sustained further injuries to his eyes, a

suspected broken nose, a fractured jaw and a swelling to the back of the head. The victim was extremely intoxicated and incapable of talking coherently. A second victim was later identified and stated that he was also knocked to the ground and kicked in the head. The suspected assailants, who had been drinking at the Liquid Lounge, left the scene as police arrived. Police enquiries were hampered as witness statements were vague on account of the levels of intoxication. The victims had also been drinking at the Liquid Lounge.

Saturday 30th April 2011 (03:00 hours)

A male patron informed police outside the premises that he had just been attacked on the dance floor. It was apparent that he had sustained facial injuries. He stated that whilst on the dance floor he was grabbed around the neck by his girlfriend's-ex boyfriend, dragged to the floor and kicked a number of times in the head and body. The offender was located inside the club and arrested on suspicion of assault occasioning actual bodily harm (ABH). At custody the offender required checks every 30 minutes due to his drunken state. He received a police caution for common assault.

Friday 29th April 2011 (00:47 hours)

A male patron was ejected from the premises for being too drunk. Two other males, who had been drinking at the Liquid Lounge, were sitting on a wall opposite the venue. One of these males, who admitted that he had become drunk inside the Liquid Lounge, shouted at the ejected male, who approached them in a threatening manner. A fight ensued between all three males and when a police officer attempted to break up the altercation, the officer was punched to the face, sustaining an injury above his left eye. One male was arrested for affray and assaulting a police officer. At custody the offender required checks every 30 minutes due to his drunken state.

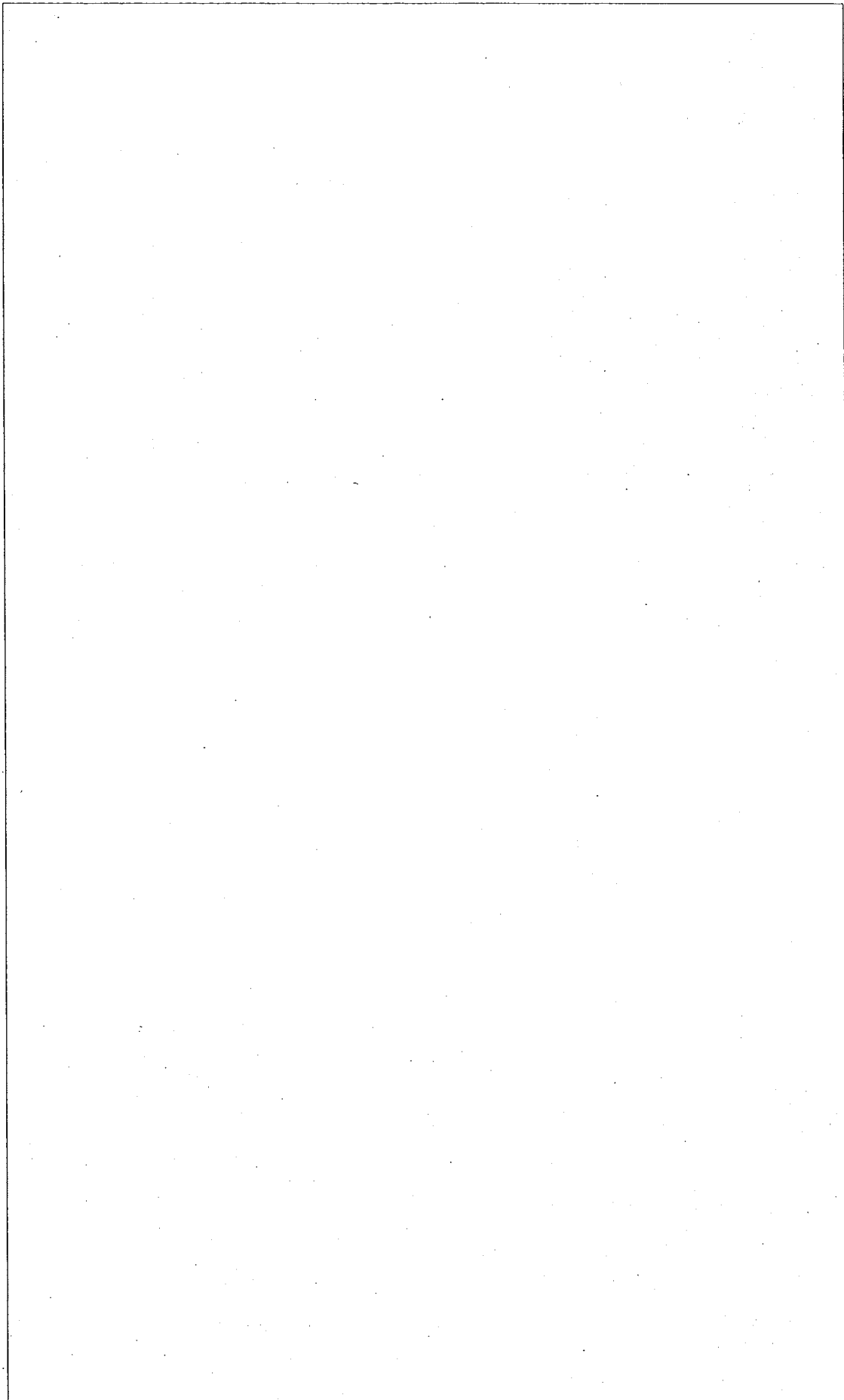
Friday 8th April 2011 (23:15 hours)

Whilst on the dance floor within the venue, a male patron head-butted another male, who retaliated by punching him in the face. The male who had been punched was ejected from the premises, whilst his assailant was permitted to stay. The ejected male sustained a fractured cheekbone consistent with a grievous bodily harm (GBH) injury. The management failed to report the assaults to the police and failed to preserve the crime scene. Door staff later informed the police that the victim had been ejected from Liquid Lounge the previous week for head-butting another patron.

.....

Sussex Police contend that the Designated Premises Supervisor and the management team of this premises have systematically failed in their duty to promote the licensing objectives. The continuing occurrence of violent incidents, drunkenness and the failure to report incidents to the emergency services not only contravenes the licensing objectives, but gives Sussex Police a clear indication that Liquid Lounge is being operated in such a way that it currently presents both a real danger to the patrons at the premises and a detriment to the wider local community.

Sussex Police contend that it is necessary and appropriate that the Licensing Committee gives very serious consideration to the revocation of the Premises Licence, thereby preventing the risk of further injury and protecting the public.



Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

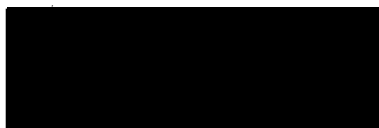
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date 22nd November 2012

Capacity Force Licensing and Public Safety Manager
Sussex Police

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Sergeant Morgan
Licensing Team
Centenary House
Durrington Lane
Worthing
West Sussex BN13 2PQ

Telephone number (if any 01243843666)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**Application for the review of a premises licence or club premises
certificate 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 Jean Irving, Force Licensing and Public Safety Manager
Sussex Police, for and on behalf of the Chief Constable of Sussex Police

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the
review of a club premises certificate under section 87 of the Licensing Act 2003
for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Light Bar 31 Chatsworth Road	
Post town Worthing	Post code (if known) BN11 1LY

Name of premises licence holder or club holding club premises certificate (if known) Lounge Leisure Group
--

Number of premises licence or club premises certificate (if known) LN/000001195
--

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises ☐
 - b) a body representing persons living in the vicinity of the premises ☐
 - c) a person involved in business in the vicinity of the premises ☐
 - d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Jean Irving, Force Licensing and Public Safety Manager for and on behalf of the Chief Constable of Sussex Police. C/O Simon Morgan Sussex Police Divisional Headquarters Centenary House Durrington Lane Worthing West Sussex BN13 2PQ
Telephone number (if any) 101 x 81261 or 01243 843666
E-mail address (optional) WS_licensing_WOR@sussex.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) the prevention of public nuisance
- 3) the protection of children from harm
- 4) public safety

☒
☒
☐
☐

Please state the ground(s) for review (please read guidance note 1)

Sussex Police contend that the Licensing Objectives of:

- i) Prevention of crime & disorder
- ii) The prevention of public nuisance

have been seriously undermined by the constant & persistent volume of incidents of crime and disorder in and around these premises and by the continuing failure of the Designated Premises Supervisor (DPS) Peter Mott, representatives of the Premises Licence Holder (Peter Mott & Barry Wells of the 'Lounge Leisure Group') and the premises management team to address issues of violence, drunkenness & disorder within and around the immediate vicinity of the premises.

The Light Bar shares the same address as Liquid Lounge; it also shares the same Designated Premises Supervisor and Premises Licence Holders. Similarly, the manager, [REDACTED] and the door staff team both work at the Liquid Lounge and The Light Bar when both premises are in operation.

By the management's own admission, the Liquid Lounge and The Light Bar are the same licensed business. Their website describes the Liquid Lounge as:

'Worthing's only 2 roomed venue' and further states: 'Originally a 450 capacity venue, the building has over the years been expanded over 2 floors and 4 rooms with a capacity of 810. Liquid Lounge also has two covered smoking terraces. One servicing Ice, Fire & Le Chic - the other servicing Light bar.'

Sussex Police contend that even though Liquid Lounge and The Light Bar have separate licences, they are used as part of a homogenous licensed business. Unrestricted access can be gained to each venue from inside the building and incidents occurring at The Light Bar have often been attributable to Liquid Lounge and vice versa. Sussex Police contend that, as such, these two licences are inextricably linked and the problems identified by Sussex Police in the Liquid Lounge review document are identical with the problems occurring at The Light Bar.

In February 2010, Peter Mott and [REDACTED] were required to attend a Local Action Team (LAT) meeting after Sussex Police identified that the levels of crime and disorder, public nuisance and anti-social behaviour in and around Chatsworth Road, Worthing had risen to unacceptably high levels. When the premises 'Liquid Lounge' was being referred to by those present at the meeting it was held that this term encompassed all the 'rooms' in the Liquid Lounge complex, namely Ice Bar, Fire Room, Tokyo 31 and Light Bar. It was identified that this complex was clearly responsible for many of the identified problems.

Sussex Police believe that despite repeated police intervention since that meeting, the measures put into place by the management of the Liquid Lounge 'complex'

have failed to provide a sustainable solution to the continuing high levels of crime and disorder attributable to the 'complex' and that it is now necessary to review the Premises Licence.

Sussex Police contend that over a period of approximately eighteen months the management of Liquid Lounge and The Light Bar have been responsible for allowing drunkenness to occur on a regular and frequent basis at both premises.

Drunkenness features in most of the incidents cited by Sussex Police and there is a clear correlation to drunkenness and incidents of violence occurring at The Light Bar. The Liquid Lounge website and social media page makes it clear that The Light Bar has been breaching the Licensing Act's mandatory condition regarding irresponsible promotions. Drinking games, free 'bar tabs' and complimentary drinks all feature as attractions to patrons and, in the opinion of Sussex Police, have contributed to increasing the levels crime and disorder in Worthing.

In this short time-frame, half a dozen assaults involving actual bodily harm (ABH) have occurred inside or in the immediate vicinity of The Light Bar; this is in addition to an assault causing grievous bodily harm (GBH) and an allegation of sexual assault. Police are currently investigating a report of rape by a stranger after a female left the premises in a drunken and vulnerable state.

Similarly, The Light Bar has been identified as being responsible for allowing a group of males to become drunk. This group then caused a serious public order incident in the town centre, injuring a member of the public and a police officer and requiring most of the district's police resources to restore order and resolve.

The predominance of incidents at The Light Bar occur on Tuesday and Wednesday nights. Sussex Police provide considerable resources dedicated to reducing public place violent crime and alcohol related disorder on Friday and Saturday night and it is not anticipated that a single licensed premises should require resources to be further provided to manage problems created by the night-time economy during the middle of the week.

Please provide as much information as possible to support the application
(please read guidance note 2)

Liquid Lounge and The Light Bar are joined internally by a flight of stairs. While two premises licences exist, the Premises Licence Holder, the Designated Premises Supervisor - Peter Mott, and the management team are common to both. Located in Chatsworth Road in the centre of Worthing, the premises are run concurrently, allowing access from one to the other between certain times, as specified on the premises licence. It is therefore necessary to examine records of all relevant incidents for both premises and while it is appreciated there are two premises licences, this review application is sought in conjunction with that for Liquid Lounge, premises Licence number **LN/000001196**.

Below is a chronology of notable incidents which have occurred and been reported in relation to this part of the joined premises. Due to the co-joined nature of the Liquid Lounge and The Light Bar, Sussex Police accept that, despite exercising diligence to accurately source these incidents, some of those cited may have originated from the Liquid Lounge.

.....

Tuesday 6th November 2012 (01:00 ~ 02:00 hours)

A female had been drinking at The Light Bar with a friend. When they left at approximately 00:40 hours, the female stated that she was 'very intoxicated' and some events of the evening could not be re-called due to her drunkenness. Police CCTV footage shows this female repeatedly falling onto the pavement in both Chatsworth Road and Chapel Road before collapsing into a shop doorway. It is clear from the CCTV footage that this female had been made vulnerable through excess alcohol. The female stated that after being left alone, she was picked up by a stranger and subsequently raped by him.

Monday 13th August 2012 (01:48 hours)

A female contacted Sussex Police to report that she had been assaulted by a second female. Both had been drinking at The Light Bar. The victim had sustained a head injury and was transported to Worthing hospital. Police officers took a statement from the victim; however she was unable to sign it due to her level of intoxication.

Wednesday 4th July 2012 (01:45 hours)

A patron became drunk inside the premises and when he exited the front in order to smoke he was refused re-entry by a member of the door staff who stated that he was drunk and had been sick in the toilets. The patron argued with the door staff before head-butting him in the face. The male was then restrained by the door staff and arrested for assault occasioning actual bodily harm (ABH). The patron was transported to Worthing custody, where he was unable to comply with the booking in process due to his drunken and violent state. In interview the male admitted to becoming drunk at The Light Bar. The investigation was discontinued due to the limitations of the premises CCTV.

Friday 9th March 2012 (22:00 ~ 00:00 hours)

Between 22:00 hours and midnight an off-duty member of police staff was at The Light Bar with a group of friends. The evening was advertised as a 'Holiday Party

Games' night. 'Ibiza Club style' games and challenges, organised by the premises, were taking place; including 'Shot Wheel Fun', 'Limbo' and a number of drinking challenges. Prizes seemed to be of an alcoholic nature.

At the conclusion of the limbo competition, the winner was clearly seen to be taken to one side and given his prize; this was dispensed directly into the mouth of the male patron from a spirits bottle with a pourer. Two other males were also seen to be 'downing' pints whilst being encouraged by the staff. It was unclear if this was part of a competition or as part of a prize. Due to the levels of intoxication of the predominantly male patrons and a general atmosphere of drunkenness, the group felt the need to leave the premises.

Wednesday 21st December 2011 (02:20 hours)

A police patrol received reports of an assault from patrons who had recently left The Light Bar; the group had been drinking at the premises for approximately six hours. They stated that a male in their group had collapsed after being punched in the face, this had occurred inside the premises. A female witness stated that she saw the door staff usher away the suspects. All members of the group were highly intoxicated and the victim, who was bleeding from the face, showed signs of recently taking drugs. The witness further stated that the door staff had refused to assist the group as it was past 02:00hrs and they were closing the premises.

Tuesday 22nd November 2011 (02:05 hours)

A female contacted Worthing Police Station reporting that her male friend had been assaulted and required an ambulance. Both the suspect and the aggrieved had been drinking at The Light Bar and had become intoxicated there. Officers attending the scene - an alleyway near The Light Bar, observed the aggrieved and stated that he was 'extremely drunk' and had facial cuts and a lump on the head. The suspect was located and arrested on suspicion of assault. He was given a police caution for assault occasioning actual bodily harm (ABH).

The same suspect has now recently been arrested on suspicion of committing a serious assault upon another patron who he had met inside the Liquid Lounge, attacking them after they left the premises.

Wednesday 26th October 2011 (01:44 hours)

Police received a report from a female stating that she had been sexually assaulted inside The Light Bar. Investigating officers noted that she was drunk to the point of vomiting.

Thursday 20th October 2011 (23:33 hours)

A group of males had attended The Light Bar where they had become extremely drunk. They proceeded into town where they assaulted a member of the public before attacking attending police officers. One officer was punched, bitten and knocked to the ground by one of the males. Five individuals were arrested for public order offences and an assault against police. The disorder required over a dozen police officers to quell. Batons and pepper spray were deployed in order to do so. At custody, the suspects were unable to comply with the 'booking in' processes due to their levels of drunkenness. Two males were charged for public order offences, a further two were issued with penalty disorder notices for public order offences and one received a charge for assaulting a police officer.

Thursday 16th June 2011 (00:38 hours)

Sussex Police received a call from a male saying he had been assaulted whilst dancing at the premises. Attending officers located the male outside in the street. The victim stated that, after bumping into a female on the dance floor, her partner approached and punched him in the face, breaking his nose. Door staff then intervened, taking the males out to the front of the premises. The victim then called the police for assistance however the assailant left the location prior to arrival. The victim was too heavily intoxicated to provide police with a statement and officers noticed that he was struggling to stand up without falling over. Limited details were taken at this time and the male re-entered Liquid Lounge.

Sunday 10th April 2011 (01:15 hours)

A male patron was punched in the eye by another male patron in an unprovoked attack which caused him 'a great deal of pain and discomfort'. The suspect ran out of the premises. Door staff took the victim to another room where he could clean away the blood. The management failed to inform Sussex Police that an assault had taken place on the premises. The victim attended Worthing Hospital the following day and later reported the incident to the police. The CCTV footage provided by the premises was not for the date of the incident and merely showed footage of an empty premises. As a suspect for the assault could not be formally identified, no one was charged with the offence.

Tuesday 22nd February 2011 (22:52 hours)

Police were called to The Light Bar after receiving a report that a male had been restrained by door staff. The caller, a member of staff at the premises, also requested an ambulance to attend as the male was not moving and was bleeding from the head. When police arrived they found an unconscious male lying face down on the pavement and surrounded by door staff. CCTV footage showed that a male patron had been ejected from the premises and an off duty member of door staff at The Light Bar, positioned at the front entrance the premises, had attacked the ejected male, punching him in the face with such force that he fell straight onto his back. The off duty member of the premises door staff team then leaned down and punched the victim a further four times to the head until he became unconscious. The Floor Supervisor at the premises stated that he believed that the off duty member of door staff had been drinking at the premises and was drunk.

The victim was taken to hospital where a CT scan was completed. He sustained a dislocated shoulder and a serious eye injury.

The off duty member of door staff was arrested for grievous bodily harm (GBH) and his SIA door supervisor's licence was immediately suspended. After a protracted investigation, the offender was charged with assault occasioning actual bodily harm (ABH).

.....

Sussex Police contend that the Designated Premises Supervisor and the management team of this premises have systematically failed in their duty to promote the licensing objectives. The continuing occurrence of violent incidents, drunkenness

and the failure to report incidents to the emergency services not only contravenes the licensing objectives, but gives Sussex Police a clear indication that The Light Bar is being operated in such a way that it currently presents both a real danger to the patrons at the premises and a detriment to the wider local community.

Sussex Police contend that it is necessary and appropriate that the Licensing Committee gives very serious consideration to the revocation of the Premises Licence, thereby preventing the risk of further injury and protecting the public.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

Day

Month

Year

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date 22nd. November 2012

Capacity Force Licensing and Public Safety Manager
Sussex Police

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Telephone number (if any 01243843666)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
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3. The application form must be signed.
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5. This is the address which we shall use to correspond with you about this application.

Appendix B

Mrs J Irving
Force Licensing & Public Safety Manager
c/o Sgt. Simon Morgan
Licensing Team
Sussex Police
Centenary House
Durrington Lane
Worthing
BN13 2PQ

Our Ref: EH/Lic.U/03Lic Act/simon/ LN/000001196&LN/000001195/Reviews
Tel: 01273 263191 e-mail:simon.jones@adur-worthing.gov.uk

30 January 2013

Dear Mrs Irvine

Licensing Act 2003 - Section 51
Applications for the Review of Premises Licences: LN/000001196 & LN/000001195
Liquid Lounge & Light Bar
31 Chatsworth Road, Worthing, BN11 1LY

Sussex Police made the above applications to the licensing authority, Worthing Borough Council, on the 23 November 2012. The 'Review' applications sought the revocation of both the above licences. The applications were correctly made as defined in the Act and further relevant representation was received during the statutory consultation period regarding both applications. As the issuing authority it fell to members to determine.

1. **APPLICANT**
Sussex Police - Force Licensing & Public Safety Manager – Mrs Jean Irving
2. **LICENCE HOLDERS / PREMISES**
Peter Mott & Barry Wells T/A Lounge Leisure Group/ Light Bar & Liquid Lounge
3. **DATE OF HEARING**
23 January 2013.
4. **RESOLUTION**
 - a) It was resolved that an amended mediated agreement, regarding both licences, reached between the applicant and the licence holders be approved.
 - b) The following conditions were imposed on the licences:

Liquid Lounge

- i) That the Designated Premises Supervisor Peter Mott be removed;
- ii) That the premises licence be varied as follows;

Day	Start /Cease Licensable Activities	Finish Close
Sunday		
Monday	19:00 / 02:00	02:30

Tuesday	09:00 / 02:00	02:30
Wednesday	19:00 / 02:00	02:30
Thursday	19:00 / 02:30 Alcohol - 03:00 Regulated Entertainment	03:20 Closure
Friday	19:00 / 02:30 Alcohol - 03:00 Regulated entertainment	02:30 Supply of Alcohol 03:20 Closure
Saturday	19:00 / 03:00 Alcohol and Regulated entertainment	03:20 Closure

- iii) That there is a suspension of premises licence for a period of three weeks. The suspension period will commence immediately at the end of the appeal period;
- iv) Security industry Authority (SIA) door supervisors shall be employed through an external contract company;
- v) 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;
- vi) 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;
- vii) SIA door staff shall utilise functioning body worn videos at all times when they are on duty;
- viii) 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;
- ix) 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;
- x) Entry be restricted to those patrons whose ID has been scanned into the ID scanner system operated by the premises;
- xi) 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;
- xii) No games shall be conducted in the premises whereby alcohol or bar credit is given as a prize in any manner or form;

- xiii) 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.
- xiv) 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;
- xv) 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;
- xvi) 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;
- xvii) All training records shall be made available to Sussex Police , Local Authority Licensing Officers and the Local Trading Standards service upon request;
- xviii) 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;
- xix) 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;
- xx) 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;
- xxi) All drinking glasses and bottles shall be of polycarbonate or tempered glass. Where products are only available in glass bottles, the contents shall be decanted prior to service;
- xxii) The Adult entertainment authorisation in respect of the Liquid Lounge premises be removed;
- xxiii) No drinking vessels shall be permitted in the smoking area save for drinking vessels containing water;
- xxiv) That the licence for the provision of late night refreshments be brought into line with the rest of the agreement;

Light Bar

- i) That the Designated Premises Supervisor Peter Mott be removed;
- ii) That the premises licence be varied as follows;

Day	Start / Cease	Close of Premises
Sunday	12:00 / 00:30 Alcohol Sales & Regulated entertainment	01:00
Monday	11:00 / 02:00 Alcohol & Entertainment	02:30
Tuesday	11:00 / 02:00 Alcohol &	02:30

	Entertainment	
Wednesday	11:00 / 02:00 Alcohol & Entertainment	02:30
Thursday	11:00 / 02:30 Alcohol 03:00 Regulated Entertainment	03:20 Closure
Friday	11:00 / 02:30 Alcohol 03:00 Regulated entertainment	03:20 Closure
Saturday	19:00 / 03:00 Alcohol and Regulated entertainment	03:20 Closure

- iii) That there is a suspension of premises licence for a period of three weeks. The suspension period will commence immediately at the end of the appeal period;
- iv) Security industry Authority (SIA) door supervisors shall be employed through an external contract company;
- v) SIA door staff in relation to the Light Bar 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;
- vi) 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;
- vii) SIA door staff shall utilise functioning body worn videos at all times when they are on duty;
- viii) 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;
- ix) 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;
- x) When the ID Scanner is required entry be restricted to those patrons whose ID has been scanned;
- xi) 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;
- xii) No games shall be conducted in the premises whereby alcohol or bar credit is given as a prize in any manner or form;
 - xiii) 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.
 - xiv) 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;
 - xv) 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;
 - xvi) 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;
 - xvii) All training records shall be made available to Sussex Police , Local Authority Licensing Officers and the Local Trading Standards service upon request;
 - xviii) 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;
 - xix) 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;
 - xx) 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;
 - xxi) All drinking glasses and bottles shall be of polycarbonate or tempered glass. Where products are only available in glass bottles, the contents shall be decanted prior to service;
 - xxii) No drinking vessels shall be permitted in the smoking area save for drinking vessels containing water;

5. REASONS:

Members recognised that there were failures under the current system and the memorandum of agreement sought to rectify these problems.

It should be noted that the applicant, the licence holder and those who have made representations in connection with this application may appeal against this decision within 21 days by giving notice to the Justices' Chief Executive at Worthing Magistrates' Court, Christchurch Road, Worthing. If no appeal is lodged the suspension of the licence will come into effect on 22 February 2013. On which date all licensable activity must cease until 15 March 2013 when the amended licence will be issued with the additional conditions imposed.

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

Responsible Authorities and other parties, are reminded that they may apply for a further review of this licence if activities at these premises were to continue to undermine the licensing objectives.

The licence holder is reminded that it is a criminal offence under the Licensing Act to carry on licensable activities from any premises without a premises licence or in breach of a premises licence. The maximum penalty on conviction is six months imprisonment and a fine of £20,000.

If you have any queries regarding this matter please do not hesitate to contact me.

Yours sincerely

Simon Jones
Senior Licensing Officer

Appendix C

אברהם בן יצחק



Application for the review of 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, *(insert name of applicant)*

Chief Inspector Ockwell
for and on behalf of the Chief Constable of Sussex Police

Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Molotov Cocktail & Vodka Bar (formerly Retro/Light Bar)
Unit 1 Chatsworth house

Postal address of premises or, if none, ordnance survey map reference or description

31 Chatsworth Road

Post Town

Worthing

Post code (if known)

BN11 1LY

Name of premises licence holder or club holding club premises certificate (if known)

Lounge Leisure Group

Number of premises licence or club premises certificate (if known)

LN/100001195

Part 2 – Applicant details	
I am,	
Please mark X for yes	
1) an interested party (please complete (A) or (B) below)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
a) a person living in the vicinity of the premises b) a body representing persons living in the vicinity of the premises c) a person involved in business in the vicinity of the premises d) a body representing persons involved in business in the vicinity of the premises	

2) A responsible authority (please complete (C) below)	X
--	---

3) a member of the club to which this application relates (please complete (A) below)	<input type="checkbox"/>
---	--------------------------

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)									
Please mark X for yes									
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other title (for example, Rev)	

Surname	First names

Please mark X for yes	
I am 18 years old or over	<input type="checkbox"/>

Current postal address if different from premises address	
---	--

Daytime contact telephone number	
E-mail address (optional)	

(B) DETAILS OF OTHER APPLICANT	

Name and address
Telephone number (if any)
Email address (if any)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT
Name and address: Chief Inspector M Ockwell c/o Licensing Officer P Giddings Sussex Police West Sussex Divisional Headquarters Centenary House Durrington Lane, Worthing West Sussex BN13 2PQ
Telephone number (if any) 01273 404030
(Email address (if any) WS_licensing_wor@sussex.pnn.police.uk

This application to review relates to the following licensing objective(s)	
	Please mark X for yes (one or more boxes)
1) the prevention of crime and disorder	X
2) public safety	X
3) the prevention of public nuisance	<input type="checkbox"/>
4) the protection of children from harm	<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

On 23rd January 2013 there was a Review Hearing for the premises Retro, now known as Molotov, Chatsworth Road Worthing in conjunction with The Liquid Lounge night club; an adjacent and connected premises under the same ownership. At the hearing, the Licensing Committee decided to apply a number of conditions to the licence of both premises to ensure the Licensing Objectives were promoted and patrons were kept safe.

A new licence, with the additional conditions applied, was issued to the owners (namely Barry Wells and Peter Mott) and management team (including [REDACTED] who were in place at the time of the November 2012 Review, and have continued to own and manage the premises since that date.

The Review Application from Nov 2012 is attached at **Appendix A**.
The determination of the review hearing January 2013 is attached at **Appendix B**.

Following the review of Retro, the premises continued to trade. After a short closure of less than two weeks in November 2016, it re-opened as the rebranded cocktail bar called Molotov.

Since November 2016 Sussex Police and the Local Authority have had a number of interactions with the premises licence holders and the management, with regard to their failure to comply with the Licensing Act 2003 and with the conditions attached to the premises licence.

A considerable number of serious breaches of the premises licence have been identified and concerns regarding intoxication of patrons have been raised. Sussex Police contend that the Designated Premises Supervisor (DPS) and Premises Licence Holders (PLH) have failed in discharging a duty of care to their patrons. This has culminated in the death of a mother of two who, having been drinking alcohol at the premises during the approx. 3 - 4 hours she was present, suffered a fatal accident shortly after leaving the premises. At the inquest, the coroner said:
"I am minded to add a rider indicating that **** (the deceased) at the time, was under the influence of alcohol, and severely intoxicated, and that has led directly to her death"

Sussex Police contend that the following licensing objectives have been seriously undermined:

- 1) The prevention of crime & disorder
- 2) Public safety

Please provide as much information as possible to support the application (please read guidance note 2)

Molotov Cocktail & Vodka Bar is located in the town centre, adjacent to One Club nightclub. Both Molotov and One Club are owned by the same Premises Licence Holders (PLH), Mr Barry Wells and Mr Peter Mott. Both premises are governed by the same management team.

It is a relatively small premises which re-opened following a short period of refurbishment (less than two weeks) in November 2016, using the Retro/Light Bar premises licence, as a cocktail bar with windows to the front, and with groups of tables and seating throughout. The premises licence permits the sale of alcohol on and off the premises, as below:

12:00 ~00:30 Sunday,
11:00 ~02:00 Monday Tuesday Wednesday,
11:00 ~02:30 Thursday Friday
11:00 ~03:00 Saturday (plus additional extensions for seasonal variations e.g. bank holidays)

The ability to provide live & recorded music and dance reflects the above hours but permits continuance until 03:00 hours following opening on Thursday, Friday and Saturday.

25th November 2016 23:10 hours (Friday)

PC Jones of the Neighbourhood Licensing Team (NLT) was in uniform and conducting licensing checks in the Worthing area in the company of Mr Simon Jones Licensing Officer from the Worthing Borough Council (WBC) licensing team. They attended Molotov where Mr. Jones explained that it was the opening night for the premises since it had been re-branded. The evening was attended by patrons from a private guest list. The DPS, Mr. Barry Wells, was present. Mr. Jones (WBC) asked Mr. Wells when he would be submitting a minor variation in relation to the change of the premises name and to the structural changes which had already been made at the venue. Mr. Wells responded that it would be as soon as possible. It was noted that the only windows, located the front of the premises, were now boarded over preventing natural light into the premises.

12th February 2017 01:40 (Sunday)

PC Jones, attended the premises in the company of Simon Jones Licensing Officer WBC. Mr. Wells, the DPS was not present, being out of the country on holiday. The general manager, [REDACTED], was present and told them he was managing the premises.

The premises were due to close at 02:00hours and only a few customers remained. One male was observed sitting slumped in a booth with a partially consumed glass of beer in front of him. While he was apparently asleep, his manner suggested that he had surpassed his intoxication limit. PC Jones alerted a member of SIA door staff to the vulnerable male. The member of door team responded that he "would keep an eye on him". He took no further action walking away without making any check as to the man's wellbeing, nor removing the alcohol. This lack of positive action by the door supervisor was a surprise to PC Jones, but before he was able to intervene, the senior member of door staff escorting PC Jones and Mr. Jones, then approached and spoke to the member of SIA door team, who proceeded to wake the male and shortly after ejected him. The senior member of door team returned to the officers stating "sometimes you have to spell it out to them." Whilst nothing was said at the time, PC Jones felt the lack of positive action by the original SIA door person was completely unacceptable and demonstrated no attempt to check on patrons' welfare nor a willingness to keep people safe.

19th February 2017 (Sunday)

A female entered the premises at between 20:00 and 21:00 hours. The premises was described by the bar manager, Mr NA, as not busy with around 15 customers present during the evening. Members of staff at the premises provided differing accounts to Sussex Police regarding who was on duty and also the number of occasions the female was served alcohol. All deny serving her beyond her alcohol tolerance level.

A patron of the premises, Mr S, who has considerable experience of working within the licenced trade entered the premises at approximately 23:10 hours. A condition on the premises licence states that last entry to the premises on a Sunday is 2300 hours, therefore permitting this person to enter the premises at this time was a breach of the premises licence condition 16 of annex 2:

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

Mr S became aware of the female while he was at the bar ordering a drink. The female engaged him in conversation and it became apparent to him that she was extremely intoxicated and was having to hold onto the bar to steady herself. Mr S describes her as being unsteady on her feet with slurred speech and glazed eyes. After a while Mr S left the premises to smoke a cigarette. On his return he discovered the female drinking from his glass. Retrieving his drink he approached the bar manager Mr NA asking that he replace it with a fresh one, which Mr NA did. Shortly after this the female left the premises.

Mr S described the female as being 10/10 where 0 would represent sobriety and 10 the maximum state of intoxication.

At 01.02 hours Sussex Police received a report of the injured female having been located in Worthing town centre a short distance from the premises.

Sussex Police immediately instigated an investigation into this serious incident. DC Liau attended Molotov where members of staff were interviewed and copies of the CCTV footage of the evening requested. No one was able to provide a download of the CCTV from the premises which at the time hindered the police investigation. It also came to light that the CCTV system inside the premises had apparently ceased to function the day before the incident occurred. Sussex Police were not notified of this breakdown which is a breach of conditions 16, 17 and 18 annex 3 of the premises licence

- (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;

The investigating officer, DC Liau, made numerous calls to [REDACTED] to obtain the CCTV footage without success.

22nd February 2017

Having failed to obtain the CCTV footage DC Liau, approached Mrs Giddings of the NLT to assist in obtaining the CCTV, which at this stage was crucial to the investigation. Mrs Giddings made contact with Mr Wells the DPS and it was confirmed that the required footage would be made available that day. An email confirming this request was forwarded to the premises email address. At 16:45 hours the same day DC Liau attended the premises to collect the footage. [REDACTED] stated, however, that it was not available as he had been busy. He also informed DC Liau that the CCTV footage from inside the premises could not be provided as it had not been working since Friday night. He stated he had an email to prove it. Eventually the external CCTV footage was provided to Sussex Police on 23rd February 2017.

While the CCTV footage from inside the premises is not available to Sussex Police, the footage provided which covers the outside of the premises, together with footage from other CCTV cameras in the area provides a clear indication of the high level of intoxication of the victim leaving the premises.

Police investigations have revealed that, at approximately 00:20 hours the female can be seen on CCTV from outside the premises walking west along Chatsworth Road. Further CCTV images later obtained clearly show the female using the walls and railings to steady herself as she attempts to walk alone along the road. The female suddenly disappears from view at approximately 00:23 hours and is later found fatally injured on a flight of steps.

(CCTV footage is available for the Committee to view, however it would be necessary for this to be shown 'in camera' out of respect for the lady's family)

SIA door supervisors were not on duty at the premises. No member of staff employed at the premises provided a duty of care for the vulnerable female who, barely able to walk unassisted, left the premises alone at approx. 00:20 hours.

Failure to employ SIA door staff is a breach of the premises licence annexe 3 condition 3

- (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.

Furthermore the I.D Scanner was not in use hampering the process of identifying persons present at the premises during the evening. Therefore the breach of licence condition 3 annexe 3 above, caused a further breach of conditions 7 and 8 annexe 3, as below;

- (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.

During February 2016 PC Vasey conducted vulnerability awareness training of staff at the premises, to reinforce the responsibilities, actions and duty of care necessary for persons selling alcohol on a licenced premises. This training was attended by James Lanz. PC Jones has since asked for records of other staff members who attended the training, but to date they have not been provided by the premises.

23rd February 2017 (Thursday)

PC Jones and Special Constable Robinson attended the premises and waited outside until [REDACTED] arrived. The CCTV requested by DC Liau had still not been copied, so SC Robinson remained with [REDACTED], while the functioning cameras were checked, and the available footage was downloaded.

7th June 2017 13:45 (Wednesday)

PC Jones & PS Standing of the NLT visited the premises which was closed, however Mr. NA identified himself as a manager and invited the officers inside. It was established that Mr. NA had been at the premises and working on the night of 19th February 2017. He confirmed that he and Ms. JR had been on duty. PC Jones requested to see the duty roster for that day, but was advised that it was in One Club on the computer, which he could not access. PC Jones asked that the venue manager, Mr. James Lanz, contact him directly or the NLT providing the information.

While at the premises PC Jones noticed that the drink-ware on the bar was all glass. This contravenes condition 19 of annex 3 of the premises licence which was attached by the Licensing Committee on 23rd January 2013 following the review hearing. When this was pointed out to Mr. NA he stated that he was under the impression that they could use glass, and that the Licensing Authority had told them it was ok.

- (19) All drinking glasses and bottles shall be of polycarbonate or tempered glass. Where products are only available in glass bottles, the contents shall be decanted prior to service

8th June 2017 14:00 (Thursday)

PC Jones spoke with Mr Wells, the DPS, to establish the contact details of the premises bar staff. Mr. Wells advised PC Jones that the venue manager [REDACTED] was on holiday, but that the duty manager Mr. NA had the personnel details being requested.

The breach of condition (19) was also discussed. Mr. Wells confirmed that glass would not be used until the minor variation which he had just submitted, had been granted. He took this opportunity to request a meeting with Sussex Police to discuss a further variation of the licence. He stated that he had already been in consultation with the local authority and a further meeting with them was scheduled for the following week. Due to current workloads and staffing levels, Mr. Wells was advised to email the Neighbourhood Licensing Team office with the details of any changes he was considering. This would enable Sussex Police to give a considered response.

8th June 2017 14:45

Mrs Giddings, Divisional Licensing Officer, and PS Standing responded to a request from PC Jones to attend the premises as Mr Wells had informed him that Mr. NA had the bar staff personnel details previously requested. However upon their arrival Mr. NA stated he did not have them but that [REDACTED] would be able to provide them. He was expected to return that afternoon. Mr. NA was informed that Mr. Wells had that said he would be able to assist Sussex Police obtaining the details. He then wrote down telephone numbers for 6 staff members. PS Standing noted that the drinking vessels hanging in the racks were still glass. Mr. NA said these were for show and that they also had non-glass vessels. He indicated that further non-glass vessels had also been ordered and would be delivered imminently. No further details pertaining to staff were forthcoming but the NLT office email address was again provided and it was promised that the request would be fully complied with by [REDACTED]

23rd June 2017 23:10 (Friday)

PC Jones of the NLT was on duty, and in the Worthing area and conducted licensing visits at both One Club and at Molotov. The DPS Mr. Wells was not present as he was out of the country. The general manager James Lanz was again identified as the person responsible for the management of the premises. PC Jones commenced a check to ensure that there was compliance with the licence conditions. He asked [REDACTED] to provide the records of staff on duty specifically on 19th February 2017, as these had still not been provided, despite having been repeatedly requested previously. Mr. Lanz was unable to do so. He was also asked to provide records pertaining to the training of staff employed at the premises. He was unable to provide these or any training records post 2012. This is a further breach of licensing conditions, specifically 13, 14 & 15 of annex 3 and condition 4 section 1:

- (13) Staff members to be engaged on 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
- (4) A duty record of attendants must be maintained. The record must, on a daily basis, list the names of individuals who have worked that day.

PC Jones then asked to see the dispersal policy, adopted by the management and implemented by the SIA door staff. [REDACTED] admitted he was unable to produce it, which is a breach of condition 4 annex 3 of the premises licence.

- (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;

During the visit PC Jones noticed that none of the SIA door staff appeared to be wearing Body Worn Video (BWV). He asked Mr Young, the head of Links Security Team, how many BWV cameras were being used. He admitted there were none at either premises. Breaching condition 5 annex 3 of the premises licence:

- (5) SIA door staff shall utilise functioning body worn videos at all times when they are on duty

When PC Jones asked to view the incident/refusals logs it became apparent that these were not available. A member of the door team was called over, and he said he held a pocket notebook which referred to One Club which he took home and transferred to a log. The member of door staff advised PC Jones that the log for One Club would be brought to the premises the following evening, and be available for inspection. Mr. [REDACTED] confirmed to PC Jones that when the door team were on duty, incidents and refusals at Molotov were recorded by the door team, and transferred to the One Club log. When PC Jones asked Mr. [REDACTED] where bar staff would record incidents and refusals at times when door staff are not employed, he admitted that one was not kept or maintained. No log had been maintained and could therefore not be provided in relation to Molotov. Failure to maintain an incident log at the premises breaches condition 12 annex 3 of the premises licence.

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

Mr. Lanz was asked to demonstrate the CCTV system to enable PC Jones to verify its compliance with the conditions on the licence. After some time he stated that it was a new system. He went on to explain that a new hard drive had been installed the previous day and therefore they no longer had any footage stored of the premises for any of the previous 28 days. This a breach of conditions 16 & 17 & 18 annex 3 of the premises licence, for details of the conditions see above on 19th February

Mr. [REDACTED] stated that all of the documents requested were available, but due to storage issues in the premises, he needed to find out where they were. He was asked to produce all relevant documents by 1700hrs on Tuesday 27th June 2017 via email to the NLT email account.

25th June 2017 02:00 (Saturday into Sunday)

PC Jones of the NLT attended the premises to conduct a Licensing visit. He observed the door staff for some time and noted that they were proactively refusing entry to numerous people who were intoxicated. The head of the door company was present, albeit not working in a door supervisor capacity. He advised PC Jones that two new body worn video cameras had been ordered, which would arrive the following week.

Inside the premises several customers were seen to be refused service. One had quite obviously already reached his alcohol tolerance threshold. Others patrons were told that as a police officer was present they could not serve any more drinks.

A number of the customers were seen to be unsteady on their feet, and needed to use the tables, chairs, and the bar to steady themselves while walking around the premises. The officer observed that they were still drinking alcohol. A lone female was observed drinking what appeared to be sparkling wine before she staggered out of the premises, leaving 1 1/2 glasses of sparkling wine un-touched. No obvious intervention was made by bar staff nor SIA door staff to check on the female's welfare.

PC Jones conducted a check of the toilets using an UV light. A toilet attendant was on duty. Traces of cocaine powder were present on the toilet paper dispenser in the male cubicle. PC Jones approached James Lanz who agreed to the officer conducting drug mapping of the premises which involves taken swabs of various areas which would then be analyzed professionally by an Ion Track Itemiser machine.

The results were later analyzed and indicated extremely high readings for cocaine in all of the toilets, including upon the stool used by the male toilet attendant. Throughout the public areas of the premises, readings were consistently very high. The full list of readings is listed below.

A full explanation of the results is contained at **Appendix C** however any reading of 3 and above can be classed as a "high" response, the higher the number, the more recent the exposure and the higher the amount of the identified narcotic. This level of response would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.

Contained at **Appendix C1** is a ground floor plan of the premises

MALE TOILET: COCAINE – 6.25

MALE TOILET DOOR: COCAINE – 5.29

MALE TOILET PUBLIC AREA: COCAINE – 4.45

MALE TOILET ATTENDANTS STOOL: COCAINE – 5.00

FEMALE TOILET 1: COCAINE – 6.57

FEMALE TOILET 1 DOOR: COCAINE – 4.46

FEMALE TOILET 2: COCAINE – 6.22

FEMALE TOILET 2 DOOR: COCAINE – 5.16

FEMALE TOILET 3: COCAINE – 6.00

FEMALE TOILET 3 DOOR: COCAINE – 3.11

FEMALE TOILET PUBLIC AREA: COCAINE – 3.88

BAR: COCAINE – 3.19; MDMA – 1.48

DJ BOOTH: COCAINE – 2.40

OFFICE DOOR: COCAINE 3.75

TABLE marked A on the ground floor plan: COCAINE – 3.36

TABLE B on the plan: COCAINE – 3.30

TABLE C on the plan: COCAINE – 3.44

TABLE D on the plan: COCAINE – 3.36

TABLE E on the plan: COCAINE – 2.67

28th June 2017

Following further requests the premises dispersal policy was emailed to PC Jones by [REDACTED] From checking the document it appears to have been created on 27th June, 2017.

Mr [REDACTED] also confirmed in his email that he had still not been able to locate any staff training records, or the staff rotas that PC Jones had requested on 23rd June 2017.

29th June 2017

Sussex Police have been advised that there are no incident logs held which are specific to Molotov, all records are kept within One Club. The incident logs for Molotov / One Club were provided by Mr. [REDACTED] to Sussex Police. These have been examined against records held by Sussex Police of incidents reported to the police. There are significant unexplained discrepancies in these records which we would not expect to see from records which had been made and correctly captured at the time of each incident.

12th July 2017

During the morning of 12th July 2017, Mr Barry Wells contacted PC Jones to enquire if he could attend the inquest of the lady who had been in the premises on 19th February 2017. PC Jones advised him that it was a public inquest and that he could attend. PC Jones took the opportunity to further request from Mr Wells, in his position as the Designated Premises Supervisor, the outstanding training records and staff rotas, first requested on 23rd June 2017, be provided for inspection. Later that afternoon, [REDACTED] emailed PC Jones a copy of a handwritten staff rota for the premises, dated 19th February 2017. The email also included incomplete staff record sheets for the two members of bar staff who had worked on that date. The sheets appeared to indicate that initial induction training had been conducted, but that no refresher training had been completed.

12th July 2017

The Coroner's Inquest was held into the death of the female who had been drinking at the premises. A number a door staff and bar staff were summoned to provide evidence at the inquest.

The coroner concluded that this was an accidental death but stated that she was;

*"I am minded to add a rider indicating that **** (the deceased) at the time was under the influence of alcohol and severely intoxicated and this led directly to her death".*

It is known that the female entered Molotov at approximately 20:30 – 21:30 hours, and CCTV footage shows that she left Molotov at roughly 00:18 hours. The fatal accident took place at 00:23 hours. The CCTV footage confirms that the female did not stop off to purchase alcohol anywhere else, and she was not consuming her own alcohol, therefore it is evident that she became severely intoxicated during her 3 – 4 hour visit to Molotov.

14th July 2017 Friday

PC Jones attended the premises a number of times during the evening to collect CCTV footage pertaining to an incident subject of a criminal investigation involving the SIA door team. The quality of the footage from the external cameras was so poor it rendered the CCTV system ineffectual. PC Jones returned a number of times in an attempt to obtain useful footage of the incident

15th July 2017 (approx. 03:15 Saturday)

PC Jones was conducting licensing checks at Molotov and ONE Club, when he observed the owner of LINK Security, Mr Ian Young undertaking the duties of a door supervisor outside the premises. The officer noted that Mr Young was not displaying an SIA licence, and duly advised him that if was to undertake door supervisor duties, he must display his licence in accordance with the Security Industry Act 2001.

15th July 2017

An email was received from [REDACTED] that contained some incomplete training record sheets, an incomplete set of hand written duty rota records for the premises, and an incomplete set of hand written rota sheets for door staff.

While examining the licences in relation to the three premises in Chatsworth Road Worthing [Tokyo 31, Retro and One Club] it has come to light that the company Lounge Leisure UK Ltd – 07770955, went into liquidation on 29/10/13 thus rendering the premises licence for Tokyo 31 void.

During early 2017, Mr Wells et al, leased the property formerly known as Tokyo 31 to a third party restaurateur on the understanding that there was a valid premises licence in place. The third party restaurateur has since been required to cease all licensable activity authorised under the void licence. Further enquiries revealed that the names and dates of the remaining two licences and their transfers did

not match the records held by the Local Authority licensing office.

20th July 2017

PC Jones made enquiries with the SIA public register of licence holders, to confirm that [REDACTED] of LINK security held a valid SIA licence. These enquiries revealed that [REDACTED] did not hold a current SIA licence authorising him to undertake any licensable activity. As such [REDACTED] was not authorised to undertake door supervisor duties, and was also not authorised to manage other door supervisors.

PC Jones immediately contacted Mr [REDACTED], who had by now been nominated through a Variation Application, as being the DPS of both Molotov and ONE Club, and advised him of [REDACTED] unlicensed status. [REDACTED] advised PC Jones that he was aware of the situation, and that there had been technical difficulties in renewing [REDACTED] SIA licence, and suggested that one of the other door supervisors had temporarily taken over the role of managing the staff. It is an offence under the SIA Act 2001 to undertake duties as a Door Supervisor without a licence S3 (1), deploy other licensed staff without an SIA licence S17 (2) & (3) and to employ staff without an SIA licence S5(1). [REDACTED] knowingly undertook these duties, and [REDACTED] knowingly deployed unlicensed SIA staff. Apart from being unlawful, this puts patrons at significant risk as any public liability insurance would be invalidated.

21st July 2017

PC Jones received an email from [REDACTED] confirming that with immediate effect, door staff for Molotov and ONE Club would be provided by a different company, Castlegate Security Solutions. All of the door supervisors from LINK Security would transfer over to Castlegate Security Solutions.

In conclusion

It is acknowledged that since the date of the coroner's inquest there have been a number of steps taken by the Premises Licence Holders and the DPS to rectify the breaches of the conditions attached to the premises licence. This mirrors the cyclical pattern identified by Sussex Police prior to the previous Review of the Premises Licence in 2013. Sussex Police are once again striving to obtain compliance from the same Premises Licence Holders and the same management team in relation to similar breaches of the premises licence. It is not, nor should it be, the responsibility of the police to ensure premises licence conditions are adhered to by the holders of the licence. In the case of Molotov, it is noted that many of the licence conditions applied to the premises licence by the Licensing Committee to keep people safe following the 2013 Review Hearing, have been completely disregarded by the licence holders. Sussex Police contend that the management team and owners have demonstrated complete disregard for patrons' safety and have made no attempt to promote the crime prevention or public safety objectives.

To further support Sussex Police's concern in relation to the exceptionally poor manner in which these premises have been run by the present owners and management team, 2 days after the Coroner's Inquest was held, a variation application was received on 14th July, 2017 which seeks to remove and/or amend the very conditions which, had they been adhered too, may have prevented the unnecessary death of a mother of two children. Following submission of this Review, Sussex Police will place a representation against the grant of the Variation to the Licensing Authority.

A copy of the Variation Application, pages 7 & 8 can be found at **Appendix D**. Highlighted within the Variation are those conditions which, if removed or amended, would cause the most concern to Sussex Police.

Sussex Police contend that having appeared before the Licensing Committee on 23 January 2013 the premise licence holders and management team, should be fully aware of the responsibilities conferred upon them when assuming the supervision of a licensed premises. Their responsibilities to the members of the public choosing to use the premises, and their obligation to promote the licensing objectives and adhere to the Licensing Act 2003 have previously and frequently been made clear, both by Sussex Police and by the Licensing Authority, and by the Licensing Committee. Since then further breaches have been observed, documents have been produced which are inaccurately recorded and a patron has died shortly after leaving the premises due to her level of intoxication level.

In submitting this second Review Application to the Licensing Committee, Sussex Police carefully considered the options open to the Authority:

- Removal of the Designated Premises Supervisor will have no effect, as a DPS variation has already been submitted by the Premises Licence Holders wishing to replace Mr Barry Wells with Mr James Lanz. This will be objected to by Sussex Police following submission of this Review to the licensing Authority, as [REDACTED] already manages the premises on behalf of Mr Wells, and [REDACTED] is not considered competent by Sussex Police.
 - S182 Licensing Act 2003 deals directly with this issue at Para 11.22:
 - *Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.*
- The addition of further conditions to the premises licence will be futile, as the current Premises Licence Holders and management team have disregarded the existing conditions applied to the licence by the Licensing Committee in 2013. At S182 Licensing Act 2003, the Secretary of State gives the following guidance at Para 11.23:
 - *Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.*

Following very careful consideration, taking into account:

- The very short time these premises have been open and trading as Molotov Cocktail and Vodka Bar;
- The irresponsible manner in which the premises is trading, manifesting itself with:
 - The lack of adherence to the licence conditions by the owners and management;
 - The very high levels of intoxication within the premises, witnessed by police officers
 - The disregard of the owners, management and staff for public safety
 - The management knowingly deploying unlicensed SIA Door Supervisors at the premises;
- The Secretary of States Guidance in relation to trading irresponsibly;
- The exceptionally poor management of the premises;
- The extremely high drugs readings recorded by the Ion Track machine.

Sussex Police contend there is no other option than to respectfully request that the Licensing Committee very seriously consider revocation of the premises licence of Molotov Cocktail and Vodka Bar.

--

Please mark X for yes	
Have you made an application for review relating to this premises before	X

If yes please state the date of that application	23 rd November 2012
--	--------------------------------

<p>If you have made representations before relating to this premises please state what they were and when you made them</p> <p>Sussex Police submitted an application for the Review of the Premises Licences for both adjoining premises in Chatsworth Road on the grounds of the prevention of crime& disorder, the prevention of public nuisance & the protection of children from harm.</p> <p>This was due to the constant volume of incidents involving crime, disorder and public nuisance in and around these premises and by the continuing failure of the Désignated Premises Supervisor (DPS), representatives of the Premises Licence Holder and the premises management team to address issues of violence, drunkenness & disorder within and in the immediate vicinity of the premises</p>

Please mark X for yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate X
- I understand that if I do not comply with the above requirements my application will be rejected X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature (on behalf of the applicant)

Date:
25th July, 2017

Capacity:

Head of Licensing & Public Safety

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Mrs Jean Irving
c/o Sussex Police
West Sussex Divisional Headquarters
Centenary House
Durrington Lane, Worthing
West Sussex
BN13 2PQ

Post town

Worthing

Post code

BN13 2PQ

Sussex Police
Application for review of a premises licence
07/2015

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address ?

Your e-mail address (optional)

WS licensing WOR@sussex.pnn.police.uk or
Jean.irving@sussex.pnn.police.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.

Appendix D

THE UNIVERSITY OF CHICAGO



ADUR & WORTHING
COUNCILS

Adur & Worthing
Councils
Portland House
44 Richmond Road
Worthing
West Sussex, BN11 1HS
www.adur-worthing.gov.uk

Cl M Ockwell
C/o Licensing Officer P Giddings
Sussex Police
West Sussex Divisional Headquarters
Centenary House
Durrington Lane
Worthing
BN13 2PQ

Our Ref: EH/Lic. U/03Lic Act/simon/ LN/100001195/Review
Tel: 01273 263191 e-mail: simon.jones@adur-worthing.gov.uk

12 September 2018

Dear Sirs

Licensing Act 2003 - Section 51
Application for a Review of Premises Licence No: LN/100001195
Molotov Cocktail & Vodka Bar, 31 Chatsworth Road, Worthing, BN11 1LY

Sussex Police made the above application to the licensing authority, Worthing Borough Council, on the 26 July 2017. The 'Review' sought the revocation of the licence due to their contention that the licence holders were undermining the Licensing Objectives:

- Prevention of Crime & Disorder
- Public Safety

The application was correctly made as defined by the Act. One relevant representation was received during the statutory consultation period. West Sussex County Council Public Health Dept. made representation supporting the application.

As the issuing authority it fell to the Licensing & Control Committee to determine the application. The application was considered by the Committee on 18 September 2017. The Committee heard from all parties and resolved that the premises licence should be revoked and provided its reasons.

On 4 October 2017 the council was informed that the applicants had lodged appeal against the decision of the Licensing Authority as permitted under Schedule 5 of the act. Under Section 181 (2) of the Licensing Act, on appeal the magistrates may

- dismiss the appeal,
- substitute for the decision appealed against any other decision which could have been made by the licensing authority, or

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BN11 1HS

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twitter.com/adurandworthing

- remit the case to the licensing authority to dispose of it in accordance with the direction of the court,

In this case there was joint consent to remit the matter back to the Licensing Authority for a re-hearing which was ratified by a court order. A hearing was held on 11 September 2018 to re-consider the matter.

The Licensing Act encourages mediation which was conducted between the parties. An agreement was reached. As a result the Licensing & Control Committee was asked to impose a new set of amended licence conditions on the premises licence.

1. APPLICANT

Jean Irving on behalf of the Chief Constable of Sussex Police

2. LICENCE HOLDER / PREMISE

Peter Mott & Barry Wells T/a Lounge Leisure Group
Molotov Cocktail & Vodka Bar

3. DATE OF HEARING

11 September 2018.

4. RESOLUTION

The Licensing and Control Committee B resolved to accept the mediated agreement between the parties as presented to the Committee. Agreeing to impose the new list of conditions on the Premises Licence to replace the existing conditions listed in Annexe 1 H, annexe 2 and Annexe 3.

The following was agreed:

1) From Annexe 1

- Removal of all the embedded restrictions converted from the Justices' On Licence with the exception of the hours for New Years' Eve/Day.
- Removal of standard conditions converted from the Public Entertainment Licence
- Replacement of all the specific conditions converted from the Public Entertainment Licence with the following:
 1. There shall be no access from between these premises (Molotov) and the licence holders' adjoining premises next door (Oxygen) by members of the public
 2. The glass doors which separate the main bar area from the frontage of the public house must not be left or propped open at any time and patrons must not be allowed to congregate outside on the paved area immediately outside the frontage of the building.
 3. A duty record of attendants must be maintained. The record must, on a daily basis, list the names of individuals who have worked on that day and the times they were in attendance at the premises.
 4. Departing customers must not be permitted to take glasses or opened bottles outside the premises.

2) From Annexe 2

- Replacement of all the current conditions listed in this section with the following:
 1. Pre-opening safety checks to all fire exits and emergency lighting shall be carried out and the results recorded every evening before opening.

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2. On the nights when permitted regulated entertainment is provided, SIA trained and licensed door supervisors shall be in attendance.
3. The capacity limit of 160 persons shall not be exceeded.
4. A sound insulation scheme shall be maintained and management will carry out regular monitoring.
5. Regulated Entertainment to take place indoors only
6. No person under 18 years of age shall be allowed in the premises.
7. Regulated entertainment shall cease half an hour prior to the licensed closing time of the premises i.e. at the commencement of "wind down" time.
8. A 30 minute period after the terminal hour for the sale of alcohol to allow the premises to be cleared of the public.
9. Doors and windows shall be kept closed while regulated entertainment is in progress (except to allow for momentary access or egress of patrons and staff).
10. The noise of regulated entertainment from the premises shall neither exceed 56dB LAeq (5min) before 23.00hrs, 53dB LAeq (5 min) between 23.00hrs and 02.00hrs nor 50dB LAeq (5min) after 02.00hrs. The noise level shall be measured at any 1.2-1.5M above the south pavement of Chatsworth Road or the west pavement of High Street.
11. The premises will make a contribution by way of at least one member of door staff to assist with "Taxi Marshalling" on all occasions that the premise is open until 02.00hrs or later.
12. The management of the premises will make a working arrangement with one or more of the local taxi or private hire companies in order that customers are able to be taken home with the minimum of delay.
13. The latest entry/re-entry times to the premises by the public on any Sunday shall be 23.00hrs.
14. There will be no external disposal of bottles or rubbish between the hours of 00.00hrs (midnight) and 08.00hrs on any day.

3) From Annexe 3

- Replace or amend all the current conditions listed in this section, which were imposed on 23 January 2013, with the following:
 1. The self-monitoring of noise levels is to be carried out at different times each evening.
 2. Security industry Authority (SIA) door supervisors shall be employed through an external contract company.
 3. SIA door staff in relation to the premises shall be employed every night from 22:00 or when regulated entertainment commences and until 30 minutes after the closure of the premises in order to effectively operate a dispersal policy in Chatsworth Road. At all other times when licensable activities are taking place, a written risk assessment shall be provided to & agreed with Sussex Police.
 4. Management shall adopt a dispersal policy which will be implemented by the door staff. This will be agreed with Sussex Police to prevent groups gathering and engaging in altercations. Records shall be made available to the local licensing authority and/or Sussex Police upon request.
 5. Management shall adopt a vulnerable persons' policy which will be implemented by the all staff engaging with members of the public. This shall form part of staff training (including refresher training) which shall be fully documented, dated and signed by both the DPS & staff member.

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6. SIA door staff shall utilise functioning body worn videos at all times when they are on duty.
7. Those performing the role of door supervisor shall not perform any other role when engaged for the purpose of door supervision activities. Door supervisors shall be fully briefed prior to work with clear written instructions regarding their specific duties including an awareness of persons banned from the premises and the premises policy for caring for vulnerable persons. These records shall be made available to the local licensing authority and/or Sussex Police upon request. A member of the SIA door staff to be permanently located and actively patrolling within the smoking area while the premises licence is in operation or until the area has been emptied of patrons at closing time.
8. An identification scanning system with a strict no ID/no entry policy shall be operated at all times when SIA door staff are operating unless prior written agreement with Sussex Police has been obtained or the system has suffered mechanical breakdown beyond the control of the proprietor. Information from the system shall be made available upon request to the Police in accordance with the General Data Protection Regulations. Any breakdown or system failure will be reported to the Police immediately via phoning 101 (or equivalent reporting telephone number) or via email and remedied as soon as practicable;
9. When the ID Scanner is required entry be restricted to those patrons whose ID has been scanned.
10. A challenge 25 Policy will apply with regard to the sale of alcohol. Any person who appears to be under the age of 25 shall be required to provide satisfactory photographic evidence that they are 18 years old or over before being sold or supplied with any alcoholic drink, or on entry should the ID scan system become inoperative.
11. No games shall be conducted in the premises whereby alcohol or bar credit is given as a prize in any manner or form.
12. An incident management policy shall be drawn up in agreement with Sussex Police and shall be implemented at all times while the premises is conducting licensable activities until 30 minutes after closing time.
13. An incident/refusals register shall be maintained and kept on the premises to record refusals and incidents of crime and disorder. These records shall be made available to the local licensing authority and/or Sussex Police upon request.
14. Staff Members to be engaged in selling alcohol on the premises shall receive full training pertinent to the Licensing act, in particular but not exclusively in regard to age restricted sales and the refusal of sales to persons believed to be under the influence of alcohol or drugs and the premises vulnerable persons policy.
15. Induction training must be completed and fully documented prior to the sale of any alcohol by the staff member and refresher training thereafter at intervals no less than 8 weeks. All restricted sales training undertaken by staff members shall be fully documented and recorded.
16. All training records shall be made available to Sussex Police, Local Authority Licensing Officers and the Local Trading Standards service upon request.

17. CCTV to be installed in accordance with Home Office guidelines relating to UK police requirements for digital CCTV systems covering the entire premises including the outside areas/front of premises.
18. CCTV images shall be retained for at least 28 days and except for mechanical breakdown beyond the control of the proprietor, shall be made available upon request to the police. Any breakdown or system failure shall be notified to the Police immediately and remedied as soon as practicable.
19. It will be the responsibility of the DPS or duty manager to ensure that any requests from the police for a recording to be made for evidential purposes is carried out as soon as possible in compliance with the General Data Protection Regulations
20. When the DPS is not present the duty manager shall be specified in writing by the DPS. Contact details shall be made available to Sussex Police upon request, in respect of an investigation, in compliance with the General Data Protection Regulations.
21. All drinks glasses shall be of tempered/toughened glass. Polycarbonate drinking vessels will be used when a need is identified by the licence holder's own risk assessment or when required by Sussex Police in writing.
22. No drinking vessels shall be permitted in the smoking area save for drinking vessels containing water.
23. Checks of the toilets to be made at a minimum of every 30 minutes and recorded.
24. Checks of the smoking area to be made at a minimum of every 30 minutes on those occasions when SIA door staff are not positioned in the smoking area.
25. The premises shall maintain and operate a Quiet Room on a Friday and a Saturday from 21:00; The quiet room shall have a free and easily accessible supply of drinking water and shall be supervised by a qualified First Aider.
26. The designated premises supervisor and or a personal licence holder shall be present on the premises as the primary responsible person from 20:00 on each Thursday Friday & Saturday evenings until closing. On those occasions where the DPS is unable to be present a personal licence holder shall be specified in writing as the responsible person.
27. The premises is to have a designated floor walker at all times that the premises are open for licensable activities and a policy in relation to monitoring of patrons to prevent and to minimise intoxication
- Impose the following new conditions:
 1. James Lanz shall be removed from a position of management and shall not be engaged in any management or employment directly or indirectly by Lounge Leisure Group.
 2. The premises is to appointment a new manager and provide to Sussex Police an Organisational Chart including the roles and responsibilities of the manager and designated premises supervisor in relation to licensing laws and the interaction between the police service and the licensing authority.

3. External training will be provided and monitored by the designated premises supervisor in relation to the sale and supply of alcohol. The training shall include preventing and looking out for intoxication and caring for vulnerable persons.
4. The CCTV system and cameras shall be updated in accordance with the recommendations contained within the Sussex Police Designing Out Crime Officer's (DOCO) report. [This includes additional cameras at the rear of the premises near the toilets, the DJ booth the front seating area on the right and at the entrance. It should also include coverage of the quiet/safe space for vulnerable persons.]
5. CCTV signage in accordance with DOCO's recommendations.

5. REASONS

In reaching its decision, the Licensing and Control Committee 'B' gave due regard to:

- LA 2003's statutory licensing objectives
- Worthing Borough Councils Statement of Licensing Policy
- Guidance under section 182 by the Home Secretary and Licensing Act 2003. Human Rights legislation and the rules of natural justice.
- The application and both written and oral relevant representations from the Police and licence holders
- The representations made by a Responsible Authority.

In discharging its functions the Committee did so with a view to promoting the Licensing Objectives, the relevant objectives here were the prevention of crime & disorder and public safety.

Members recognised that there were failures under the previous management but that the mediated arrangement should assist the current management rectify these problems. The Police being experts in crime and disorder had agreed jointly with the premise holder that these were necessary and proportionate and a workable solution for the premises licence holder to operate, to ensure they remain legally compliant and promote the licensing objectives of crime and disorder and public safety. The Committee acknowledged there is now a good working relationship between the Police and the Premises Licence Holders and requires this to continue

It was recognised that the agreed conditions had resolved the West Sussex County Council Public Health representation in relation to these premises.

6. ADDITIONAL COMMENTS

It should be noted that the applicant, the licence holder and those that made representation may appeal against this decision within 21 days of receipt of this letter by giving notice to the Magistrates' Court.

If no appeal is lodged this decision will come into effect at midnight on Friday 5 October 2018. The licence should be returned to this office for amendment.

If an appeal is lodged then the committee's decision is suspended until such time as the appeal has been disposed of by the courts. Please inform this office if an appeal is lodged.

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The Responsible Authorities and any other person may apply for a further review of this licence if activities at this venue were to continue to undermine the licensing objectives.

The licence holder is reminded that it is a criminal offence under the Licensing Act to carry on licensable activities from any premise without a premises licence or in breach of a premises licence. The maximum penalty on conviction is six months imprisonment and an unlimited fine.

If you have any queries regarding this matter please do not hesitate to contact me.

Yours faithfully



Simon Jones
Public Health & Regulation – Team Leader Licensing

Cc
Mr David Dadds, Dadds LLP Solicitors
Public Health Lead for Alcohol and Drugs, WSCC Public Health Department

Appendix E

מחברת: ד"ר חגית גורן

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



**West Sussex Division
Neighbourhood Licensing Team**

12th September 2017

RE: APPLICATION FOR VARIATION TO SPECIFY A NEW DESIGNATED PREMISES SUPERVISOR
FOR THE PREMISES LICENCE AT MOLOTOV COCKTAIL AND VODKA BAR CHATSWORTH ROAD
WORTHING BN11 1LY TO MR [REDACTED]

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.

[REDACTED] is the holder of a premises licence and Designated Premises Supervisor (DPS) of a village store. He has previously been employed to provide door supervisors, by the premises licence holders of One Club, following the previous Review application in 2012. Sussex Police are aware that through his former business Key 2 Solutions Door Supervisor Company and as a former local councillor he has an awareness of the night time economy in Worthing. However this premises is considered by Sussex Police to be a failing premises which has historically, under the same premises licence holders, replaced the Designated Premises Supervisor as part of measures taken to ensure the premises is properly managed and controlled on a day to day basis.

The Premises Licence Holder(s) and DPS in place have failed to achieve this and the premises licence is once again under Review.

Given the history of poor management of the premises, it is considered that any person assuming the responsibility for day to day control of this premises, needs to be able to demonstrate a sound and successful history of managing a nightclub for an appreciable period of time.

The current premise licence holders have not ensured that the conditions attached to the premises licence have been adhered to and this prevalent poor standard has become customary to patrons and staff alike. This habitual failure to promote the licensing objectives; to keep members of the public safe and to prevent crime and disorder at the premises will therefore need to be addressed by a strong and experienced DPS.

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

[REDACTED] to our knowledge, does not have any experience of the requirements of a Designated Premises Supervisor within a late night on-licence and certainly not of a failing late night premises.

It is contended that given the current situation regarding this premises, the above constitutes exceptional circumstances and therefore Sussex Police invite the committee to refuse the 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

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