

Minutes of a meeting of the
Worthing Licensing and Control Sub-Committee
16 February 2021
at 6.30 pm

Councillor Sean McDonald (Chairman)

Councillor Charles James

Councillor Robert Smytherman

LCSC/7/20-21 Declarations of Interest / Substitute Members

There were no declarations of interest or substitute members

LCSC/8/20-21 Public Question Time

There were no questions from the public

**LCSC/9/20-21 Licensing Act 2003 – Application for a new Premises Licence at:
Molotov Cocktail & Vodka Bar 31**

The Committee had before it a report by the Director for Communities a copy of which is attached to the signed copy of these minutes as item 3. The application has been the subject of formal representation by two responsible authorities and it therefore falls to this sub-committee to determine.

The Licensing Officer introduced the report to the Committee and set out the application before members. The Committee was informed of a volunteered reduction in opening hours. It was confirmed with the applicant that he had provided an accurate outline.

The Licensing Officer was asked question about mediation and asked to clarify amended opening hours.

Representation from Sussex Police

A representative from Sussex Police made a representation which is summarised as follows:

- Members had before them a detailed letter from the Chief Inspector which set out conditions where there was no objection, and where the police did have an objection;
- In summary there was not an objection in principle to the granting of the licence however the police did object to the proposed DPS, the hours as amended and certain conditions;
- There had been a history with the premises and it was entirely appropriate for the authority to impose conditions;

The Sussex Police representative was questioned by members about mediation that had been undertaken.

The applicant's representative confirmed with the police representative that there had been no primary evidence submitted, that the licensing authority could make a representation as a responsible authority and that representations should be based upon the licensing act.

The representative from West Sussex Public Health made a representation which can be summarised as follows:

- The representation from Public Health had set out the representation in the papers before the Committee
- Historically the premises had been given conditions to help promote the licencing objectives;

There were no questions from members

The representative of the applicant questioned the Public Health representative on the role of Public Health in Licensing and the absence of data in conjunction door supervisors and confirmed that public health had not carried out inspections at the premises

Applicant's representation:

The applicant's representative made a representation which is summarised as follows:

- The applicant had attempted to have pre application discussions with the Police but there had been a negative reaction;
- The Licensing Authority should determine each application on its own merits on balance;
- Representations should fail if they provide lack of evidence and the representations had provided no primary evidence;
- The premises was being harassed by the Police;
- No objections were raised to the application by the Licensing Authority;
- Conditions had been agreed at a previous review;
- The application before members was a new application and not an application to vary the licence. The police's representation threatred the application as an application to vary the licence;
- Incidents in the past had happened at the weekend and it was thought that there was not an automatic need for doormen during the week;
- The previous licence was when the premises was connected to the neighbouring club and that connection had now ceased as the club and bar where now separate premises under different sets of ownership and management;
- The bar was predominantly for customers who would be sitting down as there were 100 seats;
- The premises needed a new licence so that it could compete on equal terms with other premises;

A Member asked about conditions relating to SIA Door staff and were told that risk assessments would be taken on events that took place during the week.

Representatives from the police were questioned about allegations going to court and the wording of some of the proposed conditions

Summing up of the Police

- The previous conditions were put into place for good reason and whether this was a variation or a new licence was immaterial;
- Detailing incidents in the past as minor was wrong and there were pending prosecutions

Summing up of the Applicant

- The Police were obligated to prove their assertions and show that the licensing objectives would be undermined
- No evidence had been presented to demonstrate this
- Each application should be judged on its merits

The Committee retired to consider its decision

In reaching its decision the Licensing Sub-Committee has given due regard to the following:

- The statutory licensing objectives
- Worthing Borough Councils Statement of Licensing Policy
- Guidance under section 182 by the Home Secretary and Licensing Act 2003.
- The application, written/oral representations made at the hearing and in writing.
- The Committee also gave regard to human rights legislation and the rules of natural justice.

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, public safety, the prevention of public nuisance and protection of children from harm.

Resolved: that the premises licence should be granted.

Reason for the decision:

The Committee carefully considered this application and the representations before them. The Committee believe that the following conditions proposed by the responsible authorities should be added to the licence and are necessary and proportionate to ensure that the licensing objectives continue to be promoted.

No persons under 18 years of age shall be allowed in the premises except for pre-booked private events when it is appropriate for a persons under 18 to be present;
The condition offered by the applicant in the Operating Schedule in relation to the disposal of bottles and rubbish be corrected to say no disposal between 00.00 and 08.00hrs;

The condition offered by the applicant in the Operating Schedule in relation to SIA trained door supervisors being deployed from 21.00 until 30 minutes after closing every Friday and Saturday evening to be amended to include "or when the risk assessment identifies the need";

The condition offered by the applicant in the Operating Schedule be corrected in relation to SIA trained door staff to change the wording from bar to on the premises;
Those performing the role of door supervisor shall not perform any other role when engaged for the purpose of door supervision activities;

The condition offered by the applicant in the Operating Schedule for induction training and refresher training be every 12 weeks;

The condition offered by the applicant in the Operating Schedule in relation to training records being made available to Authorised Officers upon request is to be amended with the word "reasonable" is to be removed;

Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all 'public areas', (excluding residents rooms etc.). The system shall be on and recording at all times the premises licence is in operation.

The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels of the premises at all times.

CCTV footage will be stored for a minimum of 31 days.

The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. (Email or on line reporting is acceptable).

In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

All drinking vessels 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 for special events/occasions when required by Sussex Police. Notice to be given in writing;

No open vessels shall be allowed off the premises;

The conditions requested by Sussex Police in respect of Alcohol deliveries be included;

That a risk assessment is carried out for each event as offered by the Applicant in relation to the issue of SIA trained door supervisors;

The Committee also recommends but does not add as a condition that body worn video cameras are used by Door staff as they protect both the staff and members of the public.

Advice to parties:

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

Interested parties are reminded that they may apply for a review of this licence “after a reasonable interval” pursuant to Section 51 of the Licensing Act.

Any licence granted under the Licencing Act 2003 does not override any planning restrictions on the premises nor any restrictions that may be attached to the lease of these premises.

The applicant is reminded that it is a criminal offence under the Licensing Act 2003 to carry on licensable activities from any premises when you do not have a licence in place and you may be prosecuted.

The meeting ended at 8.45 pm