

Appendix E – Responsible Authority Representations



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19th February 2024

Mr Simon Jones
Licensing Unit
Adur and Worthing Councils
Portland House
Richmond Road
Worthing
BN11 1LF

Dear Mr Jones,

RE: APPLICATION FOR VARIATION OF THE PREMISES LICENCE FOR 3 UNION PLACE, WORTHING, WEST SUSSEX, BN11 1LG. PREMISES KNOWN AS MACMILLANS AND STACEY'S DIVE BAR. UNDER THE LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation in respect of this variation application on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm.

This variation application seeks to extend the permitted hours for licensable activities and to extend the last entry time as follows:

Open Hours Existing Hours New Hours being applied for

NC = No Change

For the purposes of NC, + or – we have taken into account the finish times only

Monday	10:00	00:30	10:00	00:30	NC
Tuesday	10:00	00:30	10:00	00:30	NC
Wednesday	10:00	00:30	10:00	00:30	NC
Thursday	10:00	00:30	10:00	01:30	+1
Friday	10:00	01:30	10:00	02:30	+1
Saturday	10:00	01:30	10:00	02:30	+1
Sunday	10:00	00:30	10:00	00:30	NC

On Christmas Morning the premises may stay open until 03:30.

On New Year’s morning the premises may stay open around the clock until 10:00 and then thereafter continuously until closing time on the 2nd January.

Supply of alcohol on and off

Monday	10:00	00:00	10:00	00:00	NC
Tuesday	10:00	00:00	10:00	00:00	NC
Wednesday	10:00	00:00	10:00	00:00	NC
Thursday	10:00	00:00	10:00	01:00	+1
Friday	10:00	00:00	10:00	02:00	+2
Saturday	10:00	01:00	10:00	02:00	+1
Sunday	10:00	01:00	10:00	00:00	-1

On Christmas Morning supply of alcohol until 03:00.

On New Year’s morning supply of alcohol around the clock until 10:00 and then thereafter continuously until cessation of supply of alcohol on the 2nd January.

Live Music

Monday	19:00	23:00	19:00	00:30	+ 1.5
Tuesday	19:00	23:00	10:00	00:30	+ 1.5
Wednesday	19:00	23:00	10:00	00:30	+ 1.5
Thursday	19:00	23:00	10:00	01:30	+ 2.5
Friday	19:00	23:00	10:00	02:30	+3.5
Saturday	19:00	23:00	10:00	02:30	+3.5
Sunday	19:00	23:00	10:00	00:30	+1.5

On Christmas Morning live music until 03:00.

On New Year's morning live music around the clock until 10:00 and then thereafter continuously until cessation of live music on the 2nd January.

Recorded music

Monday	12:00	00:00	10:00	00:30	+0.5
Tuesday	10:00	00:00	10:00	00:30	+0.5
Wednesday	10:00	00:00	10:00	00:30	+0.5
Thursday	10:00	00:00	10:00	01:30	+1.5
Friday	10:00	00:00	10:00	02:30	+2.5
Saturday	10:00	01:00	10:00	02:30	+1.5
Sunday	10:00	01:00	10:00	00:30	-0.5

On Christmas morning live music until 03:00.

On New Year's morning live music until 10:00.

Late Night Refreshment

Monday	23:00	00:00	23:00	00:00	NC
Tuesday	23:00	00:00	23:00	00:00	NC
Wednesday	23:00	00:00	23:00	00:00	NC
Thursday	23:00	00:00	23:00	01:00	+1
Friday	23:00	00:00	23:00	02:00	+2
Saturday	23:00	01:00	23:00	02:00	+1
Sunday	23:00	01:00	23:00	00:00	-1

On Christmas Morning late night refreshment until 03:00.

On New Year's late night refreshment until 05:00.

The existing conditions on the premises licence are very old and out of date by current modern standards. The new conditions offered by the applicant in part M of their application consist of a one sentence statement under each licensing objective.

Subsequently Sussex Police Licensing have approached the applicant with a new set of proposed modern conditions to go on the new varied licence with the additional hours being applied for. Following discussions with Mr Price who acts for the applicant, a number of amendments were made to the draft conditions. The conditions set out below are the amended conditions we have provisionally agreed with Mr Price, subject to his final written confirmation.

Removal of the following existing conditions (in red) on the licence:

Annexe 2: Conditions Consistent with the Operating Schedule

1. 12 extensions are to be permitted a year in addition to the Temporary Event Notices allowed at the premise. These extensions of the hours for the sale of alcohol and provision of regulated entertainment are to be up until 02.00hrs in accordance with the ACPO guidance.
2. No more than 12 extensions per premises per year (excluding applications made under TENS) should be allowed. An operating plan covering the additional measures that will be taken to manage crime and disorder on these occasions to be completed:
 - A minimum of 7 to police and the licensing authority.
 - An absolute veto for police in respect of any of these occasions.
3. There will be a 30 minute period after the terminal hour for the sale of alcohol to allow the premise to be cleared of the public.
4. Admittance of customers to be restricted to before 23.00hrs every night.
5. In the case of an incident of public disorder requiring Sussex Police attendance a CCTV system will be installed and maintained within fourteen days of the incident. The system will cover the main bar servery and entrance together with image storage for at least 28 days.
6. The management will play an active part in Worthing Town Centre Pub-Watch.
7. Management & staff to receive training in the details of the Licensing Act 2003 and particularly the Licensing Objectives.
8. SIA door staff to be used when the venue operates for the sale of alcohol beyond 00.00 hours if requested by Sussex Police.
9. A zero tolerance drug policy to be enforced.
10. Glasses or opened bottles are not to be removed by customers from the premise.
11. All drinks to be supplied in toughened shatterproof glasses.
12. First aid kits to be provided & maintained.
13. Fire & safety equipment to be maintained under contract.
14. The rear garden & balcony to be cleared of customers by 23.00hrs on any day.
15. Doors and windows to be closed during the provision of regulated entertainment to prevent any noise leakage from premise if the type of entertainment warrants it. There will be regular monitoring outside premises by management to ensure no noise nuisance.
16. Signage will be installed in the entrance hall reminding patrons to leave quietly and have consideration for local residents.

17. No children under 16 allowed in Bar unless accompanied by a responsible adult.

18. Persons appearing under 21 to provide proof that they are over 18 to be served alcohol.

To be replaced by:

Last entry times (NB: these times are those offered in the applicant's variation application):

- No entry to the premises after midnight on a:
 - Sunday night (24:00)
 - Monday night (24:00)
 - Tuesday night (24:00)
 - Wednesday night (24:00)
- 01:00 on a Friday morning
- 02:00 on a Friday morning
- 02:00 on a Saturday morning
- Christmas Day morning– no admittance after 02:30.
- New Year's Day – no admittance after 04:00.

The Prevention of Crime & Disorder

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 including the front of the premises and the area where door staff meet and greet new entrants before allowing them entry or refusing admission.
- any outside areas including the outside patio area at the front of the premises and any smoking area.
- all public stairs.
- The entrances to all toilets to which the public have access (but not inside the toilets)
- Any Quiet Room/Safe Room/recovery area/office or other area where members of the public may be taken.

The system shall be on and recording at all times the premises licence is in operation plus one hour after close to cover dispersal of customers from the venue.

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

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

The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. Times will be updated promptly when British Summer Time starts and ends.

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. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.

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), or upload CCTV footage to Sussex Police Digital media systems via the internet for the police without difficulty or delay and without charge to Sussex Police. The CCTV system will have internet connectivity, in order to facilitate the uploading of requested footage to Sussex Police Digital media systems.

Any breakdown or system failure will be notified to the police licensing team immediately (and a receipt or acknowledgement from police licensing obtained and retained) & remedied as soon as practicable.

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.

The maximum number of persons permitted on the premises at any one time shall not exceed the safe capacity figures prescribed following the requisite Fire Safety Risk Assessment.

SIA Door Staff

Security Industry Authority (SIA) door supervisors must be deployed at the premises in accordance with the following requirements:

There shall be a minimum of one SIA door supervisor per 100 customers, starting with a minimum of two SIA registered door staff from 21:00 until close on a Friday and Saturday.

On Christmas Eve and New Year's Eve when the seasonal variation extension of hours is used.

At any time when the licence holder identifies by way of a suitable and sufficient written risk assessment that SIA door supervisors and/or other security measures are necessary on any day of the week at any time in addition to the above.

The written risk assessment must also consider busy periods such as Bank Holidays, Christmas and New Year, Seasonal Variations and other Town Centre Events along with any special events at the premises such as live music, discos, screening of sporting events and other similar functions or entertainment. The risk assessment will also cover any requirement for polycarbonate drinking vessels, ticket only events, entry restrictions and last entry times.

The written risk assessment will be kept on the premises and made available immediately upon request to officers of any responsible authority.

Door staff will wear a clearly defined neon arm band to hold their SIA badges to make it obvious who the door staff are.

All SIA registered door supervisors shall wear and operate body worn video cameras with a recording facility. The body-worn cameras will be recording all the time the door supervisors are on duty whether inside the premises or in the vicinity of the premises at ground level. All recordings shall be stored for a minimum period of 31 days, with date and time stamping. Viewing of recordings shall be made available upon the request of police, or authorised local authority officers, throughout the entire 31 days period. The premises will ensure there are sufficient spare batteries fully charged for the body worn cameras so there is no issue with cameras not recording due to flat batteries.

SIA door supervisors shall complete incident logs prior to the end of their shift. Records shall be maintained at the premises containing the full name, date of birth, and SIA badge number of every Door Supervisor. The record shall include all dates and times when a Door Supervisor is employed. If Staff are employed through an agency the name and address of the agency must be included. The Door Supervisor records will be kept at the premises and made immediately available to officers of any responsible authority upon request.

Those performing the role of door supervisor shall not perform any other role when engaged for the purpose of door supervision activities.

When persons are restrained or ejected from the premises, this will always be done via rooms, corridors and entrances that are properly lit and covered by premises CCTV cameras. There will be no restraints or ejections from the premises through rooms, corridors or entrances at the front or rear of the premises not covered by CCTV, or ejections where the person is taken out of the building into an area not covered by external CCTV.

There shall be regular (at least once during every hour from 21:00 until close) patrols of the customer trading areas, smoking area and WCs to ensure that customer behaviour is not in breach of the law or venue policies or harming the licensing objectives. These patrols will be recorded in writing in the incident book. Door supervisors will be instructed to have particular regard to the care of vulnerable persons particularly anyone who appears to be drunk, incapacitated and potentially vulnerable due to excessive alcohol consumption and/or drug misuse. If it is necessary to eject them, they will be peaceably ejected from the premises as long as an on the spot risk assessment is clear that the person will not be vulnerable and at risk

when placed outside. If necessary (and especially in the case of vulnerable women), a taxi will be called, and the person escorted to and put into the taxi to be taken home. Door supervisors will be aware of the need to call the emergency services if necessary.

The premises management will ensure that any crime scene is preserved (without being cleaned), and cordoned off to preserve evidence until the police arrive.

All such training undertaken by staff members shall be fully documented/recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

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.

Door supervisors will be trained on the following subjects:

- training awareness of drink spiking, violence against women and girls and the care and protection of all vulnerable persons, welfare and vulnerability engagement
- drugs awareness.
- The preservation of crime scenes pending police arrival.
- Persons on the Worthing pub watch banned list (in the event that the scanning machine is not working).

These training records will be kept on the premises and shall be made available to the local licensing authority and/or Sussex Police upon request.

Outside smoking area:

A member of the SIA door staff will monitor and actively patrol the smoking area while the premises licence is in operation or until the area has been emptied of patrons at closing time, and ensure that persons using the outside smoking area do not create noise that disturbs nearby residential properties.

Patrons will not be permitted to take drinks in open containers to consume outside on the pavement/public highway beyond the licensed area of the premises whilst smoking or otherwise congregating outside of the premises beyond the licensed area. Departing customers must not be permitted to take drinking receptacles or opened bottles outside the premises.

Drugs and weapons policy:

The management and premises will have an absolute zero tolerance policy towards drugs and drugs misuse. Any illegal drugs seized will be stored in a secure 'drugs box', with all deposits and removals from the drugs box full documented with the date, time, description of item and the name of the person inputting or removing each item clearly printed in a log book. The log book will be kept on the premises and made available for inspection by officers of any responsible authority.

Individuals found to have drugs or weapons in their possession will be banned from the premises. Their details will be promptly passed on to the Pubwatch organiser.

Anyone suspected of dealing drugs will be detained at the premises and the police called.

Weapons taken from customers will be stored securely and delivered to the police in a manner agreed with the police.

The management will permit the police to use drugs detection process e.g. and 'ION Track' machine or similar device inside the premises to detect the illegal use of drugs and will sign a Police consent form.

Incident log:

An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises and any refusals of alcohol. The incident log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a month.

The log book must be kept on the premises and be available for inspection at all times the premises are open by officers of any responsible authority. The incident log will record the following:

- All crimes or incidents reported to or occurring at the venue including the immediate outside area and smoking area.
- All ejections of patrons
- Any complaints received
- Any incidents of disorder
- All seizure of drugs or offensive weapons
- Any faults in the CCTV system
- Any refusal of the sale of alcohol
- Any visit by a relevant authority or emergency service, together with the name, job title and name of the responsible authority which the visitor represents.

The premises will be active and participating members of the local pub watch or Business Crime Reduction Partnership if one of these schemes is operating in the area. The premises will operate and enforce the local pub watch banned list.

The premises management will ensure that any crime scene is preserved (without being cleaned), and cordoned off to preserve evidence until the police arrive.

The Protection of Children from Harm

The premises will operate a Challenge 25 policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the PASS mark hologram.

Suitable and sufficient signage advertising the Challenge 25 policy will be displayed in prominent locations in the premises.

The Premises Licence Holder shall ensure that all staff members engaged, or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products
- Refusing the sale of alcohol to a person who is drunk
- training awareness of drink spiking, violence against women and girls and the care and protection of all vulnerable persons, welfare and vulnerability engagement
- drugs awareness.
- The preservation of crime scenes pending police arrival

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed three months, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded and signed and dated by both the employee and the DPS. All training records shall be kept on the premises and made available to officers of any responsible authority upon request.

Admission of children to the premises

Under 16s must be accompanied by a responsible adult at all times whilst on the premises.

No under 18s (including customers and staff/employees) will be permitted on the premises in any circumstances after 22:00.

We have had some provisional discussions with the applicant's agent [REDACTED]. There is one key point on which we disagree (we anticipate, subject to the applicant's confirmation, that they agree to the rest of our conditions requested above...), which is the proposed new condition below:

There shall be a minimum of one SIA door supervisor per 100 customers, starting with a minimum of two SIA registered door staff from 21:00 until close on a Friday and Saturday.

Our view is that for mutual aid and protection there should always be a minimum of two SIA registered door supervisors on duty. Inevitably door staff will deal with conflict including refusing entry to people at the door, and ejecting (with reasonable force if necessary) problem customers. Thus it will be immediately apparent to a Committee that in line with accepted industry good practice, there should always be a minimum of two door SIA door staff. One member of door staff working alone will inevitably be vulnerable and at risk of assault and possible injury if they are expected to refuse entry and eject problem persons (who may be in groups of two or more....) working on their own.

We appreciate that there is a cost implication in employing two door staff and we do not make this request lightly. However ultimately the safety and welfare of both door staff and the customers and premises employees they are protecting is paramount.

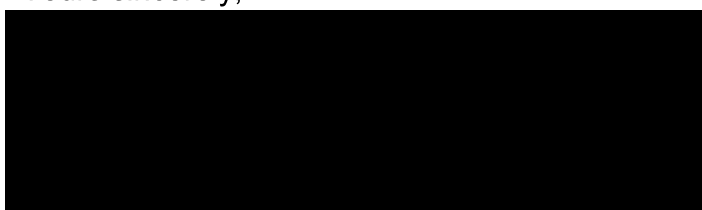
The premises however have declined to accept this specific condition, arguing that the premises is food led, and is a high class cocktail lounge that will not require two door staff. However when asked the premises has declined to have a restaurant condition (alcohol served by waiter/waitress to customers seated at tables and ancillary to a table meal only).

Ultimately our view is that if the premises wants to have a pub or a bar trading at weekends until 02.30 in the morning, and around the clock on New Year's Eve into New Year's Day, then a minimum of two SIA door staff is required for safety reasons. We have no doubt that the premises will be food led and will be an upmarket cocktail bar. However with the new varied licence as being applied for, the premises can immediately change into a bar or pub with live music. Equally problem customers who may well have been ejected from other nearby premises are probably not going to be discouraged from trying to enter this premises based on the owner's perception (as genuine and in good faith as it may be) that it is a high class cocktail bar.

Our view that a minimum of two SIA door staff are required as a minimum (as opposed to one) is fully endorsed by The Security Industry Authority.

Accordingly variation application will now go to a Committee hearing for a decision.

Yours sincerely,



West Sussex Licensing Inspector
Sussex Police