



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

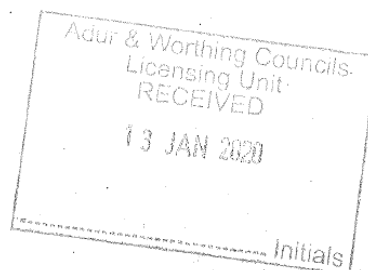
Ref: SJ/Lic.U/LA03/Review – Molotov
Date: 25 September 2020.

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