

# **BRIGHTON & HOVE CITY COUNCIL**

## **LICENSING PANEL 2003 (Licensing Act 2003 Functions)**

**9.30AM – 10 APRIL 2006**

### **BRIGHTON TOWN HALL**

#### **MINUTES**

Present: Councillors Lepper (Chair), Hyde and Pidgeon. (Councillor Hyde attended for items 370 and 371.

Also in attendance: Colin Giddings, Divisional Environmental Health Officer, Rebecca Sidell, Panel Solicitor and Caroline De Marco, Committee Administrator.

#### **PART ONE**

##### **367. ELECTION OF CHAIR**

367.1 **RESOLVED** – That Councillor Lepper be elected Chair for this meeting.

##### **368. PROCEDURAL BUSINESS**

###### **368A Declarations of Substitutes**

368.1 Councillor Hyde substituted for Councillor Turner.

###### **368B Declarations of Interest**

368.2 There were none.

###### **368B Exclusion of Press and Public**

368.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the Local Government Act 1972.

- 368.4     **RESOLVED** - That the press and public be not excluded from the meeting during consideration of the following items.
- 369.     APPLICATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – MILL LANE POST OFFICE, 95 MILL LANE, PORTSLADE**
- 369.1     The applicant was in agreement to the Panel proceeding with two Members present for this item (Councillors Lepper and Pidgeon).
- 369.2     The Committee considered the report of the Assistant Director, Public Safety, regarding an application for a premises licence under the Licensing Act 2003 for Mill Lane Post Office, 95 Mill Lane, Portslade (for copy see minute book).
- 369.3     The applicant attended the meeting. The residential objectors were not in attendance.
- 369.4     The Licensing Manager summarised the application as set out in the report. The applicant had agreed to the installation of CCTV following discussions with Sussex Police. One relevant representation had been received from two local residents.
- 369.5     The Licensing Manager reported that a further letter had been received from a local resident wishing to make a representation. The representation was not considered relevant, as the resident did not live near enough to the premises. A further letter had been received from this resident on the morning of 10 April, alleging that the public notice had not been displayed for 28 consecutive days. There was no photographic evidence to support the allegation.
- 369.6     The applicant confirmed that the notice was on display during the 28 day period, but had been moved from a window to the door of the premises during refurbishment works. The Panel was prepared to accept this explanation and to proceed to considering the application.
- 369.7     The applicant informed the Panel that the new application was for the sale of alcohol. It was not a late night application and alcohol would be sold in a responsible manner. Underage drinkers would not be served. The premises already sold items that were age related such as cigarettes and lottery tickets.
- 369.8     The applicant was aware that there had been problems of anti social behaviour in the area in the past related to a convenience store which had sold alcohol. It was possible that the staff at this store had not received the proper training.

However, it was stressed that alcohol could still be obtained in supermarkets. The applicant could see no reason why small shops acting in a responsible manner, should be prevented from selling alcohol. The applicant undertook to do his utmost to ensure that alcohol was only sold to people who were over 18. ID would be requested as necessary. This would take the form of special ID cards, driving licences and photo-cards. Staff would do their best to ensure adults did not buy alcohol for children waiting outside the premises.

369.9 The applicant reported that he had installed four CCTV cameras within the premises.

369.10 **RESOLVED** - That the application for a premises licence be granted with the following condition:-

That a modern digital CCTV system and appropriate recording equipment be installed operated and maintained throughout the premises internally. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate co-operation and technical assistance to the police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime.

**Reasons for attaching conditions:** The Panel notes that the premises will close at 7.00 p.m. from Monday to Saturday and 2.00 p.m. on Sundays. The installation of CCTV internally was therefore considered a sufficient measure to meet the licensing objectives. It might be necessary at a future date to consider the installation of external CCTV and the applicants should continue to liaise with the police.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of written notification of the decision given at the hearing.

**370. APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE VICTORIA, 1 VICTORIA ROAD, PORTSLADE**

370.1 The Committee considered the report of the Assistant Director, Public Safety, regarding an application for a variation to a premises licence under the Licensing Act 2003 for The Victoria, 1 Victoria Road, Portslade (for copy see minute book).

370.2 The applicants, Mr & Mrs Gauntlett attended the Panel with their counsel Mr Lunn. Mr Liddell attended to make representations on behalf of Sussex Police.

- 370.3 The Licensing Manager summarised the application as set out in the report. The application was for a variation in terms of the interior layout and design and to increase the number of persons who might be present during public entertainment events from 70 to 160. No representation had been received from the East Sussex Fire and Rescue Service. A representation had been made by Sussex Police.
- 370.4 Panel Members were shown floor plans of the premises.
- 370.5 Mr Liddell informed the Panel that the police representation had been made on the basis of the prevention of crime and disorder. Mr Liddell drew attention to PC Crute's statement relating to an incident that happened on 20 January 2006. A condition had been requested by the police relating to CCTV which was now in the process of being installed. However, having liaised with Punch Taverns, it had not been possible to reach an agreement about SIA registered door staff.
- 370.6 Mr Liddell stressed that the nature of policing Portslade had changed due to more pubs operating with later licenses. Police were seeing an increase in violent crime in the suburbs and considered it reasonable to request that pubs with a large capacity should employ SIA registered door staff.
- 370.7 Mr Liddell considered that the incident on 20 January would have been handled differently if there had been door staff in place. The police were aware that customers from the Victoria were causing trouble, as people questioned by the police had said that they had been to the pub. There were no other incidents that could be directly related to the Victoria. The police were objecting on the basis of the incident on 20 January 2006.
- 370.8 Mr Lunn, Counsel for the applicants stressed that the Whistlestop pub had door staff in place on the night and this had not prevented trouble. Mr Liddell replied that the door staff company used by the Whistlestop had been changed since the incident on 20 January.
- 370.9 Mr Lunn expressed the view that the incident on 20 January was "one off" and not very substantially linked to the Victoria. Mr Liddell replied that it was a significant incident, which resulted in two pubs being asked to close.
- 370.10 Mr Lunn reported that the applicants recognised the good sense of having CCTV installed. Estimates had been received and works would be carried out. However, the police request

for door staff was not considered reasonable or proportionate to the circumstances. There would not be 160 people at the pub every night. The Victoria was a local pub with strong management. It was not a busy music pub with routine bands playing every week. The Victoria occasionally had solo musicians.

- 370.11 Mr Lunn accepted that the public order incident was regrettable. Mr & Mrs Gauntlett had done everything to prevent the situation happening again. Many customers did not like to see door supervisors, and their presence would compromise a well run pub.
- 370.12 Mr Gauntlett explained that the fight started outside Portslade Station, went on to the Whistlestop, and then on to the Victoria's Sports Bar. Mr & Mrs Gauntlett had been able to move the troublemakers outside the pub, when PC Crute arrived. Mr & Mrs Gauntlett were called outside to speak to PC Crute, where they were told that the pub would have to close. In the meanwhile, the troublemakers had gone back inside the pub.
- 370.13 Mr Gauntlett stressed that the majority of the Victoria's customers were in the 45-60 age bracket and did not like the idea of door staff which they associated with trouble. Meanwhile, the Whistlestop consistently experienced trouble in spite of door staff.
- 370.14 Mr & Mrs Gauntlett confirmed that entertainment was not held every Friday and Saturday. Karaoke was popular with customers on Friday nights. Soloists sometimes performed on Saturday night. There was no door charge.
- 370.15 Mr & Mrs Gauntlett confirmed that on 20 January, there were six members of staff on duty at the Victoria. This included Mr & Mrs Gauntlett.
- 370.16 Whenever trouble occurred at the pub, the applicants would speak to the people concerned. If their behaviour did not improve they would be asked to leave, and barred from the pub. The applicants were convinced they would have been able to manage the situation on 20 January, if PC Crute had not called them outside, thereby allowing troublemakers to re-enter the pub. Meanwhile, CCTV was being installed and crash bars had been fitted on all but one door.
- 370.17 Mr Liddell informed the Panel that he was not convinced that the applicants would be able to prevent people moving from the Whistlestop to the Victoria. The use of door staff was

considered a sensible condition. Mr Liddell quoted the fourth paragraph of PC Crute's statement, which related to the level of drunkenness and type of customers in the Victoria on 20 January. Mr Liddell stressed that the statement was fact.

370.18 Mr Lunn considered that there was no evidence to suggest door staff was necessary. Door staff would compromise the operation of the pub. PC Crute was not in attendance at the Panel and his statement was hearsay evidence.

370.19 The Panel Solicitor reported that the Panel could consider hearsay evidence. However, the Panel must consider the weight of the evidence.

370.20 **RESOLVED** - That the application for a variation of a premises licence be granted with the following conditions:-

1) That a modern digital CCTV system and appropriate recording equipment are to be installed, operated and maintained throughout the premises internally and externally. CCTV footage will be stored for a minimum of 28 days, and the licensee will give full and immediate co-operation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime.

2) There shall be a minimum of two (2) SIA registered door supervisors operating at the premises on Fridays and Saturdays from 20.00 hours until the premises close.

**Reasons for attaching conditions:** It was considered that the above conditions were necessary for the promotion of three of the licensing objectives, namely the prevention of crime and disorder, public safety and prevention of public nuisance. The Panel considered that the condition concerning door supervisors was necessary having listened carefully to all the evidence, because they were not satisfied that the applicant had in place sufficient safeguards to prevent public disorder and meet the licensing objectives.

The Panel solicitor reminded the applicants of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of written notification of the decision given at the hearing.

**371. APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – BURGER KING, NORTH STREET, BRIGHTON**

- 371.1 The Committee considered the report of the Assistant Director, Public Safety, regarding an application for a variation to a premises licence under the Licensing Act 2003 for Burger King, North Street, Brighton (for copy see minute book).
- 371.2 The applicant, Mr Baker attended the Panel. Mr Bateup attended to make representations on behalf of Sussex Police.
- 371.3 The Licensing Manager summarised the application as set out in the report. One representation had been received from Sussex Police.
- 371.4 Mr Bateup reported that Sussex Police had come to an agreement with Mr Baker following discussions. Sussex Police accepted that there would be many people who wished to buy burgers in the early hours. The police would remove their objection subject to the imposition of further conditions.
- 371.5 Mr Bateup stressed that the location of the premises was close to the Clock Tower and West Street. On Friday and Saturday nights there was a problem with people who were intoxicated with drink or drugs or both. Although alcohol was not served at Burger King, it was a problem hot spot and magnet for people under 18 who could not get into licensed premises but regarded Burger King as somewhere they could go late at night. An incident sheet was attached to the report. Many of the incidents at Burger King related to handbag and mobile phone theft. There was currently a significant increase in this type of crime in Brighton.
- 371.6 Mr Bateup reported that the police were being called to a number of incidents at Burger King, and that this had an impact on police resources. The police and Mr Baker had now come to an agreement that there should be 3 door supervisors operating at the premises from 21.00 to 03.00 hours on Friday and Saturday nights.
- 371.7 Mr Baker confirmed that he was in agreement with all the other conditions recommended by the police.
- 371.8 **RESOLVED** - That the application for a variation to the premises licence be granted with the following conditions:-
- (1) That the premises will become an active member of the

BCRP (Business Crime Reduction Partnership) Yellow Card Scheme and Night Safe Radio Scheme for the area.

(2) The existing CCTV system will be upgraded to a digital system before any new extended opening hours take effect.

(3) Access to the Mezzanine Floor/Children area. Solid/rigid gates (suitable to prevent persons jumping or climbing over to gain access to the mezzanine/children's floor) will be installed and maintained to prevent access to these areas when not in use and in the evenings.

(4) Access to the premises from the rear passageway leading to Duke Street. The rear access door will be locked (with allowance for the fact that the door is a fire exit) after 19.00 hours each day.

(5) There will be a minimum of three SIA registered door supervisors operating at the premises on Friday and Saturday nights from 21.00 hours to close, two to be positioned on the front doors to control entry, and one patrolling the inside of the premises. (Ancillary provisions to be imposed as set out in the police letter of 20 March 2006).

(6) Chelsea Clips will be provided under all tables and there will be posters situated around the premises to advise customers of their presence and purpose of preventing hand bag thefts. Signs warning customers about attempted hand bag and mobile phone thefts will be displayed inside the premises.

(7) The management of the premises will meet with the police on at least a quarterly basis to discuss crime prevention, safety and door supervisor related issues.

**Reasons for attaching conditions:** It was considered that the above conditions were sufficient measures to meet the licensing objectives.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of written notification of the decision given at the hearing.

The meeting concluded at 12.37 p.m.

Signed

Chair

Dated this                      day of                      2006