





**Brighton & Hove
City Council**

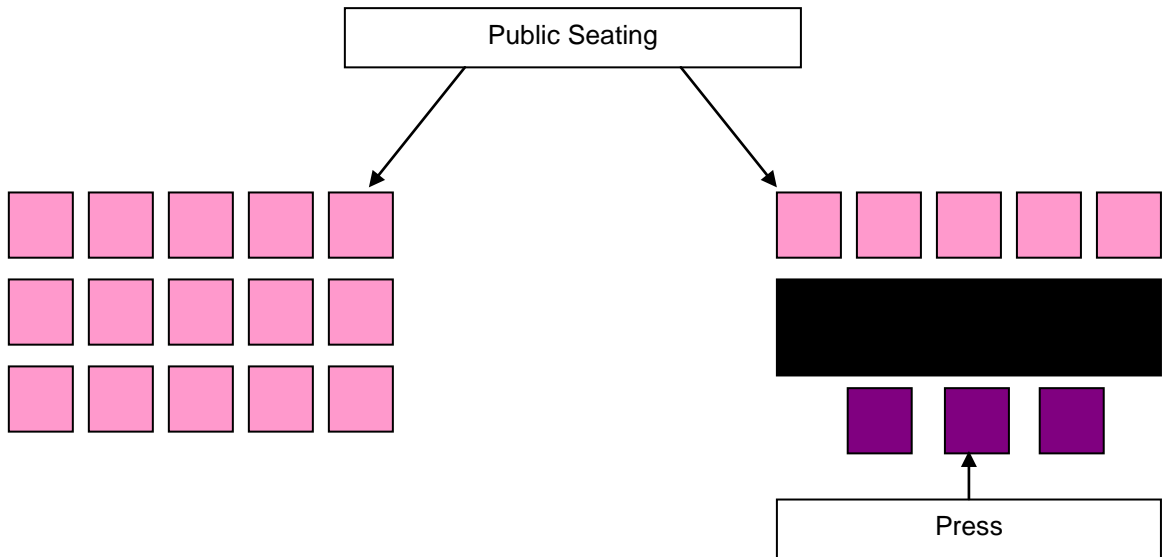
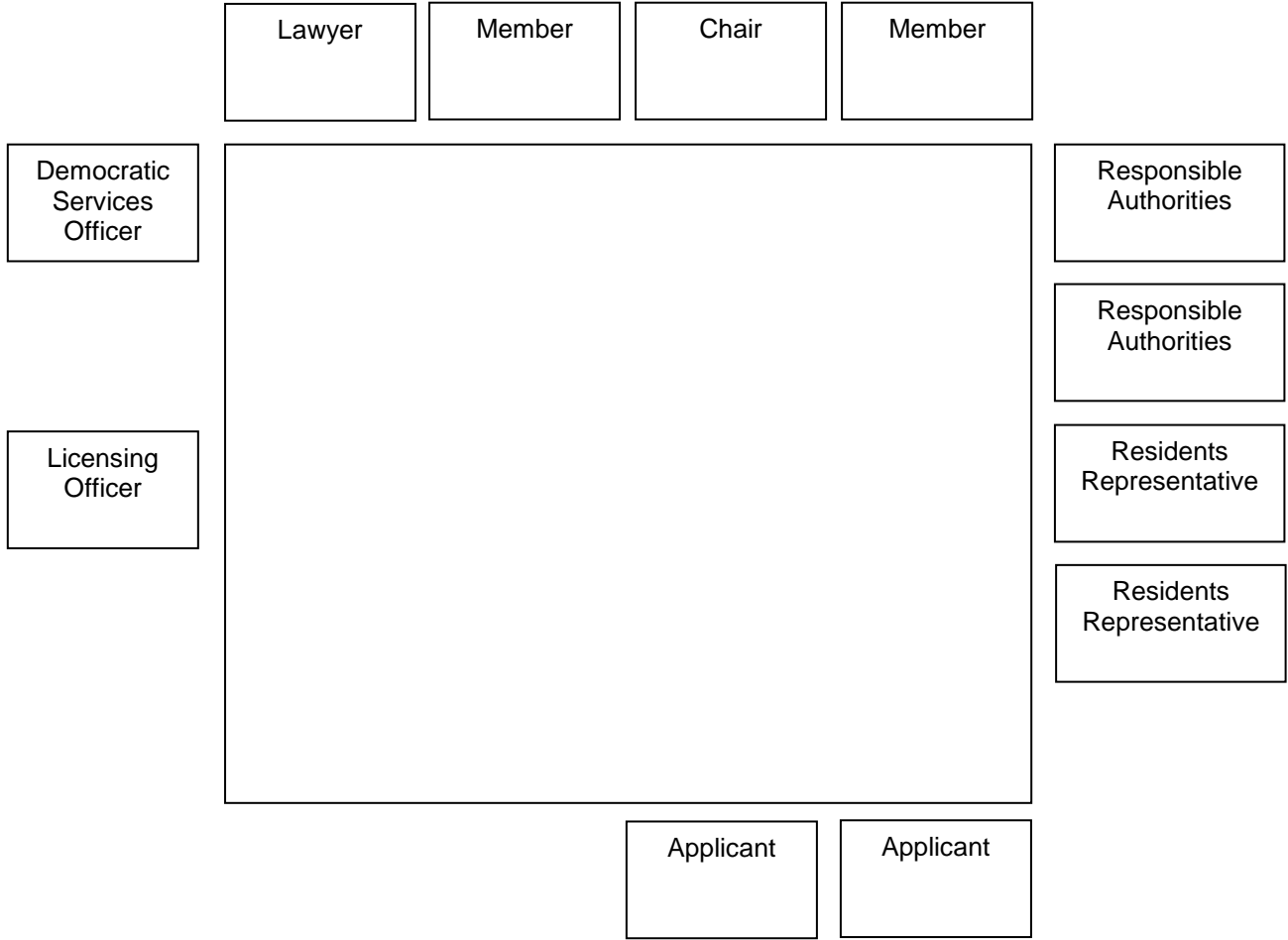
Licensing Panel

(Licensing Act 2003 Functions)

Title:	Licensing Panel (Licensing Act 2003 Functions)
Date:	7 March 2018
Time:	10.00am
Venue	Hove Town Hall, Room G90 - Hove Town Hall
Members:	Councillors: Gilbey, Morris and Deane
Contact:	Gregory Weaver Democratic Services Officer 01273 291214 greg.weaver@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

84 TO APPOINT A CHAIR FOR THE MEETING

85 WELCOME & INTRODUCTIONS

86 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

87 CHAPTER XIII LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

Ward Affected: Regency

NOTES: *Applicants, Agents, Representatives from Statutory Authorities and Other Interested Parties are kindly requested to wait outside before the beginning of the hearing until called in together by the clerk.*

There may be more than one item on this agenda, and as such the item you are interested in may not be heard until later in the day. However, the Chair reserves the right to alter the running order of the agenda at the start of the meeting without prior notice.

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Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Gregory Weaver, (01273 29-1214, email greg.weaver@brighton-hove.gov.uk) or email greg.weaver@brighton-hove.gov.uk

Date of Publication – Monday 5 March 2018

LICENSING PANEL

(Licensing Act 2003 Functions)

Agenda Item 87

Brighton & Hove City Council

Subject:	Notification of a Temporary Event Notice under the Licensing Act 2003		
Premises:	Chapter XIII 11 - 12 Pool Valley Brighton BN1 1NJ		
Applicant:	Jessica Stocker		
Date of Meeting:	7 March 2018		
Report of:	Director of Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Becky Pratley	Tel: (01273) 292143
	Email:	becky.pratley@brighton-hove.gov.uk	
Ward(s) affected:	Regency		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To consider a notification of a Temporary Event Notice in view of formal objections to it by relevant persons under section 104(2) of the Licensing Act 2003.

2. RECOMMENDATIONS:

- 2.1 That the Panel consider whether it is necessary for the promotion of the licensing objectives of the Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children from Harm and Public Safety to issue a counter notice to prevent the event from taking place.

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 This Temporary Event Notice relates to the time period: 1 April 2018
- 3.2 The proposed activities are:

	Proposed Activities
Sale by Retail of Alcohol	18:00 to 23:30 On the premises
Regulated entertainment	18:00 to 23:30 On the premises
Late Night Refreshment	23:00to 23:30 On the premises

- 3.3 The area to be covered by the temporary event notice: whole premises and outside fenced area in Pool Valley.
- 3.4 Please see a copy of the Temporary Event Notice attached at Appendix A.

Objections received

- 3.5 Objections were made by the Environmental Health department & Sussex Police no later than 72 hours following receipt of the Temporary Event Notice. Their objections were made on the grounds of the Prevention of Crime and Disorder, Prevention of Public Nuisance, Protection of Children from Harm and Public Safety
- 3.6 Please see objection letters from Environmental Health & Sussex Police attached in Appendix B.
- 3.7 A map detailing the location of the premises is attached at Appendix C.

4. COMMENTARY ON THE LICENSING POLICY

- 4.1 The following extracts from Guidance issued under section 182 of the Licensing Act 2003 are considered relevant to this application and **numbered as they appear in the Guidance:**

General

- 7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”), and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

Police and Environmental Health Intervention

- 7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of the licensing objectives.
- 7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection

notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.

- 7.36 The police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made. There is no scope under the 2003 Act for the modification of a late TEN.

Applying conditions to a TEN

- 7.37 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:

if the police or the EHA have objected to the TEN;

if that objection has not been withdrawn;

if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;

and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted Michael Bentley

Date: 28/02/2018

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Temporary Event Notice
2. Appendix B – Objections
3. Appendix C – Map of the area

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2017.

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016 as amended 24th March 2016.

APPENDIX A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Miss
Surname	STOCKER
Forenames	JESSICA
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	[REDACTED] / [REDACTED] / [REDACTED]
4. Your place of birth	[REDACTED]
5. National Insurance Number	[REDACTED]
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[REDACTED] [REDACTED] [REDACTED]	
Post town	Post code BN44 3UD
7. Other contact details	
Telephone numbers	
Daytime	[REDACTED]
Evening (optional)	
Mobile (optional)	[REDACTED]
Fax number (optional)	
E-Mail Address (if available)	[REDACTED]
8. Alternative address for correspondence	
CHAPTERXIII 11-12 POOL VALLEY BRIGHTON BN1 1NJ	

Post town	
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references)
(Please read note 2)

CHAPTER XIII
11-12 POOL VALLEY
BRIGHTON
BN1 1NJ

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number

Club premises certificate number

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

EVENT SPACE

Please describe the nature of the event below. (Please read note 5)

BIRTHDAY PARTY

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	YES	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	NO	
The provision of regulated entertainment	YES	
The provision of late night refreshment	YES	
Are you giving a late temporary event notice?. (Please read note 7)	NO	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
01/04/2018		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
6PM – 11.30PM		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		
75		
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	YES
	Off the premises only	NO
	Both	NO

FENCED OUTSIDE SMOKING AREA FOR ALCHOL CONSUMPTION

4. Personal licence holders (Please read note 12)			
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/>	No NO <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.			
Issuing licensing authority			
Licence number	176/17/1720/PERS		
Date of issue	27/07/2017		
Date of expiry			
Any further relevant details			

5. Previous temporary event notices you have given (Please read note 13)			
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/>	No NO <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year			
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/>	No NO <input type="checkbox"/>

6. Associates and business colleagues (Please read note 14)			
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/>	No NO <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/>	No NO <input type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/>	No NO <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.			

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>

7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input type="checkbox"/>
Sign the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	JESS STOCKER
Date	21/02/18

Name of Person signing	JESS STOCKER
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For completion by the licensing authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

APPENDIX B

Jim Whitelegg
Head Of Licensing
Brighton and Hove City Council
(via email)

Date: 23rd February 2018
Our Ref: 2018/01477/EPTEN/EH
Contact:
Phone:
Fax:
Email:

VALID PS & PNN (A)

Dear Mr Whitelegg

**Formal representation for a Temporary Event Notice (TEN) at Chapter XIII,
11-12 Pool Valley, Brighton
Licensing Act 2003
Complaint Reference : 2018/01477/EPTEN/EH**

I write to formally place a representation in terms of the application for a temporary event notice (TEN) at Chapter XIII, 11-12 Pool Valley, Brighton.

Ms Jessica Stocker, the applicant has requested a TEN for Sunday 1st April 2018 which extends the permissible hours and activities of the café/tattoo studio called Chapter XIII. This representation is made for this application for 1st April 2018 on the grounds of “**prevention of public nuisance**” and “**public safety**”, two of the 4 threads woven through the Licensing Act 2003.

The application has very limited information on how public safety and prevention of public nuisance will be managed. Subsequent information provided by the applicant is insufficient.

On 20th July 2016 I visited with a colleague and spoke to Jessica Stocker on the basis of an advertisement seen online indicating that Chapter XIII was working with a local radio station to put on a local party in Pool Valley during Pride weekend. Ms Stocker denied any external party and mislead the local authority as to the arrangements being made for the Pool Valley area. On the Saturday of Pride, 6th August 2016, this department was called to the Pool Valley area and were faced with a large unlicensed gathering, there was a large number of individuals in the area, speakers outside and a stage. This area of land is Council land and used as a bus and coach station. The Department required the services of the Police on that day to close down the party, disperse the large gathering, and protect public safety and prevent public nuisance. This became even more of an issue when a national express coach tried to gain access to the Pool valley coach stop.

As a result of the circumstances seen on the day a noise abatement notice was served under section 80 of the Environmental Protection Act on Jessica Stocker, preventing any further parties in the Pool Valley area as it believed from the information seen that Chapter XIII was instrumental in the organisation of the event. The noise abatement notice was not appealed and remains in force as a legal document all the time that Jessica Stocker remains at Chapter XIII.

On 3rd April 2017 Miss Stocker was visited by a colleague from this department and also colleagues from the Police Licensing Team to discuss prospective future TENs also the need to comply with the noise abatement notice previously served.

Ms Stocker subsequently applied for a TEN for Pride 2017. The Environmental Protection team put in a representation but at the hearing the panel agreed that Ms Stocker could have the TEN. Ms Stocker promised there would be no speakers outside and only background music outside. On the afternoon of Saturday 5th August 2017 the day of Pride this department and the Police were called to Pool valley and were faced with a large unlicensed gathering of hundreds of people in the pool valley/coach station area with a DJ and decks on a stage outside the premises. It took a considerable amount of Police and local authority time and resource to clear this area of all the people that had congregated outside Chapter XIII and manage and reduce the risk to public safety and prevent public nuisance. Coaches were backed up along the Old Steine because they were not able to come into the Pool Valley area and coach station.

The current notification for a temporary event notice (TEN), is requesting an event which will include up to 75 people in an area surrounded by residential and hotel accommodation, and an area where buses and coaches have free access and commercially operate. This is also an open space area which is where alcohol will be served and consumed. This is also the Easter weekend so Brighton will be busy as will the coach station area. Having regard to the above incidents responded to by the local authority and the Police and the likelihood for a breach of the current noise abatement notice I am concerned that public nuisance will result and public safety will be at risk. For breaching a noise abatement notice if found guilty in a magistrates court there is a fine of up to £20,000.

Please do not hesitate to contact me should you wish to discuss the matter further.

Yours sincerely

M L Hayward
Environmental Protection Officer

26th February 2018

The Licensing Technical Support Officers
Environmental Health, Brighton & Hove City Council
Bartholomew House, Bartholomew Square
Brighton, East Sussex
BN1 1JP

VALID PCD, PS & PCH (B)

**RE: TEMPORARY EVENT NOTICE FOR CHAPTER XIII 11-12 POOL VALLEY,
BRIGHTON, BN1 1NJ FOR 1ST APRIL 2018**

NOTICE OF OBJECTION under Section 104 (2) of the Licensing Act 2003

To whom it may concern,

Notice of objection is hereby given on behalf of the Chief Officer of Police for Sussex for the above Temporary Event Notice (TEN) on the grounds of the prevention of crime and disorder, protection of children from harm and public safety.

The TEN seeks to licence the sale by retail of alcohol and the provision of regulated entertainment between the hours of 18:00 -23:30 on 1st April 2018 with a live PA system inside the premises. The minimal information so far provided does not satisfy Sussex Police that the above objectives will not be undermined. On reading the application we do not feel adequate provisions have been made or outlined to prevent the potential for disorder, drunkenness and noise nuisance or sufficiently promote public safety throughout the duration of the event. There is also no mention of an age verification policy.

Sussex Police have contacted the applicant by email to clarify a number of matters but have received a minimal response providing insufficient details.

There have been two previous incidents where Police have been called to the premises where unlicensed activities were taking place.

On the Saturday of Pride, 6th August 2016, Police were called to the premises after intelligence was received that a large number of people had gathered with a huge scaffolding stage area with DJ's. Police supported the Local Authority to close the party and remove the large number of people from the locale.

A second incident occurred on Saturday 5th August 2017 during a period where a TEN had been granted by the Licensing Committee Panel on the understanding there would be no speakers outside with only background music playing. Inspector Morgan and a Police Licensing Officer attended the premises at 15:00 and were informed everything was set up with 100 pre-sold and 50 to be sold on the door. A revisit at 18:30 by Inspector Morgan and Licensing Officers found there was 600-800 people gathered in Pool Valley outside the premises with loud music being played. Ms Stocker was told that the music needed to be turned off as it was unlicensed which she was reluctant to do. Due to the nature of the crowds a coach was unable to access the Pool Valley Bus Station and there was a risk to public safety and the potential for crime and disorder.

Therefore, Sussex Police do not feel confident in the management and running of this event for licensable activity to be authorised by the granting of this TEN.

The Chief Officer of Police contends that permitting the premises to be used in accordance with the notice is likely to lead to crime and disorder and risk to public safety and the protection of children from harm. We therefore ask that a Counter Notice is issued by the Licensing Authority Committee.

I confirm that a copy of this objection letter has been sent by email to the applicant and every other 'relevant person'.

Yours faithfully,

Insp Di Lewis
Licensing & Response Inspector
Local Policing Support Team
Sussex Police

Please address all future correspondence to Brighton & Hove Licensing Unit, First Floor, Police Station, John Street, Brighton, BN2 0LA.

APPENDIX C

