

**BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

**10.00am 14 MAY 2018**

**COMMITTEE ROOMS 2/3 - BRIGHTON TOWN HALL**

**MINUTES**

**Present:** Councillor; Morris, Hyde and Page

**Officers:** Jim Whitelegg (Regulatory Services Manager), Liz Woodley (Senior Solicitor) and Tom McColgan (Clerk)

**PART ONE**

**109 TO APPOINT A CHAIR FOR THE MEETING**

109.1 Councillor Morris was appointed Chair for the meeting.

**110 WELCOME & INTRODUCTIONS**

110.1 All parties were welcomed to the meeting and everyone present introduced themselves.

**111 PROCEDURAL BUSINESS**

**111a Declaration of Substitutes**

111a.1 There were none.

**111b Declarations of Interest**

111b.1 There were none.

**111c Exclusion of the Press and Public**

111c.1 There were no Part Two items listed on the agenda.

**112 CBD ETHICS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

112.1 The Panel considered a report of the Executive Director of Neighbourhoods, Communities and Housing in relation to a Temporary Event Notice for CBD Ethics, 2 George Street, Brighton, BN2 1RH. Present at the hearing were Ryan Cahill and Shaun Davidson (Applicants), and Claire Abdelkader and Mark Thorogood (Sussex Police).

**Introduction from Licensing Officer**

- (2) The Licensing Officer stated:

“This is a hearing for a Temporary Event Notice for CBD Ethics, 2 George Street, Brighton, for a shop to sell drinks during the Pride Festival. The TEN is for:

**“Sale by Retail of Alcohol and Regulated Entertainment**

3rd – 5th August: 10am – 11pm

“The premises is within the CIZ and does not have an existing premises licence.

“Sussex Police have submitted a notice of objection to this temporary event on the grounds of prevention of crime and disorder, public safety and public nuisance which can be found from page 18 of the agenda.

“If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, (in the case of a standard TEN) it must hold a hearing to consider the objection. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. 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.”

**Questions to the Licensing Officer**

- (3) On behalf of the Licensing Officer Sussex Police confirmed that the premises was within the Pride Village Party (PVP) and that George Street would be closed to traffic during the event.

**Representation from Sussex Police**

- (4) Sussex Police stated that the premises was not licensed, neither of the applicants held a personal licence and there been no previous Temporary Event Notices (TENs) at the premises. The TEN asked for the sale of alcohol and regulated entertainment across the pride weekend from 10am – 11pm each day. The work which had been done to ensure the PVP was a safe and consistent event relied on the cooperation of business within the PVP. The applicants had not consulted Sussex Police or the Pride organisers before submitting their application. The official street part would run on Saturday from 6pm – Midnight and on Sunday from 3-9pm. During these times additional policing resources had been allocated to the PVP area. The TEN as requested would increase licenced activity in the PVP that was not coordinated with the larger PVP event and outside of these hours would increase licensed activity in the Cumulative Impact Area which would put increased pressure on police resources in a part of the city with a large number of alcohol related police call outs.

**Questions to Sussex Police**

- (5) In response to the Panel, Sussex Police stated that George Street was a pinch point in the PVP. There were two pubs on George Street and it was reasonable to expect that their customers would congregate outside adding to the congestion.

**Representation from the Applicants**

- (6) The Applicants stated that they had submitted the TEN without first consulting the responsible authorities and the Pride organisers as they believed that submitting an application would trigger a consultation. They apologised that they had jumped the gun and regretted not consulting with Sussex Police. They had only started trading on 31 March 2018 and had no previous experience making licensing applications. Both Mr Cahill and Mr Davidson did have experience of working in pubs and clubs and were familiar with challenge 25, the use of plastics and working with SIA registered door staff. They clarified that 'possible DJ' on the application had referred to background music in the shop. They also clarified that they intended to sell alcohol from inside the shop and employ SIA registered door staff to control the flow of people into the store. The hours requested were based on the shop's usual opening hours and were not intended to conflict with the PVPs timings.

**Questions to the Applicant**

- (7) In response to Councillor Hyde, the Applicants again stated that they regretted their misunderstanding of the application process that had led to them not consulting the responsible authorities. Mr Cahill stated that he had organised events at the Volks nightclub and Mr Davidson stated that both his Brother and Father owned pubs and he had worked in several pubs in the city.
- (8) In response to Councillor Page, the Applicants stated that the store usually sold hemp based health supplements and that they felt that the PVP would discourage their usual clientele from visiting and the sale of alcohol would provide an alternate source of income during the PVP.
- (9) In response to Councillor Morris, the Applicants stated that they tried to match the dates applied for with the PVP but had misread the Pride website. They clarified that they wrote possible DJ as they wanted to consult the responsible authorities to see if this would be an option. They also stated that they were aware of the antisocial behaviour which was focused around alley at the back of the Queens Arms and did not want to contribute to making the situation worse.
- (10) In response to Sussex Police, the Applicants stated that they were not aware of the PVP fund as they were a new business in the area. They also stated that at the time of applying for the TEN they were considering either selling alcohol outside of the shop or from inside but through the hearing it had become clear that a stand outside of the shop would not be suitable.
- (11) The Legal Adviser stated that the legislation did not allow for a TEN to be amended after a hearing had started so if the Applicants wished to change what had been applied for they would have to submit a new application. In response to the Chair, the Legal Adviser clarified that the Applicants would be able to submit a new application if the Panel were minded to issue a counter notice.

## Summaries

- (12) The Licensing Officer stated:

“We’ve heard that the proposed TEN takes place over the Pride weekend and is situated within the PVP footprint. The Police and the Pride organisers have a managed procedure for TENs. Individuals are not obliged by law to cooperate but where licensable activities are proposed outside the managed framework for Pride weekend, the licensing authority may need to consider very carefully the Police objections to TENs. And any decision must be based on Licensing Objectives.

“The Licensing Authority must having regard to the objection notice, either decide to allow the licensable activities or give the premises user a counter notice under sub section (2B) if it considers it appropriate to do so for the promotion of licensing objectives.

“It must give the premises user the counter notice together with a statement of the reasons for its decision and give any other relevant person a copy (in this instance, the police).

“If the licensing authority decides not to give a counter notice it must provide the premises user and any other relevant person with a notice of a decision.”

- (13) Sussex Police stated that additional licenced activity in the PVP that was outside of the official times and not coordinated with the main event would place a large strain on police resources and could result in a potential public safety risk.
- (14) The Applicants stated that they regretted not fully understanding the application process which had resulted in them not consulting with Sussex Police. They reiterated that they had experience running licenced events and were aware of measures that should be taken such as plastics, SIA register door staff and challenge 25.

## Decision

- (15) “Having considered the objections and submissions from Sussex Police and submissions by the Premises User, Ryan Cahill and his fellow director, Shaun Davison, the Licensing Panel (Licensing Act 2003 Functions) resolved to give the Premises User a counter notice. The effect of this counter notice is to prevent the event from going ahead.

“The panel agreed with the Police that allowing the premises to be used in accordance with the TEN was likely to lead to crime and disorder, risk to public safety and public nuisance. The TEN was light on detail, and gave no information as to how the licensing objectives would be promoted. For example there was no reference to Challenge 25 or the provision of SIA registered door staff.

“Two days of the event (4 and 5 August) coincided with the Pride Village Party (PVP) in St James’ Street and surrounding roads, including George Street. There had been no prior liaison with either the Police or the PVP organisers. The hours for the TEN event on 4-5 August significantly exceeded the agreed hours for the supply of alcohol in the PVP area. Restricting the hours for the supply of alcohol at the PVP in previous years had promoted the licensing objectives, and gone some way to addressing the risks associated with such a large scale event.

“The TEN sought to have licensable activity on Friday from 10.00 to 23.00 which is not part of the PVP. The Friday is a normal trading day with no road closures or party.

“2 George Street is situated close to the junction with St James’ Street, which is one of the busiest areas when the PVP is in progress. The sale of alcohol to customers on the pavement outside the premises runs the risk of customers creating an obstruction on the pavement. Similar concerns arise in connection with the potential use of DJs.”

The meeting concluded at 11.00am

Signed

Chairman

Dated this

day of