

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

11.30am 1 AUGUST 2018

HOVE TOWN HALL, ROOM G90 - HOVE TOWN HALL

MINUTES

Present: Councillors: O'Quinn (Chair), Cobb, Marsh,

Officers: Emma Bullen(Licensing Officer), Sarah Cornell (Licensing Officer) Mark Thorogood (Sussex Police), Mylene Hayward (Environmental Protection Officer) Rebecca Sidell (Legal Advisor) and Gregory Weaver (Clerk)

PART ONE

21 TO APPOINT A CHAIR FOR THE MEETING

21.1 Councillor O'Quinn was appointed Chair for the meeting.

22 PROCEDURAL BUSINESS

22a Declaration of Substitutes

22.1 Councillor Marsh declared that she was substituting from Councillor Morris.

22b Declarations of Interest

22.2 There were none.

22c Exclusion of the Press and Public

In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

22.3 **RESOLVED** - That the press and public be not excluded from the meeting.

23 DIALLING IN KIOSK (LICENSING ACT 2003 FUNCTIONS)

- 23.1 The Panel considered a report of the Director of Neighbourhoods, Communities and Housing in relation to a Temporary Event Notice under the Licensing Act 2003. Present at the hearing were: Mylene Hayward, Emma Bullen, Mark Thorogood, Rebecca Sidell and Greg Ackerley.

Introduction from Licensing Officer

- 23.2 The Licensing Officer stated the following:

“The application is for a Temporary Event Notice for the Sale by Retail of Alcohol 10:00am – 11:00pm on the 4th and 5th of August 2018. The “premises” is actually a telephone kiosk in New Road, Brighton where the applicant would like to sell cocktails, beer and cider from pallets outside.

Licensing guidance advises that Police and Environmental Health have the opportunity to object to a TEN on the basis of any of the licensing objectives.

The Police have put in a representation under the Licensing Objectives, the Prevention of Crime & Disorder, prevention of public nuisance, protection of children from harm and public safety.

New Road is within our cumulative impact area and the Police have concerns that this event would be taking place during Pride weekend in an already busy area.

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.

There is no history of any previous applications related to this location.”

Questions to the Licensing Officer

- 23.3 The Licensing Officer answered the following two questions:
- The Licensing Officer confirmed to Councillor Cobb that there was no Report received from the Environment Protection for this application

Representations from Responsible Authorities

- 23.4 The Police Licensing Officer Mark Thorogood addressed the panel and stated the following:
- “Brighton and Hove Pride 2018 is almost upon us and the City is preparing to welcome in excess of 300,000 people. The preparation for Pride is 12 months in the making bringing together various organisations working together to ensure everyone has a safe and happy Pride. The Policing of Pride is a massive undertaking and requiring mutual aid from other local forces.

As a Licensing team within Sussex Police, one of our biggest challenges is to work towards mitigating any risk to persons and ensuring the licensing objectives are being

promoted throughout the City. In recent years Sussex Police has not supported applications for events during Pride that have been submitted to be held in locations that don't already hold a premises licence. This has worked well in controlling the number of premises who sell alcohol during the weekend and thereby promoting the licensing objectives and going some way to mitigate risk.

Before you we have an application requesting the off sale of alcohol for Dialling In Kiosk, a non-licensed premises selling take away coffee within a converted red telephone box on New Road, Brighton. The applicant intends to sell cocktails, beers and cider from a pallet bar directly in front of the converted phone box. This is between the hours of 10:00 and 23:00 on both Saturday 4th Aug and Sunday 5th Aug. Prior to submission the applicant did not pre consult with Sussex Police and though this is not a requirement, it is best practice, especially with the City hosting Pride 2018.

Sussex Police have raised an objection to this application due to the following concerns:

- As mentioned the premises does not hold a premises licence. For us this is of concern during Pride weekend as the volume of people increase the risk of crime and disorder and public safety. A non-licensed premises is unlikely to be experienced and prepared for the madness that is Pride and influx of persons thus being unable to promote the licensing objectives.
- The location on New Road has a number of issues in regards to anti-social behaviour. It often attracts vulnerable persons who are alcohol dependant. Adding further opportunities to purchase alcohol in the area, especially an outside bar, could add further to these issues.
- As the premises is a converted phone box, security and safe keeping of the alcohol is of concern.
- Following issues during Pride 2017, Police have worked with the two main public houses on New Road, Mrs Fitzherberts and Mash Tun to ensure outside of their premises we reduce the risk of people congregating by their venues causing a pinch point or unofficial street party. Both venues have been very accommodating with agreeing to not have outside DJ's, speakers or bars following issues last year. Allowing this premises to have an outside bar raises our concerns about pinch points and obstructions on the highway.
- Due to high numbers of people congregating in Pavilion Gardens, for the second year running the gardens will be closed and fenced in during the evening and through the night. This is to mitigate risk of damage and crime and disorder. This evidences the issues in this area during Pride due to high numbers of people. The less we have going on to entice people to people to stay in the area the better.
- The applicant states that New Road will be closed all weekend of Pride. This is not the case. Highways have confirmed that the road will be open. The only disruption will be when the parade goes down North Street. If granted, the premises will have a bar on a footpath right next to a live road. This is not ideal if the bar causes any obstruction and forces people in to oncoming traffic including cars and cyclists.
- Highways have also advised that under the permission of use, no tables or seating shall be placed on the highway outside the premises in the interest of highway safety.

Pride is the biggest single event in the City and requires a large police operation that is months in the planning. We pull on all our available resources as well as calling on our neighbouring force colleagues for support. The City has a number of licenced premises making alcohol widely available should it be required. The need for any addition weekend pop-up locations is not evidenced and increases the risk of increasing intoxication levels and in turn putting people at risk of causing crime and disorder or becoming a victim of crime.

To this end, Sussex Police ask the committee to take on board our concerns and issue an objection notice to the temporary event application.”

Questions to the Police Licensing Officer

23.5 In answer to questions from the Panel, the Police Licensing Officer confirmed the following:

- In reply to Councillor Cobb, it was confirmed that on Sunday, numbers in the city would still be high as Preston Park has an all day event on Sunday for the first time this year and therefore numbers in the centre of town on Sunday would also be equally as high.
- In reply to Councillor Marsh's , it was confirmed that for Pride, the Police have already liaised fully with all venues on the parade route and PVP areas. He also confirmed that approval was only given to venues with existing licences – no new licences were granted for Pride weekend. He confirmed that there would be a high volume of people in the CIZ area and that there were increased risks of disturbance due to the consumption of alcohol. He also confirmed that for any other weekend, the Police may take a different view of this licensing application, but that Pride put police resources under considerable pressure.
- The Police Licensing Officer confirmed that New Road was not a fully pedestrianised road and that this could be extra confusing to the many non-residents coming to Brighton on Pride weekend who would not be aware that taxis and cars can use the road and that this was an extra risk.
- He confirmed that this was an area that attracted street drinkers and that there was a risk of people stealing alcohol when the street was crowded.
- He confirmed the nearest toilets were in Pavilion Gardens and that the Park would be closed in the evening to avoid street drinkers congregating there.

Representation from the Applicant

23.6 The Applicant addressed the panel and gave the following points for his application, summarised as follows:

- The Applicant confirmed that the shop was a telephone box where the Applicant would work with one assistant from a step on the street and hand over drinks to the customer. There was a two foot area around the box where a palette with plywood sides would be set up. He stated that traffic was passing 20 ft away from the premises since there was a lamp, a patio and other barriers on the road.
- He confirmed that he planned to sell coffee until 6pm and then start to sell cocktails from 6pm that would cost £8-10 each and that he would take the money from customers before giving them drinks in plastic glasses. The alcohol could not be taken from the stall since it was hidden behind the palette side. He felt his market was customers aged 30 – 40 who could afford a more expensive drink but did not want to leave the Parade area.

- He confirmed that he was experienced in working as a Manager in a number of bars and that he was also a Personal Licence Holder and thus aware of what the relevant authorities want to achieve . He had already gained experience of selling coffee from the telephone box during Children's Parade and the Great Escape weekends where he had gained very high takings. He stated that he felt the street drinkers and those causing ASB went to other areas on these event weekends.
- He confirmed that he was applying for a licence as he wanted to be able to sell alcohol and that he had liaised with security guards employed for the Pavilion Gardens who had confirmed that they could assist him, should there be any potential problems with security.

Questions to the Applicant

23.7 In response to questions from the Panel and Officers, the following was confirmed by the Applicant :

- The Applicant gave a summary of his previous work experience in Bars which included: Aeronaut , The Crabtree and Jaguar, Penton St in London and also The Windmill , Bucket and Spade café and Morellis in Brighton and he confirmed he had not worked during Brighton Pride as yet.
- When asked about whether he had gained Permission from Highways to erect a palette, he confirmed that he had spoken to Councillor Deane who had told him he was permitted to have a Counter. He also confirmed that by Saturday 4th August, he would have a Highway Display Licence.
- In a question from the Police Licensing Officer referring to an email he confirmed that he could just continue selling coffee rather than alcohol.
- He also confirmed that he had consulted with the Police in April over the phone when the Police said they would be likely to object to a TEN application.
- He confirmed to the Police Licensing Officer that he was not SI trained but had liaised with the Pavilion Garden's security personnel who would assist him if required.
- He confirmed details of his Personal Licence which he had held since February and that he had never been a DPS.

Summaries

23.8 The presenting Licensing Officer summarised and stated the following:
 “ In accordance with section 105 of the Licensing Act, where an objection notice is given by the Environmental Health team and/or the police, the licensing authority must hold a hearing. You have heard from all relevant parties present regarding the TEN notification.

The Licensing Authority must having regard to the objection notices, 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 and EHA)

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
All these requirements must be met at least 24 hours before the beginning of the event period specified in the Temporary event Notice”

- 23.9 The Police Licensing Officer summarised and stated the following:
- “This is a TEN application for a non-licensed premises. As in previous years Sussex Police have raised an objection to such an application to help mitigate mostly the risk of crime and disorder and public safety. Venues that are not set up already as a licenced premises is unlikely to be able to handle responsibly a premises over Pride weekend, the busiest weekend of the year for Brighton and Hove.
 - Sussex Police have work hard with the other venues on New Road to ensure there are no outside bars or other activities that are likely attract anyone congregating on the highway causing an obstruction and turning in to an unofficial street party which would require police intervention.
 - The location is not idea for an outside bar, possibly causing an obstruction on the highway.
 - New Road has a history of being a location for vulnerable alcohol dependant persons to congregate and hangout. At times causing ASB issues and the requirement of police attendance. This makes the location unsuitable for an outside alcoholic bar.
 - We therefore invite the committee to issue a counter notice to this event. “
- 23.10 The Applicant summarised and stated that he felt he had been able to counter all objections raised in the Panel and that he was qualified in his previous experience of managing bars and also as a Personal Licence Holder .
- 23.11 The Legal Advisor confirmed that this Panel was not bound by decisions that had been laid down by Planning .

Decision:

- 23.12 The decision was read out to all parties on 1 August 2018. The decision was as follows:
“Having considered the objection and submissions from Sussex Police, and submissions from and on behalf of the premises user, 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 considered that the issue of a counter notice was appropriate for the promotion of the prevention of public nuisance licensing objective, and public safety licensing objective.

The panel had concerns about the location, timing and organisation of the event. It is for Pride weekend which is one of the busiest weekends for Brighton and for the police.

The panel shared the concerns of Sussex police as detailed in their objection notice. In particular we are concerned about the challenging nature of the area and the very large numbers of people who will be at the event and the associated risk of disorder and risk to public safety this poses. This premises does not hold a premises licence and the

panel share the police concerns that the applicant would not have the resources to cope in the event of problems and would have to call upon police assistance. There are further issues with the location of the pallet bar on the highway which could cause obstruction.”

The meeting concluded at 13.37 am

Signed _____ Chair

Dated this _____ day of _____

24 CHAPTER XIII (LICENSING ACT 2003 FUNCTIONS)

24.1 The Panel considered a report of the Director of Neighbourhoods, Communities and Housing in relation to a Temporary Event Notice under the Licensing Act 2003. Present at the hearing were: Mylene Hayward, Sarah Cornell, Mark Thorogood, Rebecca Sidell and Jessica Stocker.

Introduction from Licensing Officer

24.2 The Licensing Officer stated the following:

“ This is a hearing for a Temporary Event Notice for **Chapter XIII, 11-12 Pool Valley** for Pride. The TEN is for: Sat 4th and Sun 5th Aug – Alcohol and Regulated entertainment from 12noon-8pm (although regulated entertainment is deregulated).

The premises is within the CIZ but does not have a Premises Licence.

Environmental Health and Sussex Police have submitted a notice of objection to this temporary event on the grounds of public safety and public nuisance.

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

24.3 There were none.

Representations from Responsible Authorities

24.4 The Police Licensing Officer addressed the panel and stated the following:

“Brighton and Hove Pride 2018 is almost upon us and the City is preparing to welcome in excess of 300,000 people. The preparation for Pride is 12 months in the making

bringing together various organisations working together to ensure everyone has a safe and happy Pride. The Policing of Pride is a massive undertaking and requiring mutual aid from other local forces.

As a Licensing team within Sussex Police, one of our biggest challenge is to work towards mitigating any risk to persons and ensuring the licensing objectives are being promoted throughout the City. In recent years Sussex Police has not supported applications for events during Pride that have been submitted to be held in locations that don't already hold a premises licence. This has worked well in controlling the number of premises who sell alcohol during the weekend and thereby promoting the licensing objectives and going some way to mitigate risk.

Before you we have an application requesting the sale by retail of alcohol and the provision of regulated entertainment for Chapter XIII on Pool Valley. The applicant intends to conduct these licensable activities on both Saturday 4th Aug and Sunday 5th Aug between the hours of 12:00 noon and 20:00hrs. The applicant did pre consult Sussex Police however we did advise both by email and over the phone, that we would not be able to support the application and that we would submit an objection.

This is a non-licensed premises which over the last two years during Pride, has been the single most Police resource draining premises in the whole of the City. Under section 3.7.1 of the Brighton & Hove Statement of Licensing Policy, it states the licensing authority will take into account the history and if Police believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives they must issue an objection notice, of which we have.

During Pride 2016 reports came through to Police and Environmental protection that a large sound system was starting up in Pool Valley. On arrival Police witnessed in excess of 400 people outside Chapter XIII and a three story scaffolding tower that housed DJ decks and flanked by large speakers. On talking to the applicant, Miss Stocker who was running under a TEN for this event and the music organiser, it was clear that this was a planned event between both parties. Due to the numbers and this being an unauthorised event, the Superintendent at the time decided on the grounds of public safety and nuisance, the event was to be closed down.

Following the 2016 incident, Police did a considerable amount of work with Miss Stocker in preparation for Pride 2017. An application was submitted and after pre consulting with Miss Stocker, we decided not object, Environmental Protection did and we attended the hearing in a capacity to be able to answer any police related questions. At the hearing the TEN was granted by the licensing panel. Though we had not objected, following the incidents of 2016, Insp Morgan attended the venue prior to their event starting to ensure everything was in place. On returning some three to four hours later Police came across 600-800 people in Pool Valley outside Chapter XIII which had loud music being played. The majority of these people were facing towards the premises and listening to the music system that they had in place. Persons outside the venue perimeter appeared to have alcoholic drinks in plastic cups and straws that looked like they had come from Chapter XIII. There was just 1 SIA security member at the entrance. Due to the volume of people that had been attracted to the area, National Express was unable to gain access to the coach station. Just like in 2016, the unlicensed party had to be closed down. Music was stopped to help disperse the area and Miss Stockers had requested if she could have it back on for the last hour of her TEN which was declined by Police. For 2018, Sussex Police have a number of concerns:

- As we know, a TEN stands for Temporary Event Notice. Under the “Describe the nature of the event” section of the application form, the applicant states – “THERE IS NO EVENT THIS YEAR AT THE CAFÉ”. As there is no event planned, we are unsure of the need for alcohol and entertainment if running the premises as a café for the weekend.
- The number of persons permitted at the venue including staff is 40. Though no event is planned, staffing is going to include 6 extra staff (so on top of current staffing levels) and 2 personal licence holders. In a way you could say this is good having the increased staffing but based on the previous two years, it causes concerns that the applicant is possibly expecting this to attract more than 40 persons (approx. 10 of which is staff).
- The application states they wish to have vertical drinking – again, with the numbers being asked for and if no event is taking place, what is the need for vertical drinking?
- Regulated entertainment has been asked for though on the application it stats “THERE WILL BE SOME KIND OF DEREGULATED MUSIC PLAYING”. If planning for deregulated music, why apply for regulated?
- In good faith and despite the issues of 2016, Police did not raise an objection to the 2017 Chapter XIII Pride TEN application. With two consecutive years of this premises requiring extensive Police intervention, we do not feel confident in allowing the TEN to go ahead risking public safety and causing a nuisance within the area.

Since Pride 2017, Miss Stocker has been granted 4 TENs all of which have been run without requiring Police intervention but these have not been during a bigger City wide event such as Pride. Miss Stocker has proved that she is unable to take control and stop a bigger event occurring which is being attracted by her premises. With the high volume of persons within close proximity of Chapter XIII than you would normally get on a standard weekend, Police feel the risk of a repeat of the last two years is too great. This concern has been raised as high up as our Silver commander for the event. To this end, Sussex Police ask the committee to take on board our concerns and issue an objection notice to the temporary event application.”

Questions to the Police Licensing Officer

24.5 In answer to questions from the Panel, the Police Licensing Officer confirmed the following:

- The Police Licensing Officer clarified that for four TEN applications for private events by the applicant in 2016 and 2017 Police had worked with applicant and there were no issues. However, there was a repeat of the 2016 incident and therefore the Police could not take the risk of having two years of problems.
- The Licensing Officer confirmed that the applicant’s previous application on 7 March 2018 was refused. This was resubmitted and went through on 1 April. The BMC TEN on 27 April, 16 June and 4 July – TENs went through without incident.
- It was confirmed that a lot of police resources were used in policing the 2016 and 2017 problems. He confirmed that after the main Pride parade and PVP, policing the party at Chapter XIII had been the most resource intensive. He also confirmed that

with the Sunday beach packed due to a hot weekend and Preston Park's first year of a second day event, there would be an unknown quantity and the Police could not guarantee the level of police resources required.

- It was confirmed that, in regards to Pride, there had been an increase in applications for unlicensed premises from 7 last year to 22 this year and at present none had been granted for Pride weekend.
- In answer to the question on the concerns of vertical drinking at this premises, the Police Licensing Officer stated there would be a problem with National Express coaches who could not enter Pool Valley.

Representation from the Environmental Protection Officer

24.6 The Environmental Protection Officer addressed the panel and stated the following:

"I would like to formally place a representation in terms of the application for a temporary event notice at Chapter XIII, 11 – 12 Pool Valley, Brighton. Ms Stocker the applicant has submitted the application for a temporary event notice (TEN) for Saturday 4th and Sunday 5th August 2018 (which is the weekend of Pride) to cover the sale of alcohol/vertical drinking during her normal trading hours of 12-00hrs to 20-00hrs within this café/tattoo studio called Chapter XIII. This representation is made for the application for the 4th and 5th August 2018 on the grounds of Prevention of public nuisance and public safety, two of the four licensing objectives within the licensing Act 2003. Ms Stocker opened Chapter XIII in 2015 as a tattoo parlour with a small café.

The first complaint about noise from events happened in July 2015. After this incident Ms Stocker was visited by the licensing team and an Environmental Protection Officer and offered advice about the complaint and also on running future events.

On 31st October 2015 Ms Stocker had a temporary event notice. Noise complaints were received because Ms Stocker had an outside DJ late at night and there were many people outside. The Police and Noise Patrol attended and this subsequently resulted in getting the event stopped early. Again after the event Ms Stocker was visited by an Environmental Protection Officer and offered advice about running future events at the premises.

On 20th July 2016 I visited Ms Stocker with a colleague and spoke to her regarding an advertisement seen on Facebook indicating that Chapter XIII was working with a local radio station to put on a party in Pool Valley during the weekend of Pride. Ms Stocker had a temporary event notice for the Pride weekend. (I have a screenshot of this should the panel wish to see it). Ms Stocker denied that it was anything to do with her and mislead the local authority as to the arrangements being made for the Pool valley area. Following the event Ms Stocker said that the radio station and equipment just "turned up on the day" and set up but if you look at the pictures taken at the time and further investigation after the event it is quite clear that Ms Stocker was instrumental in organising this event.

On Saturday 6th August 2016 (the day of Pride) during the early evening this department was called to Pool Valley area and was faced with a large unlicensed gathering, there was an estimated 350 people in that area, a substantial speaker system outside and a DJ and stage erected on scaffolding. This area of land is Council owned and used as a

bus and coach station being used all the time. This department required assistance of the Police on that day to close down the party, disperse the large crowd to protect public safety and prevent a public nuisance. A coach was unable to access the coach stop. Both Environmental Health and the Police spent a considerable amount of time dealing with this issue on what is an extremely busy day for these services.

As a result of the circumstances seen on that day a noise abatement notice was served under section 80 of the Environmental Protection Act 1990 on Ms Stocker. This was served that on the balance of probability that the recurrence of any future events was likely to be a statutory nuisance and so trying to reduce the impact of any future events. The notice was never appealed and remains in force but any breach will have to be witnessed in a complainants property.

On 22nd August 2016 Ms Stocker was visited by myself and a colleague to discuss and explain the noise abatement notice to her, she commentated a number of times that she did not understand. Ms Stocker said "she wanted to work with the council" as "it was a nice little spot for parties". It was made perfectly clear to her what she could and could not do with regards to noise and having events in her premises.

On 3rd April 2017 Ms Stocker was visited by a colleague from this department and colleagues from Police Licensing to discuss the future TEN's and also the need to comply with the noise abatement notice.

Ms Stocker subsequently applied for a TEN for Pride 2017. The Environmental Protection team submitted a representation but at the hearing the panel agreed that Ms Stocker could have her TEN. Ms Stocker promised the licensing panel that there would be no speakers outside and only background music outside. After the hearing , the day before Pride I hand delivered a letter to Ms Stocker reminding her of what she had agreed at the hearing, I can produce a copy of this letter should you wish to see it.

On the afternoon of Saturday 5th August 2017 (the day of Pride), this department and the Police were called to Pool Valley and were again faced with a large unlicensed gathering of hundreds of people in the Pool Valley/coach station area with a DJ, stage and decks outside the premises, this was after the licensing panel hearing for the TEN which was agreed where Ms Stocker promised that there would not be any outside activities and only background music. The music could be heard around the whole of Pool Valley. When I asked Ms Stocker about the fact that she had promised background music from a CD player she said to me that it was just background music!

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 X111 and Pool Valley to manage and reduce the risk of public safety and prevent a public nuisance. On speaking to one of the SIA security who was working on the entrance to the premises he stated that "it has got totally out of control" and he didn't know what to do. Both Environmental Health and the Police had to insist that Ms Stocker get the music stopped, which she did reluctantly. We also had to get her to clean up all the smashed glass and plastic that was strewn across the area. Coaches were backed up along Old Steine because they were not able to access Pool Valley and the coach station. Again all of this was taking place on the busiest day of the year in Brighton when Police resources are already over stretched. I can show you pictures of the 2016 & 2017 Pride events and talk you through the 2017 event should you wish.

In February 2018 Ms Stocker applied for a TEN for the Easter weekend this was repped by environmental protection and Police because of insufficient information and a Counter Notice was issued by the licensing panel. Following a visit by the fire brigade it has been established that the venue could hold up to 60 people. Ms Stocker has recently applied for other temporary event notices and these have gone ahead but have been monitored by the local authority but the real concern is over the one for Pride 2018.

The current notification is for a Temporary Event Notice for 4th and 5th August 2018 this year's Pride. Although Ms Stocker states on her application that she will only allow 30 people inside and 10 outside and that it is only to allow the sale of alcohol alongside her normal café/food sales between midday and 20-00hrs. She also mentions that there will be "some kind of de-regulated music playing but it will be strictly inside within the allowable volume" and no amplified speakers will be outside". Ms Stocker mentions 6 extra staff and 2 managers, herself included, why so many staff when her total number is only going to be 40? There is no mention of any security either.

Having regard to the above incidents responded to by the local authority and the Police on the 2 previous Prides this department has no confidence in the management and running of such events especially a Pride event. Ms Stocker has repeatedly misled the Council, Police Licensing and also a licensing panel as to what her plans are for her Pride events. Since Ms Stocker opened this premises she has probably been visited more than half a dozen times by environmental protection officers, licensing officers and police licensing officers to offer advice and help her manage future events unfortunately this advice does not seem to be taken on board. Chapter XIII is in an area surrounded by residential, hostel and hotel accommodation and an area where buses and coaches have free access and commercially operate.

The Environmental Protection team has no confidence that should Ms Stocker be allowed this TEN that she will do what she proposes on the application and that again this event will turn in to a much larger unauthorised event which gets out of control and requires the assistance of emergency services to bring it under control."

Questions to the Environmental Protection Officer

- 24.7 In response to the Chair, the Environmental Protection Officer confirmed that the applicant's previous TEN applications had been for just one day.

Representation from the Applicant

- 24.8 The applicant addressed the panel and gave the following points for the application; summarised as follows:
- She confirmed there was no party this year but there were normal opening hours from 12pm – 8pm over Pride.
 - She confirmed she was trading as a café and wanted to sell alcohol in addition to food. There was to be no event.
 - She confirmed that she had employed extra staff in shifts to cover Pride weekend in order to cover the increase in custom.

- Due to her past problems, she confirmed that she had a couple of benches for customer seating but she wanted to cover herself within the law in regards to vertical drinking.
- She confirmed that she had learned a lot from the mistakes and that she had proved this by the previous successful TEN applications.

Questions to the Applicant

24.9 In response to questions from the Panel and Officers, the following was confirmed by the applicant :

- In response to the Chair's questioning about the applicant's handling of the TEN application for the previous year's Pride, the Applicant – stated that she was allowed to have amplified music outside and speakers, as long as the volume did not get too loud. The Chair stated that they were not expecting there to be DJs and a deck within the application. The Applicant confirmed her current music set up was an amplified sound system with USB.
- In response to the Chair's query on the applicant's need for vertical drinking in the premises, the applicant explained that it was because there would be more people in the premises during this busy period of Pride and she wanted to ensure she stayed within the correct number permitted within the Licence. She further clarified that the venue operated with a normal sound system and deregulated music.
- In response to Councillor Marsh's question about the need for applying for a license for selling alcohol, the applicant replied that alcohol sales would increase her revenue. Since Pride was a very busy weekend, she saw the need to increase the number of staff working due to the increased capacity and therefore needed to sell alcohol in order to balance the cost of hiring staff.
- The Applicant confirmed that on previous TEN events there had been a capacity for 150 and it was now 30 for this application. She clarified this as 30 seated and 10 vertical drinking as she believed she had a total capacity of 75.
- When the Chair queried why the applicant therefore did not want to go for the full capacity of 75, the Applicant confirmed that she wanted to have a more controlled event.
- The applicant confirmed that she wanted to open for Pride and had to increase staff levels to cope with the increased capacity during this weekend.
- In answer to Councillor Cobb's query on the usual ratio of staff to public which was 2 staff to 12 people, the applicant confirmed that she was unclear about how the numbers of permitted vertical drinkers were included in the capacity figures.
- In response to the Police Licensing Officer, the applicant confirmed that there was an ongoing draft Licence application for her premises, that she was not propping up her business and that she would require 2 – 3 more waitresses to serve people if she was required to serve drinks to seated customers.
- The applicant confirmed she had hired six extra staff working in shifts over two days in order to cover this.
- The applicant agreed with the Fire Brigade's figure of a venue capacity of 60.
- When asked about how the vertical drinking would be managed, the applicant confirmed that the alcohol would only be sold inside.

- The applicant confirmed that she had no extra security as there was no event booked.

Summaries

24.10 The presenting Licensing Officer summarised and stated the following:

“In accordance with section 105 of the Licensing Act, where an objection notice is given by the Environmental Health team and/or the police, the licensing authority must hold a hearing. You have heard from all relevant parties present regarding the TEN notification.

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.

All these requirements must be met at least 24 hours before the beginning of the event period specified in the Temporary event Notice.”

24.11 The Police Licensing Officer summarised and stated the following:

“This is a TEN application for a non-licensed premises. As in previous years Sussex Police have raised an objection to such an application to help mitigate mostly the risk of crime and disorder and public safety. Venues that are not set up already as a licensed premises is unlikely to be able to handle responsibly a premises over Pride weekend, the busiest weekend of the year for Brighton and Hove.

In both 2016 and 2017 during Pride, Police intervention was required to close down unauthorised events attracted by Chapter XIII which was running on a TEN on each occasion.

I've raised a number of concerns in regards to why vertical drinking is required and the high number of staff for the number of persons permitted under the TEN as well as confusion as to what entertainment is being provided.

By objecting to this TEN application - a non-licensed premises, based on the last two years evidence, will mitigate the risk of public safety by ensuring a large event will not occur which in turns reduces the risk of crime and disorder, public nuisance and protects children from harm.

We therefore invite the committee to issue a counter notice to this event.”

24.12 The Environmental Health Licensing Officer summarised and stated the following:

“The Environmental Protection team has no confidence that should Ms Stocker be allowed this TEN that she will do what she proposes on the application and that again this event will turn in to a much larger unauthorised event which gets out of control and requires the assistance of emergency services to bring it under control.”

24.13 The applicant stated that she wanted to prove to the Panel that they should have confidence in her handling of the event and that she was trying to be responsible in order to make her business work; she required more staff in order to ensure a happy Pride weekend.

Decision:

24.14 The decision would be sent to the applicant by email within 1 working day. The decision was as follows:

“Having considered the objection and submissions from Sussex Police, the Environmental Protection Officer, and submissions from and on behalf of the premises user, 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 considered that the issue of a counter notice was appropriate for the promotion of the prevention of public nuisance licensing objectives, and public safety licensing objective.

The panel had concerns about the location, timing and organisation of the event. It is for Pride weekend which is one of the busiest weekends from Brighton and for the police. The panel shared the concerns of the Environmental protection officer and police. The event had been allowed to go ahead last year there were significant issues which seriously undermined the licensing objections and took up considerable police and council resources to close down the event, indeed the police say it was the most resource intensive event for the police outside the main Pride event itself.

Environmental health resources were also heavily involved in interventions regarding these premises and there is a noise abatement notice in force. The panel note that the TEN currently is, on the face of it, relatively modest, though there was some confusion on the part of the premises user over capacity and vertical drinking. However given the experience in the last 2 years involving these premises during Pride, there is no confidence on the part of the responsible authorities or the panel in the ability of the applicant to control the premises and operate within the terms applied for, and prevent public nuisance or risk to public safety.”

Dated 1st August 2018.

The meeting concluded at 2.37 pm

Signed

Chair

