

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

10.00am 28 SEPTEMBER 2018

ROOM G90, HOVE TOWN HALL - ROOM G90, HOVE TOWN HALL

MINUTES

Present: Councillor ; Hyde, Marsh and O'Quinn

Officers: Sarah Cornell (Licensing Officer), Rebecca Sidell (Legal Advisor), Gregory Weaver (Democratic Services Officer)

PART ONE

28 TO APPOINT A CHAIR FOR THE MEETING

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

29 PROCEDURAL BUSINESS

29a Declaration of Substitutes

There were none.

29b Declarations of Interest

There were none.

29c 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).

RESOLVED - That the press and public be not excluded from the meeting during consideration of Item 30 onwards.

30 THE HAUNT LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

- 30.1 The Panel considered a report of the Executive Director of Neighbourhoods, Communities & Housing in relation to an application for a Variation of a Premises Licence for The Haunt, 75-79, East Street, Brighton, BN11NF. Present at the hearing were: Sarah Cornell (Licensing Officer), Rebecca Siddell (Lawyer), Paul Thorogood (Sussex Police), Mark Savage-Brooks (Licensing Authority Representation), Debbie Gibson Leigh (BOTLAT Representation), Simon McGarrity (Resident Representation), Cllr Alex Phillips (Regency Ward Representation), Caroline Brennan, Justin Manning (Hotel Representation), Matt Dimmack (Applicant), Paddy Whur (Applicant Solicitor).

Introduction from the Licensing Officer

- 30.2 The Licensing Officer introduced the application:

“This is an application for a new premises licence for The Haunt, 75-79 East Street, Brighton.

The applicant, Simon Dimmack, seeks:

- Live music, bar and various regulated entertainment and alcohol sales from 11am to 4am every day
- Late night refreshment until 4am

The Licensing Authority received 12 representations. These were received from Sussex Police, the Licensing Authority, Cllrs, Local residents and businesses and resident associations. The Representations had concerns relating to all four licensing objectives and Cumulative Impact.

The Premises was situated in the Cumulative Impact Zone. The Special Policy stated that applications which were likely to add to the existing cumulative impact would be refused following relevant representations. This presumption of refusal could be rebutted by the applicant if they could show that their application would have no negative cumulative impact on licensing objectives.

This special policy was not absolute. Upon receipt of a relevant representation the licensing authority would always consider the circumstances of each case and whether there were exceptional circumstances to justify departing from its special policy.

The Panel would also be aware of the Matrix approach to licensing decisions found within the Statement of Licensing Policy and page 11 of the agenda. This included a table with provisions for a terminal hour for licensed activities for different classes of licence premises in a particular area, recognising the diverse operations and different risks presented by those premises.”

Questions to the Licensing Officer

- 30.3 In response to Councillor O’Quinn, the Licensing Officer stated that live music was allowed until 3am and that on and off sales were included in the application with conditions. A change to the layout had also been planned.

Representation from Sussex Police

30.4 Mark Thorogood, Sussex Police, addressed the panel and stated the following:

“The premises was situated along East Street, Brighton within the Cumulative Impact Area as defined by the Brighton & Hove City Council Statement of Licensing Policy 2016.

The applicant was seeking a licence to:

- Offer live music, recorded music, performance of dance and the supply of alcohol between the hours of 11:00 and 04:00
- The addition of late night refreshments between 23:00 and 04:00 7 days a week
- Opening hours to the public would be 11:00 and 04:30
- In addition to this they had also requested a one extension covering a number of days throughout the year including the weekends over all Bank Holidays and over 13 consecutive days during the Christmas period

The premises, 75-79 East Street used to be the home of Dirty Blonde nightclub which had been closed for a considerable amount of time and as far as we were aware the licence premises was still alive.

On 16th November 2017, Police and Council Licensing were invited to a meeting with The Haunt, Grosvenor Casino, and their joint solicitors, Woods Whur to talk through proposals to extend the casino in to the existing location of The Haunt and Pool Valley and for The Haunt to then relocate in to the vacant property previously run as Dirty Blonde on East Street. At this meeting it was mentioned that should The Haunt move in to Dirty Blonde, they would like to extend the licence to 04:00 as the current licence for that premises was 03:00. It was made clear that this would cause Sussex Police concerns due to the location being within the Cumulative Impact Area. The possibility of giving up Pool Valley Haunt licence was tabled as an exceptional circumstance but as the plans were very much in the early stages it was suggested that once the casino and The Haunt had firm plans in place, a further meeting would be arranged prior to any applications being submitted.

Despite the offer to meet again before firm applications were submitted nothing more was heard until an application was received from the casino for a new premises licence at The Haunt location in Pool Valley on 16th May 2018 and then this application for a new premises licence for The Haunt in East Street which was received on 6th July 2018. The application for the new casino licence in Pool Valley had since been granted.

Sussex Police had concerns over the following aspects of the application and did not feel that they had been able to address these concerns during the consultation period:

- Sussex Police were concerned that the 04:00 licence at The Haunt Pool Valley location had not been surrendered. If the 04:00 licence was granted, at a later date, the area could have two 04:00 licences in operation if the casino ever wanted to revert that part of the building back in to a club

- Additional hour trading on a number of days throughout the year as well as 13 consecutive days during the Christmas period plus each night Friday through to Monday on all bank holiday weekends. Though this was included within the current Haunt Licence, again as this had not been surrendered Sussex Police could, at a later date, end up with two venues conducting licensable activities till 05:00 with a closing time of 05:30 on a number of nights throughout the year. Of note, the applicant had stated in an email on 22nd August, that they are amenable to alter this extension to British Summer Time only and included the usual New Year's Eve in to New Year's day trading however, Sussex Police were unsure if this had been officially submitted to the Council Licensing team as an amendment to the application.
- The majority of conditions proposed by Sussex Police were approved by the applicant. Conditions 3, 13, 19 and 26 had queries raised, Sussex Police had submitted new wording however had not heard back from the applicant. In reference to condition 19, Sussex Police advised the applicant to contact Environmental Protection. Conditions 3 and 26 were of high importance as they both assisted in mitigating risk and in turn promoted the licensing objectives as they referred to SIA security and the use of Club Scanner. New wording of the conditions was circulated.
- The Haunt Licence at the Pool Valley location had been included as a condition within the new casino licence meaning that subject to fees being paid, the licence could be reinstated. As a possible exceptional circumstance to go against the matrix, Sussex Police would have liked to have seen the licence surrendered. The applicant had made mention of surrendering this and the current Dirty Blonde Licence, though nothing had been submitted, could mean that the casino would need to submit a variation to their new licence removing that condition.

The Matrix within the Statement of Licensing Policy did not support the acceptance of a new nightclub premises licence within the Cumulative Impact Area. This special policy however could be overridden in exceptional circumstances of which, Sussex Police currently did not feel this had been achieved within the application and during the consultation period.

With all areas of the City that are in close proximity to late night venue, they attracted a number of issues relating to crime and disorder, public nuisance and public safety. The issues that arose were generally linked to alcohol and drugs and the area around East Street had its fair share of night time economy incidences and as such fell within the Op Marble area. Dedicated officers for Op Marble were generally deployed in the area between 22:30-04:00. After this time, the Marble area fell back under the control of night duty officers who were also tasked with resourcing the rest of the City.

Within the Regency ward of which the venue is situated, under the 2017 Public Health Framework, it ranked top or 2nd highest of 21 wards for all crime and disorder data including Police recorded alcohol related incidents, violence against persons, sexual offences and criminal damage.

The Haunt could move in to and trade under the current Dirty Blonde licence of which Sussex Police would have no concerns as it was a 03:00 licence and had

comprehensive condition that all helped in promoting and achieving the licensing objectives. Concerns were over the extension of trading hours and the out dated conditions being offered for the new licence and no confirmation that old licences would be surrendered.

Sussex Police as a responsible authority could not support an application with the requested trading hours especially with reduced conditions and while a question mark sat over the old licenses. For these reasons Sussex Police submitted a representation so that it could be heard today in front of the panel for consideration.”

Questions to Sussex Police

- 30.4 In response to Councillor O’Quinn, the Sussex Police officer stated that condition 2 was subject to fees being paid and could be reinstated. The officer gave a brief overview of the area and examples of disorderliness that occurred most evenings.
- 30.5 In response to Councillor O’Quinn, the Solicitor clarified that the landlord (Grosvenor Casinos) owned the premises occupied by The Haunt and Dirty Blonde. A licence had been granted for Grosvenor Casinos to open an electric casino in the space formerly occupied by The Haunt, the landlord also decided to keep the existing licence.
- 30.6 In response to Councillor Marsh, Sussex Police stated that police left the Operation Marble area at 3:30am. It was further clarified that if the conditions were agreed and the original Haunt licence was surrendered, Sussex Police would accept a 4am licence for the former Dirty Blonde licence. It was established that Sussex Police did not want to run the risk of ending with two 4am licences.
- 30.7 In response to Councillor Hyde, Sussex Police confirmed that this was one of the three main areas for violence and disorderliness, crime and sexual offences.

Representation from Licensing Authority

- 30.8 The Licensing Authority Officer addressed the panel and stated the following:
- There was no reference within the application to the premises’ location within the city’s Cumulative Impact Area
 - Guidance issued under Section 182 of the Act suggested that applicants should have regarded the Statement of Licensing Policy for their area
 - Where specific policies applied in the area applicants were also expected to demonstrate an understanding of how the policy impacted on their application; any measures taken to mitigate the impact and why they considered the application should have been an exception to the policy
 - The officer confirmed that, apart from a meeting that the officer was unable to attend, the applicant had still not provided this information and had not contact the authority to discuss the application or the representation
 - The officer confirmed a request was made for any information to be provided in writing
 - No exceptional circumstances were offered for departing from the Matrix policy which clearly indicated that no new nightclub licences should be granted within the

Cumulative Impact Area, it was further stated that this had not been provided by the applicant

- It was concluded that the Licensing Authority made the representation as the application contradicted the Council's Statement of Licensing Policy and as the responsible authority who acted as guardians of the policy, an explanation was sought.

Questions to the Licensing Authority

- 30.9 In response to Councillor O'Quinn, the Licensing Authority Officer stated that there was concern regarding the refusal by the landlord to surrender the licences. He confirmed that he was unable to attend a second meeting and had also not received a written submission of further details for the application.
- 30.10 In response to Mr Manning, the Licensing Authority Officer confirmed that this area was the main thoroughfare to seafront which attracted many people.

Representation from Debbie Gibson-Leigh

- 30.11 Ms Gibson-Leigh expressed her concern of the potential of live music until 4:20am. She stated that residents would be directly impacted by noise leaking through points of entrances and exits. She gave a brief overview of issues of concern including noise from glass collection and residents having to pay for the removal of steel barriers that had occurred in the past and further expressed concerns regarding the request for an off-sales licence.

Questions to Ms Gibson-Leigh

- 30.12 In response to Councillor O'Quinn, Ms Gibson-Leigh stated that the steel barriers were now stored in Pool Valley following a meeting with management. It was further established that an agreement to conduct a proper sound check was not followed through with, it was emphasised that residents had been living here for decades prior.

Representation from Councillor Alex Phillips

- 30.13 Councillor Phillips clarified that the representation made was made in partnership with Councillor Tom Druitt who was unavailable for the meeting. Councillor Phillips stated the following points:
- There was a large number of complaints made by local residents in opposition to the application
 - Noted that there was a lot of sound leaking from people loitering by open doors
 - Stated that management had agreed and failed to follow through with sound tests, it was further clarified that the sound test that was conducted was fundamentally flawed as it did not replicate the frequent situation of hundreds of club goers
 - It was clarified that the venue was in the heart of the Cumulative Impact Area

Questions to Councillor Phillips

30.14 In response to Councillor O'Quinn, Councillor Phillips stated that a 4am licence was very late. It was noted that the area saw a lot of traffic with potentially hundreds of people dispersing in a small area, it was further noted that the potential for violence and unsafe areas was likely given that many areas were operating with a late night licence.

30.15 In response to Councillor Hyde, Councillor Phillips stated that the sound tests were originally agreed to take place in April.

Representation from Caroline Brennan

30.16 Ms Brennan addressed the panel and stated the following:

- It was stated that there were no special or exceptional circumstances stated in the application
- It was stated that the addition of British Summer Time hours use during specific times in the year would add to a later time of operation
- In reference to the internal layout plan, specifically the proposed internal queuing area, it was stated that there was nothing to suggest this would alleviate concerns surrounding noise as doors would still have to be open
- It was emphasised that there was little to no communication between management and residents

30.17 Mr Wuhr clarified that the applicant sought to have all special days removed from the application.

30.18 The Licensing Officer clarified that the licence was for a nightclub, it was established that the licence had always had a full on licence with conditions and that any breaches would need to be separately investigated by planning.

Representation from Justin Manning

30.19 Mr Manning addressed that panel and stated the following:

- The Queens hotel was an old standing building since 1908 which predated the modern era of licencing
- There were 24 rooms affected by the proposed licence by virtue of proximity
- It was noted that this was an area for crime and disorder
- It was stated that competition was straining the business already and the prospect of another venue with a 4:30am licence would have a negative impact
- Thousands of customers were leaving Brighton with negative views

Representation from Simon McGarity

30.20 Mr McGarity addressed the panel and stated the following:

- Established the main reason for representation was due to the location
- Problems were exacerbated by the large influx of footfall owing to club goers and football fans specifically within Brills Lane

- It was stated that Brills Lane was a neglected area without police patrol or city clean inspections
- It was asserted that the application did not provide any proposed measures to mitigate the aforementioned issues

Representation from Paddy Whur, Woods Whur, Solicitor

30.21 Mr Whur addressed the panel and stated the following points:

- Clarified that the applicant was seeking for a replication of the Haunt Licence at what was formerly Dirty Blonde Club
- It was asserted that should the Panel agree the Licence, the prospect of 2 late night clubs instead of 1 was greatly diminished
- It was stated that if the applicant would be willing to agree to all police conditions
- It was further stated that on agreeing the licence the applicant would work with Brighton & Hove City Council to follow through with this and install a noise limiter
- The applicant was happy to meet with residents for consultation on sound levels and measures that could be implemented to mitigate this
- It was emphasised that the applicant was proposing a significant improvement and a higher level of complicity with police conditions
- It was clarified that door supervisors would be present at the newly proposed queuing area
- To help mitigate the issue of noise owing to glass and the subsequent dangers of broken bottles, the club attendees would be provided shatter proof drinking receptacles which was more advanced than what was currently being provided and
- The applicant stated they were happy to remove the request for the provision of off sales from the application
- It was stated that seasonal variations within the Haunt Licence were not being considered at this point and that only the request for operation within British Summer Time hours at specific points was being sought
- Efforts to engage with the Landlord of the Haunt had been made to no avail
- A further condition was offered in an effort to address and allay concerns of the potential for 2 late night clubs to be operating:
 - In the case whereby Unit 4 currently occupied by The Haunt, ceased to be a casino and submitted a proposal to become a nightclub, the applicant proposed reducing the time of operation to 3am thus creating parity of what currently existed
- It was stated that the licence applied for mirrored the licence for The Haunt
- It was confirmed that the live music was only scheduled to take place until midnight with deregulated music being allowed until 4am, it was further clarified that live music would only take place at the back of the venue thus allaying any major concerns
- It was stated that, in practice, if a premises closed at 3am the vast majority of people would have to exit simultaneously creating many issues however a gradual dispersal would be more likely if the venue was able to operate until 4
- Areas for refuse and bottle collection and storage were pointed to on the layout provided, it was agreed that refuse would not be collected after 9pm and before 8am

- A designated smoking area within the internal courtyard was pointed out on the layout
- It was noted that taken together, the willingness to agree conditions and to even provide further conditions in order help alleviate any tensions and address concerns, agreeing the licence would be immeasurably better for everyone.

Questions to Paddy Whur, Woods Whur, Solicitor

30.22 In response to Councillor O'Quinn, Mr Whur stated the following:

- Confirmed that the new licence was attempting to facilitate a move of the Haunt to the venue previously occupied by Dirty Blonde
- If the casino failed, the applicant was willing to provide a condition to reduce the hours of operation back to 3am
- It was clarified that licensable activities had been moved away from the front door and that the venue could not begin to open until environmental health were happy with the noise limiter and audio conditions were met
- It was established that Management had met with Sussex Police however and that setting a second meeting was difficult. It was stated that a meeting with the public had taken place and that management had agreed to conditions as set forth by police

30.23 In response to Councillor Hyde, Mr Whur stated the following:

- Two meetings with the police had taken place before it plans regarding the casino were public
- The Solicitor apologised on behalf of the applicant for not formally accepting the conditions proposed by Sussex Police
- It was stated that the effort to go the extra mile to meet policy objectives was key
- It was reaffirmed that efforts to agree and meet conditions including new conditions were made with due regard to the cumulative aspect

30.24 In response to Councillor Marsh, Mr Whur stated the following:

- It was established that the casino was not currently in operation
- It was further confirmed that the landlord wanted 2 viable businesses

30.25 In response to Ms Cornell, Mr Whur stated the following:

- The applicant would be willing to agree a written policy which stressed a closer working operation with residents in future
- The applicant was happy to use a doorman as a marshall to move people away from certain areas and to act in an educative way

Representation from Matthew Dimmack, Applicant

30.26 Mr Dimmack addressed the panel and stated the following:

- The building could hold approximately 370 people
- There was no increase in the capacity following the new proposed layout
- The new proposed layout reduced the capacity numbers for live music by approximately 50 people
- The newly proposed queuing area would mean that 100 people would be inside of the venue
- It was clarified that the smoking area was able to fit approximately 35 people

Questions to Mr Dimmack

30.27 In response to Councillor Marsh, Mr Dimmack clarified that the landlord was the licence holder.

30.28 In response to Councillor Hyde, Mr Dimmack stated the following:

- It was stated that the applicant had responded to noise complaints in the past and had reconfigured the back of building to add 2 sets of sound proofed areas
- Agreed that there were operational issues still to be addressed
- It was confirmed that Penguin Media Solutions were hired to test noise levels
- It was stated that the applicant had attended some meetings however had not attended any LAT meetings and that efforts had been made keep in contact with the Traders Association on East Street
- It was established that at 3am there was approximately 290 people exiting the venue and by 4am there would be around 40

30.29 In response to Councillor O'Quinn, Mr Dimmack stated the following:

- Agreed to stop serving alcohol at 3:30am
- Reaffirmed that efforts were to keep people indoors and not outside
- The capacity for internal queuing could not really exceed 100 as the applicant did not want to receive noise complaints
- Agreed to only hold a maximum of 12 live music events till 11pm every year

30.30 In response to Councillor Phillips, Mr Dimmack stated the following:

- It was stated that the current unit at The Haunt was one room and that the new venue was different
- The front area would be operated differently, there was provision for a kitchen for pizzas
- It was clarified that all previous businesses that occupied the building currently occupied by Dirty Blonde had placed DJ's at front of house however the new proposed layout placed DJ's at the back of the venue away from the front and in an area with a reduced capacity.

30.31 In response to Mark Savage-Brooks, Mr Dimmack stated the following:

- Agreed to a tamper proof noise limiter and stated willingness to offer any hours residents were comfortable with for collections along with the use of an expanding sound curtain to help address concerns regarding noise

- It was stated that bins would only be emptied inside the building and wheeled outside, with no tipping of glass
- It was emphasised that scrutiny of the dispersal rate and the processes that facilitated was paramount. A 4am would greatly alleviate issues brought about by a 3am exit

Summaries

30.32 The Licensing Officer gave the following summary:

- This was an application for a new premises licence for The Haunt, 75-79 East Street, Brighton. The application was for a Live Music and Bar and was applying for various regulated entertainment and alcohol sales from 11am-4am every day and late night refreshment until 4am
- Licensing Guidance (9.37) stated, “that in determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:
 - The steps that are appropriate to promote the licensing objectives;
 - The representations (including supporting information) presented by all the parties;
 - This guidance;
 - Its own statement of licensing policy
- “It is important to note that each application will be given individual consideration on its own merits.” (1.1 SoLP)
- The question for the panel was whether they considered that the application was likely to add to the existing cumulative impact and/or had the applicant demonstrated that their application would not have a negative impact. The licensing authority would have always considered the circumstances of each case and whether there were exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case
- “After considering all the relevant issues the licensing authority may grant the application subject to such conditions that were consistent with the operating schedule.” (LG 9.38)
- If the panel decided to grant the application then any conditions added to the licence to meet the Licensing Objectives should have been clear, precise and enforceable
- “Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives and against our SoLP.” (LG 9.39)

30.33 Sussex Police withdrew representation as the applicant agreed to all proposed conditions.

30.34 Mark Savage-Brooks, Licensing Authority, gave the following summary:

- It was noted that much had been discussed and that the application had now been amended by this applicant during the meeting

- It was disappointing that the amendments and exceptional circumstances were not discussed prior to the licensing hearing
- The panel still had to take into account that this application was being made for a premises within the Cumulative Impact Area and invited them to decide whether, even with all of the amendments offered, these satisfied the 'exceptional circumstances' criteria for departing from the policy

30.35 Ms Gibson-Leigh gave the following summary:

- It was clarified that this representation and subsequent summary was made on behalf of residents
- Residents had to rely on the word of the operator / applicant
- She expressed concern regarding how an internal queuing system would still mitigate issues pertaining to noise

30.36 The Licensing Officer stated that these would now be subject to conditions agreed by the applicant during the meeting, she noted that if this was breached; action could be taken.

30.37 Mr Manning gave the following summary:

- It was stated that in regards to the agreed use of noise limiters; previous clubs had circumvented their systems easily
- Concerns were expressed where operation would cease to be in effect after 3:30am and that the venue would still be in operation until 4am
- It was stated that problems were being shifted

30.38 Mr Whur gave the following summary:

- An effort to present a solution that was better than what had existed had been made
- Confirmed that a point of contact between management and residents was to be put in place in order to help create better lines of communication and address any serious concerns
- Exceptional circumstances were emphasised

30.39 **RESOLVED** – The Panel's decision was as follows:

"The Panel has read all the papers including the report and relevant representations and additional papers, and listened to all the arguments and submissions made today.

This is an application for a new premises licence within the Cumulative Impact Zone (CIZ) and therefore is subject to the special policy on cumulative impact as set out in the Statement of Licensing Policy. The application is for a live music venue and bar to operate from 11:00 to 04:30 every day with licensable activities until 04:00. Representations received were from Resident Associations, local residents, local councillors and local businesses, Sussex Police, and the Licensing Authority.

Our policy states that applications for new premises licences will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative cumulative impact. The special policy will only be overridden in exceptional circumstances. However, the policy is not absolute and the panel must consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in light of these. We have considered the individual circumstances and merits of this application. The circumstances surrounding this application are complex and unusual. There is a premises licence in existence already for these premises with licensable activities until 3 am. Furthermore there is an existing licence for the Haunt at premises in Pool Valley which are being taken over by the Grosvenor Casino but the Landlord of those premises who holds the licence wishes the licence to remain in the background rather than surrender it as the Police would prefer.

We heard from the residents, local business, and local councillor about the detrimental impact licensable activities at these premises have had on them in the past and how they are negatively impacted by the number of licensed premises within the area. The panel found their accounts compelling.

The Police and Licensing Authority were concerned that the Applicant had not addressed the Special Policy and Cumulative Impact in their application or set out what exceptional circumstances may apply to depart from the policy.

In their submission to the Panel the applicants put forward a comprehensive package of measures and conditions together with a number of changes to their application. These included reducing the live music activity from 4am to 11pm, removal of off-sales, removal of all non-standard timings, internal queuing system, internal layout changes for music performance, written dispersal plan, smoking controls, confinement of putting bottles into bins to inside the premises and restriction of waste collection times, and a 30 minute reduction in hours for the sale of alcohol. The conditions proposed by the Police were agreed to and an extra condition undertaking to reduce the hours for licensable activities for this licence should the previous Haunt licence in Pool Valley ever be resurrected was put forward which satisfied the Police.

While the Panel welcomed such amendments and concessions, it would have greatly assisted the process if they had been put forward earlier. However, the Panel considered that in its revised form the application represented an improvement to the existing licence in place for the premises and did address many of the specific concerns raised by those making representations. On the basis of these unusual and exceptional circumstances the panel considers that the application will not add to cumulative impact and has therefore decided to grant this application. We set out below the new and amended conditions along with those agreed with the police as amended which will go onto the licence.

Finally, we remind residents and local businesses that if problems do occur at these premises there is ultimately the power to call for a review of the licence.

Conditions:

General

- 1. If the Unit 4 premises in Pool Valley ceases to be a casino and is resurrected as a nightclub, whether by application or otherwise, then the hours for all licensable activities on this licence which are beyond 3am will be brought back to 3am with closing time of 3.30. This is to ensure there is no overall increase in hours as a result of possible re-instatement of the old 'Haunt licence' and the grant of this licence.*
- 2. There shall be no off-sales.*
- 3. Live music will cease at 23:00 every day save for a maximum of 12 occasions per year in which it will be permitted until 12 midnight.*
- 4. Hours for sale of alcohol to be 11:00 to 03:30 every day.*
- 5. (The non-standard timings to be removed save for the BST provision and New Year's Eve.)*
- 6. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.*
- 7. No drinks may be removed from the premises.*

Prevention of Crime and Disorder

- 8. SIA trained and licensed door supervisors shall be employed on a ratio of 1:100 with a minimum of two (2) on duty from 21:00 hours or at any other time there is an event being held within the building (i.e. a live show or a club night). At all other times SIA licensed door supervisors shall be employed when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority. Records shall be maintained at the premises containing the full name, date of birth and home address of every door supervisor. The record shall include all times and dates when a door supervisor is employed. Also, if employed through an agency, name and address of agency will also be recorded against the entry.*
- 9. If not employed through an agency, authentic proof of identity of door staff shall be obtained in the form of a passport, drivers licence or a birth certificate. Copies of these documents will be held at the premises and made available to the police*

and/or council licensing authority immediately upon request (subject to the Data Protection Act 2018).

10. *The DPS (or in the absence of the DPS the person with delegated authority) will ensure door supervisors display their SIA badges at all times they are on duty.*
11. *(a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises (amend this part as appropriate). The system shall be on and recording at all times the premises licence is in operation.
(b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
(c) CCTV footage will be stored for a minimum of 31 days
(d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
(e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
(f) Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
(g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
(h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.*
12. *The management and premises will have an absolute zero tolerance policy in respect of drugs, with notices advising customers of this clearly displayed at the entrance. Any illegal drugs seized will be documented as required by the Police and stored in a secure "drugs box", and periodically the management will request the Police to come and remove all such drugs for destruction.*
13. *In the event a person is found on the premises actively dealing in drugs, that person will be detained and the Police called to the premises. Any person found with more than a very small quantity of drugs in their possession which they claim is for personal use will be treated as "dealing" and detained until the Police are called and arrive.*
14. *The management will permit the Police to use an "ION Track" drugs detector or other similar device inside the premises to detect the illegal use of drugs and will sign the Police consent form.*
15. *Crime prevention and security measures shall be instigated throughout the premises following consultation with Sussex Police, as reasonably required.*

16. *The management of the premises will meet with the Police to discuss the safe and proper management of the premises on a minimum three (3) monthly basis, unless the Police confirm in any one quarter that such a meeting is not necessary.*
17. *The premises will become a member of the BCRP or similar scheme approved by the Licensing Authority that operates with radios and uses the Nightsafe & Yellow Card Scheme or similar reporting scheme.*
18. *Shatterproof drinking receptacles will be used within the whole premises after 21:00 hours.*
19. *The premises licence holder will operate a queuing system which will prioritise internal queuing inside the front of the premises in line with the area marked out on the plan attached to the premises licence.*
20. *A written dispersal plan will be agreed with the responsible authorities and operated by the premises licence holder.*
21. *A written drugs policy will be agreed with the police and operated by the premises licence holder.*
22. *After 23:00 customers will not be permitted to smoke outside the front of the premises. They will be directed to the first floor smoking balcony which will be supervised by a member of staff whenever being used. There will be a maximum of 20 persons permitted to smoke in this area at any one time.*

Public Safety

23. *When the Designated Premises Supervisor (DPS) is not on site, there will be a control document held and maintained on site which will state who is in effective control and management of the premises in the absence of the DPS. Other persons in control and management of the premises will be a Personal Licence Holder, and will be fully competent in licensing matter, health and safety and emergency evacuation measures.*

The Prevention of Public Nuisance

24. *A tamper proof noise limiter/compressor shall be installed by a competent person to the satisfaction of the Director of Environment. The noise limiter/compressor must be set at a level agreed by the Head of Safer Communities.*
25. *Prominent and clear notices will be displayed at the exit points requesting customers to respect the needs of local residence and to leave the premises and the area quietly.*
26. *Patrons will not be permitted to take drinks outside of the premises to consume whilst smoking. This applies to all smoking areas.*

27. *The windows to remain closed after 21:00 hours, while any entertainment is provided. Otherwise all windows shall be closed after 23:00 hours. The management to undertake routine monitoring to ensure levels of music are not excessive and take appropriate action where necessary.*
28. *Bottles will only be emptied into bins inside the premises.*
29. *There shall be no collection of bottles and waste between 21:00 hours and 08:00 hours every day.*
30. *The management of the premises will meet with residents of Clarendon Mansions, and manager of the Queens Hotel to discuss the safe and proper management of the premises and any concerns the residents may have on a minimum three (3) monthly basis, and shall provide residents of Clarendon Mansions with the direct access telephone number of the DPS or next in line.*

The Protection of Children from Harm

31. *The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.*
32. *Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.*
33. *Under 18's will not be permitted on the premises after 22:00 hours. A clear notice shall be displayed at the premises so that it can easily be read by persons entering the premises stating "No persons under 18 will be admitted after 22:00 hours".*
34. *The premises shall install a recognised electronic identification scanning system for customers entering the premises. The system shall be operated from 21:00 and all other times when SIA door staff are on duty. All persons entering the premises will be scanned. The system should have the ability to share alerts with other venues using similar ID scanning equipment, identify the hologram of an ID and read both Passports and ID cards, including PASS cards. The system should be able to conduct tests to determine if a document is genuine or counterfeit. The system must be compliant with the Information Commissioners good practice guidance for ID scanning in clubs and bars:*
- (a) As an exception to the use of the recognised ID scanning system to scan ALL customers, the name and date of birth of customers who appear to be over the age of 30, without ID, shall be recorded and a photographic image obtained. This information will be made available to the Police Licensing Officer or Local Authority*

Officer upon request. An exception to this whole condition 27 is when the premises is holding an exclusive under 18 event.

35. No adult entertainment will be provided on the premises.

36. The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

**The lawful selling of age restricted products*

**Refusing the sale of alcohol to a person who is drunk*Refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues*

(a)Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

(b)All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.”

The meeting concluded at 13:17

Signed

Chair

Dated this

day of