





**Brighton & Hove  
City Council**

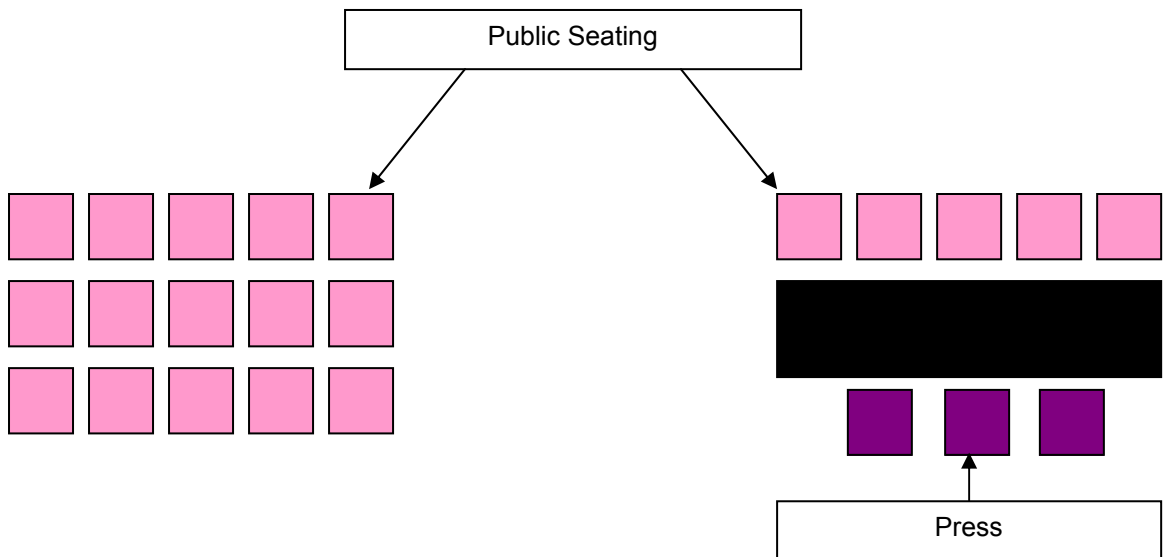
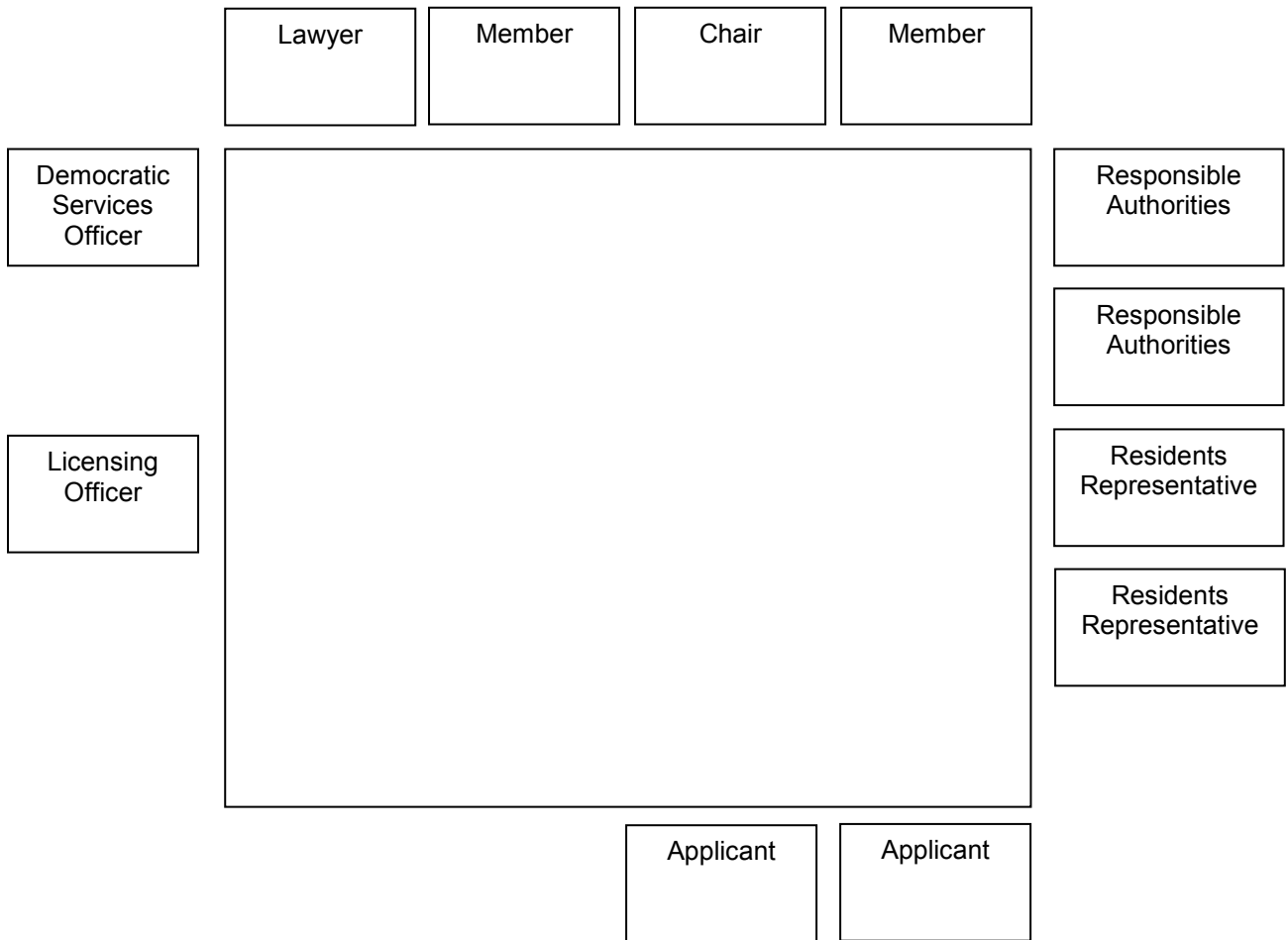
# Licensing Panel

(Licensing Act 2003 Functions)

Title:	<b>Licensing Panel (Licensing Act 2003 Functions)</b>
Date:	<b>16 February 2009</b>
Time:	<b>10.00am</b>
Venue	<b>Committee Room 3, Brighton Town Hall</b>
Members:	<b>Councillors:</b> Marsh, Simson and C Theobald
Contact:	<b>Jane Clarke</b> Democratic Services Officer 01273 291064 jane.clarke@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



**AGENDA**

**106. TO APPOINT A CHAIRMAN FOR THE MEETING**

**107. PROCEDURAL BUSINESS**

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the main Licensing Committee may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

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

**108. THE BLACK HORSE, 16-17 MONTAGUE PLACE, BRIGHTON, BN2 1JE** **1 - 68**

*Contact Officer: Sarah Ranger Tel: 29-5801*  
*Ward Affected: Queen's Park*

**109. BOWLPLEX, BRIGHTON MARINA VILLAGE, BRIGHTON, BN2 5UT** **69 - 94**

*Contact Officer: Becky Keely Tel: 01273 292100*  
*Ward Affected: Rottingdean Coastal*

## LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

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

For further details and general enquiries about this meeting contact Jane Clarke, (01273 291064, email [jane.clarke@brighton-hove.gov.uk](mailto:jane.clarke@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Friday, 6 February 2009

# Licensing Panel (Licensing Act 2003 Functions)

## Agenda Item 108

Brighton & Hove City Council

<b>Subject:</b>	<b>Review of a Premises Licence under the Licensing Act 2003 for Black Horse, 16-17 Montague Place, Brighton, East Sussex, BN2 1JE (Admiral Taverns (Nevada) Ltd)</b>		
<b>Date of Meeting:</b>	<b>16 February 2009</b>		
<b>Report of:</b>	<b>Assistant Director Public Safety</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah Ranger</b>	<b>Tel: 29-5801</b>
	<b>E-mail:</b>	<b>sarah.ranger@brighton-hove.gov.uk</b>	
<b>Wards Affected:</b>	<b>Queen's Park</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT

- 1.1 To review a Premises Licence for Black Horse under the Licensing Act 2003.

#### 2. SUMMARY OF REVIEW PROCESS

- 2.1 The existing licence is attached at Appendix A.
- 2.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises, and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 2.3 An application was received by the Licensing Authority from Sussex Police, to review the licence granted to the premises known as Black Horse, 16 – 17 Montague Place, Brighton, BN2 1JE.
- 2.4 The grounds for the review relates to the following Licensing objectives:
- Prevention of Crime and Disorder
  - Protection of Children from Harm

Full details of the grounds for the review and a copy of evidence submitted by Sussex Police is attached, see Appendix B.

- 2.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51

- Consider any relevant representations
- Take such steps (if any) as are considered necessary for the promotion of the Licensing objectives. These steps are:
  - to modify the conditions of the licence;
  - to exclude a licensable activity;
  - to remove the designated premises supervisor from the licence;
  - to suspend the licence for a period not exceeding 3 months; or
  - to revoke the licence.

And for this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

### **3 REPRESENTATIONS RECEIVED**

- 3.1 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below.
- 3.2 One representation has been received from Trading Standards on the grounds of the Protection of Children from Harm, supporting the application submitted by Sussex Police seeking revocation of the Premises Licence.
- 3.3 Full details of the representation are attached in Appendix C.

### **4. COMMENTARY ON LICENSING POLICY**

- 4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and numbered as they appear in the policy:

#### **General**

- 1.2 The licensing objectives are:-
  - (a) Prevention of crime and disorder;
  - (b) Public safety;
  - (c) Prevention of public nuisance;
  - (d) Protection of children from harm.
- 1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.

- 1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

### **In respect of the prevention of crime and disorder**

- 2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door staff so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.
- 2.3 It is expected that the designated premises supervisor (DPS) will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.
- 2.5.1 Diversity of premises

This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes

to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time, may create opportunities for violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.

#### 2.5.5 Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

2.7 High volume vertical drinking establishments (HVVD's) may, where necessary and appropriate, have conditions attached relating to: a prescribed capacity, the ratio of chairs and tables to be provided for customers based on capacity and the presence of SIA registered security teams.

2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

#### **In respect of the protection of children from harm**

5.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the committee recommend that all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the licensing strategy group.

5.2 It is the committee's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises.



Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.

5.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:-

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided;
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:-

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

5.6 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. The licensing authority recognises the Children, Families and Schools section as being competent to advise on matters relating to the protection of children from harm.

### **Strategic Integration**

6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.

6.7 This policy avoids duplication with other regulatory regimes wherever possible.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### 5.1 Financial Implications:

There are no implications from this report.

*Finance Officer Consulted: Karen Brookshaw Date: 26.01.2009*

### 5.2 Legal Implications:

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

The licensing regime imposes general duties on licensing authorities:

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

*Lawyer Consulted: Rebecca Sidell*

*Date: 26.01.2009*

### 5.3 Equalities Implications:

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

### 5.4 Sustainability Implications:

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

### 5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

### 5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Part A of Premises Licence
2. Appendix B – Review Application and supporting evidence
3. Appendix C – Representation
4. Appendix D – Map of area

### **Documents in Members' Rooms**

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy.

### **Background Documents**

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

APPENDIX A

Schedule 12

Part A

Regulation 33, 34

Premises Licence  
Brighton and Hove City Council

Premises Licence Number

1445/3/2007/00835/LAPRET

Part 1 – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Black Horse  
16 - 17 Montague Place  
Brighton  
East Sussex  
BN2 1JE

**Telephone number** 01273 698195

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

Performance of Live Music	Performance of Recorded Music
Other Entertainment falling within Act	Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities**

**Performance of Live Music - Indoors**

Monday to Thursday 10.00 to 00.00, Friday and Saturday 10.00 to 01.00, Sunday 12.00 to 00.00 – PLUS: A further additional hour into the morning following every Fri, Sat, Sun and Mon for each May Bank Holiday, Spring/Whitsun Bank Holiday, and every August Bank Holiday weekend. A further additional hour into the morning following every Thurs, Fri, Sat, Sun and Mon for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day, to reflect existing New Year's Eve/Day hours.

**Performance of Recorded Music - Indoors**

Monday to Thursday 10.00 to 00.00, Friday and Saturday 10.00 to 01.00, Sunday 12.00 to 00.00 – PLUS: A further additional hour into the morning following every Fri, Sat, Sun and Mon for each May Bank Holiday, Spring/Whitsun Bank Holiday, and every August Bank Holiday weekend. A further additional hour into the morning following every Thurs, Fri, Sat, Sun and Mon for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day, to reflect existing New Year's Eve/Day hours.

**Other Entertainment falling within Act - Indoors**

Monday to Thursday 10.00 to 00.00, Friday and Saturday 10.00 to 01.00, Sunday 12.00 to 00.00 – PLUS: A further additional hour into the morning following every Fri, Sat, Sun and Mon for each May Bank Holiday, Spring/Whitsun Bank Holiday, and every August Bank Holiday weekend. A further additional hour into the morning following every Thurs, Fri, Sat, Sun and Mon for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day, to reflect existing New Year's Eve/Day hours.

**Sale by Retail of Alcohol**

Monday to Thursday 10.00 to 00.00, Friday and Saturday 10.00 to 01.00, Sunday 12.00 to 00.00 – PLUS: A further additional hour into the morning following every Fri, Sat, Sun and Mon for each May Bank Holiday, Spring/Whitsun Bank Holiday, and every August Bank Holiday weekend. A further additional hour into the morning following every Thurs, Fri, Sat, Sun and Mon for the Easter Bank Holiday weekend. A further additional hour every Christmas Eve and Boxing Day, to reflect existing New Year's Eve/Day hours.

**The opening hours of the premises**

Monday - Thursday: 10.00 - 00.30, Friday - Saturday: 10.00 - 01.30, Sunday: 12.00 - 00.30. A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend. An additional hour every Christmas Eve and Boxing Day. To reflect existing New Year's Eve/Day hours.

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Admiral Taverns (Nevada) Limited  
150 Aldersgate Street  
London  
EC1A 4EJ

**Registered number of holder, for example company number, charity number (where applicable)**

Registered number 06076004

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Joseph Noonan

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

## **Annex 1 – Mandatory conditions**

S 19; mandatory conditions where licence authorises supply of alcohol

- no supply of alcohol may be made under the premises licence
  - (a) at a time when there is no designated premises supervisor in respect of the premises, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

### **Embedded Conditions:**

Alcohol shall not be sold or supplied except during permitted hours.

### **Restrictions**

The above restrictions do not prohibit:

- d) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

## **2. Premises with no children's certificate**

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the

service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

*Source Section 168,171 and 201 Licensing Act 1964*

#### **4. Late Night Refreshment**

The Licence may also provide and permit the consumption of late night refreshment for a period of 30 minutes after the permitted hours set out above, and on New Years Eve until 5am on New Years Day.

#### **Variations to Embedded Conditions:**

Reference to previous hours of alcohol sale removed.

#### **Annex 2 – Conditions consistent with the Operating Schedule**

*For the prevention of crime and disorder:*

Suitable illumination will be provided to the exterior areas of the building.

Toilets will be checked regularly.

There will be a managed exit policy, under which customers will be asked to leave quietly and in an orderly manner.

*For public safety:*

Suitable extractors and smoke filters will be installed to provide, as far as is practicable, a smoke free environment within the premises.

Mechanical extraction will be provided in each bar.

A licensed taxi service will be promoted for customers to facilitate their onward journeys.

*For the prevention of public nuisance:*

Regular noise surveys will be carried out by staff, especially when entertainment is being provided.

Staff will organise taxis for customers when required to take them from the premises.

Customers will be seen off the premises when appropriate and encouraged to disperse from outside the building.

Standard drinking glasses will be phased out and replaced with ones made of toughened glass.

The cellar cooling condenser will be suitably positioned and effectively sound-proofed so as not to cause nuisance to neighbours.

A sign will be placed at each exit saying "Please respect our neighbours and leave quietly".

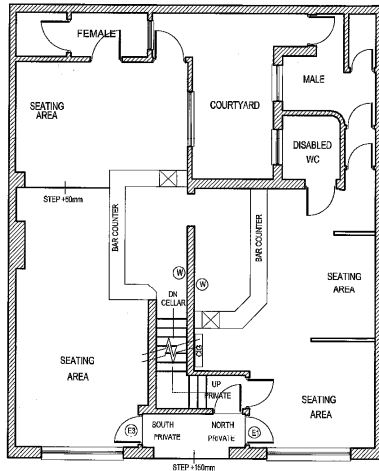


*For the protection of children from harm:*

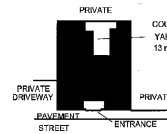
Children unaccompanied by an adult will not be permitted on the premises.

**Annex 3 – Conditions attached after a hearing by the licensing authority – N/A**

# Annex 4 – Plans






EXISTING GROUND FLOOR PLAN



LOCATION PLAN  
SCALE 1:500

## KEY

- (W) 9 LITRE WATER EXTINGUISHER
- (E) ILLUMINATED 'EXIT' SIGN
- (E3) ILLUMINATED 'EXIT' SIGN WITH DIRECTIONAL ARROW
- CIG CIGARETTE VENDING MACHINE

REV	DATE	DETAILS	DRAWN
 <b>ROMANS</b> Surveyors			
<small>4 KING STREET LANE, WINNERBEN, DERBYSHIRE, NG9 1            TEL: 01773 821211 FAX: 01773 821200            25 THE AVENUE, BOLTHAMPTON, HANTS, RG17 1NN            TELEPHONE: 02380 820110            24 HEATH ROAD, THORNTON, HULL, HU17 4BW.            TELEPHONE: 0202 200 0030            E-MAIL: ROMANS@ROMANS.CO.UK            WWW.ROMANS.CO.UK</small>			
ON BEHALF OF			
<b>Punch Taverns</b>			
PROJECT TITLE			
<i>The Black Horse, Montague Place, Brighton, BN2 1JE</i>			
DRAWING TITLE			SCALE
Existing Floor Plans			1:100
DRAWN			DATE
KGS			08/11/2004
CHECKED			DWG NO.
KGS			872377
REV			REV
KGS			001 A
<small>ROMANS SURVEYORS ARE PART OF            THE ROMANS GROUP INCORPORATING:            COMMERCIAL SURVEYORS ARCHITECTURAL            LAND &amp; NEW HOMES FLOORS &amp; PA            LETTINGS RESIDENTIAL REGULATIONS</small>			
The <b>ROMANS</b> Group			
OUTLET NO. <b>872377</b>			

**APPENDIX B**

2008/02293/LAPREV

valid - CD & CH  
SR.

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Chief Supt Paul Pearce, Divisional Commander, Brighton and Hove Police on behalf of Chief Constable Martin Richards of Sussex Police  
*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Black Horse 16-17 Montague Place	
<b>Post town</b> Brighton	<b>Post code (if known)</b> BN2 1JE

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Admirals Tavern (Nevada) Ltd 150 Aldersgate Street London EC1A 4EJ
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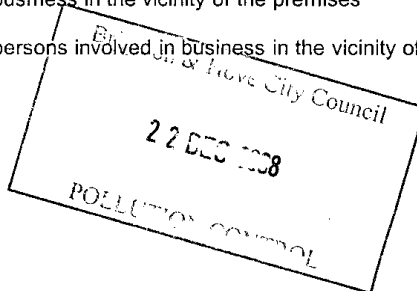
<b>Number of premises licence or club premises certificate (if known)</b> 1445/3/2005/00364/LAPREV
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises



- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

I am 18 years old or over

Please tick yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address David Bateup Licensing Officer Sussex Police Licensing Unit Hove Police Station Holland Road Hove BN3 1JY  (On behalf of the applicant)
Telephone number (if any) 01273 66 59 43
E-mail address (optional) david.bateup@sussex.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review (please read guidance note 1)**

Sussex Police apply for review of the premises licence on the grounds that the licensing objectives of prevention of crime and disorder and the protection of children from harm have been seriously undermined.

In summary, the premises has now sold alcohol to children under the age of 18 during police and trading standards operations on three separate occasions over the nine month period from February to October 2008. Prior to this, in November 2007, the premises hosted a birthday party during which police officers had to intervene due to the numbers of underage children present at the venue and drinking alcohol.

The DPS and a representative of the premises licence holder were invited to a meeting with Sussex Police and Trading Standards following the second failed test purchase. At the meeting a formal verbal and written warning was issued to the DPS in the presence of the premises licence holder representative about the consequences of a third failed test purchase, and training and further support was offered.

Subsequently training was given to the DPS of the Black Horse and his staff by trading standards. However when a third test purchase was conducted six weeks later, the DPS sold alcohol to a child.

In view of the above, Sussex Police request revocation of the premises licence.

Full details of the matters set out above are provided at Pages 4, 5 and 6 of this application.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

The Black Horse is located in the Kemp Town area of Brighton in a densely populated residential area, and only metres away from Brighton College.

On 16th November 2007 at 23:00 hrs police officers were on patrol in Montague Street and saw a large group of apparently underage children drinking from various glasses and containers in the doorway to the Black Horse pub.

The officers approached the pub, and upon speaking to the children and checking their ID, it was found that the majority of the drinkers challenged were aged below 18, the youngest being 16. The police officers spoke to Joseph Noonan, the Designated Premises Supervisor of The Black Horse. In the opinion of the police officers Mr Noonan was drunk and barely capable of coherent conversation.

Upon further investigation it transpired that a private 19th birthday party had taken place at the pub, and whilst some alcohol brought into the premises was seized by the DPS and staff, it appeared that age identification was not being carried out, underage drinkers were being served and proxy sales were taking place. The DPS was given a warning about the situation and was advised that Sussex Police Licensing would be informed. All of the underage youths were ejected from in and around the premises and police officers confiscated a number of fake age identification cards from youths challenged about their age. This suggests that the Black Horse was being targeted by underage children for the purchase and consumption of alcohol.

Based on the above intelligence and other complaints received by trading standards regarding underage sales of alcohol at the premises, the Black Horse was selected for a test purchase operation on 22nd February 2008. At 18:00 hrs on that day a male aged 17 together with a 16 year old female went into the Black Horse and were served a pint of Guinness and a glass of wine which was served in a full half pint glass, and not the usual standard measurement for wine, by a member of staff who was working behind the bar. The seller was interviewed by uniformed officers immediately afterwards and was issued with an £80 fixed penalty notice. Under caution the seller stated that she was not given any training on underage sales by the DPS, but added that she thought she was an experienced barperson and did not need training.

A letter addressed for the attention of the DPS and premises licence holder was handed to the member of staff. The letter advised them of what had happened and offered them assistance from trading standards. Mr Noonan did telephone trading standards and left a message but trading standards officers state they were unable to reach him subsequently. As a result Ms Lynsdale from trading standards visited the premises on 16th April 2008 along with her colleague John Aldridge. Mr Noonan was not in attendance but whilst at the premises, Ms Lynsdale spoke to him on the telephone about the test purchase. She had difficulty in understanding him as his speech was slurred. No further contact was received from the DPS and there was no contact from the premises licence holder.

On 13th June 2008, a second test purchase operation was conducted at the Black Horse. At 20:00 hrs, two children aged 16 and 17 years entered the premises. They were served two half pints of Fosters lager and two Sourz Shots, both of which are alcoholic drinks, by a member of staff. Immediately after the sale, the seller was interviewed by a uniformed police officer and was issued with an £80 fixed penalty

notice. Ms Lynsdale formed the opinion that the seller on this occasion and the other member of bar staff present (who was the seller during the first test purchase) appeared to be drunk.

Mr Noonan was not on duty on 13th June 2008 but was in residence in a flat above the premises. Mr Noonan came downstairs during the period when police and trading standards were present, and once again the police officers were of the opinion that Mr Noonan was drunk. Mr Noonan commented that the bar person who sold alcohol to the two children was unable to judge the appearance and age of the two children because he was gay and this made it difficult for him to judge the age of young girls.

Sussex Police invited Mr Noonan to a meeting at Hove Police Station on 5th August 2008 to discuss the failed test purchases. In readiness for the meeting, David Bateup, Police Licensing Officer, made direct contact with the Premises Licence Holder, Admiral Taverns and spoke to Mr Geoff Spafford, Business Development Manager for the company. Mr Spafford stated during the conversation with Mr Bateup that the Premises Licence Holder had no knowledge of the two test purchase failures at that time, highlighting a lack of communication and direction between the DPS and the premises licence holder.

The meeting took place on 5th August. Present were Mr Noonan, Mr Spafford, Ms Catriona MacBeth (trading standards), PC Cheesman and David Bateup. It was explained that Sussex Police wanted to work with the venue in a spirit of cooperation to prevent further underage sales from taking place, but ultimately had the option of seeking a review of the premises licence. It was pointed out that up until that point, Mr Noonan had not taken up offers of training and support that had been offered, and therefore in the police's opinion was not fulfilling his obligation to protect children from harm.

During the meeting Mr Spafford stated that all staff would be given a warning about receiving an £80 fixed penalty notice for selling alcohol to children, that the pub would adopt a 'challenge 25' policy and appropriate signage would be placed behind the bar. Appointments were made for Mr Noonan and his bar staff to receive formal trading standards training.

PC Cheesman stated to Mr Noonan and Mr Spafford that a further test purchase operation would be conducted at the Black Horse after the training had taken place. If that third test purchase was failed then Sussex Police (supported by trading standards) would make an application for a review of the premises licence.

At the conclusion of the meeting Mr Noonan signed a 'formal warning' notice in respect of the unlawful sale of alcohol to children. Copies were provided at the time to Mr Noonan and Mr Spafford.

On 14th August 2008 Donna Lynsdale and Catriona MacBeth from trading standards ran a training session at The Black Horse. Mr Spafford, Mr Noonan, and three other members of staff (including the two staff members who had sold during the two previous test purchases) attended the training session. At that time, Ms Lynsdale spoke to Mr Spafford about the problems at the premises with staff being drunk, underage drinking, lock ins and other licensing issues. Mr Spafford stated that he would speak to Mr Noonan but ultimately he could not tell Mr Noonan how to run his pub.

The training provided by trading standards dealt with the issue of underage sales, fake IDs, Think 21 and reasons why people sell to underage children. During the course of the session Ms MacBeth raised the Think 21 policy and stated that the

brewery's instruction as Premises Licence Holder also had to be considered. At this point Mr Spafford intervened to say that any decision on training and operating a 'no ID no sale' or Think 21 policy was not for the brewery to tell Mr Noonan as it was his business to run as he saw fit.

On Wednesday 29th October 2008, six weeks after the trading standards training, a third test purchase operation was carried out at the Black Horse. At approximately 20:40 hours two children were served alcohol personally by the DPS. The child who was served was aged 17 years and two weeks. The accompanying child was aged 15 years and 10 months. The children were not challenged about their age nor asked to provide any proof of age ID by Mr Noonan. Subsequently Mr Noonan was interviewed by uniformed Police Officers and served with an £80 fixed penalty notice. In the course of his interview, he accepted that he had sold alcohol to a minor. He also accepted that he had received "fairly comprehensive training with trading standards".

It is the submission of Sussex Police that the management of the premises falls well below the standard that is expected of them, with the consequence that the licensing objectives of prevention of crime and disorder and protection of children from harm are being undermined seriously.

Sussex Police have a policy of considering seriously whether to seek a review of a licence in cases where there have been two failed test purchases and to do so definitely in the case of three failed test purchases. The police have considered recommending additional conditions, suspension of the premises licence and a request to remove Mr Noonan as the DPS. However, given the training provided by trading standards and the conduct of the DPS, it is considered that, in these circumstances, revocation of the licence is both necessary and proportionate. Sussex Police believe that suspension and/or the imposition of additional conditions on the premises licence is unlikely to address the problems in these premises given the steps that have already been taken. This is particularly the case since Admiral Taverns, via Mr Spafford, have made it clear that the running of the premises is the responsibility of the DPS and not theirs, and therefore cannot be relied upon to provide an alternative DPS who will be obliged to promote the 4 Licensing Objectives as required by the Licensing Act 2003.



Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to this premises please state what they were and when you made them**

Please tick yes

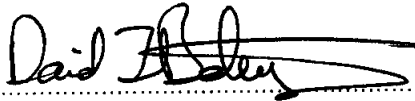
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date 19<sup>th</sup> December 2008

Capacity Police Licensing Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

REC: 22.12.2008  
CONS: 19.01.2009

2008/02293/LAREV  
SR



**HOVE POLICE STATION**

Brighton & Hove Licensing Unit  
Police Station  
Holland Road  
HOVE  
BN3 1JY

Tel: 01273 66 59 43  
Fax: 01273 66 55 24

Email: david.bateup@sussex.pnn.police.uk

15<sup>th</sup> January 2009

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

Dear Sirs,

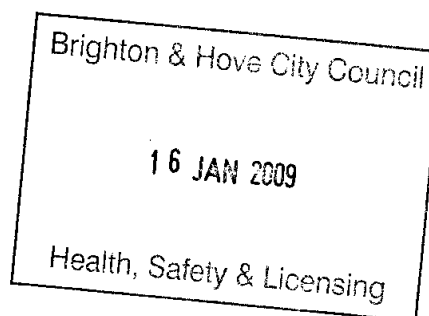
**Application for a review of the premises licence for The Black Horse, 16-17  
Montague Place, Brighton, BN2 1JE under the Licensing Act 2003**

Further to my review application submitted in December 2008 in respect of the above premises, I enclose our supplementary evidence in support of the review application.

I confirm that copies of the supplementary evidence have been posted first class (with a stamped certificate of posting) to the premises licence holder and the DPS today.

Yours faithfully,

David Bateup  
Licensing Officer  
Licensing Unit  
Hove Police Station



**RESTRICTED (when complete)**

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1


URN 

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Statement of: Rosie Alice STRIBLING

Age if under 18: 018 (if over 18 insert 'over 18') Occupation: Police Officer DS388

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature:  Date 04/12/2008

Tick if witness evidence is visually recorded  (supply witness details on rear)

On Friday November 23<sup>rd</sup> 2007, I was on duty in full uniform on mobile patrol along with PC CRUTE, PC HOARE, PC GOUGH and PC AP ELFED. We were allocated the call sign UC50. At approximately 22:00 hours we were travelling North on Black Lion Street, Brighton when our attention was drawn to a large group of people outside The Black Lion Public House. I would estimate that there was a group of approximately 15 people and most appeared to be between 15-18 years old. Due to the fact that it was apparent that there were underage people in the vicinity, PC CRUTE stopped that van and we approached the group. We approached the group and started to ask people to show ID. At this point I spoke to a male who is not known to me. I cannot recall details of this male at this time. The male showed me a passport, and admitted that it was his brothers ID, and that he had used it to get served in the pub. PC CRUTE continued speaking with the male, and the ID was taken from him. Throughout the incident, I only spoke with this one male. He smelt strongly of intoxicating liquor, his eyes were glazed and his speech was slurred. I formed the opinion that the male was drunk. He claimed that he had been served several strong pints of lager by the landlord of the pub and I recall him saying to me

"IT'S REALLY EASY TO GET SERVED IN THERE"

The male was eventually let on his way. At no point did I have any contact with the landlord of the pub, or speak with any other members of the group. I would estimate that half of the group were under the age of 18. I could see that most of the group were drinking what appeared to be lager out of pint glasses.

The incident occurred over 12 months ago and my recollection is limited. I can recall clearly the amount of people outside, and I recall being concerned that most of the people appeared to be underage.

This statement was made at 20:00hours on 04/12/2008 and forms part of my original notes.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature:  Signature witnessed by: \_\_\_\_\_

MG11 5/2007

**RESTRICTED (when complete)**

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Juliette Michelle SWIETLIK

Age if under 18: 0 / 18

(if over 18 insert 'over 18')

Occupation: Police Constable DS925

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:



Date

24/11/2008

On Friday 22<sup>nd</sup> February 2008, I was on duty in plain clothes in company with PC STUTT CS763 and PC ELSHOFT CE545 and officers from Brighton and Hove Trading Standards, engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

About 18:00 hours, PC STUTT and myself entered The Black Horse public house situated in Montague Place, Brighton. On entering the venue we made our way to the bar area which was located on the left hand side of the premises. After purchasing two non alcoholic drinks, PC STUTT and I sat at a table closest to the service counter. Within the property there were 4 persons sitting within the public bar with no music being played in the back ground and all other customers were having general conversations amongst each other.

A couple of minutes later, two test purchasers, who I know as [REDACTED] who is 16 years of age and [REDACTED] who is 17 years of age entered the venue and went straight up to the bar.

As myself and PC STUTT sat directly opposite the two minors, I clearly heard [REDACTED] ask the bar staff for two alcoholic beverages.

The female bar staff member who I now know to be [REDACTED] born [REDACTED] then proceeded to serve the test purchaser the alcoholic drinks, take his money and give him change.

Once the transaction had taken place, the two test purchasers left the bar, leaving the two drinks still situated on the drinks counter.

I then identified myself as a police officer who was on duty to [REDACTED] explaining that their Pub had just been subject to a test purchase for the sale of alcohol to minors, which she had failed. I then cautioned [REDACTED] and explained that she was not under arrest at this time though anything said could be used in evidence.

I took possession of the two alcoholic drinks and explained that a uniformed officer would be attending their venue in order to deal with the matter.



Continuation of statement of Juliette Michelle SWIETLIK

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A short while later PC ELSHOF CE545 and PS WAUCHOPE CW098 entered the public house and in the presence and hearing of [REDACTED] I explained the circumstances and reiterated that she had already been cautioned. PC ELSHOF then re-cautioned her and started the fixed penalty notice procedure.

At this time I left the premises, leaving the alcohol with PC ELSHOF to complete the ticket procedure.

This statement was completed at 10:30 hours on Monday 24<sup>th</sup> November 2008 at Centenary House, Worthing

 05925

SUSSEX POLICE  
PENALTY NOTICE  
PENALTY AMOUNT £80

PART 4 CTO COPY T 028451 3

TITLE *MS* SURNAME [REDACTED]

FORENAMES [REDACTED]

DATE OF BIRTH (ddmmvvv) ADDRESS [REDACTED]

[REDACTED]

POST CODE [REDACTED]

OFFENCE TIME *17:00* 24 HRS. OFFENCE DATE *2202 2008*

AT (LOCATION) *SAKCK HORSE*  
*ROADS*

OFFENCE CODE *OKV8* DATE OF ISSUE *2202 2008*

YOU (offence particulars) *Driving alcohol*  
*to police road 1800*  
*off*

CONTRARY TO (Act containing offence) *S16(1) M1988*

PLACE OF ISSUE: Street  Custody

I acknowledge receipt of this Penalty Notice  
Signature *[Signature]*

ISSUED BY: Surname *Eisler* Signature *[Signature]*

Warrant No. *2546* DIST/DEPT *242*

Rank *[Rank]*

**MUST BE COMPLETED**  
ADDITIONAL DETAILS OF RECIPIENT 028451 3

Gender: M  F  PNC Code  Self Defined Ethnicity Code *21*

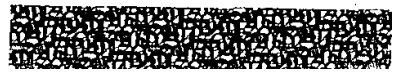
Occupation *Retired*

3rd Party Witness Statement: Particulars Obtained?  
Y  N

Local Authority Code [ ]

A/S No. [ ]

Custody (Pic) No. [ ]



**RESTRICTED (when complete)**

**RECORD OF INTERVIEW**

URN

Contemporaneous Notes SDM / ROTI / ROVI (delete as applicable)

Person interviewed: <span style="background-color: black; color: black;">[REDACTED]</span>	Police exhibit no: <u>CE301</u>
Place of interview: <u>Black Horse</u> <u>Montague Place, Bth</u>	Number of pages: 1 of 3  Signature of interviewer producing exhibit: <u>[Signature]</u>
Date of interview: <u>22-02-2008</u>	

Time commenced: 1810 Time concluded: 1820

Duration of interview: 10 mins

Audio tape reference nos. 1 Visual image reference nos.: 1

Interviewer(s) PC ESK/CE345

Other persons present: PS Wainwright

Tape Counter times	Person speaking	Text
1810.	CE345.	Person interviewed advised that they are not under arrest, that they are entitled to legal advice if they wish but at own expense, they are free to leave interview at any time. The person interviewed is cautioned and offered for caution to be explained to them.
	CE345.	Where were you at <u>1800</u> hours on <u>22-02-08</u> ?
1810	OP.	At the pub.
	CE345.	Is this where you work, what role do you have?
1810.	OP.	I only do a couple of shifts for job when he wants a couple of shifts off.
	CE345.	Who was your manager on this date?

Signature(s) [REDACTED]  
(Contemporaneous notes only)

2006/07(1)


**RESTRICTED (when complete)**

7/2007




**RESTRICTED (when complete)**

MG 15 (Cont)

Person interviewed: 

Page no: 2 of 3

Tape Counter times	Person speaking	Text
1810	DP	Joe Noon.
1812	CE45	At this time you served alcohol persons who were underage, this was witnessed by plain clothed police officers. Is there anything you would like to say about this?
	DP	No.
1812	CE45	Did you ask for ID, if not why not?
1	DP	No, I didn't.
	CE45	Have you had any training, whilst you have worked here, regarding underage sales?
1813	DP	No, all you serves about this. I am over 60 years old and I have had all the training I need.
1817	CE45	Are you aware that it an offence to sale alcohol to persons under 18?
	DP	I am well aware of it

Signature(s)  
(Contemporaneous notes) 

2006/07(1)

**RESTRICTED (when complete)**

**RESTRICTED (when complete)**

MG 15 (Cont)

Person interviewed: [REDACTED]

Page no: 3 of 2

Tape Counter times	Person speaking	Text
1819.	C6645	I have no further questions but do you have anything further to add or say relating to this incident?
		I have nothing else to add, I'm just annoyed at myself.

Signature(s)  
(Contemporaneous notes only)

*P. Dalman*

2006/07(1)

**RESTRICTED (when complete)**

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: TONY CUTTING CC987.

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature: [Handwritten Signature] Date 15/06/2008

I am the above named officer and these are my original notes made whilst at Sussex House Police Station, Brighton on Saturday 14<sup>th</sup> June 2008.

On Friday 13<sup>th</sup> June 2008 I was working as a plain clothed officer as part of Op Alcopop 3 – a Test Purchase operation where on licensed premises where persons under 18 attempt to buy alcohol.

Prior to any tests being completed I was briefed by the operational leader as to the premises that were going to be tested and the basic plan as to my deployment. I was also introduced to two youths who, I was advised were under 18 years old. The first of these youths was introduced to me as [redacted] who is 16 years old, I would describe [redacted] as a white female, about 5'2" tall with straight dark hair and was wearing a blue hooded jumper, white trousers and white shoes.

The second youth I was introduced to was [redacted] I was advised she was 17 years old and I would describe her as a white female, about 5'7" tall and wearing a charcoal coloured jacket and blue jeans. She had had her hair tied back and was wearing glasses.

I would say that both youths looked their respective ages.

At 1955hrs I was tasked with entering the Black Horse Public House, Brighton/Hove. I, along with PC LAMBERT DL052 entered the venue and positioned ourselves at the bar where we purchased two non alcoholic drinks. The venue was relatively empty with approximately 6 persons inside. I witnessed 1 bar staff behind the bar at this time.

At approximately 2000hrs I saw the two youths, [redacted] and [redacted] enter the venue and make their way to the bar, they were approximately 6-8 feet away from me and I had an unobstructed view of the youths. I then saw a member of bar staff who I would describe as a short white male in his 60's or 70's approach the youths and I saw and heard [redacted] ask this bar person ask for 2 halves of Fosters and 2 shots of sour, both of which I know to be alcoholic drinks. I then saw this person pour these drinks and place them on the bar in front of the

Continuation of statement of

youths. I then heard the barperson ask for money and witnessed the youths pass money to this person. I then witnessed the barperson give change to the youths and at this stage the two youths left the venue. At no point did the youths touch the glass/bottle containing the alcoholic drink and at no point did I see or hear the bar staff challenge the youths about their age or ask to see identification.

As the two youths moved away from the bar I attracted the attention of the barstaff, who I had witnessed sale the alcohol to the youths. At this point I showed my warrant card, introduced myself and stated to the person that a test purchase had been conducted and that they had failed. I advised that the two youths who he/she had just served are in fact 16 years old. He immediately stated that he would go and get the manger and went back through to the other side of the premises. I waited by the bar with the drinks until the member of bar staff returned with the licensee.

PC NICKALLS and other officers then came into the venue, in uniform, they approached me and I pointed to the person who sold the alcohol to the youths. In the presence and hearing of the bar person and the uniformed officer I advised PC NICKALLS that I had witnessed the two youths enter the venue, approach the bar, ask for two alcoholic drinks these being 2 halves of Fosters and 2 shots of Sours which still remained on the bar, and then was served by the person in front of me.

After relaying the circumstances of what I had witnessed I then left the venue.

A handwritten signature in black ink, appearing to be 'PC Nickalls', written over a large, faint oval scribble.

**RESTRICTED (when complete)**

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B: Criminal Procedure Rules 2005, Rule 27.1

URN 

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Statement of: Chris Nickalls  
Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of one page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false or do not believe to be true.

Signature: [Signature] Date 13/06/08

Tick if witness evidence is visually recorded  (supply witness details on rear)

I am the above named officer and these are my original notes made whilst at John Street Police Station, Brighton on Friday 13<sup>th</sup> June 2008 commencing at 2210 hrs.

On Friday 13<sup>th</sup> June 2008 I was working as a uniformed officer as part of Op Alcopop 3 – a Test Purchase operation where on licensed premises where persons under 18 attempt to buy alcohol.

Prior to any tests being completed I was briefed by the operational leader as to the premises that were going to be tested and the basic plan as to my deployment. I was also introduced to two youths who, I was advised were under 18 years old. The first of these youths was introduced to me as [redacted] who is 16 years old. I would describe [redacted] as being approximately 5 feet 2 inches tall, of medium build, with shoulder length dark hair, wearing a blue hoodie style top, white trousers and white sandal style shoes. The second youth I was introduced to was [redacted] I was advised she was 17 years old and I would describe her as being approximately 5 feet 7 inches tall, of slim build, with light brown hair which was in a ponytail, wearing dark rimmed glasses. She was wearing a grey jacket with a pink t-shirt underneath, blue jeans and dark shoes.

At approximately 1945 hours on Friday 13<sup>th</sup> June 2008 I was made aware that the two youths had entered the Black Horse Public House, Montague Road, Brighton and were going to attempt to purchase alcohol.

Approximately ten minutes later I was advised that the youths had been sold the alcohol and there for I made my way to the Black Horse Public House, along with PC STANLEY CS608 and PC CIOFFI CC765.

When I entered the venue I spoke with PC CUTTING CC987 who advised me that he/she had witnessed the youths get sold alcohol by the bar person who was standing in front of me. This person that I was advised sold the alcohol I now know to be [redacted] d.o.b [redacted].

Although, through the briefing, I was aware that [redacted] would have been cautioned prior to my arrival I also cautioned him at 2010 hrs to which he made no reply. I then advised [redacted] that I would be conducting a contemporaneous interview with him and also issuing an £80 Fixed Penalty Notice for the offence. I completed these and I exhibit the contemporaneous interview as CSN/1 ( ) and also a photocopy of the fixed penalty notice as CSN/2 ( ).

After completing these I left the premises.  
[Signature]

Signature: [Signature] Signature witnessed by: \_\_\_\_\_  
MG11 5/2007

**RESTRICTED (when complete)**

CSU/2

SUSSEX POLICE  
PENALTY NOTICE  
PENALTY AMOUNT £80

PART 4 CTO COPY T 040092 0

TITLE Mr SURNAME [REDACTED]

FORENAMES [REDACTED]

DATE OF BIRTH (ddmmyyy) ADDRESS [REDACTED]

[REDACTED]

BRIGHTON POST CODE [REDACTED]

OFFENCE TIME OFFENCE DATE  
2000 24 HRS. 13062008

AT (LOCATION)  
BLACK HORSE PUBLIC HOUSE, MONTAGUE PL

OFFENCE CODE 0A07 DATE OF ISSUE 13062008

YOU (offence particulars) at the above date and time sold a 16 and a 17 year old girl 2 x half pints of Foster's and 2 x sour's shots both of which are alcoholic drinks.

CONTRARY TO (Act containing offence)  
S169(A) of the Licensing Act 1964

PLACE OF ISSUE: Street  Custody

I acknowledge receipt of this Penalty Notice  
Signature [REDACTED]

ISSUED BY: Surname NICKALLS Signature [REDACTED]

Warrant No. CN136 DIST/DEPT 47CW

Rank PK

MUST BE COMPLETED  
ADDITIONAL DETAILS OF RECIPIENT 040092 0

Gender: M  F  PNC Code 1 Self Defined Ethnicity Code W2

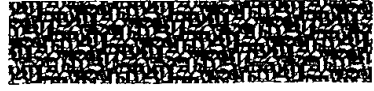
Occupation [REDACTED]

3rd Party Witness Statement: Particulars Obtained?  
Y  N

Local Authority Code [REDACTED]

A/S No. [REDACTED]

Custody (Pic) No. [REDACTED]



**RESTRICTED (when complete)**

**RECORD OF INTERVIEW**

URN 

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Contemporaneous Notes

Person interviewed:

Police exhibit no: CSN/1

Place of interview: Black Horse Public House  
Marquae Place, Brighton

Number of pages: 1 of 1

Signature of interviewing officer producing exhibit

Date of interview: 13/06/08

Time commenced: 2010

Time concluded: 2020

Duration of interview: 10 minutes

Audio tape ref. nos. (◆):

Visual image ref. nos. (◆):

Interviewer(s) PC NICKALLS CN136

Other persons present: PC STANLEY CSG08

Tape Counter times (◆)	Person speaking	Text
	CN136 	Cautioned and explained, advised that they are not under arrest. Advised that they are allowed legal representation at anytime though at their own cost, advised that they can leave at any time. Do you want a solicitor present? (If No, why?) <u>No, didn't need one CS</u>
	CN136 	Where were you at <u>2000</u> hours? <u>behind the bar CS.</u>
	CN136 	Did you sell <u>2 half pints of beer &amp; 2 x 20cl</u> which is an alcoholic drink to a minor. When referring to minor I am talking about the young persons who were identified to you by the plain clothed officer you first spoke to.

Signature(s)  
(Contemporaneous notes only)

Not relevant for contemr

Person interviewed: [REDACTED]

Page no: 2


Tape Counter times, (◆)	Person speaking	Text
	[REDACTED]	Yes CS
	CN136	How long have you worked for Black Horse Public House?
	[REDACTED]	a year CS
	CN136	What training have you received since working here i.e. challenging young people, challenge 21 system etc?
	[REDACTED]	ex-licensee, aware of the requirement to challenge young people CS
	CN136	Are you aware that it is an offence to sell any sort of alcohol drink to a minor? (Illegal to sell to persons under the age of 18).
	[REDACTED]	Yes CS
	CN136	What is your premises policy on asking young people for identification? ( Ask / check 21, driving license, passport and or other identification? ) (examples)
	[REDACTED]	very strict, photocards specifically driving licenses and passports CS
	CN136	Did you ask for any identification or proof of age from the young who brought the alcohol from you?
	[REDACTED]	No as I presumed they were 20 or 21 CS
	CN136	Would you like to make any other comments about this that has not been asked?
	[REDACTED]	in my opinion they looked 20 to 21, they looked over age. CS

Signature(s)  
(Contemporaneous notes only)



Not relevant for contemporaneous notes  
MG15 7/2003



Person interviewed: 

Page no: 3

Tape Counter times (◆)	Person speaking	Text
	CW136	Conclusion of interview, ticket explained and issued. Re-cautioned and told that they will be reported for the offence and that they are being dealt with by means of a Fixed Penalty Ticket.

Signature(s)  
(Contemporaneous notes only)



Not relevant for contemporaneous notes  
MG15 7/2003



**HOVE POLICE STATION**

Brighton and Hove Licensing Unit  
Brighton Police Station  
John Street  
Brighton  
BN2 0LA

Tel: 01273 66 55 23  
Fax: 01273 66 55 24

5<sup>th</sup> August 2008

**Black Lion Public House  
16 Montague Place  
Brighton  
BN2 1JE**

Dear Designated Premises Supervisor,

**UNLAWFUL SALE OF ALCOHOL TO A PERSON UNDER THE AGE OF 18 YEARS**

Recently a joint Police and Trading Standards operation relating to the sale of alcohol to underage persons took place in Brighton and Hove District.

The Above premises, of which you are the Designated Premises Supervisor was one of those premises visited by underage persons, who successfully made a purchase of alcohol from you or a member of your staff.

It is an offence under Section 146 of the Licensing Act 2003 to sell, and Section 147 of the Licensing Act 2003 to allow the sale of alcohol to persons under the age of 18 years.

This letter is served upon you and acts as a **formal written warning** relating to this incident. You may not receive any further warnings as this is the second failure relating to Test Purchasing that your venue has had within a six month period.

A record has been kept by Brighton and Hove Police Licensing Unit and this matter may be brought to the attention of the Magistrates, Senior Police Officers or Brighton and Hove City Council at any time in the future. Should incidents of a similar nature re-occur, this may jeopardise your licence.

It is advised that you take every effort and train staff accordingly to ensure that such instances do not re occur in the future.

Name of Inspector or Chief Inspector *P.C. [Signature]* ..... PC CREESMAN CC202

**Record of Service / Receipt**

**Served upon the DFS**

On Date 5<sup>th</sup> August 2008

By: *[Signature]*

Signed in receipt of a copy by (sign and print name)

*JOSEPH NOONAN*

Police Station Holland Road Hove East Sussex BN3 1JY Telephone 0845 60 70 999 Fax (01273) 665752

website: <http://www.sussex.police.uk>

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Malcolm Wauchope

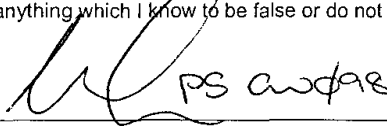
Age if under 18:  / 18

(if over 18 insert 'over 18')

Occupation: Police Constable ...

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:



Date

29<sup>th</sup> October 2008

On Wednesday 29<sup>th</sup> October 2008, I was on duty in plain clothes in company with Neil McMillan and Rebecca Walls, police licensing officers, engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.

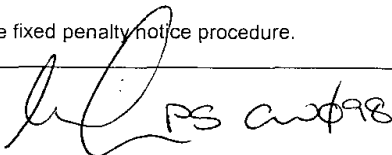
About 20:40 hours, we entered the Black Horse Public House, Montague Place, Brighton and within a few seconds [REDACTED] who I know to be 17 years of age entered. I watched [REDACTED] approach the bar and ask for a pint of Fosters Lager and half a pint of Strongbow Cider, which are both an alcoholic beverage. At this time I were situated next to them whilst they were at the bar able to listen to any conversation and to gather any evidence as well as maintaining the safety of the minor.

Whilst standing at the bar I didn't see any posters, leaflets etc stating 'Challenge 21' which means that the premises should be checking all young persons who appear under the age of 21 for proof of age / posters stating that ID is required and driving licence/passport is required. The bar was quite busy with customers, although there was no queue at the bar with 1 number of staff at the bar to deal with customers.

The bar staff, who I would describe as being white, middle aged, male, then looked at the minor whilst serving her.

I watched the member of staff supply the beer and cider. I then saw money leave the hand of Katie, who is under the age of 18 who then received change. [REDACTED] instantly turned around to me leaving the drink on the counter. I then identified myself as a police officer who was on duty and that they have just failed a test purchase operation by selling to a minor under the age of 18 years. The seller then said "Oh no" which was an unsolicited comment made.

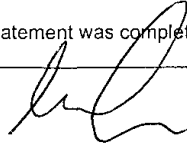
I then explained that uniformed police officer will be here in a few minutes to deal with them. I then took their details. I now know the seller to be Joseph Noonan. PC's Elshof and Edge entered the premises and in the presence and hearing of Noonan I explained the circumstances. PC Elshof then cautioned them and started the fixed penalty notice procedure.



Continuation of statement of Malcolm Wauchope

At this time I left the premises, leaving the alcohol with PC Elshof to complete the ticket procedure.

This statement was completed at 22.11 hours, and form part of my original notes.

 PS ~~and~~ RB

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; MC Rules 1981, r.70)

Statement of: Lara Marie Elshof

Age if under 18:  / 18


(if over 18 insert 'over 18')

Occupation: Police Constable DE545

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This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

Signature:

 DE545

Date

2<sup>nd</sup> November 2008

---

On Wednesday 29<sup>th</sup> October 2008, I was on duty in full police uniform in company with PC Cheesman CC302, PC Sweitlik CS895, PC Edge DE062, PC Elshof CE545, PS Wauchope CW098 and Catriona Macbeth from Trading Standards, We were engaged on a test purchase operation for the sale of alcohol to minors under the age of 18 years, which is an offence under The Licensing Act 2003.


At 20.46 hours, I entered the Black Horse Public House, Montague Place, Brighton where I met with PS Wauchope who was on duty in plain clothes and had just witnessed a sale of alcohol to two minors under the age of 18 years.

PS Wauchope then explained in the presence and hearing of Joseph NOONAN the circumstances of the incident. With this information I then cautioned Joseph NOONAN at 20.51 hours and explained what it means. I also explained that at this time they are not under arrest and free to go at any stage, they are entitled to legal advice at their own cost and can terminate the interview at any time. I then explained that at this stage the fixed penalty procedure and that a contemporaneous interview will take place.

At 20.58 hours, the fixed penalty ticket and the interview was concluded. I then informed Joseph NOONAN that he will be reported for the offence and that it will be dealt with by means of fixed penalty notice, to which I then re-cautioned using the 'now' caution, to which no reply was given.

I left the premises, leaving the premises open.

This statement was completed at 09.50 hours, and forms part of my original notes.

 DE545

SUSSEX POLICE  
PENALTY NOTICE  
PENALTY AMOUNT £80

Y T 043287 3

TITLE MR SURNAME N JOHAN

FORENAMES JOSEPA

DATE OF BIRTH (ddmmyyyy) 05/11/1955 ADDRESS BLACK HORSE 16-17 MONTAGUE PLACE BRIGGTON

POST CODE BN2 1JE

OFFENCE TIME 2 43 24 HRS. OFFENCE DATE 29/1/2008

AT (LOCATION) BLACK HORSE PUBLIC HOUSE MONTAGUE PLACE

OFFENCE CODE DA10 DATE OF ISSUE 21/1/2008

YOU (offence particulars) ...

CONTRARY TO (Act containing offence) ...

PLACE OF ISSUE: Street  Custody  2008

I acknowledge receipt of this Penalty Notice

Signature [Signature] Surname [Surname] Signature [Signature]

ISSUED BY: [Signature] Surname [Surname] Signature [Signature]

Warrant No. [ ] DIST/DEPT [MST]

Rank [ ]

**MUST BE COMPLETED**

ADDITIONAL DETAILS OF RECIPIENT 043287 3

Gender: M  F  PNC Code  Self Defined Ethnicity Code [NS]

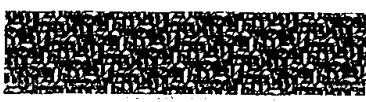
Occupation [DPS handover]

3rd Party Witness Statement: Particulars Obtained? Y  N

Local Authority Code [ ]

A/S No. [ ]

Custody (Pic) No. [ ]



SUSSEX POLICE  
PENALTY NOTICE  
PENALTY AMOUNT £80

PART 4 CTO COPY T 043287 3

TITLE MR SURNAME N JOHAN

FORENAMES JOSEPA

DATE OF BIRTH (ddmmyyyy) 05/11/1955 ADDRESS BLACK HORSE 16-17 MONTAGUE PLACE BRIGGTON

POST CODE BN2 1JE

OFFENCE TIME 2 43 24 HRS. OFFENCE DATE 29/1/2008

AT (LOCATION) BLACK HORSE PUBLIC HOUSE MONTAGUE PLACE

OFFENCE CODE DA10 DATE OF ISSUE 21/1/2008

YOU (offence particulars) ...

CONTRARY TO (Act containing offence) ...

PLACE OF ISSUE: Street  Custody  2008

I acknowledge receipt of this Penalty Notice

Signature [Signature] Surname [Surname] Signature [Signature]

ISSUED BY: [Signature] Surname [Surname] Signature [Signature]

Warrant No. [ ] DIST/DEPT [MST]

Rank [ ]

**MUST BE COMPLETED**

ADDITIONAL DETAILS OF RECIPIENT 043287 3

Gender: M  F  PNC Code  Self Defined Ethnicity Code [NS]

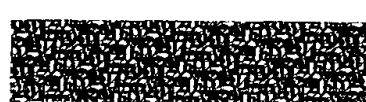
Occupation [DPS handover]

3rd Party Witness Statement: Particulars Obtained? Y  N

Local Authority Code [ ]

A/S No. [ ]

Custody (Pic) No. [ ]




**RESTRICTED (when complete)**

**RECORD OF INTERVIEW**

URN

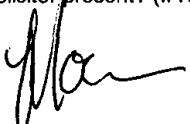
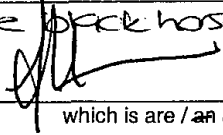
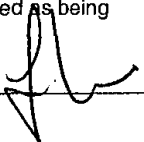
Contemporaneous Notes

Person interviewed: Joseph NOOLAN  
 Place of interview: Black Horse  
Montague Place  
Brighton

Police exhibit no: Lme101  
 Number of pages: 1 of 1  
  
 Signature of interviewing officer producing exhibit

Date of interview: 29/10/08  
 Time commenced: 20:51 Time concluded: 20:58  
 Duration of interview: 7 mins  
 Audio tape ref. nos. (◆): \_\_\_\_\_ Visual image ref. nos. (◆): \_\_\_\_\_  
 Interviewer(s) R EISHOF DESUS

Other persons present: \_\_\_\_\_

Tape Counter times (◆)	Person speaking	Text
	DESUS	Cautioned and explained, advised that they are not under arrest. Advised that they are allowed legal representation at anytime though at their own cost, advised that they can leave at any time.
	JN	Do you want a solicitor present? (If No, why?) <u>NO -</u> 
	DESUS	Where were you at <u>20:43</u> hours?
	JN	<u>Behind the bar in the Black Horse</u> 
	DESUS	Did you sell <u>larger and larger</u> which is are / an alcoholic drink to a minor that was identified to you by / described as being <u>PS wraithope</u>
	JN	<u>YES</u> 

Signature(s)  
 (Contemporaneous notes only) 

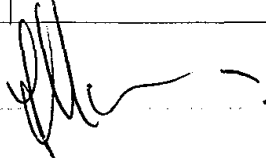
◆ Not relevant for contemporaneous notes  
 MG15 7/2003

Person interviewed:

Page no: 2

Tape Counter times (◆)	Person speaking	Text
	DESUS	How long have you worked for
	JN	11 years
	DESUS	What sort of training have you received since working here?
	JN	Fairly comprehensive training with trading standards
	DESUS	Are you aware that it is an offence to sell any sort of alcohol drink to a minor? (Illegal to sell to persons under the age of 18).
	JN	YES
	DESUS	What is your premises policy on asking young people for identification? ( Ask / check 21, driving license, passport and or other identification? ) (examples)
	JN	our policy is to ask if in doubt
	DESUS	Did you ask for any identification or proof of age from the young who brought the alcohol from you?
	JN	NO
	DESUS	Would you like to make any other comments about this that has not been asked?
	JN	NO
	DESUS	Conclusion of interview, ticket explained and issued. Re-cautioned and told that they will be reported for the offence and that they are being dealt with by means of the Fixed Penalty Ticket.
	JN	yes explained

Signature(s)  
(Contemporaneous notes only)



Not relevant for contemporaneous notes  
MG15 7/2003



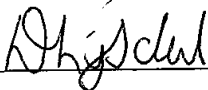
BRIGHTON AND HOVE ENVIRONMENTAL SERVICES

**STATEMENT OF WITNESS**


(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

**Name** Donna Michelle Lynsdale  
**Date of Birth (if over 18 enter "over 18")** over 18  
**Occupation** Fair Trading Officer

This statement (consisting of 3 page each signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature 

Dated This 4<sup>th</sup> Day Of November 20 08

I am a Fair Trading Officer employed by Brighton & Hove City Council Trading Standards Section. On 16 April 2008 after receiving intelligence that the Black Horse Public House, 16 Montague Place, Brighton were regularly selling alcohol to underage children and that they were swapping spirits with cheaper brands and the failure of a test purchase operation I did a support visit with my colleague John ALDRIDGE. John ALDRIDGE carried out weights and measures checks and I spoke to Mr NOONAN on the telephone. We had a brief discussion about the failed test purchase but unfortunately I was struggling to understand Mr NOONAN as his speech was very slurred. I left information on our forthcoming training sessions. On leaving the premises myself and my colleague noticed in the recycling boxed outside the premises were empty Asda branded bottles of Vodka and Gin. On Friday 13 June 2008 I was assisting Sussex Police in a test purchase exercise of alcohol being sold to children. I went into the Black Horse Public House, 16 Montague Place, Brighton after they sold to two of our underage volunteers. One was 16 years old and the other was 17 years old. They purchased two halves of Fosters Lager and two Sour Shots. I was present while the seller,  was being interviewed. He said he thought the two girls looked 20 to 21 years old. The DPS, Joseph NOONAN, was also present. He interrupted the interview

Signed  Signature witnessed by \_\_\_\_\_

**NOTE:** This statement must be signed at the end of the written or type-written matter by the person making the statement.

**STATEMENT OF WITNESS**

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

**Continuation of statement by** Donna Michelle Lynsdale

because he wanted to point out that [REDACTED] was gay. He said because he is gay he found it difficult to judge the ages of young girls. [REDACTED] did not comment. During [REDACTED] interview a lady working behind the bar who I now know to be [REDACTED] [REDACTED] was shouting abuse out of the window at me. After the interview I spoke to Mr NOONAN and asked him if he remembered speaking to me after the last sell that was made from his premises. He said he did but the seller was his other member of staff. He said he has lots of discussions with his staff on underage drinking which he classes as training; he also stated that they also ask for ID which was passport or photo driving licence. I also pointed out to Mr NOONAN that when I saw him last I left him a training booking form for Trading Standards Service "Preventing Underage Sales" Training. He said he had completed it and had booked himself, his son and both members of staff on the course. I informed him that I had not received his booking form and the course had already taken place and none of them had attended. I gave Mr NOONAN a letter from Trading Standards and asked him to contact us to arrange a meeting. I now produce a copy of the letter signed and dated by me as being associated with this statement as Exhibit DML/1. I can also state that Mr NOONAN, [REDACTED] and [REDACTED] gave the appearance of being drunk. [REDACTED] whilst being interviewed had to lean against the wall to support himself. Mr NOONAN was very slurred and was staggering around. I carried out some general observations in both bars and can state that it was not very busy and they had the football on the television very loudly. On 14 August 2008 I accompanied my colleague Catriona MACBETH to a training session held at the Black Horse, Montague Place by us. Present at the training was Mr SPAFFORD from the Admiral Taverns Brewery, Joseph NOONAN (DPS), [REDACTED]

**Signed**



**Signature witnessed by**

**NOTE:** This statement must be signed at the end of the written or type-written matter by the person making the statement.

**STATEMENT OF WITNESS**

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

**Continuation of statement by** Donna Michelle Lynsdale

[REDACTED] (Trainee Bar Staff), [REDACTED] (Bar Staff) and [REDACTED] (Bar Staff). Before the training I spoke to Mr SPAFFORD about the problems we were aware of and information that had been supplied to us about underage drinking, spirits being watered down, lock-ins and that Joseph NOONAN and his staff were often drunk. He said I would have to take these matters up directly with Joseph NOONAN as he couldn't tell him how to run his pub. During the training session [REDACTED] went to make [REDACTED] and himself another coffee. Whilst making the coffee I observed him putting Brandy in it. This was also in clear view of Mr SPAFFORD.



Signed



Signature witnessed by

**NOTE:** This statement must be signed at the end of the written or type-written matter by the person making the statement.



**Brighton & Hove  
City Council**

**TRADING STANDARDS**

Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP

TO THE PREMISES LICENCE HOLDER  
AND DESIGNATED PREMISES  
SUPERVISOR

Tel No: (01273) 292497  
Fax No: (01273) 292524  
E Mail: [Catriona.Macbeth@brighton-hove.gov.uk](mailto:Catriona.Macbeth@brighton-hove.gov.uk)  
Our Ref: UAS

August 2008

Dear Sir/Madam

**Licensing Act 2003**

A joint Police and Trading Standards Test Purchase operation took place in this premises today and a sale of alcohol was made to our underage volunteer.

As a result an officer from Brighton and Hove Trading Standards would like to visit either the Designated Premises Supervisor or the Personal Licence holder to discuss why the sale took place and any steps that you can take to prevent the sale of alcohol to children.

I would ask that you contact Donna Lynsdale on 01273 292494 to arrange an appointment at a time when you do not have to serve in the shop. It may be possible for an officer to visit you in the evening or on a Saturday or Sunday if this is more convenient for you.

Yours faithfully

John Peerless  
Head of Trading Standards

BRIGHTON & HOVE  
COUNCIL  
ENVIRONMENTAL SERVICES  
DEPARTMENT

EXHIBIT No.

DM/L/11

INVESTIGATION No.

SIGNATURE:

DATE: 21 November 2008 WM 99 D.7808

Telephone: Consumer Advice (01273) 292522 Business Advice (01273) 292523  
Internet World Wide Web <http://www.tradingstandards.gov.uk/brighton-hove/>  
Electronic Mail: [tradingstandards@brighton-hove.gov.uk](mailto:tradingstandards@brighton-hove.gov.uk)

Telephone (01273) 290000

Trading Standards - services brought to you by Brighton & Hove City Council

BRIGHTON AND HOVE ENVIRONMENTAL SERVICES

**STATEMENT OF WITNESS**


(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

**Name** Catriona MACBETH  
**Date of Birth (if over 18 enter "over 18")** over 18  
**Occupation** Fair Trading Officer

This statement (consisting of 10 pages each signed by me,) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature  \_\_\_\_\_

Dated This 7th Day Of January 2009

I am a Fair Trading Officer employed by Brighton and Hove City Council Trading Standards. As part of my duties I am the Lead Officer for Underage Sales and work closely with officers from the Police Licensing Unit at Hove Police Station. As part of these duties I receive intelligence and complaints about premises selling age restricted products, I undertake business support visits to premises selling age restricted products and also train businesses and their staff on how to prevent the sale of age restricted products to children. I became aware of The Black Horse Public House in Montague Place as a problem premises, being a venue where children were able to purchase alcohol in late January 2008, when details of an incident which had occurred in November 2007 were forwarded to Trading Standards Service by the Police Licensing Unit. The report stated that police officers had been driving past the premises at around 11p.m. when they saw a large group of what appeared to be underage children drinking from various glasses and containers whilst stood in the entrance to the pub. The Police Officers discovered on checking IDs that the majority of the group were underage, the age of the group ranging from 16-19 years of age. The report stated that on speaking to the Designated Premises Supervisor, Joseph NOONAN, it was clear that he was drunk and barely capable of speaking coherently. The officers had pieced together from the underage 


**Signed** \_\_\_\_\_ **Signature witnessed by** \_\_\_\_\_

**NOTE:** This statement must be signed at the end of the written or type-written matter by the person making the statement.

**STATEMENT OF WITNESS**

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

**Continuation of statement by Catriona MACBETH**

drinkers and Mr NOONAN that a private 19<sup>th</sup> Birthday party had taken place at the premises and whilst some alcohol had been brought onto the premises by people attending the party and had been seized by the DPS and his staff, it was also clear that IDs were not being checked for proof of age and underage drinkers were being served and proxy purchase sales were taking place. The report stated that the DPS, Joseph NOONAN had been warned about the events and had been advised that the Police Licensing Unit would be made aware of what had been discovered. The report further stated that all underage children had been ejected from in and around the premises and that a number of stop checks had provided evidence of fake IDs. This service also received another report via the Police Licensing Unit at the end of January 2008, this time the report had been submitted by Sergeant PIRRIE and reported that complaints had been received from another source that underage drinking, regular lock ins at the premises and related noise problems were occurring. As a result of this intelligence the premises was identified as suitable for a test purchase operation to check their compliance with regards underage sales. The Police and Trading Standards conducted a joint test purchase operation at the premises on 22 February 2008. I was assisting with the operation on this evening. I received confirmation that the premises had sold alcohol to our two underage volunteers, one of whom was aged 16 and the second of whom was aged 17. My purpose in entering the premises was to make observations about the premises in relation to underage sales. I noted that our underage volunteers had been sold a pint of guinness and a glass of white wine, the latter being served in a full half pint glass, which is not a legal measure for serving wine. Our volunteers had entered the right hand/South bar as you enter from the street. I noted that in this bar there was displayed a black and gold sign which stated "Consumption by persons under 18. Under the provision of the Licensing Act 1964 it is an 

**Signed**


**Signature witnessed by**

**NOTE:** This statement must be signed at the end of the written or type-written matter by the person making the statement.

**STATEMENT OF WITNESS**

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

**Continuation of statement by Catriona MACBETH**

offence for any person under 18 to buy, attempt to buy or consume alcoholic liquor in the bar. Maximum penalty £1000. It is also an offence for anyone to buy or attempt to buy alcoholic liquor for consumption by a person under 18. Maximum penalty £1000." I also checked that they were displaying their statutory spirits notice and statutory tobacco notice which were both displayed correctly. I was unable to see any other signs which would indicate that the premises was operating a No ID No Sale or Challenge 21 Policy nor any notices aimed at staff to remind them to request ID from any customers appearing underage. I noticed that there was a TV Screen on the wall which was on and showing coverage and which I identified as a potential distraction to staff. At the time I entered the North Bar there were only 3 older customers in the bar. I would say that the design of the North Bar was of an old fashioned local public bar, it was small and well lit and that our two underage volunteers should have been noticed and should have looked out of place immediately that they entered the premises. Having completed my observations in the South Bar, I joined the uniformed officers in the closed left hand/North Bar where they were conducting the interview under caution of [REDACTED]. Again I undertook observations of the bar area. I noticed as in the South Bar that there were no other signs about the sale of alcohol other than the sign described earlier in my statement, there were no signs stating that the premises were operating a Challenge 21 policy or that they might ask for ID. I noted that Part B of the Premises Licence was displayed as required by the Licensing Act 2003. I also noted that the design and décor of the North Bar was very different to that of the South Bar in that it appeared aimed very much at the younger market. I also recorded that there was a poster displayed stating "Special Offer 3 for 2 Bottles of Becks or Stella only £5.50". I also noted that 

**Signed**


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**STATEMENT OF WITNESS**

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

**Continuation of statement by Catriona MACBETH**

the drinks on display behind the bar again appeared to be targeting the younger market in that there were Shots, Corky's, Choc Amore, Sourz and also bottles of Becks and Magners. Whilst I was conducting my observations I could also hear the uniformed officers interviewing [REDACTED], the member of staff who had sold the alcohol to our underage volunteers and who was the only member of staff working in the premises at the time of the failed test purchase. Initially she was answering the questions quite calmly but when the officers asked her about what training she had received about selling alcohol to underage children she became very angry and agitated stating that she had not been trained as she was 66 years of age and had been running bars all of her life and that she objected to being asked whether or not she had been trained. At the end of the interview I approached [REDACTED] and explained to her who I was and that I was from Brighton & Hove Trading Standards. I explained to her that we wanted to help the business and could provide training for the staff on how to prevent underage sales. I explained that I was leaving a letter addressed to the DPS and the Premises Licence Holder which explained about what had happened and with contact details for Trading Standards and that it was important that the letter be given to the DPS as soon as possible. I then asked her to sign my notebook to acknowledge receipt of the letter which she did. I now produce a copy of the letter signed and dated by me as being associated with this statement as Exhibit CM/1. I then left the premises. I can confirm that on 29 February 2008, the DPS Joseph NOONAN contacted Consumer Direct South East, which deals with all telephone calls to the service's consumer advice line. They notified this service of Mr NOONAN's message which was that he had lost the letter and the name of the Trading Standards Officer dealing with the case. Attempts were made to contact Mr NOONAN on the telephone number provided without any success and as a result I 

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**STATEMENT OF WITNESS**

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

**Continuation of statement by Catriona MACBETH**

requested that my colleague Donna LYNSDALE attend at the premises to speak with Mr NOONAN which she did on 16 April 2008 and which is described more fully in her witness statement, a booking form for Trading Standards' "Preventing Underage Sales" training course was left at the premises. No further contact was received from the DPS, Joseph NOONAN and no contact at all was received from the Premises Licence Holder, Admiral Taverns. As a result of the failed Test Purchase at the premises on 22 February 2008, a second Test Purchase was undertaken on 13 June 2008. On this occasion my colleague Donna LYNSDALE was assisting with the Test Purchase Operation and she entered the premises following the sale of alcohol, namely two halves of Fosters Lager and two Sour Shots to the 16 year old and 17 year old volunteers assisting with the operation. The events which occurred in the premises on this occasion are detailed more fully in her statement. Following on from this Test Purchase my colleague, Donna LYNSDALE made me aware of the results of the operation and the events which occurred shortly after the sale of alcohol to our underage volunteers. I was concerned to be informed that both the actual seller [REDACTED] and [REDACTED] (who had sold to our underage volunteers in February 2008) were both working in the premises on 13<sup>th</sup> June 2008 and both appeared to be drunk and that [REDACTED] was shouting abuse at my colleague Donna LYNSDALE; also that when the DPS, Joseph NOONAN attended the premises he also appeared to be drunk. I was also informed that the DPS, Joseph NOONAN had stated that [REDACTED] was gay and as a result he found it difficult to judge the ages of young girls. I would say that I would expect any DPS or Premises Licence Holder who is aware that a member of staff has difficulties or problems with judging ages to put controls in place to ensure that the Licensing Act 2003 objective of Protection of Children from Harm is met at all times; nothing I was

**Signed**


**Signature witnessed by** 

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**STATEMENT OF WITNESS**

(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

**Continuation of statement by Catriona MACBETH**

aware of at the time or have discovered since leads me to believe that such controls or procedures were or are now in place. Despite my colleague, Donna LYNSDALE leaving a letter addressed to the DPS and Premises Licence Holder asking them to contact Trading Standards, no contact was made by either. During July 2008, Trading Standards received further complaints of underage drinking at the premises, lock-ins and groups of young people hanging around the premises. A decision was made jointly with Sussex Police to invite the DPS, Joseph NOONAN to a meeting to discuss the failed test purchases and to issue a letter of warning. I am aware that my colleague David BATEUP sent a letter to Joseph NOONAN inviting him to the meeting and subsequently telephoned the Premises Licence Holder, Admiral Taverns to check that they were aware of the meeting and the reasons for it, which they were not. On 5 August 2008 I attended Hove Police Station for a meeting with officers from the Police Licensing Unit, Joseph NOONAN and Geoff SPAFFORD, Business Development Manager from Admiral Taverns. During the course of the meeting the issue of underage sales was discussed; it was explained that the reason the premises had been selected for Test Purchase was that intelligence had been received that underage sales were occurring, the premises had been tested on two separate occasions and had failed on both occasions, support and training had been offered but not been taken up and despite the failed test purchases, where both sellers had received an on the spot fine of £80, Trading Standards were still receiving complaints of underage sales taking place at the premises. It was made very clear to both the DPS, Joseph NOONAN and Geoff SPAFFORD on behalf of the Premises Licence Holder that the premises would be tested again and that if this resulted in a further failure an application seeking a review of the premises licence would be made. During the meeting Mr SPAFFORD stated that the £80 on the spot fine for selling to underage 

**Signed**


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**Continuation of statement by Catriona MACBETH**

children, served as a good reminder to staff, that the pub would adopt a "challenge 25" policy and appropriate signage would be placed behind the bar. At the conclusion of the meeting an appointment was made for Trading Standards staff to attend at the premises to provide Joseph NOONAN and all bar staff training on how to prevent underage sales. Geoff SPAFFORD also raised at this meeting that the Premises Licence Holder, Admiral Taverns had not been notified of the failed Test Purchases. I pointed out to him that whilst neither Trading Standards nor Sussex Police had written to the Premises Licence Holder after the failures, a letter had been left at the premises at the time of both failures, this letter was clearly addressed to both the DPS and the Premises Licence Holder and on both occasions had been signed for by members of staff at the premises at the time of the failed Test Purchases. In following this procedure, Trading Standards were testing that the Premises Licence Holder had procedures in place to ensure that they were notified of any failed test purchases or indeed received copies of any formal correspondence. I made it clear to Mr SPAFFORD that in my view, the Premises Licence Holder, Admiral Taverns clearly had no procedures in place to ensure that they receive notification of any visits, test purchases or formal notices received by the premises. He accepted that DPS' often failed to notify the brewery of relevant information. On 14 August 2008 I attended at the Black Horse Public House with my colleague Donna LYNSDALE to present a "Preventing Underage Sales" Course. Attending the course were the DPS, Joseph NOONAN, Geoff SPAFFORD, [REDACTED] and a further member of staff who described that she cleaned the bar. Prior to the start of the training myself and my colleague Donna LYNSDALE spoke to Geoff SPAFFORD and Donna LYNSDALE explained about the complaints received about the premises including complaints of underage sales, lock-ins, 

**Signed**


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**Continuation of statement by Catriona MACBETH**

watering down of spirits and of the staff and the DPS, Joseph NOONAN being drunk whilst serving in the premises; Geoff SPAFFORD's response was that these matters needed to be taken up with Joseph NOONAN, as he could not tell Joseph NOONAN how to run his pub. Initially during the training both members of staff who had failed a test purchase were hostile and making comments about not needing it. It was clear from their comments that they had no appreciation as to how the Licensing Act 2003 differed from the Licensing Act 1964 and more importantly that there is a requirement for a Licensed Premises to meet the Licensing Objectives of Protection of Children from Harm. The training covered the tactics used by underage children to buy alcohol including the use of fake and altered forms of ID with practical examples, reasons why people fail test purchases and why they sell to underage children and the consequences of selling to underage children including the Licence Review procedure and the financial consequences of a suspension or revocation of the Premises Licence. During the course of the session I commented that whilst I could give them examples of best practice, that ultimately they had to have regard to the requirements of the Licensing Act, any conditions on a premises licence and any requirements of the Premises Licence Holder. At this point Mr SPAFFORD intervened to state that the Premises Licence Holder did not tell a premises' staff what ID they could accept or whether or not to operate a Think 21 Policy, that as the business was Joseph NOONAN's, it was for him to decide what instructions he should give his staff, it was not for the Premises Licence Holder to tell him what he should be doing. I would say that these comments in addition to comments made at the meeting at Hove Police Station on 5 August raised concerns that the Premises Licence Holder was not providing any assistance or guidance to the DPS to ensure that the licensing objective of Protection of Children from Harm was being met. Mr SPAFFORD as the representative of the 

**Signed**


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(C.J. Act 1967, S.9; M.C. Act 1980 SS 5A and 5B; Criminal Procedure Rules 2005, Rule 27.1)

**Continuation of statement by Catriona MACBETH**

Premises Licence Holder was present at all times during the training and witnessed the attitude and comments of the staff. He also witnessed the incident described in more detail in my colleague Donna LYNSDALE's statement when in the middle of the training session [REDACTED] went to the bar area and poured himself and [REDACTED] a further coffee but topped both of the coffees up with what appeared to be alcohol from behind the bar. No comment was made by either the DPS, Joseph NOONAN or Geoff SPAFFORD about this. I received a copy of a serial from the Police which referred to the Black Horse a few days after the training session. It was timed and dated a few hours after the training session and referred to a telephone call received from the DPS, Joseph NOONAN, notifying the police that he had stopped two lads attempting to use fake IDs to purchase alcohol from the premises. Whilst I was pleased to note that the training had been effective and the staff were identifying fake ID, in my experience it also indicated that the premises was continuing to be targeted by underage children attempting to buy alcohol. On 29 October 2008, I was again involved with a joint Test Purchase Operation with Sussex Police. The Black Horse, Montague Place was again selected as appropriate for Test Purchase in view of the two previous failures. I again entered the premises following the sale of half a pint of Fosters and a pint of Strongbow to our 15 year old and 17 year old volunteers. Both bars were open when I entered the premises and it appeared that just the DPS, Joseph NOONAN was serving in both areas and that he had sold to our underage volunteers. The serving area for both bars backs onto one another with access between the two being provided by a doorway. The only visibility between these two areas is through the doorway. The sale had actually taken place in the North (Left Hand) Bar although there were customers in both bars. At the time I entered the premises I noted that there was a football game being shown on the TV screen in the 

**Signed**


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**Continuation of statement by Catriona MACBETH**

North Bar, plus there was a game of darts being played in the same bar with a small group of customers watching. There were also some customers in the South Bar. I would say in my opinion that the bar was not busy. I also noted that despite the comments made by Geoff SPAFFORD at the meeting on 5 August 2008, there were no signs in the North Bar stating that the premises operated a Think 21 or Think 25 policy. Indeed there was nothing to indicate that either the DPS or Premises Licence Holder had reviewed the fact that the premises had already failed test purchases or had sought to put any controls in place to prevent further breaches. Prior to my leaving the premises I again handed a letter addressed to the DPS and Premises Licence Holder to Joseph NOONAN offering a business support visit. I now produce a copy of the letter signed and dated by me as being associated with this statement as Exhibit CM/2. I can confirm that no further contact has been received by Trading Standards from either the DPS or the Premises Licence Holder. 

**Signed**

**Signature witnessed by**

**NOTE:** This statement must be signed at the end of the written or type-written matter by the person making the statement.

TO THE PREMISES LICENCE HOLDER  
AND DESIGNATED PREMISES  
SUPERVISOR

Tel No: (01273) 292497  
Fax No: (01273) 292524  
E Mail: [Catriona.Macbeth@brighton-hove.gov.uk](mailto:Catriona.Macbeth@brighton-hove.gov.uk)  
Our Ref: UAS

13 June 2008

Dear Sir/Madam

**Licensing Act 2003**

A joint Police and Trading Standards Test Purchase operation took place in this premises today and a sale of alcohol was made to our underage volunteer.

As a result an officer from Brighton and Hove Trading Standards would like to visit either the Designated Premises Supervisor or the Premises Licence Holder to discuss why the sale took place and any steps that you can take to prevent the sale of alcohol to children.

I would ask that you contact Donna Lynsdale on 01273 292494 to arrange an appointment at a time when you do not have to serve in the shop. It may be possible for an officer to visit you in the evening or on a Saturday or Sunday if this is more convenient for you.

Yours faithfully



John Peerless  
Head of Trading Standards

BRIGHTON & HOVE  
COUNCIL  
ENVIRONMENTAL SERVICES  
DEPARTMENT

EXHIBIT No.  
DML11

INVESTIGATION No.

SIGNATURE:



DATE: 21 November 2008 WM 99 D.7808

Telephone: Consumer Advice (01273) 292522 Business Advice (01273) 292523  
Internet World Wide Web <http://www.tradingstandards.gov.uk/brighton-hove/>  
Electronic Mail: [tradingstandards@brighton-hove.gov.uk](mailto:tradingstandards@brighton-hove.gov.uk)

(01273) 290000

Director of Environment: Jenny Rowlands

[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

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TO THE PREMISES LICENCE HOLDER  
AND DESIGNATED PREMISES  
SUPERVISOR

Tel No: (01273) 292497  
Fax No: (01273) 292524  
E Mail: [Catriona.Macbeth@brighton-hove.gov.uk](mailto:Catriona.Macbeth@brighton-hove.gov.uk)  
Our Ref: UAS

February 2008

Dear Sir/Madam

**Licensing Act 2003**

A joint Police and Trading Standards Test Purchase operation took place in this premises today and a sale of alcohol was made to our underage volunteer.


As a result an officer from Brighton and Hove Trading Standards would like to visit either the Designated Premises Supervisor or the Personal Licence holder to discuss why the sale took place and any steps that you can take to prevent the sale of alcohol to children.

I would ask that you contact Donna Lynsdale on 01273 292494 to arrange an appointment at a time when you do not have to serve in the shop. It may be possible for an officer to visit you in the evening or on a Saturday or Sunday if this is more convenient for you.

Yours faithfully



John Peerless  
Head of Trading Standards

BRIGHTON & HOVE COUNCIL ENVIRONMENTAL SERVICES DEPARTMENT	EXHIBIT No.  cm/1
INVESTIGATION No.	
SIGNATURE: 	
DATE: 7th January 2009 WM 99 D.7808	

Telephone: Consumer Advice (01273) 292522 Business Advice (01273) 292523  
Internet World Wide Web <http://www.tradingstandards.gov.uk/brighton-hove/>  
Electronic Mail: [tradingstandards@brighton-hove.gov.uk](mailto:tradingstandards@brighton-hove.gov.uk)

(01273) 290000

Director of Environment: Jenny Rowlands

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TO THE PREMISES LICENCE HOLDER  
AND DESIGNATED PREMISES  
SUPERVISOR

Tel No: (01273) 292497  
Fax No: (01273) 292524  
E Mail: [Catriona.Macbeth@brighton-hove.gov.uk](mailto:Catriona.Macbeth@brighton-hove.gov.uk)  
Our Ref: UAS

October 2008

Dear Sir/Madam

**Licensing Act 2003**

A joint Police and Trading Standards Test Purchase operation took place in this premises today and a sale of alcohol was made to our underage volunteer.

As a result an officer from Brighton and Hove Trading Standards would like to visit either the Designated Premises Supervisor or the Personal Licence holder to discuss why the sale took place and any steps that you can take to prevent the sale of alcohol to children.

I would ask that you contact Donna Lynsdale on 01273 292494 to arrange an appointment at a time when you do not have to serve in the shop. It may be possible for an officer to visit you in the evening or on a Saturday or Sunday if this is more convenient for you.

Yours faithfully



John Peerless  
Head of Trading Standards

BRIGHTON & HOVE  
COUNCIL  
ENVIRONMENTAL SERVICES  
DEPARTMENT

EXHIBIT No.

cm/2

INVESTIGATION No.

SIGNATURE:

DATE: 7th January 2009 MM 99 D.7808

Telephone: Consumer Advice (01273) 292522 Business Advice (01273) 292523  
Internet World Wide Web <http://www.tradingstandards.gov.uk/brighton-hove/>  
Electronic Mail: [trading\\_standards@brighton-hove.gov.uk](mailto:trading_standards@brighton-hove.gov.uk)

(01273) 290000

Director of Environment: Jenny Rowlands

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APPENDIX C

REC : 22.12.2008  
CONS : 19.01.2009

2008/02293/LAREV SR  
Trading Standards

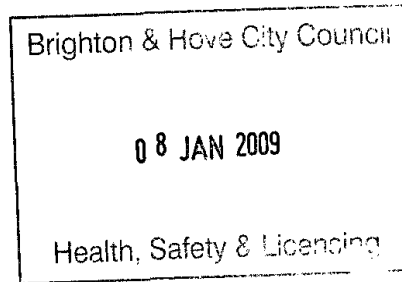


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2nd Floor Bartholomew House  
Bartholomew Square  
Brighton BN1 1JE

valid ✓ CH

The Licensing Technical Support Officers  
Environmental Health  
Brighton and Hove City Council  
Bartholomew House  
Bartholomew Square  
BRIGHTON  
BN1 1JP



Our Ref: JCP/ CM/Reviews Tel No: (01273) 292486  
Fax No: (01273) 292524

7<sup>th</sup> January 2009

Dear Sirs

**Representations in support of an application by Sussex Police seeking a review of the Premises Licence of The Black Horse Public House – 16-17 Montague Place, Brighton, BN2 1JE**

I refer to the application by Sussex Police seeking a review of the premises licence of the above premises and in particular recommending that the licence be revoked.

The history of this matter is explained more fully in the application of Sussex Police.

The Committee should be aware that Brighton and Hove Police Licensing Unit and Trading Standards work closely to deal with combating the sale of alcohol to children. This involves the sharing of intelligence, Joint Test Purchase Operations and in respect of Trading Standards offering businesses support and training to assist them with complying with the law and to meet the Licensing Objective of Protecting Children from Harm.

Trading Standards first became aware of The Black Horse Public House in Montague Place as a problem premises, being a venue where children are able to purchase alcohol in late January 2008, when details of an incident which had occurred in November 2007 were forwarded to Trading Standards Service by the Police Licensing Unit. The report stated that police officers had been driving past the premises at around 11p.m. when they saw a large group of what appeared to be underage children drinking from various glasses and containers whilst stood in the entrance to the pub. The Police Officers discovered on checking IDs that the majority of the group were underage, the age of the group ranging from 16-19 years of age.

The report also stated that on speaking to the Designated Premises Supervisor, Joseph Noonan, it was clear that he was drunk and barely capable of speaking coherently. The officers had pieced together from the underage drinkers and Mr Noonan that a private 19<sup>th</sup> Birthday party had taken place at the premises; whilst some alcohol had been brought onto

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the premises by people attending the party and had been seized by the DPS and his staff, it was also abundantly clear that IDs were not being checked for proof of age and underage drinkers were being served and proxy purchase sales were taking place. The report stated that the DPS, Joseph Noonan had been warned about the events and had been advised that the Police Licensing Unit would be made aware of what had been discovered. The report further stated that all underage children had been ejected from in and around the premises and that a number of stop checks had provided evidence of fake IDs.

Trading Standards also received another report via the Police Licensing Unit at the end of January 2008, to the effect that complaints had been received from another source that underage drinking, regular lock ins at the premises and related noise problems were occurring.

As a result of this intelligence the premises was identified as a High Risk Premises in relation to underage sales and as such suitable for a test purchase operation to check their compliance.

A joint Police and Trading Standards test purchase operation was conducted at the premises on 22 February 2008 and the premises sold alcohol to the 16 and 17 year old volunteers who were assisting with the operation.

Ms Catriona Macbeth, Fair Trading Officer was assisting with the Joint Test Purchase Operation on the evening in question and entered the premises to make observations about the premises in relation to underage sales. She noted that the underage volunteers had been sold a pint of Guinness and a glass of white wine, the latter being served in a full half pint glass. The volunteers had entered the right hand/South bar as you enter from the street. Ms Macbeth noted that in this bar there was displayed a black and gold sign which stated "Consumption by persons under 18. Under the provision of the Licensing Act 1964 it is an offence for any person under 18 to buy, attempt to buy or consume alcoholic liquor in the bar. Maximum penalty £1000. It is also an offence for anyone to buy or attempt to buy alcoholic liquor for consumption by a person under 18. Maximum penalty £1000." She was unable to see any other signs which would indicate that the premises was operating a No ID No Sale or Challenge 21 Policy nor any notices aimed at staff to remind them to request ID from any customers who appeared underage.

She noticed that there was a TV Screen on the wall which was on and showing coverage and which she identified as a potential distraction to staff. At the time she entered the North Bar there were only 3 older customers in the bar and her assessment of the design of the North Bar was of an old fashioned local public bar, small, but well lit and that the two underage volunteers should have been noticed and should have looked out of place immediately that they entered the premises.

Having completed her observations in the South Bar, Ms Macbeth joined the uniformed officers in the closed left hand/North Bar where they were conducting the interview under caution of Philomena Chapman. She undertook observations of the North Bar area. She noticed, as in the South Bar that there were no other signs about the sale of alcohol, there were no signs stating that the premises were operating a Challenge 21 policy or that they might ask for ID. She also noted that the design and décor of the North Bar was very different to that of the South Bar in that in her opinion it appeared aimed very much at the younger market. She recorded that there was a poster displayed stating "Special Offer 3 for 2 Bottles of Becks or Stella only £5.50" and that again in her opinion the drinks on display behind the bar appeared to be targeting the younger market in that there were Shots, Corky's, Choc Amore, Sourz and also bottles of Becks and Magners.

Whilst she was conducting her observations she could hear the uniformed officers interviewing Philomena Chapman, the member of staff who had sold the alcohol to the underage volunteers and who was the only member of staff working in the premises at the time of the failed test purchase. Miss Macbeth noted that whilst initially Mrs Chapman was answering the questions quite calmly, she became very angry and agitated when asked about what training she had received about selling alcohol to underage children, stating that she had not been trained as she was 66 years of age and had been running bars all of her life and that she objected to being asked whether or not she had been trained.

At the end of the interview Ms Macbeth approached Philomena Chapman and explained to her that she was from Brighton & Hove Trading Standards and that Trading Standards wanted to help the business and could provide training for the staff on how to prevent underage sales. Ms Macbeth explained that she was leaving a letter addressed to the DPS and the Premises Licence Holder which explained about what had happened and with contact details for Trading Standards and that it was important that the letter be given to the DPS as soon as possible. Mrs Chapman then signed Ms Macbeth's notebook to acknowledge receipt of the letter.

On 29 February 2008, the DPS Joseph Noonan contacted Consumer Direct South East, which deals with all telephone calls to Trading Standards' consumer advice line, to the effect that he had lost the letter and the name of the Trading Standards Officer dealing with the case. Attempts were made to contact Mr Noonan on the telephone number provided without any success and as a result Ms Macbeth requested that Donna Lynsdale, Fair Trading Officer attend at the premises to speak with Mr Noonan.

Ms Lynsdale visited the premises with a colleague, John Aldridge, Inspector of Weights & Measures on 16 April 2008. The DPS was not present at the time of the visit, but Ms Lynsdale spoke to him on the telephone, although she found it difficult to understand him as his speech was very slurred. Ms Lynsdale left at the premises a booking form for Trading Standards' "Preventing Underage Sales" training course. No further contact was received from the DPS, Joseph Noonan and no contact at all was received from the Premises Licence Holder, Admiral Taverns.

As a result of the failed Test Purchase at the premises on 22 February 2008, a second Test Purchase was undertaken on 13 June 2008 and two halves of Fosters Lager and two Sour Shots were sold to the 16 and 17 year old volunteers assisting with the operation.

On this date Ms Donna Lynsdale, Fair Trading Officer was assisting with the Test Purchase Operation and she entered the premises to undertake observations following on from the sale of alcohol to the underage volunteers. She noted that at the time of the failed test purchase Mr George Sullivan and Mrs Philomena Chapman (who had sold to our underage volunteers in February 2008) were both working in the premises and in Ms Lynsdale opinion both appeared to be drunk. Mr George Sullivan had been the member of staff who had sold the alcohol to the underage volunteers. Ms Lynsdale also recorded that whilst she was with the Police Officers interviewing Mr Sullivan Mrs Chapman was shouting abuse at Ms Lynsdale through a window. She also noted that when the DPS, Joseph Noonan arrived at the premises to speak to the Police he also appeared to be drunk and that he had stated that George Sullivan was gay and as a result he found it difficult to judge the ages of young girls. It is Trading Standards contention that we would expect any DPS or Premises Licence Holder who is aware that a member of staff has difficulties or problems with judging ages to put controls in place to ensure that the Licensing Act 2003 objective of Protection of Children from Harm is met at all times.

Ms Lynsdale also observed that at the time of the failed test purchase, the premises was not very busy and the television in the bar was showing a football match very loudly.

During this evening Ms Lynsdale spoke to the DPS, Joseph Noonan and he stated that he has lots of discussions with his staff about underage drinking which he classes as training. He also stated that he had completed the booking form for the "Preventing Underage Sales" training and had booked himself, his son and both members of staff on the course. This booking form was never received by Trading Standards, at the time of this conversation the courses had already taken place and no one from the Black Horse had attended.

A further letter addressed to the DPS and Premises Licence Holder asking them to contact Trading Standards was left by Ms Lynsdale at the premises but no contact was made.

During July 2008, Trading Standards received further complaints of underage drinking at the premises, lock-ins and groups of young people hanging around the premises.

A decision was made jointly with Sussex Police to invite the DPS, Joseph Noonan to a meeting to discuss the failed test purchases and to issue a letter of warning. David Bateup, Police Licensing Unit also contacted the Premises Licence Holder, Admiral Taverns to check that they were aware of the meeting and the reasons for it, which they were not. On 5 August 2008 a meeting was held at Hove Police Station with officers from the Police Licensing Unit, Ms Macbeth, Joseph Noonan and Geoff Spafford, Business Development Manager from Admiral Taverns attending. During the course of the meeting the issue of underage sales was discussed; it was explained that the reason the premises had been selected for Test Purchase was that intelligence had been received that underage sales were occurring, the premises had been tested on two separate occasions and had failed on both occasions, support and training had been offered but not been taken up and despite the failed test purchases, where both sellers had received an on the spot fine of £80, Trading Standards were still receiving complaints of underage sales taking place at the premises. It was made very clear to both the DPS, Joseph Noonan and Geoff Spafford on behalf of the Premises Licence Holder that the premises would be tested again and that if this resulted in a further failure an application seeking a review of the premises licence would be made. During the meeting Mr Spafford stated that the £80 on the spot fine for selling to underage children, served as a good reminder to staff, that the pub would adopt a "challenge 25" policy and appropriate signage would be placed behind the bar.

At the conclusion of the meeting an appointment was made for Trading Standards staff to attend at the premises to provide Joseph Noonan and all bar staff training on how to prevent underage sales. Geoff Spafford also raised at this meeting that the Premises Licence Holder, Admiral Taverns had not been notified of the failed Test Purchases. It was pointed out to him that whilst neither Trading Standards nor Sussex Police had written to the Premises Licence Holder after the failures, a letter had been left at the premises at the time of both failures, this letter was clearly addressed to both the DPS and the Premises Licence Holder and on both occasions had been signed for by members of staff at the premises. In following this procedure, Trading Standards were testing that the Premises Licence Holder had procedures in place to ensure that they were notified of any failed test purchases and received copies of any formal correspondence. It was made clear to Mr Spafford that in the opinion of Ms Macbeth, the Premises Licence Holder, Admiral Taverns clearly had no procedures in place to ensure that they receive notification of any visits, test purchases or formal notices received by the premises. He accepted that Designated Premises Supervisors often failed to notify the brewery of relevant information.

On 14 August 2008 Ms Macbeth and Ms Lynsdale attended at the Black Horse Public House to present a "Preventing Underage Sales" Course. Attending the course were the DPS, Joseph Noonan, Geoff Spafford, Philomena Chapman, George Sullivan and a further member of staff who described that she cleaned the bar. Prior to the start of the training both Ms Macbeth and Ms Lynsdale spoke to Geoff Spafford about complaints received about the

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premises, including underage drinking, lock-ins, watering down of spirits and staff being drunk whilst working in the premises; Mr Spafford told Ms Lynsdale that these matters would have to be taken up directly with Joseph Noonan as he, Mr Spafford could not tell Mr Noonan how to run his pub.

Ms Macbeth describes that initially during the training both members of staff who had failed a test purchase were hostile and making comments about not needing it. Ms Macbeth was of the opinion from their comments that they had no appreciation as to how the Licensing Act 2003 differs from the Licensing Act 1964 or the importance of the requirement for a Licensed Premises to meet the Licensing Objectives of Protection of Children from Harm. The training covered the tactics used by underage children to buy alcohol including the use of fake and altered forms of ID with practical examples, reasons why people fail test purchases and why they sell to underage children and the consequences of selling to underage children including the Licence Review procedure and the financial consequences of a suspension or revocation of the Premises Licence.

During the course of the session Ms Macbeth commented that whilst she could give them examples of best practice, ultimately they had to have regard to the requirements of the Licensing Act, any conditions on a premises licence and any requirements of the Brewery/Premises Licence Holder. At this point Mr Spafford intervened to state that the Premises Licence Holder did not tell a premises staff what ID they could accept or whether or not to operate a Think 21 Policy, that as the business was Joseph Noonan's, it was for him to decide what instructions he should give his staff, it was not for the Premises Licence Holder to tell him what he should be doing or how to run his business.

These comments in addition to comments made at the meeting at Hove Police Station on 5 August raised concerns that the Premises Licence Holder was not providing any assistance or guidance to the DPS to ensure that the licensing objective of the Protection of Children from Harm was being met. Mr Spafford as the representative of the Premises Licence Holder was present at all times during the training and witnessed the attitude and comments of the staff. He also witnessed an incident when in the middle of the training session George Sullivan went to the bar area and poured himself and Philomena Chapman a coffee but topped both of the coffees up with what appeared to be alcohol from behind the bar. No comment was made by either the DPS, Joseph Noonan or Geoff Spafford about this.

A few days after the training session, Trading Standards received a copy of a serial from the Police which referred to the Black Horse. It was timed and dated a few hours after the training session and referred to a telephone call received from the DPS, Joseph Noonan, notifying the police that he had stopped two lads attempting to use fake IDs to purchase alcohol from the premises. Whilst clearly the training had been effective and the staff were identifying fake ID, in Trading Standards experience it also indicated that the premises was continuing to be targeted by underage children attempting to buy alcohol.

On 29 October 2008, a further joint Test Purchase Operation was conducted at the premises, which resulted in the 15 and 17 year old volunteers being sold half a pint of Fosters and a pint of Strongbow.

Ms Macbeth was assisting with the operation and noted that when she entered the premises both bars were open and it appeared that just the DPS, Joseph Noonan was serving in both areas and that he had sold to the underage volunteers. She describes that the serving area for both bars backs onto one another with access between the two being provided by a doorway. The only visibility between these two areas is through the doorway. The sale had actually taken place in the North (Left Hand) Bar although there were customers in both bars. At the time she entered the premises there was a football game being shown on the TV screen in the North Bar, plus there was a game of darts being played in the same bar

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with a small group of customers watching. In her opinion she describes that the bar was not busy. She also noted that despite the comments made by Geoff Spafford at the meeting on 5 August 2008, there were no signs in the North Bar stating that the premises operated a Think 21 or Think 25 policy.

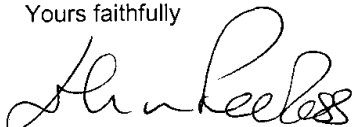
Ms Macbeth handed a further letter addressed to the DPS and Premises Licence Holder to Mr Noonan. This again offered Trading Standards' assistance with dealing with the problem of selling alcohol to children. No contact has been made by either the DPS or the Premises Licence Holder as a result of this letter.

Trading Standards has attempted to engage with both the DPS and the Premises Licence Holder on a number of occasions. Whilst it is accepted that the DPS and other staff have received training by Trading Standards, there has been no other involvement or engagement. There has been no indication that the DPS or the Premises Licence Holder has reviewed the premises, its staff and its procedures following on from the initial two failed test purchases so as to prevent any further breaches. As far as Trading Standards is aware, only 3 members of staff including the DPS serve in the bar and all three have failed a test purchase. This is not a large premises with a large number or high turnover of staff. There is nothing to indicate that any further steps have been taken by either the DPS or the Premises Licence Holder to address the problems. This is a small venue where children attempting to buy alcohol should be clearly identifiable, but it is also a premises where staff appear to be poorly managed and where there are a number of distractions. It appears that the Premises Licence Holder has failed to address the issues with the Designated Premises Supervisor. It also appears to Trading Standards that the Premises Licence Holder has failed to provide sufficient or any support to the DPS to ensure that the licensing objective of the Protection of Children from Harm is met and indeed it appears that the design and products available in part of the licensed premises is such as to actively attract a much younger clientele.

The Premises has been identified as a venue from which children can buy alcohol by way of intelligence; Police Officers witnessing underage children drinking alcohol in the premises and three failed Test Purchases. It is also clear from intelligence received that children have identified this premises as a venue from which they can purchase alcohol. Attempts have been made to assist the premises. It is considered that it is not appropriate to simply remove the Designated Premises Supervisor. In view of the Premises Licence Holder's lack of support and control of the premises, a new Designated Premises Supervisor will not ensure that the Licensing Objectives are met. It is considered that unless the licence is revoked this premises will continue to be a High Risk Venue in respect of the sale of alcohol to children.

In the circumstances Trading Standards supports the Application of the Police seeking the revocation of the Premises Licence as it is considered that this is necessary to protect children from harm.

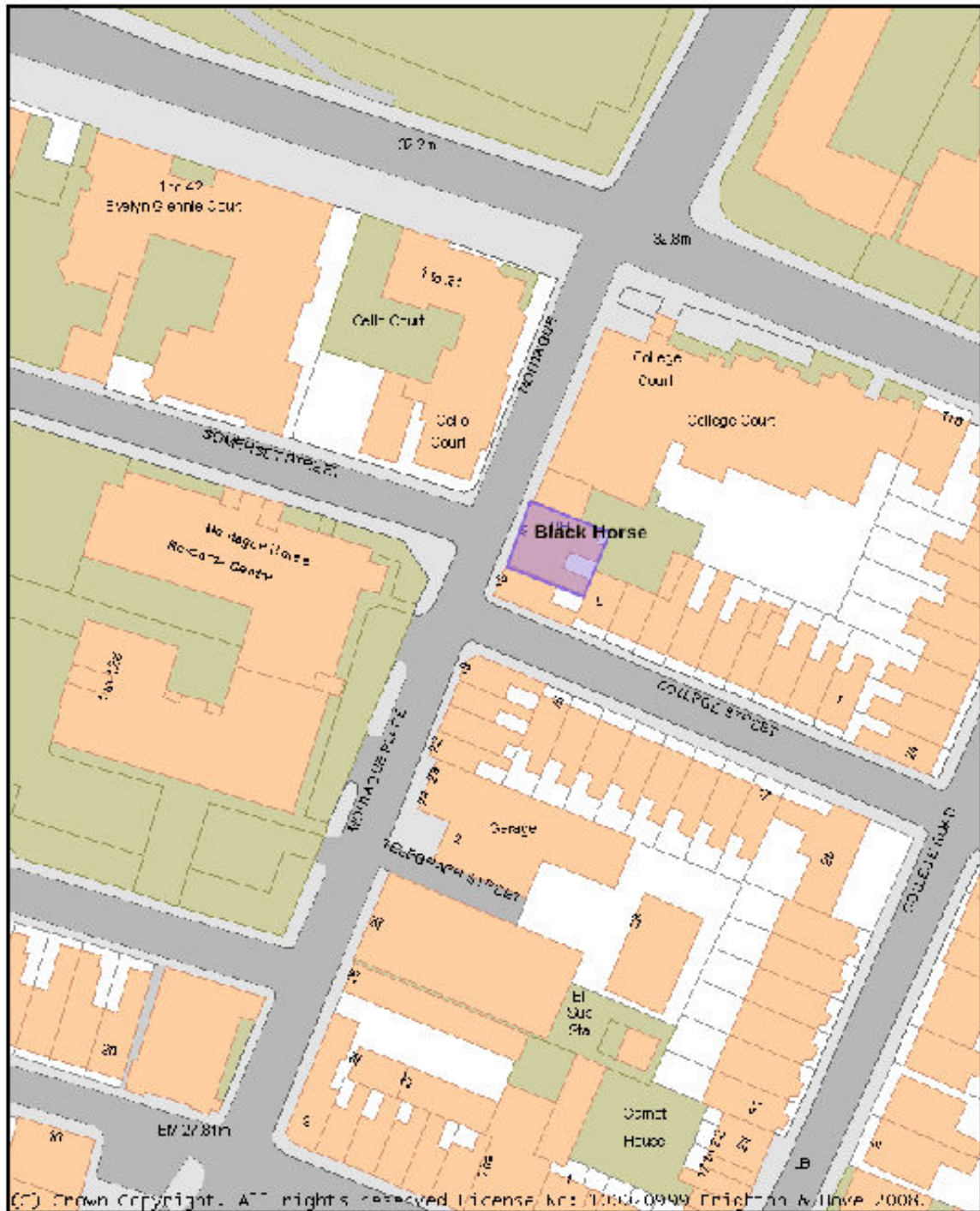
Yours faithfully



John Peerless  
Head of Trading Standards

APPENDIX C

Black Horse, 16 - 17 Montague Place, Brighton, BN2 1JE



Date: 23/01/2009 01:48:30

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# Licensing Panel (Licensing Act 2003 Functions)

## Agenda Item 109

Brighton & Hove City Council

**Subject:** Application for a Variation of a Premises Licence under the Licensing Act 2003 for Bowlplex Brighton Marina Village, Brighton, BN2 5UT

**Date of Meeting:** 16 February 2009

**Report of:** Assistant Director Public Safety

**Contact Officer:** Name: **Becky Keely** Tel: **29-2100**  
E-mail: becky.keely @brighton-hove.gov.uk

**Wards Affected:** Rottingdean Coastal

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Bowlplex.

#### 2. RECOMMENDATIONS:

- 2.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Bowlplex.

- 2.2 The application is for:

A Variation of a Premises Licence under the Licensing Act 2003 for Bowlplex.

The variation proposes:

Amendment to Annex 2 Conditions 1 and 2 Prevention of Crime and Disorder objectives regarding doorstaff as follows:-

On Friday and Saturday evenings from 2000 hours until the closing time of the venue a minimum of 2 SIA registered door staff will be employed at any time if 250 customers or more are likely to be present at any one time or are present at any one time.

Conditions 1 and 2 under the heading 'The Protection of Children from Harm' are proposed to be amended so as to alter the restrictions on children being in the premises during the evening period.

2.3 Summary table of existing and proposed activities

	<i>Existing</i>	<i>Proposed</i>
<b>C Indoor Sporting Events</b>	<p>Ten-pin bowling is the primary activity of the complex but is for the entertainment of the players. Very occasionally, on a maximum of two occasions per annum there may be bowling tournaments that will be attended by some spectators. There are no standard timings. If tournaments take place it will be during the opening hours of the premises.</p> <p>PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday</p>	As existing. No change.
<b>E Live music</b>	<p>Indoors</p> <p>There may be very occasional employment of live bands to perform music for dancing.</p> <p>There will be no standard timings because it will be occasional. It will always take place during the hours for dancing.</p> <p>PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday</p>	As existing. No change.

<p><b>F Recorded Music</b></p>	<p>Indoors  Sunday - Wednesday:  09.00 - 00.30,  Thursday: 09.00 - 01.00,  Friday and Saturday:  09.00 - 02.30</p> <p>Background music may be played at all times throughout the premises but recorded music will be used to provide musical entertainment for dancing as and when required.</p> <p>PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday.</p>	<p>As existing. No change.</p>
<p><b>I Provision of facilities for making music</b></p>	<p>Indoors  Sunday - Wednesday:  09.00 - 00.30,  Thursday: 09.00 - 01.00,  Friday and Saturday:  09.00 - 02.30</p> <p>The premises will have sound systems which are used to distribute the recorded music to speakers throughout the premises.</p> <p>PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday.</p>	<p>As existing. No change.</p>

<p><b>J Provision of facilities for dancing</b></p>	<p>Indoors  Sunday - Wednesday:  09.00 - 00.30,  Thursday: 09.00 - 01.00,  Friday and Saturday:  09.00 - 02.30.</p> <p>The part of the premises to be used for dancing is the dance floor as shown on the plan. PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday.</p>	<p>As existing. No change.</p>
<p><b>L Late Night Refreshment</b></p>	<p>Indoors  Sunday - Wednesday:  23.00 - 00.30,  Thursday: 23.00 - 01.00,  Friday and Saturday:  23.00 - 02.30</p> <p>Both hot and cold food and drinks may be provided during the times set out.</p> <p>PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday.</p>	<p>As existing. No change.</p>
<p><b>M Supply of Alcohol</b></p>	<p>On the premises  Sunday - Wednesday:  10.00 - 00.30, Thursday:  10.00 - 01.00, Friday and Saturday:  10.00 - 02.30.  PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday.</p>	<p>As existing. No change.</p>

<p><b>O Hours premises are open to public</b></p>	<p>Sunday - Wednesday: 09.00 – 01.00, Thursday: 09.00 - 01.30, Friday and Saturday: 09.00 – 03.00.  PLUS: From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday.</p>	<p>As existing. No change.</p>
<p><b>P Conditions removed as a consequence of the proposed Variation</b></p>	<p>It is proposed only to amend the existing conditions relating to doorstaff and the admission of children to the premises in the evening period as shown in the Operating Schedule P and listed below:</p> <ol style="list-style-type: none"> <li>1. Persons under 16 years old will not be permitted to enter the premises after 21:00 hours unless that person is accompanied by a responsible adult.</li> <li>1.A Persons over 16 but under 18 will not be permitted to enter the premises after 23:00 hours unless that person is accompanied by an adult.</li> <li>2. At 21:00 hours persons under 16 years old who are not accompanied by a responsible adult and who are still in the Centre will be required to leave the premises.</li> <li>2.A At 23:-- hours persons over 16 but under 18 who are not accompanied by a responsible adult and who are still in the Centre will be required to leave the premises.</li> </ol> <p>Amendment to Annex 2 Conditions 1 and 2 Prevention of Crime and Disorder objectives regarding doorstaff as follows:-</p> <p>On Friday and Saturday evenings from 2000 hours until the closing time of the venue a minimum of 2 SIA registered door staff will be employed at any time if 250 customers or more are likely to be present at any one time or are present at any one time.</p> <p>Conditions 1 and 2 under the heading 'The Protection of Children from Harm' are proposed to be amended so as to alter the restrictions on children being in the premises during the evening period.</p>	

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

3.1 This premises does not fall in the Cumulative Impact Area or the Special Stress Areas.

#### **3.2.1 Representations received**

Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.2.2 One representation was received from Sussex Police.

3.2.3 The representation received had concerns relating to Prevention of Crime and Disorder, and Protection of Children from Harm.

### **4. CONSULTATION**

Commentary on licensing policy

4.1 The following extracts from Brighton & Hove Licensing Policy are considered relevant to this application and numbered as they appear in the policy:

#### **General**

1.2 The licensing objectives are:-

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

1.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focussed on matters which are in the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity.

1.5 Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act

1.15 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct

control of the individual, club or business holding the licence, certificate or authorisation concerned. Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act, and the conditions attached to licences, certificates and permissions will be focused on matters which are within the control of the licensee and will centre on the premises themselves and their immediate vicinity. When considering these terms and conditions the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

### **In respect of the prevention of crime and disorder**

- 2.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority recommends that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door staff so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection.
- 2.3 It is expected that the designated premises supervisor (DPS) will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises.
- 2.5.1 **Diversity of premises**  
This attempts to ensure that there is a mix of the different types of licensed premises, particularly in areas where there is a high density of such premises. It will provide resilience against changing trends and attract a more diverse range of customers from different age groups, different communities of interest and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This in turn may have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time, may create opportunities for violent crime and public disorder and therefore encourages mixed use venues, varying hours of business and a wider age balance.
- 2.5.4 **Geographical spread**  
Spreading the siting of large venues (those with a capacity in excess of 250 people) across the city reduces the problems of

dispersing large numbers of people leaving premises in close proximity at the same time. Taxi and bus queues can be flash points for public disorder and violence. A good geographical spread coupled with increased taxi ranks and bus stops near venues reduces waiting time and the potential for crime and disorder.

#### 2.5.5 Care, control and supervision of premises

The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The Police will consider the applicants, objecting to the application where appropriate. The Police will suggest crime prevention measures in relation to, for example, the internal layout of the premises, close circuit television, help points, lighting and security staff. The Police may ask for conditions which support such measures to be imposed when planning or licensing applications are granted, e.g. type of licence, capacity, opening time restrictions.

- 2.8 Enforcement issues will be considered in the light of any relevant enforcement policies and close links will be sought between all enforcing authorities, e.g. through the use of intelligence sharing and strategy groups. Such protocols may lead to the targeting of agreed high risk and problem premises whilst permitting a lighter touch approach in respect of well run premises.

### **In respect of the protection of children from harm**

- 5.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, the committee recommend that all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the licensing strategy group.
- 5.2 It is the committee's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.
- 5.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The



following areas give rise to concern in respect of children, who will normally be excluded from premises:-

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided.
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons

Options may include:-

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

- 5.6 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. The licensing authority recognises the Children, Families and Schools section as being competent to advise on matters relating to the protection of children from harm.

### **Strategic Integration**

- 6.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening.
- 6.7 This policy avoids duplication with other regulatory regimes wherever possible.

### **In respect of Live music, Dancing and Theatre**

- 7.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited

disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.

7.2 The Licensing Committee represents the general interests of a community. In determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only necessary, proportionate and reasonable licensing conditions should impose any restrictions on such events.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### **5.1 Financial Implications:**

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

*Finance Officer Consulted: Karen Brookshaw      Date: 30.01.2009*

### **5.2 Legal Implications:**

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

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

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

*Lawyer Consulted: Rebecca Sidell      Date: 30.01.2009*

### **5.3 Equalities Implications:**

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

5.4 Sustainability Implications:

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

5.5 Crime & Disorder Implications:

Licensing policy aims to prevent crime and disorder and protect public safety.

5.6 Risk and Opportunity Management Implications:

Licensing is a crucial business and employment opportunity and unnecessary regulation might lead to legal challenge.

5.7 Corporate / Citywide Implications:

The success of the city's tourism strategy requires a safe, attractive city centre to improve competitiveness. The Act may significantly change night time economy

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Part P of application.
2. Appendix B – Map of area.
3. Appendix C – Part A of Premises Licence

### **Documents in Members' Rooms**

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council: Statement of Licensing Policy.

### **Background Documents**

1. Environmental Health & Licensing Service, Brighton & Hove City Council (2008): The Licensing Act 2003 – Brighton & Hove City Council Statement on Licensing Policy.

## APPENDIX A

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

**b) The prevention of crime and disorder**

On Friday and Saturday evenings from 2000 hours until the closing time of the venue a minimum of 2 SIA registered door staff will be employed at any time if 250 customers or more are likely to be present at any one time or are present at any one time.

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**

1. Persons under 16 years old will not be permitted to enter the premises after 21:00 hours unless that person is accompanied by a responsible adult.

1.A Persons over 16 but under 18 will not be permitted to enter the premises after 23:00 hours unless that person is accompanied by a responsible adult.

2. At 21:00 hours persons under 16 years old who are not accompanied by a responsible adult and who are still in the centre will be required to leave the premises.

2.A At 23:00 hours persons over 16 but under 18 who are not accompanied by a responsible adult and who are still in the Centre will be required to leave the premises.


**Please tick yes**

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

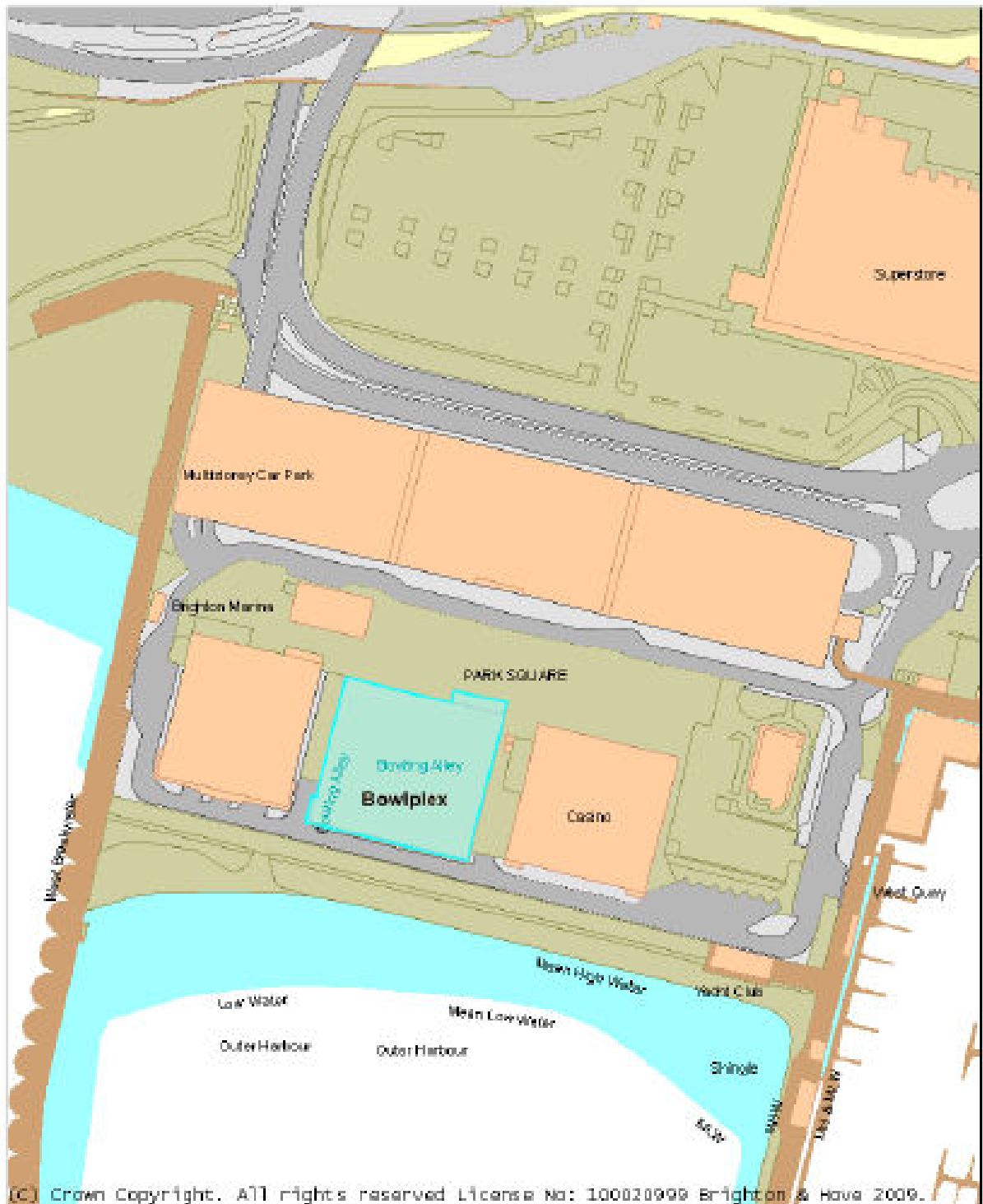
Signature	
Date	19 <sup>th</sup> December 2008
Capacity	Horsey Lightly Fynn. Solicitors and Agents for the Applicant

**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**APPENDIX B**

**Bowlplex, Brighton Marina Village, Brighton, BN2 5UT**



Date: 04/02/2009 09:57:29

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**APPENDIX C**

**Schedule 12  
Part A**

**Regulation 33, 34**

**Premises Licence  
Brighton and Hove City Council**

**Premises Licence Number**

1445/3/2005/03186/LAPREV

**Part 1 – Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Bowlplex  
Brighton Marina  
Brighton  
East Sussex  
BN2 5US

**Telephone number** 01273 818180

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

Indoor Sporting Event	Performance of Live Music
Performance of Recorded Music	Making music
Dancing	Late Night Refreshment
Sale by Retail of Alcohol	

**Times the licence authorises the carrying out of licensable activities:-**

**Indoor Sporting Event**

Ten-pin bowling is the primary activity of the complex but is for the entertainment of the players. Very occasionally, on a maximum of two occasions per annum there may be bowling tournaments that will be attended by some spectators. There are no standard timings. If tournaments take place it will be during the opening hours of the premises. PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday

**Performance of Live Music - Indoors**

There may be very occasional employment of live bands to perform music for dancing. There will be no standard timings because it will be occasional. It will always take place during the hours for dancing. PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday



**Performance of Recorded Music - Indoors**

Sunday - Wednesday: 09.00 - 00.30, Thursday: 09.00 - 01.00, Friday and Saturday: 09.00 - 02.30

Background music may be played at all times throughout the premises but recorded music will be used to provide musical entertainment for dancing as and when required. PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday.

**Making music - Indoors**

Sunday - Wednesday: 09.00 - 00.30, Thursday: 09.00 - 01.00, Friday and Saturday: 09.00 - 02.30 The premises will have sound systems which are used to distribute the recorded music to speakers throughout the premises. PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday.

**Dancing - Indoors**

Sunday - Wednesday: 09.00 - 00.30, Thursday: 09.00 - 01.00, Friday and Saturday: 09.00 - 02.30. The part of the premises to be used for dancing is the dance floor as shown on the plan. PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday.

**Late Night Refreshment - Indoors**

Sunday - Wednesday: 23.00 - 00.30, Thursday: 23.00 - 01.00, Friday and Saturday: 23.00 - 02.30 Both hot and cold food and drinks may be provided during the times set out. PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday.

**Sale by Retail of Alcohol - On the premises**

Sunday - Wednesday: 10.00 - 00.30, Thursday: 10.00 - 01.00, Friday and Saturday: 10.00 - 02.30. PLUS From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday.

**The opening hours of the premises**

Sunday - Wednesday: 09.00 – 01.00, Thursday: 09.00 - 01.30, Friday and Saturday: 09.00 – 03.00. From 09.00 on New Year's Eve until 02.30 on 1 January every year when New Year's Eve does not fall on a Friday or a Saturday.

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on the Premises.

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Bowlplex Plc  
Dean Park House  
8-10 Dean Park Crescent  
Bournemouth  
Dorset  
BH1 1HL  
Tel: 01202 638210

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Business Number 1250332

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Tim Paul Williams

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

## **Annex 1 – Mandatory conditions**

S 19; mandatory conditions where licence authorises supply of alcohol

- no supply of alcohol may be made under the premises licence
- (a) at a time when there is no designated premises supervisor in respect of the premises, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

S 21; mandatory condition: door supervision

- where a premises licence includes a condition relating to security activity, the licence must include a condition that each individual must be licensed by the Security Industry Authority (there are exemptions re theatre and films and clubs)

### **Embedded Conditions:**

#### **On Licence**

Alcohol may be sold or supplied from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

#### **Public Entertainment Licence**

The number of persons permitted on the licensed premises at any one time shall not exceed **500**.

All other conditions and restrictions removed.

### **Variations to Embedded Conditions:**

## **Annex 2 – Conditions consistent with the Operating Schedule**

*For the prevention of crime and disorder:*

1. On Friday and Saturday evenings a minimum of 2 SIA registered door staff will be provided at the premises from 19.00 and a minimum of 4 SIA registered door staff from 20.00 until closure.
2. On Sunday to Thursday inclusive a minimum of 2 SIA registered door staff will be employed at any time if 250 customers or more are present or are likely to be present at any one time.
3. The company will meet with the Police and Licensing Authority officials as and when necessary to ensure any new local crime prevention strategies are taken into account. Any measures agreed in writing between the company and any responsible authorities will be implemented and notified to the Licensing Authority.

*For public safety:*

1. The maximum occupancy figure of 500 will continue to apply.

2. Any measures agreed in writing between the company and any responsible authorities will be implemented and notified to the Licensing Authority.

*For the prevention of public nuisance:*

1. Any measures agreed in writing between the company and any responsible authorities will be implemented and notified to the Licensing Authority.

*For the protection of children from harm:*

- 1 Entry to under 18 year olds after 21.00 will be prohibited unless the person is accompanied by a responsible adult.
- 2 At 21.00 any under 18 year old not accompanied by an adult still in the centre will be asked to leave.
- 3 Access to the bar area will be prohibited to under 18 year olds.
- 4 The company will continue to operate its proof of age scheme where there are any doubts about the age of an individual seeking to purchase alcoholic liquor. The only proof of age documents that will be accepted are:

a photographic driving licence (which will be checked to ensure that the licence holder is not in possession of a provisional driving licence and still under 18);

a passport;

an accredited proof of age card bearing the 'PASS' mark hologram.

No other form of ID will be accepted unless by prior agreement jointly by the Licensing Authority and the Police.

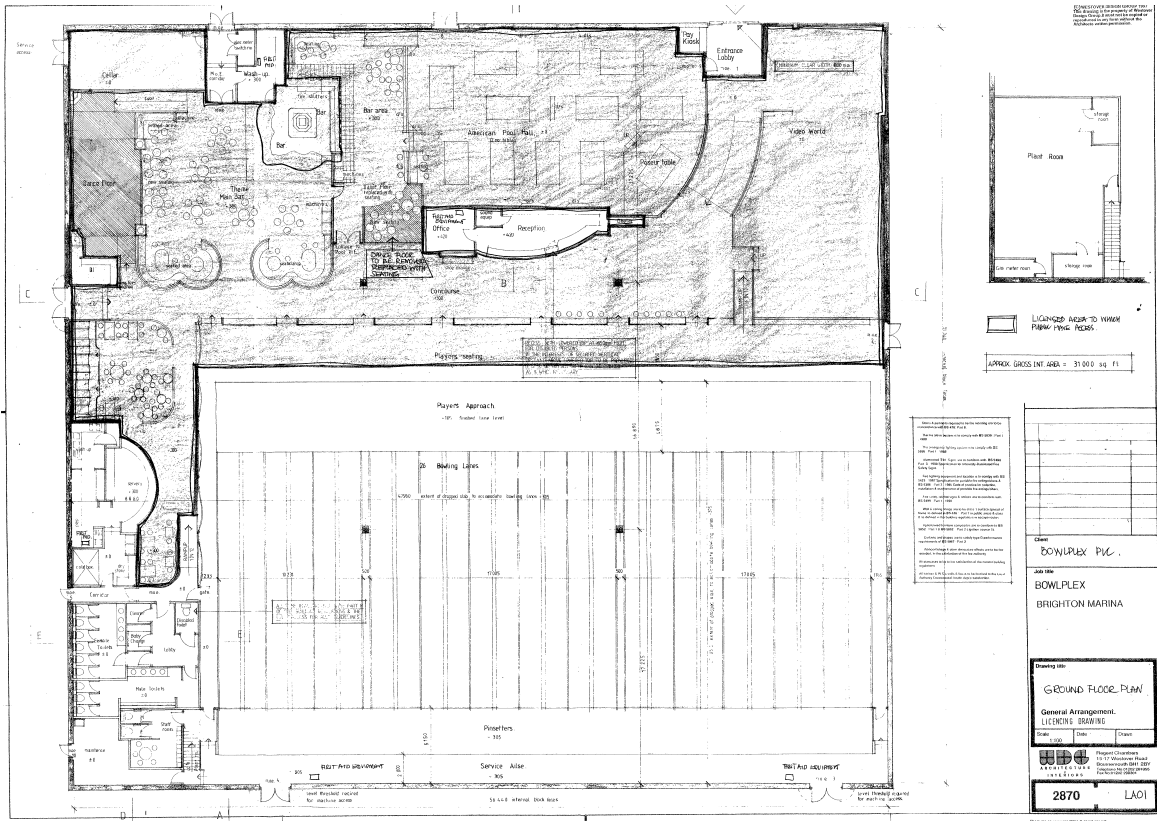
All staff and management at the premises will be trained and undertake to check physically and examine all proof of age documentation presented to them to check their authenticity and that the date of birth shown on the ID confirms that the person is genuinely over 18 years of age.

- 5 All cash gaming machines on the premises will be closely supervised and situated within direct line of sight of staff both fixed and mobile. No children will be allowed to play on them.
- 6 Any measures agreed in writing between the company and any responsible authorities will be implemented and notified to the Licensing Authority.

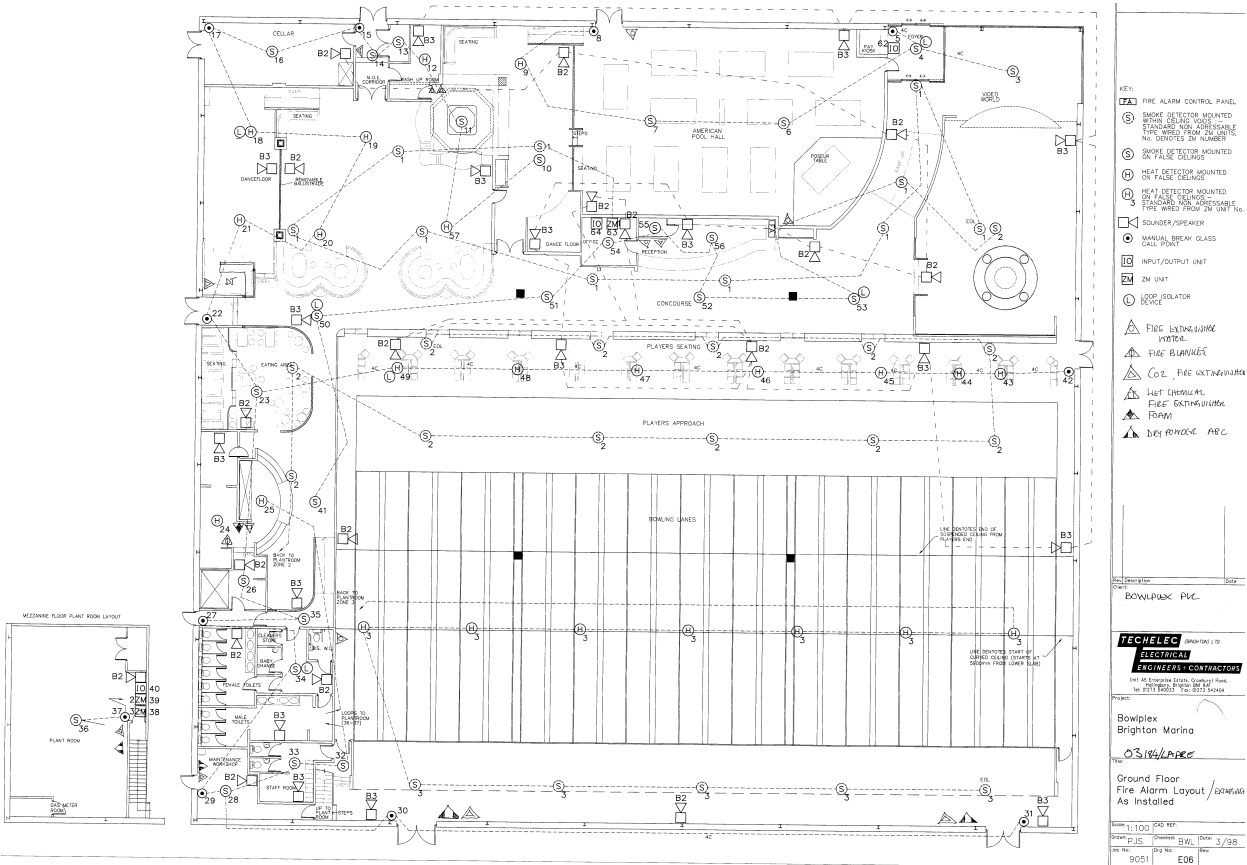
**Annex 3 – Conditions attached after a hearing by the licensing authority**

N/A

# Annex 4 – Plans



03/19/LARRE



**TECHELEC** ELECTRICAL ENGINEERING CONTRACTORS  
 PROJECT: Bowplex Brighton Marina  
 DRAWING: Ground Floor Fire Alarm Layout / DRAWING As Installed  
 DATE: 03/19/2008  
 SHEET: 1 OF 3  
 DRAWN BY: P.J.S.  
 CHECKED BY: J.S.B.  
 DATE: 03/19/2008  
 SCALE: 1:100



REC: 22.12.2008  
CONS: 20.01.2008

2008/02302/1492  
BK



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**HOVE POLICE STATION**

Brighton & Hove City Council  
16 JAN 2009  
Health, Safety & Licensing

Brighton & Hove Licensing Unit  
Police Station  
Holland Road  
HOVE  
BN3 1JY  
Tel: 01273 66 59 43  
Fax: 01273 66 55 24  
Email: david.bateup@sussex.pnn.police.uk

14<sup>th</sup> January 2009

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

Dear Sirs,

**Application for variation of the premises licence under the Licensing Act 2003 for Bowlplex Brighton Marina, BN2 5US**

The Police wish to make representations in respect of this new application on the grounds of the prevention of crime and disorder and the protection of children from harm.

This is a large venue within the Brighton Marina complex with a capacity set on the licence at 500. The principal business of the venue is ten pin bowling with 26 bowling lanes. The venue also has a number of gaming machines (both gambling and arcade games) in a dedicated amusements area. Furthermore there is a fully licensed bar area within the premises serving alcohol and a number of pool tables.

The variation seeks to cut costs on the provision of SIA door supervisors at the venue. The existing conditions state:

On Friday and Saturday evenings a minimum of 2 SIA registered door staff will be provided at the premises from 19.00 and a minimum of 4 SIA registered door staff from 20.00 until closure.

On Sunday to Thursday inclusive a minimum of 2 SIA registered door staff will be employed at any time if 250 customers or more are present or are likely to be present at any one time.

The variation application seeks to replace the above two conditions with one single new paragraph:

On Friday and Saturday evenings from 2000 hours until the closing time of the venue a minimum of 2 SIA registered door staff will be employed at any time if 250 or more customers are likely to be present at any one time or are present at any one time.

If this variation proposal is accepted then there will be no requirement on the premises to provide any door staff whatsoever Sundays to Thursdays even if customer capacity exceeds 250, and only on Friday and Saturday nights if the capacity of the premises exceeds 250 customers.

This proposal is of concern to the Police. In 2008 the Bowlplex was tested on three separate occasions using underage volunteers attempting to purchase alcohol. On two of these operations the venue sold to the children even though the venue has in house procedures to stop this reoccurring. The fact that there have been two failures clearly shows that there is a problem with the venue. The Committee is asked to consider that the venue is by its very nature attractive to youths and young persons with ten pin bowling, a games area (both with gaming machines and pool tables) and a snack bar etc.

In 2008 the venue was caught twice failing to comply twice with the existing door staff conditions, having less than the required number of door staff at the time of the Police Licensing visit. On the first occasion the door staff conditions were pointed out by PC Cheesman from Police Licensing to the DPS for the Bowlplex. Furthermore in 2008 the venue was found to be employing a door supervisor whose SIA badge had expired and was therefore working illegally.

Historically there have been problems with disorder both within the Marina complex and specifically at the Bowlplex. The problems have improved greatly and there has not been any violent crime for some time, although Sussex Police consider that this is due to the presence of door staff and the way they manage the venue. There have been a number of reported thefts from the venue over the past year (including a number of instance of gaming machines being broken into or deliberately tampered with), and reducing the security to zero five nights of the week is not going to reduce this problem. Our concern is that the complete removal of door staff five nights a week combined with a 50% reduction in door staff on Friday and Saturday nights is not going to reduce this problem. The removal and reduction of door staff may well encourage persons back to the venue and the Marina estate generally who frequented the area some two years ago when there were regular fights and disorder.

Although not in the cumulative impact area consideration has to be given to the fact that the Marina is a very localised and isolated area. Although the Marina is patrolled



by an private security company provided by the estate owners, X Leisure, there is still sporadic crime and disorder. The layout of the Bowlplex also has to be considered as it is very open plan with easy access to the bar area.

The applicant is also asking for an amendment to the existing conditions under 'protection of children from harm' to relax the current late night admission for children. However if there are no or minimal door staff on duty, it is necessary to ask how these new conditions will be implemented, applied and complied with?

Sussex Police have some concerns as to exactly how the premises management will accurately count the number of customers up to and over the crucial 250 number if there are no door supervisors on duty at the premises. If there is a problem at the premises requiring police attendance, it will be very difficult in practical reality for officers to count the number of customers spread throughout the venue up to and including 250. Does this issue effectively render this condition unenforceable? This issue also give us some concern as to whether door supervisors will be employed at all on many Friday and Saturday nights.

Sussex Police would prefer that the existing door supervisor provision is retained. However if the applicant is insistent on reducing door supervisor provision to cut costs, then we suggest the following conditions which we consider to be more proportionate and reasonable:

1. From Sunday to Thursday there will be no mandatory requirement for door staff subject to a risk assessment by premises management. However the premises will sign up for a SIA Mobile Support Unit to be on call seven days a week, whereby all persons who carry out security duties will be registered with the SIA.
2. On Friday and Saturdays two SIA door supervisors will operate from the premises from 20:00 until close, with a third SIA door supervisor starting at 21:00 hrs until close.
3. When the premises screens a major national or international football match or rugby match inside the premises, there will be a minimum of two door supervisors on duty from half an hour before the match starts until one hour after the match screening finishes, or the premises closes for business, whichever is the earlier.

Yours faithfully,



David Bateup  
Licensing Officer  
Licensing Unit  
Hove Police Station

