

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

**10.00am 26 OCTOBER 2009**

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

**MINUTES**

**Present:** Councillor Lepper (Chairman); Pidgeon and C Theobald

**Officers:** Tim Nichols (Head of Environmental Health & Licensing), Rebecca Sidell (Lawyer) and Jane Clarke (Democratic Services Officer)

**PART ONE**

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

76.1 Councillor Lepper was appointed Chairman for the meeting.

**77. PROCEDURAL BUSINESS**

**77a Declarations of Substitutes**

77.1 Councillor Hawkes declared that she was substituting for Councillor Mrs Theobald.

**77b Declarations of Interests**

77.2 There were none.

**77c Exclusion of the Press and Public**

77.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

77.4 **RESOLVED** – That the press and public be not excluded.

**78. GO LOCAL, 93 NORTH ROAD, BRIGHTON**

- 78.1 The Panel considered a report from the Assistant Director of Public Safety regarding an application for a new Premises Licence under the Licensing Act 2003 for Go Local, 93 North Road, Brighton, BN1 1YE (for copy see minute book).
- 78.2 Mr Boulas, the applicant, and Mr Simmonds, agent for the applicant, attended the hearing to make representations in favour of the application. Mr Scam and Mrs Crowhurst from the North Laine Community Association attended the hearing to make representations against the application.
- 78.3 The Head of Environmental Health and Licensing began his statement and stated that this was a new application to sell alcohol. The premises were situated in the Special Stress Area (SSA) and representations had been received from Sussex Police, local residents and the Local Residents' Association relating to Prevention of Crime and Disorder, Prevention of Public Nuisance, and Protection of Children from Harm. Following agreement of conditions with Sussex Police their representation had been withdrawn. Whilst the application was sited in the SSA, this did not prevent the applicant from making valid representations as to why his application would not increase the negative impact from licensed premises in the area.
- 78.4 Mr Scam began his representation and stated that he was speaking on behalf of the Local Residents Association. He believed that the Association had made it very clear that there was an existing problem from alcohol related anti-social behaviour in the area, and whilst he did not have an issue with the corner shop, he believed that the granting of an alcohol licence here would cause the North Laine area significant problems.

Mr Scam drew on the Police letter, which referred to the North Laine area as a hotspot for anti-social behaviour and street drinking. The Police had already recognised that they could not police the area effectively at the weekends as their resources were concentrated on West Street. As the premises were intending to trade as an off-licence Mr Scam feared that the people already street drinking in the area would be able to purchase more alcohol and drink it later in the evening. He therefore did not feel that a terminal hour of 23:00 would have any mitigating effects. Mr Scam also did not feel that the restriction in the sale of alcohol over 7 percent ABV would be effective as most strong ciders and beers were between 5 and 7 percent.

He asked the Panel to refuse the application as the Local Residents' Association did not want any more licensed premises in the area, and because the competition in the area resulted in cheap alcohol promotions, which encouraged binge drinking and anti-social behaviour.

- 78.5 Mrs Crowhurst began her representation on behalf of Ms Hamilton, and stated that the alcohol related disturbance in the area was at times extreme. Residents in Kensington Street were frequently disturbed by late night swearing, shouting, urination, rubbish and broken glass left on the street and they were very worried about the lack of Police resources in this area. She asked the Panel to refuse the application.

- 78.6 The Chairman asked if there were any questions of the representations from Mr Scam and Mrs Crowhurst, and Mr Simmonds asked if they were concerned about the number of licensed premises in the area. Mrs Crowhurst stated she was extremely concerned that one in six commercial premises were now licensed to sell alcohol.
- 78.7 Mr Simmonds asked how many licensed premises there were in North Road and Mr Scam believed it was in the region of fifteen.
- 78.8 Mr Simmonds began his representation and stated that this was a new application for a convenience store to sell alcohol. The store was located opposite residential buildings and was a modern, new mini-market style store selling a variety of goods for the local area. There was a large local population who used the premises and the applicant had anecdotal evidence from residents who supported the licence application.
- Mr Simmonds stated that the applicant had consulted with the Police to ensure the conditions on the licence would be effective and tailored to recognise that the premises were situated in the SSA, and he believed that the operating schedule and these extra conditions would successfully promote the licensing objectives. He stated that the applicant had been running a successful business in the Hove area for the last five years without any problems, and no problems were anticipated at this new venture. The premises would be run responsibly with no irresponsible beer or wine promotions and would provide a needed service to the local community. He asked the Panel to grant the licence.
- 78.9 The Chairman asked if there were any questions of Mr Simmonds' representation, and asked what proportion of the store would be given over to the sale of alcohol. Mr Simmonds replied that it would be about 1/60 of the floor space available.
- 78.10 The Chairman asked if the alcohol would be kept at the back of the store and Mr Simmonds replied that it would, and that an area to the side of the counter would be used for storing spirits. This would not be a self-service area and would be controlled by the staff.
- 78.11 The Chairman asked how many staff would be on duty at the premises and Mr Simmonds replied that it would be a minimum of two, with a minimum of three if the alcohol licence was granted. Intensive training would be carried out for staff before they were allowed to sell alcohol.
- 78.12 The Chairman asked the average age of staff members and Mr Simmonds stated they were mostly over 30 years of age, and all staff members would be over 18 years of age.
- 78.13 The Chairman asked if Mr Boulas was the Designated Premises Supervisor (DPS) and he stated that his brother was.
- 78.14 Councillor Pidgeon asked if the DPS would train the staff at the premises and Mr Simmonds replied that it would be a mixture of training from the DPS and Trading Standards training. The DPS would be responsible for ongoing training at the premises.

- 78.15 Councillor Pidgeon asked what the current hours of operation were and Mr Boulas replied they were between 06:30 and 23:00 hours. He was not applying for any increase in hours.
- 78.16 Mr Scam asked where the till was situated and Mr Simmonds explained that the till would be at the front of the premises with spirits stored behind this.
- 78.17 Mr Scam asked how the conditions would be enforced and Mr Simmonds replied that they would be enforced by the licensee via training of staff and by the threat of review if the conditions were breached.
- 78.18 Mr Scam felt that most residents would not know what the conditions were on this licence, and asked how the premises could be monitored for the community's benefit. Mr Simmonds felt that the Residents' Association would have the knowledge and capacity to monitor any premises and submit a review of the licence if necessary.
- 78.19 Mr Scam asked if Mr Simmonds recognised the North Laine area as a hotspot for anti-social behaviour. Mr Simmonds replied that all areas could be considered hotspots at different times.
- 78.20 Mr Scam asked if alcohol promotions would be held at the premises and Mr Simmonds confirmed that they would be, but would not be run irresponsibly. Mr Scam asked how this could be when prices were dictated by the market, and there were already retail outlets selling cut-price alcohol in the area. Mr Boulas reiterated that they would not run irresponsible promotion as this was not the type of customer who would be encouraged into the store.
- 78.21 The Head of Environmental Health and Licensing began his final statement and stated that the Panel needed to adhere to licensing guidance to determine the application and consider what steps were necessary to promote the four licensing objectives. The statements of the residents needed to be given due regard, as did guidance in the Brighton & Hove Statement of Licensing Policy. Any decision must be fair and reasonable and the key protection for residents against problem premises was the review process.
- 78.22 Mr Scam began his final representation and stated that the Police categorised the area as a hotspot for anti-social behaviour and crime. The residents had been told that the area could not be policed effectively at weekends and the local residents were keen to stop any more licences being granted in the area so that the problem was not exacerbated. He stated that the responsibility for granting licences had been taken away from the Magistrates Court in order to give local residents a say in how and when licences were granted in their area, and he asked the Panel to take in the views of the Local Residents' Association. Mr Scam added that he believed that many of the conditions proposed on the licence were unenforceable.
- 78.23 Mrs Crowhurst had nothing further to add to her representation.
- 78.24 Mr Simmonds began his final representation and stated that the applicant had worked with the Local Authority and the Police to put forward conditions that would be effective and successfully promote the four licensing objectives. The conditions were promoted

by the Secretary of State as being of a style and type that were enforceable and effective. The applicant had identified a need within the community for a community store that could sell alcohol and although he was very aware of the existing problems in the area, he did not feel this premises would contribute in any way towards those problems.

78.25 The Solicitor to the Panel reminded Panel Members that “need” was not a licensing consideration.

78.26 **RESOLVED** – That the Panel decided to grant the application as applied for with the conditions on the operating schedule and those agreed with Sussex Police (not including the 24 hour mobile support unit).

The Panel were aware that the premises was located in the Special Stress Area, but noted the closure time of 23:00 hours. They were satisfied that the conditions, especially the additional Police conditions would meet the licensing objectives. The Panel were mindful that these conditions were legally binding and had serious implications if breached. However they felt the conditions would promote the licensing objectives, and added that should the residents become aware of any problems associated with the premises they may contact the Licensing Authority for a review of the licence.

#### **79. ENTOURAGE, 1 MIDDLE STREET, BRIGHTON**

79.1 The Panel considered a report from the Assistant Director of Public Safety regarding an application for review of a Premises Licence under the Licensing Act 2003 for Entourage, 1 Middle Street, Brighton, BN1 1AL (for copy see minute book).

79.2 Mr Nargi, owner of the premises, Mr Thomas representing the Premises Licence Holder, Mr Smith, the Designated Premises Supervisor (DPS) and Mr Kelly, Head of Security at the premises attended the hearing to make representations against the review application. Mr Eastman, a local resident, Mr Pol from Ship Street Residents’ Association, Inspector Harris, Inspector Betts and Ms Irving from Sussex Police, and Mr Lucie, Solicitor representing Sussex Police, Mr Bulger, Environmental Protection Officer and Ms Sparks, Environmental Protection Officer attended the hearing to make representations in favour of the review application.

79.3 The Head of Environmental Health and Licensing began his statement by stating that the Council was represented today as a Responsible Authority in terms of its duties regarding noise and pollution, and also as the Licensing Authority in terms of its duties regarding licences. He stated that these two roles were technically distinct.

The review application had been submitted by the Environmental Health Department as a Responsible Authority on the grounds of public nuisance. Representations had been received from Sussex Police and residents citing Prevention of Crime and Disorder, Prevention of Public Nuisance and Public Safety grounds.

The options for the Panel included modification of conditions on 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; to revoke the licence or to do nothing.

The Council had recently adopted guidance from the Department of Culture, Media and Sport entitled Problem Premises on Probation which listed tough conditions that could be applied as a result of a first intervention. There was a strong presumption of revocation as a result of a second intervention.

- 79.4 The Chairman asked if there were any questions of the Head of Environmental Health and Licensing's statement and Mr Thomas stated that the Premises Licence Holder (PLH) had drafted alternative proposed conditions. With the agreement of all parties the PLH's alternative conditions were circulated to those present.
- 79.5 Mr Bulger began his representation and stated that following an investigation a Noise Abatement Notice was served on the premises in July 2009. Breaches of that Notice were witnessed in August 2009 and a number of complaints had been received from local residents and businesses. As a result of this a review of the premises licence was submitted on the grounds of breaching the Noise Abatement Notice and causing a public nuisance. Mr Bulger referred to his recommended conditions for the licence, the main one being a reduction in opening hours from 24 hours to a closure time of 03:30, and the sale of alcohol to be reduced to 03:00 hours.
- 79.6 The Chairman asked if there were any questions of Mr Bulger's representation and Mr Thomas asked if the main complaint about the premises was people noise from the street. Mr Bulger agreed that this was a significant problem, but he added that breaches had been witnessed relating to excessive music noise as well.
- 79.7 Mr Thomas asked if this noise could be controlled by conditions and Mr Bulger agreed that this may be possible, but it would be very hard to effectively condition for people noise generated on the street by the premises.
- 79.8 Mr Lucie asked if the proposed alternative conditions from the PLH would be sufficient to meet the licensing objectives and Mr Bulger replied that he did not believe so.
- 79.9 Mr Lucie began his representation on behalf of Sussex Police and ask Inspector Harris to highlight the details of the representation from Sussex Police.
- 79.10 Inspector Harris stated that Entourage was a very small bar on Middle Street that had a high amount of crime and disorder incidents relating to it. It was situated in the heart of the Cumulative Impact Area and known as a venue that catered for night time workers. The premises was very busy between the hours of 03:00 and 06:00, and although the Police had been to the bar several times for licensing support there had been a general increase in disorder in the area with reports of theft, drug dealing and violence. An incident had occurred in July 2009 in which Inspector Betts was present, and the premises had closed voluntarily.

Inspector Harris added that despite the review application being submitted, incidents were still occurring at the premises and serious offences were taking place in the immediate vicinity where the people involved had been drinking at the venue. It was Inspector Harris's opinion that the management was not able to control the premises effectively and although the staff had been working closely with the Police to mitigate problems, it was her view that this was not working.

The Police had proposed conditions to be placed on the licence, and these fell in line with the recommendations from the Environmental Protection Officers. She felt that the conditions proposed by Mr Bulger and the Police were necessary to uphold the licensing objectives and believed that the conditions proposed by the PLH were unenforceable, and in relation to the smoking condition, could in fact make the situation worse and increase disorder in the area. Inspector Harris stated that an area needed to be designated for smokers so that the management could control and monitor them effectively. Inspector Harris felt it was particularly important was to ensure that the premises used plastic at all times, and she was unsure how effective the new role of Noise Steward at the premises would be.

79.11 Mr Lucie asked Inspector Betts a series of questions regarding his involvement with the premises and Inspector Betts stated that he had asked the premises to voluntarily close after an incident in July 2009 and he had not had to use this power on another premises within the last year. He stated that the incident was serious enough that he would have forced a closure had the premises not co-operated with his request. Following this incident two Police Officers were regularly stationed immediately outside the premises from 20:30 hours to 03.30 hours to ensure there were no further incidents of crime and disorder. Inspector Betts highlighted that no other premises in the city required this presence.

It was critical for the closure time of the premises to be set at 03:00 hours as it was his view that there would be significant disorder after this time if the premises were left to manage the situation themselves. He added that there was evidence of this from weekday incidents when the Police were not present to manage the situation. Inspector Betts also added that there was a perceived reliance by the premises Door Supervisors on a Police presence to control customers, and he stated that this could not be allowed to continue as the Police presence was a temporary measure and the premises should be managing its own customers effectively.

79.12 The Chairman asked if there were any questions and asked if the majority of premises in the area were closed by 03:00 hours. Inspector Harris stated that some were, but there were many premises open for 24 hours in the city, which was evidence that this type of establishment could be managed effectively.

79.13 The Chairman asked if it was Inspector Harris's opinion that the premises were unable to handle operating late nights. Inspector Harris agreed and stated that the premises relied heavily on the Police presence to control the situation.

79.14 The Chairman asked if the people involved in the incidents were drunk and Inspector Harris stated that they were. Inspector Betts added that they were witnessed leaving the premises drunk. Inspector Harris stated that Officers had attended the premises for a licensing visit on 23 October 2009 and found that the Door Supervisors were not using clickers so were unaware of how many people were in the premises, a male was found asleep in the bar and a check of the toilets found a female extremely intoxicated and unable to stand. There was broken glass all over the floor. The visit had been initiated as a result of a noise complaint and Inspector Harris was very concerned that these incidents were still occurring despite the review process.

- 79.15 The Chairman asked if SIA Door Supervisors were on duty and if they co-operated with the Police. Inspector Harris had no reports of the Door Supervisors not co-operating, although there had been incidents around the late supply of CCTV as evidence for serious offences which had taken place in the vicinity of the premises.
- 79.16 The Chairman asked if Inspector Harris was confident in the current Door Supervisors and she stated she was not. She felt it was necessary to have three SIA Registered Door Supervisors and for Door Supervisors to be present during the week.
- 79.17 Councillor Hawkes asked if Police resources were being diverted from West Street to deal with the problems at the premises and Inspector Betts confirmed that they were.
- 79.18 Councillor Hawkes asked if this was the only premises where closure of the venue had been initiated and Inspector Betts confirmed this was correct for the last year.
- 79.19 Mr Thomas asked whether there were other premises close to the venue that were operating without a plastic receptacle condition. Inspector Harris stated that there were, but premises were dealt with on their merits and Entourage was a very different venue from those premises.
- 79.20 Mr Thomas asked if Buddies had an off-licence which used glass bottles and Inspector Harris confirmed that they did, but that it was different premises on a different street, and did not relate to Entourage.
- 79.21 Mr Thomas asked if Inspector Harris was aware that the premises already used Door Supervisors during the week without this being conditioned and she stated that she was but felt it still needed to be a condition of the licence.
- 79.22 Mr Thomas asked Inspector Harris to confirm that the telephone call to the Police where a Police presence was requested was not related to Entourage and Inspector Harris agreed this was the case, but felt it demonstrated a reliance on the Police by the premises to manage crowds in the area. She added that another call had been placed by a member of the public on this date referring to disorder at Entourage.
- 79.23 Mr Thomas asked if the premises management had a good relationship with the Police and Inspector Harris stated that there were no significant issues, although the premises had had a lot of support from the Police over the last few months.
- 79.24 Mr Thomas asked if there had been problems at the Water Margin in March and Inspector Harris agreed that their licence had been modified recently.
- 79.25 Mr Thomas asked if it would help if the premises offered extra CCTV coverage. Inspector Harris agreed that this would always be valuable but not at the expense of agreeing to allow the premises to stay open until 06:00 hours.
- 79.26 Mr Pol began his representation and stated that since the change in conditions at the Water Margin there had been a serious curtailment of negative and anti-social activity around that premises. However, the drunkenness and disorder had been refocused to Entourage and excessive sound levels were being generated by the bar, with shouting, screaming and swearing people on the street outside on a regular basis. Mr Pol



accepted that Brighton was a major national leisure centre but he did not believe that the behaviour currently displayed outside of Entourage was acceptable for any city and he felt that the licence should be curtailed to allow residents to enjoy a peaceful life without it being negatively affected by the drunken and violent behaviour of others.

- 79.27 The Chairman asked if there were any questions of Mr Pol's representation and Councillor Hawkes asked how far up the road was the Water Margin from Entourage. Mr Pol replied that it was around 50 yards. There had always been noise from Entourage but it had become much more excessive since the Water Margin had changed its licence.
- 79.28 Mr Eastman began his representation and stated that he owned the guesthouse opposite to Entourage. He felt that the situation had got much worse over the last 6 months and there were problems now everyday day of the week. He stated that he was regularly kept awake until 04:00 or 05:00 and he received constant complaints from his customers regarding the noise levels. It had now got to the stage where he was refunding his customers because of the disturbance and he stated that this was unsustainable. There were also problems with anti-social behaviour on the street and although he had contacted the premises on several occasions to reduce the noise levels he felt that they were not taking his complaints seriously. He stated that the music levels would be reduced for around 30 minutes and then turned up again, and the volume would increase as the night wore on.
- 79.29 The Chairman asked if there were any questions of Mr Eastman's representation. Councillor Pidgeon asked if Mr Eastman had contacted the management about the noise problems and he stated that he had.
- 79.30 Councillor Hawkes asked if there were Door Supervisors available when the problems were particularly bad. Mr Eastman replied that they were present but some were very arrogant and ignored him when he complained.
- 79.31 Mr Thomas asked if it was true that Entourage had offered to pay for the refunds that Mr Eastman had made and he agreed that one offer had been made.
- 79.32 Mr Thomas asked if he felt that customers were taking advantage of the situation and asking for refunds regardless of the noise levels. Mr Eastman did not believe this was the case.
- 79.33 Mr Thomas began his representation and stated that the premises had obtained a licence until 05:00 hours in 2006, which was then extended to 24 hours in 2008. In that time there had been no problems with the premises and no complaints had been made. Entourage was a small premises and several steps had been taken to maximise profits, including attempts to increase daytime trade. This had not worked however and eventually a 24 hours licence was applied for as this was where most trade for the business was derived. The premises attracted night-time workers finishing late shifts, and was a place where they could have after-work drinks and wind down from their shifts.

He stated that the matters in the papers were of extreme concern to the premises management, but many of the problems had results from the Water Margin being forced

to close earlier from March 2009. The resulting problems at that premises had relocated to Entourage and the management were working hard to divert the unwanted, anti-social custom that came from the Water Margin closure away from Entourage. As a result of this the Door Team were changed in July 2009 and the premises had been working well with the Police to handle the problems.

Mr Thomas stated that the viability of the premises was reliant on the licensing hours and he suggested alternative conditions which he felt would mitigate any problems and uphold the licensing objectives. He believed that accepting no regulated entertainment between 03:00 and 06:00 would overcome any noise problems at this time and added that the premises would use a noise monitor to ensure that sound levels on the street were constantly checked. Speakers had been repositioned in the premises away from the doors and double glazing had now been installed. The premises had also hired a Noise Steward from 00:00 until close, who would be responsible for monitoring noise levels from the queue and from smokers outside the premises.

Mr Thomas stated that the majority of the conditions from the Police and Environmental Protection were acceptable as they were aware of the problems and wanted to ensure the licensing objectives were being upheld. He stated it was critical however for the business to remain open until 06:00 hours as this was when the majority of trade took place. He offered a condition that no drinks promotions would take place after 00:00 hours and the premises was prepared to install additional CCTV in Middle Street and South Street. He noted that these measures carried an unavoidable cost however and stated that the business between 03:00 hours and 06:00 hours would be essential to ensure this took place.

Mr Thomas stated that the business could not be responsible for members of the public who were passing through or came from other establishments, although the Door Supervisors already helped out where they could to monitor the street and prevent anti-social behaviour.

79.34 Mr Nargi addressed the Panel and stated that he had grave concerns over the problems at the premises but had been co-operating with the Police and working to resolve the issues with local residents. He stated that the Door Supervisor who had been arrogant to Mr Eastman had been dismissed and he felt the conditions they proposed would be effective enough to mitigate any further problems. He believed the presence of the Door Supervisors on the street had been beneficial and they worked hard to stop anti-social behaviour occurring.

He understood that this was a first intervention and a second could lead to revocation of the licence. He was not an irresponsible business owner however, and his own residential premises were located on Middle Street. Most of the trade was derived from late night workers who had finished their shifts and wanted a quiet drink to unwind and talk about work. He stated that it was unfortunate that Entourage had been the focus of unwanted anti-social behaviour after the Water Margin closed early in March, but he felt that the conditions he was proposing, and the appointment of a Noise Steward, would be enough to uphold the licensing objectives without the need to reduce the trading hours.

- 79.35 Mr Smith, the DPS, addressed the Panel and stated he had been at the premises for seven months. The staff were well trained in the operation of a late night venue, and those that were deemed drunk were always refused entry or service at the establishment. He recognised that a female had been found drunk in the toilets on a recent Police visit, but she had been refused service and asked to leave, but was allowed to use the toilets before she left.
- 79.36 Mr Kelly, Head of Security at Entourage, addressed the Panel and stated that he felt the Door Supervisors had a good working relationship with the Police and they were effective in dealing with problems at the premises. He stated that the Supervisors were also available to help out other premises on the street to ensure Middle Street remained a safe and controlled space.
- 79.37 The Chairman asked if there were any questions and asked if the Door Supervisors were employed directly by the premises. Mr Nargi stated that they had been using SASSCO, but due to problems with consistency and reliability the operation had been taken in-house.
- 79.38 The Chairman asked why there was evidence of very drunk people on the premises involved in incidents. Mr Nargi stated that if they had been drinking elsewhere it was sometimes the case that they became drunk whilst on the premises as a delayed effect. However, the premises were ensuring that this did not happen where possible and were considering ways to stop people loitering if they had been refused entry.
- 79.39 Councillor Pidgeon asked why the sound had been turned up after Mr Eastman complained and Mr Nargi replied that this was because the staff in the premises had adapted to the sound levels and believe it would not cause a problem if turned up. He recognised that this was an issue however, which was why the Noise Steward outside the premises had been hired. He had not been made aware of any more sound problems in the last 2-3 months from Mr Eastman.
- 79.40 Councillor Hawkes stated there was very clear evidence from the Police that there are ongoing problems, despite a new management team in place. Mr Nargi replied that any outstanding issues were being addressed and Door Supervisors would be hired seven days a week. The premises was being refit to reduce noise escape, there would be no regulated entertainment after 03:00 hours and the smokers area would be monitored effectively.
- 79.41 Councillor Hawkes asked if the premises currently ran alcohol promotions and Mr Nargi stated that they did, but these were run responsibly.
- 79.42 Mr Bulger asked whereabouts Mr Nargi lived and he stated he had an entrance to his building on Middle Street. Mr Bulger asked if it was a new building built to mitigate the noise generated from Middle Street and Mr Nargi agreed that it was.
- 79.43 Mr Bulger stated that he had witnessed the Noise Steward in operation and yet there was still excessive noise being generated by the premises. He asked what effect the Noise Steward was having. Mr Nargi replied that it was hard to manage people in the street after 01:00 hours as this was when the road was at its busiest, but the main effect

would be after 03:00 hours when most other premises had closed and Entourage had sole responsibility for the people in the street.

- 79.44 Mr Lucie asked when Mr Smith became the DPS. Mr Smith replied it was in July 2009.
- 79.45 Mr Lucie asked why there had still been so many problems recently when a new management team had been put in place. Mr Kelly replied that there had been some problems with clickers use at the premises, which had been highlighted at previous licensing visits, but this was because the clickers had been lost and it had taken time for them to be replaced.
- 79.46 Mr Lucie asked if ensuring clickers were available was an essential part of the management of any premises, and Mr Nargi agreed that it was.
- 79.47 Mr Lucie asked why the Noise Abatement Notice had been breached twice and Mr Nargi replied that the sound had been turned down to an appropriate level in conjunction with Environmental Protection, but this had not been low enough to prevent breaches.
- 79.48 Mr Lucie asked when the premises had moved the speakers and refitted the premises and Mr Nargi replied that it was on the weekend before the Panel hearing. Mr Lucie asked if this implied a sloppy attention to detail, especially as the Notice had been served in July. Mr Nargi denied this as they had felt internal moves would be unnecessary if the sound levels were turned down effectively.
- 79.49 Mr Lucie asked Mr Nargi if he felt the incident in July, when the premises voluntarily closed, had anything to do with the management of the premises. Mr Nargi had initially been told the problems were originating elsewhere, as so he had not believed Entourage were culpable.
- 79.50 Mr Lucie asked Mr Nargi if he was sceptical about where smashed glass was coming from and Mr Nargi felt that Entourage could not be held responsible for this when customers from Buddies purchased alcohol in glasses to take off the premises and then used Middle Street as a walkthrough.
- 79.51 Mr Lucie asked Mr Nargi if he felt Entourage was at all responsible for the problems on Middle Street. Mr Nargi stated it was the duty of the Police to manage problems outside of his premises and whilst Entourage had had a very good summer in terms of customers, this had brought with it additional problems that they were working hard to mitigate.
- 79.52 Mr Lucie asked when the Noise Steward had been hired and Mr Nargi stated that this had been recently as they had not felt the concept would work initially.
- 79.53 Mr Lucie asked if the premises relied heavily on the support of a Mobile Support Unit for assistance with problems and Mr Nargi felt that it was no worse than any other similar business.
- 79.54 Mr Lucie asked if the Door Supervisors were SIA registered and Mr Nargi stated that they were. Mr Lucie asked if the company was SIA registered and Mr Nargi stated it was not. Mr Lucie highlighted that as the Door Supervisors were directly hired by the

premises, then the premises would also need to be SIA registered for the Door Supervisors to be so. Mr Nargi stated he was not aware of this.

- 79.55 Mr Lucie asked why the premises management did not want a condition for use of plastic glasses and Mr Nargi stated that some of their suppliers did not use plastic, so this would make it difficult to adhere to the condition. Mr Lucie suggested the premises could decant drinks into plastic receptacles if necessary and Mr Nargi agreed that they could.
- 79.56 Mr Pol asked if any of Mr Nargi's windows of his home residence faced onto Middle Street and Mr Nargi stated they did not.
- 79.57 Mr Pol stated that it was vital for the premises to have good relations with the local community and asked if Mr Nargi had been in contact with the Local Residents Association. Mr Nargi replied that he had not initially been aware of the Local Residents Association, but had since attended as a resident.
- 79.58 Mr Eastman asked if Mr Nargi realised that the period between 03:00 hours and 06:00 hours was also critical to his business, as this was the time most of his customers were coming back to the guesthouse to sleep. Mr Thomas replied that this was recognised by the premises management.
- 79.59 The Head of Environmental Health and Licensing began his final statement and stated that there was evidence that the licensing objectives were not being promoted and the Council as a Responsible Authority had a duty to protect residents from noise pollution. The Environmental Protection Team had used the full extent of their powers in this case. There was a recognised difficulty in using conditions to monitor people noise, but a package of tough conditions was available for the Panel Members to use to promote the licensing objectives. He said that the Police were recognised experts on security matters. The Head of Environmental Health and Licensing added that the PLH needed to ensure that he was running his business lawfully in terms of hiring SIA Registered Door Supervisors correctly.
- 79.60 Mr Bulger began his final representation and stated that the regulated entertainment condition proposed by the PLH would not resolve the people noise generated by the premises and the premises would need a dedicated member of staff to monitor noise control. He felt that the repositioning of the speakers and internal layout of the premises should have been considered much sooner as obvious remedies to the problems, and whilst the limiter had been set in co-operation with Mr Eastman, this was on the understanding that it may need to be re-set if the level was still too high at night. He felt that the Noise Steward would have difficulty in controlling the noise generated from people outside the premises as just a few people could cause significant disturbance and whilst a queuing system had been put in place, this did not appear to have a marked effect on noise. He did not feel the conditions proposed by the PLH would be sufficient to uphold the licensing objectives.
- 79.61 Mr Lucie began his final representation and stated that if the premises were allowed to stay open after 03:00 hours they would have to rely on conditions to ensure they did not breach the licensing objections, and there was strong evidence that they could not manage this properly. Whilst the premises had attempted to take action against the

problems they were unsuccessful and the problems were re-occurring despite advice from the Police. He did not believe the ban on drinks promotions after 00:00 hours would have any effect and believed the management were unable to cope with the issues generated by the current operating schedule at the premises. They had had a substantial amount of time in which to rectify problems but were not able to. Mr Lucie stated that the imposition of conditions and reduction in hours suggested by Sussex Police and Environmental Protection would be enough to uphold the licensing objectives.

- 79.62 Mr Pol began his final representation and stated that he was in complete agreement with the Police recommendations. He did not believe the customers at the premises were late night workers who wanted a wind down drink after work as the type of problems occurring at the premises were anti-social and crime related. He felt that high volume drinkers were critical to the trade of Entourage and this needed to be mitigated effectively.
- 79.63 Mr Eastman began his final representation and stated that he also did not believe the customers at Entourage were late night workers. He stated that the premises were blighting his business and he asked for the Panel to take action against this.
- 79.64 Mr Thomas began his final representation and stated that the premises had been operating effectively for several months with no problems or complaints. The PLH was very concerned about the issues that had occurred recently but felt that these had been created mainly by the Water Margin closing and the problems from there migrating to Entourage. He did feel that these problems could be addressed effectively by the management however. Mr Thomas stated that this was a first intervention but that the proposed conditions from the PLH would meet all of the concerns. He recognised the premises were in a busy area but that controls could be put in place to remedy this. The PLH believed that the situation had been resolved by turning the music down initially, and although this had proved not to be the case the PLH asked for the opportunity to prove that they could manage the premises effectively.
79. **RESOLVED** – That the Panel have decided to take action to modify conditions as follows:

**Omit the following from the licence:**

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

**Exhibition of a Film** – Indoors. To permit the playing of recorded films whether by video or DVD throughout the opening hours.

Every day 00:00 – 00:00

**Making Music** – Indoors. A hi-fi system with speakers will be used. It is noted that low volume background incidental music is exempt from the regulations.

Every day 00:00 – 00:00

**Performance of Recorded Music** – Indoors. To permit recorded music with or without a DJ. It is noted that background incidental music is not a licensable activity.

Every day 00:00 – 00:00

**Dancing** – Indoors. Floor of premises for impromptu dancing. It is not intended to promote use of the premises for dancing.

Every day 00:00 – 00:00

**Late Night Refreshment** – Indoors.

Every day 23:00 – 05:00

**Sale by Retail of Alcohol**

Every day 00:00 – 00:00

**The opening hours of the premises**

Every day 00:00 – 00:00

*For the prevention of crime and disorder*

2. SIA Registered door supervisors must operate from the premises on Friday and Saturday from 21:00 until 06:00. After 06:00 management will risk assess the premises with a view to extending these hours.
3. On Friday and Saturday there must be a minimum of two door supervisors operating from the premises which will increase at a ratio of 1:100 patrons thereafter.

*For the prevention of public nuisance*

17. Windows are to remain closed from 23:00 to 08:00. The main door is to be kept closed from 23:00 to 08:00 save for access and egress (variation application 04/06/2008).

**Amend the following on the licence:**

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

**Exhibition of a Film** – Indoors. To permit the playing of recorded films whether by video or DVD throughout the opening hours.

Every day 10:00 – 03:00

**Making Music** – Indoors. A hi-fi system with speakers will be used. It is noted that low volume background incidental music is exempt from the regulations.

Every day 10:00 – 03:00

**Performance of Recorded Music** – Indoors. To permit recorded music with or without a DJ. It is noted that background incidental music is not a licensable activity.

Every day 10:00 – 03:00

**Dancing** – Indoors. Floor of premises for impromptu dancing. It is not intended to promote use of the premises for dancing.

Every day 10:00 – 03:00

**Late Night Refreshment** – Indoors.

Every day 23:00 – 03:00

**Sale by Retail of Alcohol**

Every day 10:00 – 03:00

**The opening hours of the premises**

Every day 09:30 – 03:30

The opening hours of the premises to be reduced from 24 hours a day to 10:00 until 3:30, with the provision of sale by retail of alcohol between 10:00 until 03:00.

**ADD the following conditions:***For the prevention of crime and disorder*

1. On Friday and Saturday there must be a minimum of 3 SIA door supervisors operating from the premises from 21:00 to 30 minutes after closing time. Two of these door supervisors will be positioned on the door and responsible for entry and egress, monitoring the queue and smoking area. The third SIA door supervisor will roam all public areas inside the premises that are open and will conduct a thorough check on the toilets on an hourly basis which will be documented along with any findings.
2. A minimum of 2 SIA registered door supervisors to operate from the premises between the hours of 23:00 to close plus 30 minutes on Sunday – Thursday.
3. Door staff will conduct regular searches on patrons entering the premises at a ration of 1:5.
4. The premises will operate a queuing system as agreed with Sussex Police, with a clearly marked and separate area for queues and another for smoking.
5. The premises will have a designated smoking area that will be monitored by door supervisors. The maximum number of persons permitted in this area will be 10.
6. No drinks to be taken outside of the premises.
7. Customers will be monitored as they leave the premises. They will be requested to leave the premises quietly and signs to that effect will be displayed close to exit doors.
8. A drug amnesty box will be kept in a secure location on the premises whereby any controlled substance seized shall be stored. There will be a record maintained which will detail all drugs seized and available upon Police request.
9. All incidents of crime and disorder will be reported to the Police and kept in an incident log book which will be available upon Police request.
10. Plastic bottles and drinking receptacles will be used on all occasions. Otherwise drinks should be decanted into shatterproof drinking receptacles.

*For the prevention of public nuisance*

17. Windows are to remain closed from 23.00 until closing. The main door is to be kept closed from 23:00 until close save for access and egress.

The Panel listened very carefully to the representations and read the reports. They heard that a new premises management team were in place, but heard evidence of ongoing problems and they did not have confidence that this team could monitor these problems effectively. There had been clear breaches of three of the licensing objectives at the premises, and Environmental Health Officers had already used the extent of their powers to try to remedy the situation, but this had not been enough. The Panel also remained concerned that the DPS was ineffective as he seemed unaware of his responsibilities, especially over the employment of SIA Registered door supervisors. They considered that the action they had taken, in particular to reduce the hours for licensable activities was necessary and the only effective action open to them in the circumstances.



The meeting concluded at 1.50pm

Signed

Chairman

Dated this

day of