

# **BRIGHTON & HOVE CITY COUNCIL**

## **LICENSING PANEL 2003 (Licensing Act 2003 Functions)**

**9.30 A.M. – 24 FEBRUARY 2006**

### **BRIGHTON TOWN HALL**

#### **MINUTES**

Present: Councillors Lepper (Chair), Simson and Watkins.

#### **PART ONE**

#### **357. ELECTION OF CHAIR**

357.1 **RESOLVED** – That Councillor Lepper be elected Chair for this meeting.

#### **358. PROCEDURAL BUSINESS**

##### **358A. Declarations of Substitutes**

358.1 There were no substitute councillors.

##### **358B. Declarations of Interest**

358.2 There were none.

##### **358C. Exclusion of Press and Public**

358.3 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100 1 of the Local Government Act 1972.

358.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any of the items on the agenda.

#### **359. REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE STANDARD, 77 WEST STREET, BRIGHTON**

359.1 The Panel considered a report of the Assistant Director, Public Safety, regarding a review of a premises licence under the Licensing Act 2003 for The Standard, 77 West Street, Brighton, as a result of a closure order (for copy see

minute book).

359.2 Mr Sermon from TCG Acquisitions Ltd and Mr Lamrani, the Designated Premises Supervisor for The Standard attended the Panel. Mr Kirkwood attended the Panel to make representations from East Sussex Fire and Rescue Service. Sgt Castleton and Mr Rolmanis attended the Panel to make representations from Sussex Police.

359.3 The Licensing Manager summarised the review of the premises licence as set out in the report. A closure order under Section 161 of the Licensing Act 2003 was made on the Standard by Sussex Police on 15 January 2006. The order was considered and confirmed by the Magistrates Court on 31 January 2006. Temporary conditions were currently in place. The Panel had the option to modify the conditions of the licence, to exclude a licensable activity (both options permanently or for a period of up to three months), 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.

259.4 Mr Kirkwood set out the objections raised by East Sussex Fire and Rescue Service. A Fire Safety Audit was carried out at the Standard on 7 February 2006. Fire safety measures were not considered satisfactory and were set out in detail in the schedule dated 13 February. The concerns related to means of escape, warning in case of fire, emergency lighting, exit signage, fire fighting equipment, occupancy numbers and fire procedures/emergency plan. The East Sussex Fire and Rescue Service supported the proposed conditions made by Sussex Police limiting the numbers permitted in the basement area to a maximum of 250 persons.

359.5 Mr Rolmanis set out the police representations. It was the view of the police that the Standard had failed to meet the licensing objectives relating to crime and disorder and public safety. The Standard Public House was until two years ago run as a separate ground floor bar and basement discotheque. Since that time the manner of operation had changed with the whole premises operating as a vertical drinking disco pub/club. Incidents of crime and disorder had risen since that time.

359.6 The number of persons permitted into the areas within the premises were as follows – Basement 320, Ground Floor 380, and Courtyard 150 and if all three areas in use 600. However, once patrons were admitted, there did not appear to be a structure in place to monitor the movement of these people within the premises, which tended to lead to overcrowding in the basement area.

359.7 A closure order was made on the Standard on 15 January 2006, following disorder at the premises. This was reviewed and confirmed by the Brighton & Hove Magistrates Court who deemed it necessary, proportionate and reasonable.

359.8 At the request of the Police, the Standard had produced a premises development plan to address the levels of crime and disorder. The police

viewed this document as being ineffective as it had not properly addressed the issues appertaining to the problems within the premises. In relation to the capacity of the premises, incidents of crime and disorder remained disproportionately high to that of larger surrounding venues.

359.9 The police requested conditions be put in place to satisfy the licensing objectives relating to crime and public safety. Mr Rolmanis circulated revised suggested conditions. These had been drawn up in consultation with the management of the Standard.

359.10 Mr Sermon from TCG Acquisitions Ltd informed the Panel that it was the intention of the Standard's management to work with the police to run the premises as smoothly as possible. Managers had already had a number of meetings with the police to ensure the premises were run in a professional manner. The Standard would work with the East Sussex Fire and Rescue Service to ensure that records and maintenance of fire fighting equipment were brought up to the same standard as the new digital CCTV system. A further meeting with the police was scheduled in May 2006.

359.11 Mr Sermon confirmed that he had been aware of the number of escalating incidents since September 2005. A number of steps had been taken to address these problems in negotiation with the previous owners. TCG Acquisitions Ltd had only taken over full control of the Standard in January 2006.

359.12 Mr Sermon explained that a full environmental health audit was being conducted.

359.13 Mr Lamrani, Designated Premises Supervisor, informed the Panel that all the issues raised by the East Sussex Fire and Rescue Service had been dealt with. Fire extinguishers were up to date and now had labels. Mr Lamrani confirmed that he was on holiday on 15 January 2006. Another Designated Premises Supervisor, Patrick Powell was on duty on that night. Mr Powell had now left the employment of the company.

359.14 The Chair asked Mr Lamrani if he accepted that his management was not always responsible in the past. Mr Lamrani replied that he was not always offered support from the previous company owners. The new company offered support and training.

359.15 Mr Sermon confirmed that the company that supplied the Standard with registered door supervisors, had made assurances that they had put new policies and procedures in place, since the incident on 15 January 2006. The management of the Standard would continue to work closely with the police to ensure they were satisfied with the SIA registered door supervisors.

359.16 Mr Lamrani informed the Panel that there was fortnightly training for bar staff. If the staff were aware that a customer had had too much to drink, they would refuse to serve them. The management would be called and a decision taken as to whether to ask that person to leave. Mr Lamrani

explained that it was proposed that the Salsa or Brazilian night, which included a band, would start in the bay window area of the first floor at the front of the building and move downstairs at 10.00 p.m.

359.17 Mr Lamrani explained that the courtyard was used in the summer months up to 11.00 p.m. It was attached to the back of the ground floor. A member of the door staff managed the movement of customers in this area.

359.18 Mr Sermon reported that there had been discussions with the police about deterring the use of drugs on the premises. Flat surfaces would be avoided, to discourage drug using behaviour and CCTV would enable staff to supervise all parts of the building except the toilets.

359.19 Mr Kirkwood raised issues relating to the numbers of people permitted on the ground floor and courtyard. Mr sermon agreed that he should meet representatives of the East Sussex Fire and rescue Service on site to discuss this matter further.

359.20 **RESOLVED** – That the premises licence be varied as follows:-

That the premises be divided into **two separate areas** and traded separately as

- a) a pub/bar in the ground floor, first floor and courtyard area
- b) a nightclub in the basement.

**The opening hours of the ground floor, first floor and courtyard**

Monday to Sunday 09.00 to 01.00 hours.

**Times the licence authorises the carrying out of licensable activities in the ground floor and courtyard.**

Performance of Recorded Music indoors Monday to Sunday 10.00 to 01.00 hours.

Entertainment of a similar description indoors Monday to Sunday 10.00 to 01.00 hours.

Late night refreshment Monday to Sunday 23.00 to 01.00 hours.

Sale of alcohol by retail Monday to Sunday 10.00 to 00.30 hours.

(For the avoidance of doubt, both the performance of live music and dancing indoors are no longer authorised licensable activities).

**The opening hours of the basement**

Monday to Sunday 22.00 to 03.00 hours.

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

**basement**

Performance of Live Music indoors Monday to Sunday 22.00 to 03.00 hours.

Performance of Recorded Music indoors Monday to Sunday 22.00 to 03.00 hours.

Entertainment of a similar description indoors Monday to Sunday 22.00 to 03.00 hours.

Dancing indoors Monday to Sunday 22.00 to 03.00 hours.

Late night refreshment Monday to Sunday 23.00 to 03.00 hours.

Sale of alcohol by retail Monday to Sunday 22.00 to 02.30 hours.

**The number of persons** permitted in the basement at any one time shall not exceed 250.

**Conditions relating to the ground floor, first floor and courtyard**

There shall be no admission or re-admission to the premises after 00.00 hours.

The DJ booth shall not be used.

A computerised sound system shall be installed.

The level of music shall be set at a level approved by the licensing authority.

There shall be no disco lighting, and dancing will not be encouraged or permitted.

The number and position of the tables and chairs shall remain as per the existing floor plan, so the ground floor and courtyard can stay as a pub/bar.

SIA registered door supervisors shall be on duty from 20.00 hours to close on Sunday to Thursday and from 19.00 hours to close on Friday and Saturday.

Entry to the premises shall be monitored and controlled by SIA registered door supervisors to a ratio of 1 to 100 persons or part thereof.

**Conditions relating to the basement**

Public access to the basement shall be from the steps off West Street.

An admission charge shall be payable.

There shall be no admission or re-admission after 01.30 hours.

A "Chill Out" area shall be made available free of charge at all times.

A minimum of 2 SIA registered door supervisors shall monitor and control the

premises, whenever they are open to the public.

### **General conditions relating to the licensed premises**

Digital CCTV and recording equipment shall be installed within 28 days, and operated and maintained at the premises to a standard specification in consultation with Sussex Police. Public areas, internally and externally, including entrance/exit points shall be covered by the equipment. (The Police have indicated that the CCTV system on order satisfies their requirements).

CCTV footage shall be retained for a minimum of 28 days. The licensee or management team will give full and immediate co-operation and technical assistance to the police in the event that CCTV footage is requested for the prevention and detention of suspected or alleged crime.

There shall be no adult entertainment of a sexual, sexist, derogatory or explicit nature anywhere in the licensed premises. For the avoidance of doubt this includes the showing of films or videos of such nature, or the holding of "Wet – T – shirt" competitions.

After 19.00 hours, all drinks shall be dispensed in plastic receptacles and bottles. When an event is taking place, such as the screening of football, all drinks shall be dispensed in plastic receptacles and bottles.

The licensee shall be a supportive member of the BCRP Nightsafe scheme, and any other related scheme suggested by the police.

The Designated Premises Supervisor shall attend quarterly meetings with the police and other agencies as required, to discuss crime and disorder issues relating to the premises.

### **Recommendations and observations**

It is recommended that lighting be reviewed in consultation with the police and the fire authority.

As there were two separate sites in the building, it is recommended that the management should have regard to the Disability Discrimination Act to ensure full disabled access.

The Panel consider that there has been poor management in these premises and wish it to be noted that it had considered removing the Designated Premises Supervisor from the licence.

The applicants should note that the Public Entertainment Licence standard conditions were carried forward and still in force. These dealt with matters such as combating the use of drug use, crowd control and serving alcohol to the intoxicated.

**Reasons for the decision:** The Panel was satisfied that the above conditions

and variations to the licence were necessary and proportionate to address issues of public safety and the prevention of crime and disorder, which were apparent from both the written and oral evidence before it. The Panel noted that the majority of the conditions had been agreed in advance of the hearing by the Police and the TCG Acquisitions Limited, the premises licence holder.

The Panel solicitor reminded the parties of their appeal rights to the Magistrates Court under the Licensing Act and that appeals must be made within 21 days of written notification of the decision of the Licensing Panel which was given on the 24 February 2006.

The meeting concluded at 12.10 p.m.

Signed

Chair

Dated this

day of

2006