

BRIGHTON & HOVE CITY COUNCIL

LICENSING PANEL (Licensing Act 2003 Functions)

9.30AM – 1 AUGUST 2006

**COMMITTEE ROOM 3
BRIGHTON TOWN HALL**

MINUTES

Present: Councillor Lepper (Chair), Carden and Simson.

PART ONE

25. APPOINTMENT OF CHAIR

- 25.1 **RESOLVED** - That Councillor Lepper was proposed and duly elected as Chair for this meeting.

26. PROCEDURAL BUSINESS

26A. Declarations of Substitutes

- 26.1 There were none.

26B. Declarations of Interest

- 26.2 There were none.

26C. Exclusion of Press and Public

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

27. TEMPORARY EVENT NOTICE – THE PUBLIC FOOTWAY OUTSIDE THE BULLDOG PUBLIC HOUSE, 31 ST JAMES'S STREET, BRIGHTON

- 27.1 The Assistant Director of Public Safety, informed the Panel that the application had been withdrawn
- 27.6 **RESOLVED** – That the position be noted.
- 28. TEMPORARY EVENT NOTICE – THE PUBLIC FOOTWAY OUTSIDE THE MARINE TAVERN, 13 BROAD STREET, BRIGHTON**
- 28.1 The Panel considered a report of the Assistant Director, Public Safety, concerning the Police objection, issued under Section 104(2) of the Licensing Act 2003, to a temporary event notice. The Panel was asked to determine whether it was considered necessary to issue a Counter Notice to the premises operator for the promotion of the crime prevention objective (for copy see minute book).
- 28.2 Mr. Chillingworth, the Licensee of the Marine Tavern attended the Panel. Mr. Bateup and Mr. Whitehead attended the Panel to make representations from Sussex Police.
- 28.3 The Licensing Manager summarised the applications as set out in the report. Mr. Chillingworth had issued a Temporary Event Notice for the public footway outside the Marine Tavern, 13 Broad Street. The Police notice of objection was appended to the report. The hearing was limited to considering crime prevention objectives. If the Panel supported the request of the Police, a Counter Notice would be issued. If the Panel did not agree with the Police, a licence would be issued.
- 28.4 Mr Bateup set out the Police representations. He reported that the premises was well run by Mr Walker. Zel Grain Limited had applied for a number of temporary event notices and there had not been a problem with any of them. Normally, the Police would not have objected, but the Pride Celebrations were not an ordinary event. At 7.00 pm, following the event in Preston Park, there would be a mass exodus of people to the St James's Street area where there was a traditional street party.
- 28.5 The Police considered that serious crime prevention issues had arisen during the Pride celebrations in 2005. The crushing and sheer numbers of people in the St James's Street area was considered dangerous, and drug dealing had been carried on openly in the street. As a result the Pride operators were distancing themselves from the St James Street event this year.
- 28.6 Mr Bateup reported that there had been a number of discussions between the Pride Organisation Committee and the responsible authorities. There would be a formal road closure in St James's Street on the night of the Pride event and a relaxed café bar event in the evening. People would be able to buy alcohol in plastic glasses and socialise in the street. The Police would turn a blind eye to the citywide Designated Public Places Order (where it is an offence to drink alcohol after being required to do so by a Police officer). Meanwhile, the Police were asking people not to have outside events and

section off parts of the pavement. This request applied to St James's Street and the adjoining roads. This would allow the free flow of people and access for emergency vehicles.

- 28.7 The Police were concerned that this application did not conform to what had been agreed with other venues. If the Police agreed to the request, other venues in the area might issue temporary event notices. The Police were asking for no temporary event notices on the night in question. It was noted that exceptionally one had already been issued in respect of "The Marlborough".
- 28.8 Mr. Chillingworth explained that he considered that the measures to be put in place, the operation of an in/out queuing system and provision of a bar outside the premises would help to reduce the incidence of any crush injuries or of a bottleneck forming. If well run bars such as his own were allowed to operate that would allow those seeking to continue to party to be dispersed over a wider area. He considered that the situation was very unfortunate in that representatives of the local authority acting in their capacity as Highways Authority had already granted the permissions necessary to place a bar on the highway, but that this had been rescinded following receipt of objections by the Police.
- 28.9 In answer to questions Mr. Chillingworth explained that two large pumps would be set up outside the premises, that no bottles would be used outside the premises and all drinks would be served in 'plastic' glasses. No tables and chairs would be placed outside. The premises had carried out its own risk assessment and no potential customer displaying aggression/confrontational behaviour or who appeared already inebriated would be served. It was proposed to engage three door supervisors (two had been employed the previous year) and to call upon the SASCO response team if a potentially difficult situation appeared to be developing. If permission was not granted with greater numbers seeking to access the premises in Mr. Chillingworth's view this could cause greater potential for crush injuries or frustration at delays in being served which could result in greater potential for aggressive incidents. Staff would patrol outside to ensure that receptacles were disposed of thoughtfully and seek to persuade anyone carrying glasses or bottles to decant into plastic glass.
- 28.10 Notwithstanding the submission by Mr. Chillingworth Sergeant Bateup stated that the Police were concerned that if large numbers (potentially) of people were gathering at one place it could create a potential for public disorder offences of crime. There had been an incident (believed to be accidental rather than arising as a result of an act of aggression) where an individual had collided with or gone through a plate glass window in St. James' Street, the Police were anxious to avoid any similar incidents(s) this year. The licensee and staff of the premises had no powers to remove glasses from those celebrating and that that could of itself give cause to potential conflict.

- 28.11 **RESOLVED** – That the Panel has decided to issue a Counter Notice in respect of a Temporary Event Notice for the Public Footway outside the Marine Tavern, 13 Broad Street, Brighton, because of the premises close proximity of the premises concerned to St. James' Street, which will have a substantial number of people partying in the street. The Panel shares the concerns of the Police who are part of the Safety Advisory Group of which the Pride Organisers are also a part, that the event could give rise to problems of crime and disorder. The effect of this Counter Notice is to prevent the event from going ahead.
- 28.12 The Panel Solicitor reminded the applicant that no appeal could be brought later than five working days before the day on which the event period specified in the Temporary Event Notice began, in this instance Saturday 5 August 2006.
- 29. TEMPORARY EVENT NOTICE – THE PUBLIC FOOTWAY OUTSIDE THE QUEEN'S ARMS, 7 GEORGE STREET, BRIGHTON**
- 29.1 The Panel considered a report of the Assistant Director of Public Safety, concerning the Police objection, issued under Section 104 (2) of the Licensing Act 2003, to a temporary event notice. The Panel was asked to determine whether it was considered necessary to issue a Counter Notice to the premises operator, for the promotion of the crime prevention objective. (for copy see minute book).
- 29.2 Mr. Bennett, the licensee of the Queen's Arms, attended the Panel. Mr. Whitehead and Mr. Bateup attended the Panel to make representations from Sussex Police.
- 29.3 The Licensing Manager summarised the application as set out in the report. Mr. Bennett had issued a Temporary Event Notice for the public footway outside the Queen's Arms, 7 George Street, Brighton. The Police notice of objection was appended to the report. If the Panel supported the request of the Police, a Counter Notice would be issued. If the Panel did not agree with the Police, a licence would be issued.
- 29.4 Mr. Bateup set out the Police representations. He reported that the premises were well run and that normally the Police would not have objected, but the Pride Celebrations were not an ordinary event. At 7pm, following the event in Preston Park, there would be a mass exodus of people to the St. James' Street area where there was a traditional street party.
- 29.5 The Police considered that serious crime prevention issues had arisen during the Pride celebrations in 2005. The crushing and sheer numbers of people in the St James's Street area was considered dangerous, and drug dealing had been carried on openly in the street. As a result the Pride operators were distancing themselves from the St James Street event this year.

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- 29.7 Mr Bateup reported that there had been a number of discussions between the Pride Organisation Committee and the responsible authorities. There would be a formal road closure in St James's Street on the night of the Pride event and a relaxed café bar event in the evening. People would be able to buy alcohol in plastic glasses and socialise in the street. The Police would turn a blind eye to the citywide Designated Public Places Order (where it is an offence to drink alcohol after being required to do so by a Police officer). Meanwhile, the Police were asking people not to have outside events and section off parts of the pavement. This request applied to St James's Street and the adjoining roads. This would allow the free flow of people and access for emergency vehicles.
- 29.7 The Assistant Director of Public Safety confirmed that problems had arisen as a result of changes in licensing legislation in respect of the event this year and that in future years detailed discussions would need to take place much earlier in order to prevent such difficulties arising in the future.
- 29.8 Mr. Bennett explained that the premises was set back from the junction with St. James' Street and, that as a result the whole width of the roadway and footway. In order to prevent any potential for a free standing bar to topple over it was proposed that the bar would be bolted to the front of the premises. No tables or Chair would be located outside. As well as the use of plastic glasses, no glass bottles at all would be used. All drinks would be served from plastic bottles as suppliers had been sourced who could provide the range of alcoholic and non - alcoholic drinks to be offered for sale by this means. This would ensure that no glass would be used.
- 29.8 As a former "Pride" Board Member, Mr. Bennett stated that the reason "Pride" organisers had distanced themselves from any event in St. James' Street was purely due to the changes in the licensing laws which meant that a named Member of the organising Committee would have to appear on as the "responsible person" on all licences relating for any premises to which temporary licenses were granted. The Assistant Director of Public Safety confirmed that this was the case.
- 29.9 In answer to further questions Mr. Bennett explained that as well as their own SIA registered door staff (inside and outside the premises- 6 in

total) and the additional staff working as bar staff, in the event of any potential incident the SASCO mobile support facility would also be called upon. The 6 SIA registered staff would be engaged during the entire period during which the premises were open.

29.7 **RESOLVED** – That the Panel do not consider that there are crime and disorder implications in relation to the proposed event and therefore will not issue a Counter Notice to the premises operator the following reasons:

(1) The outside bar was going to be physically fixed to the outside of the premises;

(2) George Street was wide enough to accommodate the bar and the extra people;

(3) The premises was located just far enough from St. James' Street to better regulate the numbers of people;

(4) The amount of bar staff and the use of 6 SIA registered door supervisors would in the Panel's view be sufficient to counter any potential for crime and disorder, and

(5) The total use of plastic bottles and drinking receptacles will reduce the potential for crime and disorder.

The Panel Solicitor reminded the Police of their appeal rights to the Magistrate's Court under the Licensing Act and that appeals must be made within 21 days of written notification of the decision given at the hearing.

The meeting concluded at 12.00 noon.

Signed

Chair

Dated this

day of

2006