

Licensing Panel (Licensing Act 2003 Functions)

Date: **8 December 2020**

Time: **10.00am**

Venue **Virtual – Via Microsoft Teams**

Members: **Councillors:**, Deane, Appich and Fowler

Contact: **Penny Jennings**
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AGENDA

34 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

35 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(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 Two of the Agenda states in its heading 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 exempt categories is available for public inspection at Brighton and Hove Town Halls.

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Report of the Interim Director, Housing, Neighbourhoods and Communities (copy attached)

Contact Officer: Sara Cornell

Tel: 01273295801

Ward Affected: Regency

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Licensing Panel (Licensing Act 2003 Functions)

Agenda Item
Brighton & Hove City Council

Subject:	To determine an application for summary review under SS53A – 53D of the Licensing Act 2003		
Premises:	Montpelier Inn 7 - 8 Montpelier Place Brighton BN1 3BF		
Premises Licence Holder:	Rock & Roller Coaster Limited		
Date of Meeting:	8 December 2020		
Report of:	Interim Executive Director for Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Sarah Cornell	Tel: (01273) 295801
	Email:	sarah.cornell@brighton-hove.gov.uk	
Ward(s) affected:	Regency		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine a summary review application made by Sussex Police in regard to the premises licence issued for The Montpelier.

2. RECOMMENDATIONS:

- 2.1 To determine a summary review application made by Sussex Police in regard to the premises licence issued for The Montpelier.

CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 On 12 November 2020 the licensing authority received a summary review application from Sussex Police, under S53A of the Licensing Act 2003, regarding The Montpelier. The summary review application was accompanied by a certificate issued by a senior officer of the rank of Superintendent, who was of the opinion that the premises are associated with serious disorder.
- 3.2 As per the requirements of S53A(2)(a) and 53B of the Licensing Act 2003, on 13th November 2020 the licensing authority considered whether it is necessary to take interim steps pending the determination of the review applied for. The licensing authority decision was to suspend the licence with immediate effect.
- 3.3 The grounds for the review are that Sussex Police are of the opinion that the premises are associated with serious disorder. The review application relates to the following licensing objectives:
- Prevention of Crime and Disorder

Documents received

- 3.4 The current premises licence can be viewed at Appendix A
- 3.5 The review application and the certificate that accompanied the application can be viewed at Appendix B. (Not for publication).
- 3.6 The decision notice issued following the interim steps meeting that took place on 13th November can be viewed at Appendix C. (Not for publication).

Representations received

- 3.7 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.7.1 16 representations have been received from local residents, local Councillors. The Licensing Team, Environmental Protection and a business on the grounds of the Prevention of Crime & Disorder, Prevention of Public Nuisance, Public Safety and Protection of Children from Harm supporting the application submitted by Brighton and Hove Police seeking the revocation of the licence.
- 2 representations have been received from local residents supporting the premises on the grounds of Prevention of Crime & Disorder.
- 3.7.2 Full details of the representations are attached at Appendix D. A map detailing the location of the premises is attached at Appendix E.

COMMENTARY ON THE LICENSING ACT 2003 AND GUIDANCE ISSUED UNDER S182 OF THE ACT

- 3.8 At this hearing the licensing authority must:
- Consider the application made in accordance with Sections 53A-53D
 - Consider any relevant representations
 - Take such steps (if any) as are considered appropriate 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 are altered, 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 of the review application and interim steps review must be made at the conclusion of the hearing.

- 3.9 In conducting the review under this section, the relevant licensing authority must also —

- (a) consider whether the interim steps are appropriate for the promotion of the licensing objectives;
- (b) consider any relevant representations; and
- (c) determine whether to withdraw or modify the interim steps taken.

The power of the relevant licensing authority on a review under this section includes a power to take any of the following interim steps—

- (a) the modification of the conditions of the premises licence;
- (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
- (c) the removal of the designated premises supervisor from the licence;
- (d) the suspension of the licence

4 COMMENTARY ON THE LICENSING POLICY

4.7 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

1. Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

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 Scope

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

4 Prevention of Crime and Disorder

- 4.1.1 The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.
- 4.1.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects 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 supervisors 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. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- 4.1.3 It is expected that the 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 and that staff are authorised by the DPS.
- 4.1.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

3.3 The Matrix Approach

The Licensing Authority will support:

- 3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will 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 supports mixed use venues encouraging a wider age balance.

3.3.2 A “matrix” approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

Matrix approach for licensing decisions in a Statement of Licensing Policy

	Cumulative Impact Area	Special Stress Area	Marina	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes	Yes (midnight)
Café bar	Yes (11.30)	Yes (midnight)	Yes	Yes (midnight)
Late Night Takeaways	No	Yes (midnight)	Yes	Yes (midnight)
Night Club	No	No	Yes	No
Pub	No	Yes (11pm)	Yes	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes	Yes (favourable)
Off-licence	No	No	Yes	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes	Yes

- 1) Each application will be considered on individual merit

- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or café bars, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing and the Street Community and Drug Activity Profile. These documents are available on the following page of our website www.brighton-hove.gov.uk/licensingact.
- 8) In an area where there are already several existing off-licences and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

4.3 Care, control and supervision of premises

- 4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and deter violent crime and disorder. The council will support a responsible licensing scheme.
- 4.3.2 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 may suggest crime prevention measures in relation to, for example, the internal layout of the

premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.

- 4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.
- 4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industries Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. The Licensing Strategy Group has sought to define the standards and operating guidance for such mobile units, which will be in need of regular review. This policy endorses the use of units following such guidance and standards in appropriate circumstances. A copy can be found on the licensing pages of the council's website.
- 4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.
- 4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B of SoLP).

5 Public Safety

- 5.1 The following details and measures are intended to address the need for the protection of public safety which may be associated with licensed premises and certificated club premises.
 - 5.1.1 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate

capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

5.1.2 Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.

5.1.3 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:

(a) provision of closed-circuit television and panic buttons.

(b) use of shatterproof drinking vessels; bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons.

(c) use of door supervisors, licensed by the Security Industry Authority.

(d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.

(e) occupant capacity conditions will be applied where appropriate.

(f) the provision of designated and suitably trained first aiders.

5.1.4 Where appropriate, licence holders or their authorised representatives will submit event safety plans and operating manuals, attend Event Planning Teams or Safety Advisory Groups and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including, for example: HSE approved code of practice for events.

6 Prevention of Public Nuisance

6.1 The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises.

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).

6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any

residence. Noise emanating from within licensed premises should not normally be audible outside.

- 6.1.3 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.
- 6.1.4 Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.
- 6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.
- 6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be
- adopted to prevent theft and 'spiking' of drinks and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid

police response and alert other venues where customers and staff are endangered.

- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

6.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

7 Protection of Children from Harm

7.1 The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, e.g. in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

7.2 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, 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 (e.g. passport, photo driving licence or pass card).

7.3 It is the licensing authority'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 underage sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 5.3 below.

7.4 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b) Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
- c) Further take-up of proof of age schemes will be promoted

- d) In-house, mystery shopper type schemes operated by local businesses will be supported
- e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

7.5 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.

7.8 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police, BCRP and undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

7.9 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

8 Integration of Strategies

- 8.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by:-
- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
 - Liaising and consulting with Public and Alcohol Programme Board
 - Liaising and consulting with the East Sussex Fire & Rescue Service
 - Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
 - Liaising and consulting with the Planning authority
 - Liaising and consulting with the Highways authority
 - Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
 - Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice
- 8.2 In line with statutory requirements and the Council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.
- 8.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.
- 8.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.
- 8.5 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, use of the NightSafe radio system or accredited scheme, 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. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.
- 8.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

9. Reviews

- 9.1 Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy.
- 9.2 Where style of operation of a premises leads to applications concerning likelihood of racist, religiously motivated, homophobic or transphobic crimes or incidents, the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents - Appendix B of SoLP

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 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 Michael Bentley

Date: 30/11/20

Legal Implications:

- 5.2 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: 30/11/20

Equalities Implications:

- 5.3 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.

Sustainability Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

Appendix A – Part A of Premises Licence

Appendix B – The review application and the certificate that accompanied the application can be viewed at Appendix B. (Not for publication).

Appendix C - The decision notice issued following the interim steps meeting that took place on 13th November 2020 can be viewed at Appendix C. (Not for publication).

Appendix D – Representations

Appendix E – Map of area

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5th edition. Public Health Intelligence. January 2019

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.

**Premises Licence
Brighton and Hove City Council**

Premises Licence Number

2014/04162/LAPRET

Part I – Premises Details

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

Montpelier Inn
7 - 8 Montpelier Place
Brighton
BN1 3BF

Telephone number 01273 770916

Licensable activities authorised by the licence

Exhibition of a Film
Indoor Sporting Event
Performance of Live Music
Performance of Recorded Music
Anything of a similar description to live music, recorded music and performance of dance
Sale by Retail of Alcohol
Late Night Refreshment

Times the licence authorises the carrying out of licensable activities

Exhibition of a Film – Indoors

Video entertainment on TV screens and amusement machines.
Mon - Thu: 10.00 - 00.30, Fri - Sat: 10.00 - 01.30 and Sun: 11.00 - 00.30.
When hours for sale of alcohol are extended on bank holidays and event days these hours are also extended.

Indoor Sporting Event - Indoors

To permit pub games that attract an audience by advertisement or spontaneously.
Mon - Thu: 10.00 - 00.30, Fri - Sat: 10.00 - 01.30 and Sun: 11.00 - 00.30.
When hours for sale of alcohol are extended on bank holidays and event days these hours are also extended.
For event days, 7 working days notice will be provided to the police.

Performance of Live Music - Indoors

Live acoustic/amplified music and amplified voice i.e. karaoke, music quizzes and sporting events.

Mon - Thu: 10.00 - 23.30, Fri - Sat: 10.00 - 00.30 and Sun: 11.00 - 23.00.

Performance of Recorded Music - Indoors

Recorded music rented from DMX Music Ltd using satellite equipment. Karaoke and quizzes, with or without a DJ and including audience participation.

Mon - Thu: 10.00 - 00.30, Fri - Sat: 10.00 - 01.30 and Sun: 11.00 - 00.30.

When hours for sale of alcohol are extended on bank holidays and event days these hours are also extended.

Anything of a similar description to live music, recorded music and performance of dance- Indoors

Comperes for quizzes and similar events, comedians and similar performances in any case using voice amplification.

Mon - Thu: 10.00 - 00.30, Fri - Sat: 10.00 - 01.30 and Sun: 11.00 - 00.30.

When hours for sale of alcohol are extended on bank holidays and event days these hours are also extended.

Sale by Retail of Alcohol

Mon - Thu: 10.00 - 00.00, Fri - Sat: 10.00 - 01.00 and Sun: 11.00 - 00.00.

10.00 New Years Eve to 23.00 New Years Day

10.00 to 01.00 on Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day.

Late Night Refreshment

Monday - Wednesday: 23.00 - 00.30, Thursday - Saturday: 23.00 - 01.30, Sunday: 23.00 - 00.30

23.00 New Years Eve to 05.00 New Years Day

23.00 to 01.00 on Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day.

The opening hours of the premises

Apart from bank holidays and event days, the premises shall only open to the public as follows: Mon -

Thu: 10.00 - 00.30, Fri - Sat: 10.00 - 01.30 and Sun: 11.00 - 00.30.

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

Rock & Roller Coaster Limited
Montpelier Inn
7 - 8 Montpelier Place
Brighton
East Sussex
BN1 3BF

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Greta Gaskaite

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 I - Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

1. 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
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
6. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 —
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979:
 - (b) “permitted price” is the price found by applying the formula—

$$P=D+(D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

S 20; mandatory condition: exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where -

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section –

“children” means any person aged under 18; and

(a) “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

Embedded Conditions:

All removed.

Variations to Embedded Conditions:

None

Annex 2 - Conditions consistent with the Operating Schedule:

For the Prevention of Crime and Disorder:

1. CCTV will be maintained in good working order.
2. There will be no discount drinks promotions or ‘Happy Hours’ at the premises.

For Public Safety:

3. The Designated Premises Supervisor will always be on the premises during musical entertainment to ensure good crowd management.

For the Prevention of Public Nuisance:

4. Recorded music volume will be reduced to background level during the ‘wind down’ period.

For the Protection of Children from Harm:

5. No children under 16 will be allowed in the premises at any time unless accompanied by an adult.
6. Any person seeking to buy alcohol who appears to staff to be under the legal age for such will be required to show a suitable means of proof of age such as a passport or Portman Group card.

Annex 3 - Conditions Attached after a hearing of a Licensing Panel

1. Apart from bank holidays and event days, the supply of alcohol from the premises shall be limited to the following days and times:-

Monday to Thursday between 10.00 and 00.00
Friday and Saturday between 10.00 and 01.00
Sunday between 11.00 and 00.00

2. Apart from bank holidays and event days, the premises shall only be open to the public as follows:-

Monday to Thursday between 10.00 and 00.30
Friday and Saturday between 10.00 and 01.30
Sunday between 11.00 and 00.30

3. Apart from bank holidays and event days, the showing of films, indoor sporting events, the provision of facilities for dancing, recorded music and any activity similar to live or recorded music such as a compere for quizzes or a comedian shall be limited to the following days and times:-

Monday to Thursday between 10.00 and 00.30
Friday and Saturday between 10.00 and 01.30
Sunday between 11.00 and 00.00

4. Apart from bank holidays and event days, live music shall be limited to the following days and times:-

Monday to Thursday between 10.00 and 23.30
Friday and Saturday between 10.00 and 00.30
Sunday between 11.00 and 23.00

5. The licensee shall ensure that prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
6. The external area shall be closed and cleared of patrons by 23.30.
7. The licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties.
8. The licensee shall ensure that excessive noise does not come from the premises, such as to cause people in the neighbourhood to be unreasonably disturbed.

Annex 4 – Plans

Document is Restricted

Document is Restricted

APPENDIX D

REDACTED TEXT

16th November 2020

SC CON ENDS 26.11.20 VALID PCD & PNN (A)

Dear Head of Safer Communities,

I wrote a letter re The Montpelier Inn on the 14th November and realised that it may not have been specific enough. As I live REDACTED TEXT, I appreciate it's important I write a more comprehensive account of my experiences.

As background, I've lived here for nearly 10 years and with 3 pub landlords in that time. Firstly, REDACTED TEXT who was not respectful of his neighbours and the noise levels were unbelievable. Noise Abatement ended up taking him to court. REDACTED TEXT came next and his opening night was incredibly busy and noisy with people pouring onto the street and could be heard streets away with motorbikes racing up and down etc. He had lots of live bands and did try to be respectful to the neighbours, but that often didn't work. I heard due to financial difficulties and passed the managing of the pub to Ash (this may not be the case, but what I heard). Ash did meet up with us neighbours (although he arranged the meeting and set the time he kept us waiting over 40 mins while he and REDACTED TEXT had supper) in the pub to discuss how to be a good neighbourhood pub, he took notes, outlined what he'd do but he didn't stick to his word on many points.

The complaints I've had during the time Ash, REDACTED TEXT have collaborated are:

- * The general noise levels are really high - people seem to shout and not talk to each other as they do at The Windmill, The Hampton and other local pubs (REDACTED TEXT).
- * Loud thumping music can be heard in most of REDACTED TEXT, so I tend to stay in REDACTED TEXT as much as possible as the sound doesn't travel there.
- * They've had speakers outside and one time they had a DJ playing music outside the pub.
- * Sometimes I get people from the pub REDACTED TEXT and one was even abusive verbally when I asked him to move so one of REDACTED TEXT.
- * I've seen vomit outside REDACTED TEXT at no 6 on several occasions.
- * Their pot plants were regularly taken out of their pots and strewn about.
- * A neighbour saw someone peeing in my pot plants.
- * There's always lots of cigarette butts outside both number 6 and REDACTED TEXT due to smokers wandering over to talk (often loudly) on their phones and smoke outside REDACTED TEXT.
- * When I walk my dog in the mornings there's been broken glass on the pavement outside the pub from the night before that hasn't been swept up.
- * When I walk my dog in the evenings, I've been avoiding walking past the pub as I

have stopped feeling comfortable doing so since the first lockdown.

* Post the first lockdown the pub was significantly louder with birthday parties, thumping music, screaming and shouting, no social distancing, and it's felt out of control.

* I've been woken at 3am, 4am with people coming out of the pub and into taxis.

* My sleep is often broken by the noise levels from the pub.

* Over the summer there were often screaming and shouting people at the back and I thought it might have been student parties in someone's garden until I was told it was from the back outside space of the pub. They were really loud so there was no escape from noise at the front or back of my home.

REDACTED TEXT

* I used to complain to Ash if the pub got too loud and he responded to start with and then changed his number. I believe he's changed it a few times, so I've not been able to complain by phone. As I live on my own, I'd find going into a noisy pub to complain about noise intimidating. Due to the pandemic it also wouldn't have felt safe to do so.

I spoke with REDACTED TEXT several times post lockdown to let her know that I thought the pub had got out of control - I know I used the word feral as it seemed to sum it up.

REDACTED TEXT passed me on to REDACTED TEXT. He suggested I write a 2-week diary to which I said no to as REDACTED TEXT wrote one back in August and nothing had changed. I also don't get anything like as much trouble as she does REDACTED TEXT, He said he was going to send the Montpelier Inn another letter and get the police involved which was reassuring. That weekend the pub was really quiet, so his efforts worked for a short time.

REDACTED TEXT kindly met with a few of us neighbours on the 11th October and said she'd get the drug squad and the police involved too. Again, sadly her efforts didn't last long.

I hope this gives you an overview of what's been going on from

my perspective. Thank you and with kind regards

REDACTED TEXT

PS On the 6th February 2018 REDACTED TEXT emailed the following to a REDACTED TEXT who has since moved. Only no 8 seems to have been adhered to:

"I met with Ash yesterday and he promised the following:

1. No music after 10pm, just background music.
2. Signs will be up about coming inside after 10pm by Friday this wk.
3. He says windows and doors are closed already at 10pm every night and assures me this will continue into the summer.
4. He will let me know on Friday about when double glazing will be installed on the window on borough st.
5. He will get back to me by Friday 16th re the curtains and if this can go ahead.
6. There won't be a need for outer door enclosures as there won't be music other than background music after 10pm.
7. He will text me today and I have just reminded him to tell me what security firm he is using to person the door for live events.
8. There are no live singers or acoustic bands."

REDACTED TEXT

15 Nov 20

SC CON ENDS 26.11.20 VALID PCD & PPN (B)

Dear Councillors

I am writing to object about the anti-social behaviour relating to the Montpelier Inn Pub. The landlord encourages a very rough crowd who scream and shout as they walk down the surrounding streets. I'm not surprised a stabbing has now happened.

Close that pub.

Best

REDACTED TEXT

To REDACTED TEXT

Head of Safer Communities Brighton and Hove City Council 14th November 2020

Montpelier Inn BN131F

REDACTED TEXT

note in Support of the Application by Sussex Police

SC CON ENDS 26.11.20 VALID PCD & PPN (C)

As you will see from my address. REDACTED TEXT the Montpelier Inn at the top of REDACTED TEXT and have lived there since REDACTED TEXT. Before the current owner arrived, we used to drink happily in that different kind of Montpelier Inn, and I would like to offer three points regarding the current situation.

What Type of Pub

Essentially this is a Sports Bar with as its main attraction Sky Sports. All else failed, DJs, Bands and Food etc

A drinker's pub with lots of floor space, to allow maximum numbers. Many tables and chairs removed.

A smoker's pub with substantial outside space, onto the pavement. Packed when tv events, day and night.

The Environment Created on Sport Event Times

The pub overflowing inside and out, not just the weekends. contrasted by days and nights when its empty.

Rival football supporters meeting at the pub, e.g. Arsenal v Spurs, Brighton V Any. England v Any heavy drinking, high excitement. and a combative tension. All ages but all focussed on the competition.

Impact on the Neighbourhood and the Residents

Cars overwhelming the streets, most in permit spaces, on pavements, on comers, from 7pm onwards. Continuous row during the events and break periods, mostly from outside on the pavement.

From 10pm till often 1/2a.m. in the morning, customers spill out rowing, shouting, swearing, screaming. Cars, motorbikes accelerate away irrespective of the noise or any speed limit and the hour.

However, the most important issue in this whole difficult situation is the landlord.

He is a nice young man who has created something he cannot control.

He is a small gentle person with no air of the personal authority needed to control what he has created. He rarely has serious professional security, and hopes by notices and requests that all will be ok.

He cannot and will never be in control of his customers, the customers control him.

In any event this type of pub just does not belong in this neighbourhood

REDACTED TEXT

PS, Just days after he arrived, as an ex customer and REDACTED TEXT, I told him this would happen, if he went down the mass, cheap lager football route. He ignored that advice even though I told him he would make more profit in a "select" local meeting pub and be far more in tune with the people living around him.

SC CON ENDS 26.11.20 VALID PCD & PPN (D)

Dear Councillors

Something has to be done about the Montpelier Inn Pub and it's careless and law breaking owner. My REDACTED TEXT are at our wits end after years of noise and public disorder cumulating last week in a stabbing outside my REDACTED TEXT. This pub needs to lose its licence.

The landlord shows no respect for his neighbours with loud music and shouting a regular occurrence. Drunks regularly pour out from his premise at night screaming and arguing as they walk down the road. The owner seems to have no social distancing rules or respect and on the last night before the recent lockdown the pub was jam packed, curtains down. The fact that a fight fell out on the street was no surprise to me but a stabbing on my doorstep is a step too far.

Something needs to change

Yours Sincerely

REDACTED TEXT

REDACTED TEXT

16/11/2020

SC CON ENDS 26.11.20 VALID PCD & PPN (D)

Montpelier Inn, Brighton BN1 3BF

I write in support of my REDACTED TEXT to the Montpelier Inn. My Partner and I lived In REDACTED TEXT. We understood living near a public house would likely involve some disturbance and for seventeen years we had no issues, then all the problems began.

The emphasis of the pub went from sports to a music venue. This changed the dynamics of the pub and its clientele which led to a catalogue of antisocial behaviour. We were regularly disturbed by loud music, shouting and arguments late into the night, especially at closing time, it felt at times out of control.

We complained to Ash the owner of the pub many, many times, face to face and countless texts we told him exactly how this was affecting us usually late in the evening. We had a meeting with him and several close neighbours, he seemed to understand and was sympathetic but took very little effective action.

After little improvement we asked REDACTED TEXT to help us. She had a meeting with Ash and he agreed to sound proof the windows and side door, fit sound proof curtains to the main doors, a limiter to the sound system, have security on the door and all drinkers in by 10 pm, most of which he didn't do. Though for a few months it improved - then back to the same problems.

In an attempt to limit the noise, we upgraded the REDACTED TEXT with double- glazed units, with little effect. REDACTED TEXT to the pub became unbearable and was one of the main reasons we felt we had to REDACTED TEXT.

We feel very sorry for REDACTED TEXT and neighbours still living close to the Pub and write in

support of any action to be taken.

Yours sincerely,

REDACTED TEXT

Head of Safer Communities 2nd Floor Bartholomew House Bartholomew Square Brighton
BN1 1JP

SC CON ENDS 26.11.20 VALID PCD & PPN (F)

Dear Sir/Madam,

REDACTED TEXT

License Review - Montpelier Inn. 7-8 Montpelier Place Brighton BN1 3Bf

Representations – REDACTED TEXT

I am responding to the notice asking for representations in relation to a review of the license of Montpelier Inn dated 12th November 2020.

In April 2020 I moved into REDACTED TEXT having owned the REDACTED TEXT since 1999. I am now a REDACTED TEXT. REDACTED TEXT I have been there I have become increasingly concerned about the level of noise and disturbance caused by customers in the pub culminating in the serious crime and disorder of Wednesday 4th November 2020 which I witnessed.

On this evening I was outraged by the number of occupants of the pub spilling out on the streets after 10pm in a period of restrictions due to the pandemic. There seemed to be no difference to the behavior of the customers due to the pandemic than at any other time. I counted 30-40 people in the small area outside the pub all tightly packed and not wearing masks. There were many other people who had spilled out onto the pavement and road and many altercations taking place, disrupting pedestrians, traffic and of course REDACTED TEXT. There seemed to be a complete lack of leadership and direction coming from the pub as to what people should have been doing and of course this led to the terrible incident that took place further along the road. (I have spoken to the police about this incident and told them everything I saw).

Other problems I have experienced in the last 7 months include the following:

- Excessive noise until late in the evening and early morning on many occasions
- The REDACTED TEXT filling with the smell of cannabis coming from the outside part of the Montpelier Inn (REDACTED TEXT)
- Customers of the pub parking REDACTED TEXT
- Customers of the pub sitting REDACTED TEXT - finding drinks placed on REDACTED TEXT spilled on it
- Rubbish, cigarette butts and drug paraphernalia discarded by customers of the pub while standing outside REDACTED TEXT.
- On a number of occasions there has been vomit outside REDACTED TEXT which I have had to clear up and on many occasions smashed glass.
- Cars and Vans parked on the pavement outside REDACTED TEXT and the pub itself causing obstruction to me and other road users.

- We have a number of plants REDACTED TEXT to improve the environment, these regularly get vandalized after pub closing time.

I would summarise once more by saying that this seems to be caused in part by a lack of leadership from the licensee and a lack of concern about the effects of customer behaviour on the lives of the neighbours. It is also due to the 'type' of individuals this premises seems to attract.

Submitted for your consideration.

REDACTED TEXT

From: REDACTED TEXT

Sent: 12 November 2020 16:04

To: REDACTED TEXT

Subject: Complaint regarding The Montpelier Inn

SC CON ENDS 26.11.20 VALID PCD & PPN (G)

Hi there,

We hope this email finds you well. Myself and my partner are residents of REDACTED TEXT. Following the fight and stabbing that took place in the evening of the 4th of November, we are writing to raise concerns about The Montpelier Inn and its management. We are aware that you have heard, or will hear, from several other residents on this subject and we would like to add our voices to this response. Following these events, we feel justified in suggesting that the establishment is evidently not safe and that the management is not fit for purpose. In fact, we already had concerns about the pub, it's been obtrusively noisy at times and, on the two occasions we've been inside, it felt quite unfriendly. We feel that the management's inability to maintain a safe establishment and presence in our community is inexcusable and must be addressed. This suggestion feels particularly reasonable given the residential nature of our area. We hope that there is some discussion happening already on this subject and we would like to be notified of any developments where possible.

Kind regards,

REDACTED TEXT

REDACTED TEXT Date:

Ref:

Phone: 24th November 2020

2020/06495/NOI/EH

REDACTED TEXT

e-mail: REDACTED TEXT

SC CON ENDS 26.11.20 VALID PPN (H)

Dear REDACTED TEXT

Re. Premises Licence Review Re. Montpelier Inn, 7 - 8 Montpelier Place, Brighton, BN1 3BF

I understand that under the provisions of the Licensing Act 2003, due to a serious incident that recently occurred at the above premises, the Police have called for a review of the Montpelier Inn with regards to the licensing objective of "Crime & Disorder".

On behalf of Brighton & Hove City Council's Environmental Protection team I am also making a representation in order to detail the complaints that we have received over the last 24 months with regards to the licensing objective of the "Prevention of Public Nuisance".

Since early 2019 complaints have been received by my department with regards to noise from smokers/customers outside the premises.

They began in early 2019 when the following allegation was made by the REDACTED TEXT:

"03.03.19: Continuous noise disturbance from music and customers smoking and talking outside. Mainly in evenings Fri- Sun. REDACTED TEXT. I have resulted in taking sleeping tablets to fall asleep. I have complained to the landlord on every occasion and it gets quiet for a bit then half hour later the problem occurs again.

"Customers frequently smoke on REDACTED TEXT It's the customers of the pub and the air bnb that are causing the issue. When they smoke on REDACTED TEXT. The pub has a licence till 5am and so there is no stopping them. This has been an ongoing problem and now I am considering having to REDACTED TEXT. I have called the police before. I have been worried to inform the council as I know this causes problems when I sell as I have to declare this, but I can't take any more. The pub never has door staff and so there seems to be little control of any rowdy customers."

Subsequently, I wrote to the Premises Licence Holder. I reminded them of the law with regards to statutory noise nuisance and the conditions on the premises licence that must be upheld and adhered to.

Upon receiving the letter, I received a call from Mr Michael Robinson. Mr Robinson is not named on the premises licence. He is however named as a director of Rock & Roller Coaster Limited – the company named as the holder of the premises licence.

He gave me various undertakings and assurances about how management of the premises would be improved. For a period, no further complaints were received.

However, in April of this year, the occupier of the adjoining property made a new complaint alleging:

“Ongoing noise issues since September 2019 (tried to sort out directly). Unnecessarily loud music (when pub is near empty for example). Noise going past 11 o'clock on frequent occasions. Random increases in noise at early hours of morning some night. Playing loud music with friends on balcony (that faces our building) during Covid-19 lockdown.”

The premises licence holder was once again written to by me. Nothing was heard back from the premises this time and the complainant REDACTED TEXT alleged that they continued to experience noise from customers/smokers outside the premises.

As a result, the complainant submitted a noise diary covering the period from 7th August to 25th August that made the following allegations:

“07.08.20: Lots of people outside the pub in fenced area all night making noise. I recorded the sound REDACTED TEXT and shared with the landlord. He moved a table to discourage people from standing closer to REDACTED TEXT. Problem persisted as they just stood instead.

“08.08.20: The pub has new urinals fitted during lockdown. If not turned off in the evening I have the sound of 5 cisterns continually to fill all night long right by the REDACTED TEXT. This is not news to the landlord; I have complained before and he agreed to turn them down after 10pm and off at night.

“10.08.20: Lots of customers making noise outside in fenced area of the pub. I messaged landlord to reduce the noise outside so I could REDACTED TEXT

“13.08.20: REDACTED TEXT by urinal noise in bedroom. Messaged landlord to again turn them off.

“14.08.20 Noise from customers and music blaring from the pub outside unbearable. Messaged landlord to act.

“16.08.20 Urinals left on all night. Could not sleep in REDACTED TEXT due to the sound.

“18.08.20 Noise from customers outside REDACTED TEXT. Messaged the landlord to move the table close to me and discourage sound.

“19.08.20 Pub is really quiet, so the landlord decided to message me to see if I am happy with the noise levels. There are literally 4 customers in his pub.

“21.08.20: Lots of people outside the pub in fenced area all night making noise. Music blaring out. Several customers mopeds parked REDACTED TEXT. Glasses smashed, REDACTED TEXT used as a phone booth. Constant noise all night long. Landlord did nothing as there was an 18th Birthday party on. Woke up to sick on my REDACTED TEXT.

“22.08.20: Landlord messages me as he was fully aware of how terrible the noise was the night before. Claims he needs advice. He was provided advice when REDACTED TEXT intervened. on what to do to reduce noise in 2019 but no action was taken, just empty promises.

“23.08.20: Outdoor customer noise level unbearable, I can hear every word of the drunk conversations whilst REDACTED TEXT. I messaged landlord at 2.20am again to reduce noise. No response.

“25.08.20 Urinals left on despite messaging the landlord. Messaged landlord again at 3.44am due to noise and reminding him how important and disturbing his lack of action is to us and also for me being able to function at work due to REDACTED TEXT. Not response.”

Once I received back the noise diary, I made further attempts to contact the premises and eventually managed to speak again with Mr Michael Robinson.

With regards to the allegations concerning noise from the urinals, Mr Robinson explained that this issue had been addressed as the automatic flush system that was causing the complaints from their neighbour had been switched off.

Afterwards, I discussed this issue with the complainant, and they confirmed that this particular issue had been resolved.

Through conversations with the complainant they explained that they were classed as a vulnerable person in the current COVID pandemic. As such, they did not want me to visit them to install noise recording equipment.

Therefore, I requested that my colleague who was accompanying the Police and carrying out late night weekend visits to any licenced premises of concern, to prioritise Montpellier Inn.

No noise that could be classed as a public nuisance was witnessed at the times my colleague visited the premises. However, they noted that smokers outside the premises could view the TV showing Sky football matches through the window. This gives customers no incentive to quickly go back into the premises to continue watching a football match and could potentially result in customers staying outside the front of the premises longer than would be considered the norm.

Without more specific conditions applied to the licence regarding use of the outside area, there is potential for the licensing objective of the prevention of public nuisance may be undermined. As such, I formally submit this representation.

Yours sincerely,

REDACTED TEXT

From: REDACTED TEXT

Sent: 25 November 2020 17:06

To: REDACTED TEXT

Cc: REDACTED TEXT

Subject: Supporting representation: Review of the Montpelier Inn

Importance: High

SC CON ENDS 26.11.20 VALID PCD, PPN, PCH & PC (I)

Dear REDACTED TEXT,

I am writing on behalf of both myself and REDACTED TEXT, copied in here, to submit supporting representation for the Police calling the Review into the Montpelier Inn pub on Montpelier Place, which is located in our ward of Regency.

Regency runs from the Palace Pier to the Peace Statue and up to seven dials, and so we have the majority of pubs, clubs, restaurants and drinking and nightlife establishments in the entire city of Brighton and Hove. We have REDACTED TEXT, and I myself have been a REDACTED TEXT in the city for 11 and a half years. Neither of us has ever experienced a case that comes remotely near to that of the Montpelier Inn. The problems associated with the pub include noise, anti-social behaviour, violence and drug-taking, and we have attempted to deal with them since at least 2018 (if not before – I know that the council brought the previous landlord to court and residents complain that the pub has had problems for over a decade), by acting as REDACTED TEXT, if you like, between the management and the residents: to no avail. And unfortunately, due to the continual lack of action on the part of the management of the pub, the community has now experienced a stabbing which emanated from the pub itself. It is time for something definitive to be done, before more damage is caused, more people are hurt and more lives are ruined.

Needless to say therefore, that as REDACTED TEXT, we are delighted that the Police has called a Summary (Expedited) Review into the Montpelier Inn, which is clearly associated with not only serious crime but serious disorder as well.

Clearly, the incident on Wednesday 4th November 2020 is a matter arising at the premises in connection with all of the four licensing objectives:

- the prevention of crime & disorder;

Four men were arrested on suspicion of attempted murder after a man was stabbed in a mass brawl, a fight involving about 20 men, on Montpelier Place. It has been noted that those involved in this horrific incident were customers of the Montpelier Inn pub that evening. As well as this incident, on an ongoing basis, drug paraphernalia associated with the pub goes is found by local residents right outside the pub, and the snorting of, for example, cocaine, is seen to take place by the patrons.

- public safety;

The Designated Premises Supervisor has failed to ensure good crowd management and this has left a 40 year old man seriously injured but stable in hospital, but he could have very easily been dead. Indeed, his critical state has led to the arrests being on the grounds of suspected attempted murder.

- the prevention of public nuisance;

Recorded music is not reduced to background level during the 'wind down' period, instead it is on full blast throughout. Patrons do not all leave the premises before closing time, which is supposed to be at 01:30 at the very latest, on Friday and Saturday nights, and the external area is not closed and cleared of patrons by closing time. Instead, people are regularly hanging around inside and outside of the pub until 2am or 3am, sometimes later. The landlord constantly fails to effectively request the public to respect the needs of local residents and to leave the premises and the area quietly, and so the daily quality of lives of our constituents are completely blighted by the perpetual noise nuisance coming from the pub and by people leaving the pub, leading to residents being unable to function due to lack of sleep, inability to enjoy their homes in tranquillity and ultimately having poor physical and mental health problems. The licensee has failed to ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. Instead, the only place noise and vibration does not seem to reach is to some, but by no means all, of the basements of nearby properties. Therefore, the licensee has clearly failed to ensure that excessive noise does not come from the premises, such as to cause people in the neighbourhood to be unreasonably disturbed. Instead, people in the neighbourhood are constantly disturbed by the excessive noise and antisocial behaviour emanating from the pub.

- protection of children from harm.

16 and 17 year olds are allowed onto the pub premises at any time, and those until 16 must be accompanied by an adult. Given that crime and disorder, antisocial behaviour, noise and nuisance regularly takes place in and around the Montpelier Inn, and the stabbing illustrates that very well: this pub does not protect children from harm.

Many thanks again to Sussex Police for taking leadership on this issue, and for having brought the license of the Montpelier Inn, in for Review. We very much hope, given the substantial evidence against the pub, that their license will be revoked with immediate effect, so that the community can finally live in peace and without harm.

Best wishes,

REDACTED TEXT

23 November 2020

Brighton & Hove City Council Safer Communities Department 2nd Floor Bartholomew House Bartholomew Square

Brighton BNI IJP

SC CON ENDS 26.11.20 VALID PCD & PPN (J)

Attention: REDACTED TEXT

Re: Montpelier Inn, 7-8 Montpelier Place, Brighton, BNI 3BF - Regulation 38 Notice (Summary Review ss 53A to 53D of The Licensing Act 2003)

Please include this letter in the review, which is being undertaken in respect of The Montpelier Inn, BNI 3BF, as referenced in the Regulation 38 Notice dated 12 November 2020.

We reside at REDACTED TEXT, where we have REDACTED TEXT. Over the years, but especially noticeable in the last 3-4 years and particularly acutely in the last 2 years, in our regular passing back and forth along Montpelier Place, we have observed that the customers of The Montpelier Inn have been increasingly present outside of the pub (both on the pub forecourt area and on the public pavement) and their general level of noise and behaviour in disregard to local resident and to users of the public pavement running in front of the pub has increased, seemingly without any obvious or effective intervention from those running / managing the pub.

Additionally, we are close friends with and regularly visit one of the REDACTED TEXT. Over the years, and particularly acutely in the last few years, the noise coming from the pub, the type of behaviour evidenced by the pub's customers, both inside and outside of the pub, have caused her considerable distress and disruption in her life, so that her REDACTED TEXT is significantly impaired in consequence of the way that the pub is operated (and in the manner in which the oversight of its licensing seems to have been carried out) and the apparent disregard by the owners / managers of the pub with respect to the behaviour of the pub's customers. This, despite our friend have repeatedly made request to the owners / managers of the pub to address such issues.

It is therefore no surprise to us that a serious disturbance occurred outside of the pub recently involving fighting and a stabbing on the street down Montpelier Place and along the road heading in the direction of REDACTED TEXT on Montpelier Street. Given the continued poor management of the pub and the apparent inaction over the last few years by those with the authority and responsibility for overseeing the licensing of the pub and issues concerning noise emanating from the pub, this extremely serious event, that had potential to cause material harm to local resident, was a problem just waiting to happen. Accordingly every action that can be taken against the owners / managers of the pub (including any licensee, apparent licensee and brewery company (or similar company) that owns the freehold or leasehold of the pub), should now be taken in consequence of this review and the urgent needs of the local residents and users of the road and pavement near to the pub in respect of this historic and continuing problem with the pub should now be promptly addressed and reflected in comprehensive, appropriate and positive action(s)

In in the review under the Regulation 38 Notice dated 12 November 2020 in respect of The Montpelier Inn please take into account all of the issues and comments set out in this letter.

Yours sincerely

REDACTED TEXT

REDACTED TEXT

Licensing Authority

Brighton & Hove City Council

Bartholomew House

Bartholomew Square

Brighton

BNI IJP

Date: 25 November 2020

Our Ref: 2020/40200/LICREP/EH

Phone: REDACTED TEXT

Email: REDACTED TEXT

SC CON ENDS 26.11.20 VALID PCD & PPN (K)

Dear REDACTED TEXT

Licensing Act 2003

Representation in support of an application by Sussex Police seeking a review of the Premises Licence - 1445/3/2020/03792/LAREV

Montpelier Inn, 7-8 Montpelier Place, Brighton BNI 3BF

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority, in relation to the above application made by Sussex Police seeking to review the Premises Licence for the Montpelier Inn, 7-8 Montpelier Place, Brighton BNI 3BF.

This representation is made as the Licensing Team have concerns that the licensing objectives of the Prevention of Crime and Disorder and Prevention of Public Nuisance are not being upheld.

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

The licensing team involvement with the premises is as follows:

On 22 July 2020, accompanied by REDACTED TEXT I visited the premises, following an email from the Designated Premises Supervisor (DPS), REDACTED TEXT, advising that he no longer was the DPS for the premises. At the time of our visit we spoke to REDACTED TEXT, who informed us he was the Manager. We explained that the premises could no longer supply any alcohol until there was a DPS. He informed us that another Manager, REDACTED TEXT was going to be the DPS and that a DPS Application would be submitted straight away. Following this visit I received an email from REDACTED TEXT. (Copy of email attached as Appendix A).

On 22 July 2020, a DPS application was submitted in the name of REDACTED TEXT. There was a delay in processing this application due to the fact that it had been incorrectly completed and delay in the applicant responding to emails.

On 8 October 2020 a referral was received from the Environmental Protection Team following numerous complaints regarding public nuisance and continuous on-going noise complaints. Following this a warning/advice letter was sent. (A copy of this letters can be seen at Appendix B).

On 17 October 2020 an out of hours visit was carried out by Police Licensing and an Officer from this department to check whether the premises were complying with Covid requirements. At the time of this visit it was noted that there were breaches of compliance and a lot of noise from people inside the venue that appeared to be rowdy. A discussion was had with REDACTED TEXT, who introduced himself as the Manager. A discussion was also had with him regarding the on-going noise complaints that were being regularly received.

On 6 November 2020, following a visit by Police Licensing I sent a warning email to the DPS, REDACTED TEXT concerning breaches of the premises licence conditions that were noted at the time of this visit by Police Licensing on 4 November 2020. (A copy of this email can be seen at Appendix C). No response has been received following my warning.

On 11 November 2020, I was asked to contact the PLH 'Rock & Roller Coaster Limited', as it was noted on Companies House that the company was due to be dissolved on 17 November 2020. (A copy of this email and response can be seen at Appendix D and E).

On 11 November 2020, a Transfer application was received in the name of 'REDACTED TEXT' but was missing the Transfer consent form. I contacted REDACTED TEXT, Director for 'Rock & Roller Coaster Limited' to advise. He informed me that he would submit the consent form. Following this conversation, I sent a further email to REDACTED TEXT with a copy of a consent form application. (See Appendix F). To date this authority has not received a consent form for the transfer application.

Rock & Roller Coaster Limited remain the Premises Licence Holder. If the premises licence is not properly transferred within 28 days of the company being dissolved, the licence will lapse.

On 16 November 2020, I was informed that the annual fee invoice sent in August 2020 for the premises licence was still unpaid. An email was sent advising that the licence was suspended until the annual fee had been paid. This invoice was paid on 17 November 2020.

The PLH, REDACTED TEXT, and DPS, REDACTED TEXT, on the current licence do not seem to have any control of the day to day running of the premises. They have not taken any responsibility for the issues reported regarding the poor management. It would seem the person running the bar is 'REDACTED TEXT, who has identified himself to Officers since 2017 as the Manager. However, even he has not taken responsibility for the issues that have recently risen at the premises.

Despite substantial Officer interaction with this premises, including visits, advice and warnings regarding Prevention of Crime and Disorder and Prevention of Public Nuisance, it

is my opinion that the premises is poorly run, there are breaches of the premises licence and the licensing objectives are not being upheld. I believe if the premises licence remains in place, there will be further problems occurring at the venue.

In the circumstances, I fully support the application of Sussex Police seeking the revocation of the premises licence and consider that this is necessary to ensure that the licensing objectives of the Prevention of Crime and Disorder and Prevention of Public Nuisance are met.

Yours sincerely

REDACTED TEXT

Licensing Officer

Licensing Team

Appendix A - Email dated 24 July 2020 from Ash Mohammed

Appendix B – Letter dated 8 October 2020 sent DPS

Appendix C - Email dated 6 November 2020 warning

Appendix D - Email dated 11 November 2020 PLH company

Appendix E - Email dated 11 November 2020 response

Appendix F - Email dated 12 November 2020 consent form

APPENDIX A

From: REDACTED TEXT

Sent: 24 July 2020 11:35

To: REDACTED TEXT

Subject: The Montpelier Inn

Hi REDACTED TEXT

Thank you for taking the time to advise me the other day and it was a pleasure to meet you both.

I'd love to be as compliant as I can, especially in these challenging times. We also received the letter of a noise complaint so any advice on this would be appreciated. I've ordered new posters and will be monitoring it.

We have Brighton CCTV visiting us today to upgrade our current set up and I am arranging door security for extended hours.

I'm the meantime any paperwork or books you mentioned would be welcomed!

Have a lovely day.

Regards

REDACTED TEXT

APPENDIX B

Rock & Roller Coaster Limited

Montpelier Inn

7 - 8 Montpelier Place

Brighton

East Sussex

BNI 3BF

Date: 8 October 2020

Our Ref: REDACTED TEXT

Contact: REDACTED TEXT

Phone: REDACTED TEXT

Email: REDACTED TEXT

Dear REDACTED TEXT

The Health and Safety at Work Act 1974

Management of Health and Safety at Work Regs 1999

The Health Protection (Coronavirus, Restrictions)(No.2&3)(England) Regulation 2020

The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020

The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020

The Health Protection (Coronavirus, Wearing of Face Coverings in a relevant Place) (England) Regulations 2020

Re: The Montpelier Inn, 7-8 Montpelier Place, Brighton

The Environmental protection team have forwarded a complaint to the Licensing team concerning some issues with COVID-19 safety measures in your business.

The complainant alleges that there is lots of noise/public nuisance, that there are issues to do with activity at the front of premises, with lots of customers, (more than rule of 6) no social distancing and that the owner is allowing activity within the premises after 10pm, having shots with locals and loud music

This letter is not to confirm or deny the complaint, but to advise you and enable you to undertake your own investigations.

If you have not already, please read the guidance we produced to help businesses in full <https://www.brighton-hove.gov.uk/coronavirus-covid-19/advice-retail-and-hospitality-businesses> and review your safety measures. As an employer, you must protect people from harm. This includes taking reasonable steps to protect your workers and others visiting your premises from coronavirus. This is called a COVID-19 risk assessment and it will help you manage risk and protect people. The Health and Safety Executive (HSE) have put together some guidance and an example risk assessment template to help you comply: <https://www.hse.gov.uk/coronavirus/working-safely/risk-assessment.htm>

You should ensure that customers are seated at tables and as a minimum, you enable customers to sit at least 1 metre apart from people not in their household/bubble in all directions (measure from person to person as sat in their chairs) If customers are seated at 1 metre (and not 2 metres), you must also have extra controls in place, such as:

- Screens between people;
- Ensure good ventilation;
- Set up chairs back to back;
- If this is not possible side to side (least preferred).

This applies to all the business's tables and chairs, inside and outside. You must also ensure that staff keep at least 1 metre apart from customers and from each other.

It is important to note that it is now illegal to meet up socially with more than 6 people who are not within the same household/bubble, even if social distancing is undertaken. This applies inside and outside. Restaurants and hospitality venues can still host larger numbers in total, but groups of up to 6 must not mix or form larger groups.

Restricted businesses that serve alcohol for consumption on the premises must ensure:

- the food or drink is ordered by, and served to, a customer who is seated on the premises; and
- they take all reasonable steps to ensure that the customer remains seated whilst consuming the food or drink on the premises.

Taking orders can be done in a few ways, having an App could be one option.

When you are serving customers and clearing away you could think about placing a tray on the table for the customers place their used crockery etc on, or place a trolley or foldaway

table at the end of the table. Tables should not be pre laid with cutlery, glasses or condiments.

A list of restricted businesses or services and exemptions can be found here:

https://www.legislation.gov.uk/ukxi/2020/1029/pdfs/ukxi_20201029_en.pdf

It is compulsory for retail, leisure and hospitality staff to wear a face covering in areas that:

- are open to the public and;
- where they come or are likely to come within close contact of a member of the public.

This includes shops, supermarkets, bars, pubs, restaurants, cafes, banks, estate agents, post offices and the public areas of hotels and hostels.

The new requirement for hospitality staff to wear face coverings only applies to consumer-facing staff and not 'back of house' kitchens or office areas of hospitality premises. Staff working 'back of house' will only have to put on a mask if they move into public customer-facing areas of the business e.g. staff will need to wear a face covering when moving from the back kitchen into the seating area where customers may be present.

If businesses have taken steps in line with Health and Safety Executive guidance for COVID-19 secure workplaces to create a physical barrier between workers and members of the public then staff behind the barrier will not be required to wear a face covering. However, you are urged to discuss the installation of any screens/barriers with you inspecting officer before you spend money on something that may not be suitable.

Businesses already have legal obligations to protect their staff under existing employment law. This means taking appropriate steps to provide a safe working environment, which may include providing face coverings where appropriate, alongside other mitigations such as screens and social distancing. Businesses should advise workers how to use face coverings safely.

NHS Test and Trace- Collecting Data from Customers:

You are now required by law to help the NHS 'Test and Trace' system to identify and notify people who may have been exposed to the virus. You must:

- Ask at least one member of every party of customers or visitors (up to 6 people) to provide their name and contact details.
- Keep a record of all staff working on their premises and shift times on a given day and their contact details.
- Keep these records of customers, visitors and staff for 21 days and provide data to NHS Test and Trace if requested.
- You must register for an official NHS QR code and display the official NHS QR poster from 24 September 2020, so that customers and visitors can 'check in' using this option as an alternative to providing their contact details.

- Adhere to General Data Protection Regulations by keeping only the information required, storing it safely so no one else can see it and destroying it after 21 days.

Hospitality venues must also refuse entry to those who refuse to participate

For government guidance see: <https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace#displaying-an-official-nhs-qr-poster>

All hospitality and leisure businesses must abide by the national curfew.

- Restricted businesses are to close at 22:00 until 05:00.
- Delivery can take place after 22:00 and/or food can be given to a person in a car so long as the person in the car does not leave the car.
- Cinemas, theatres and concert halls – performances can carry on at, or after, 22:00 to allow a performance to finish which began before 22:00, but food and drink supply must stop at 22:00.

A list of restricted businesses or services and exemptions can be found here:

https://www.legislation.gov.uk/ukxi/2020/1029/pdfs/ukxi_20201029_en.pdf

With extra restrictions coming into force around the country it is now more important than ever that we need your support and the support of those employed at your establishment/s to continue to stay alert and operate your business following the current government guidance available at: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/restaurants-offering-takeaway-or-delivery>

Making your establishment COVID-19 secure will make both your clientele and staff feel safer and will reduce the risk of closure and local lockdowns.

Should you wish to discuss the contents of this letter further, please do not hesitate to contact me at the above address. For further COVID-19 related advice and information you can visit our website at: <https://new.brighton-hove.gov.uk/coronavirus-covid-19>

Yours sincerely

REDACTED TEXT

APPENDIX C

From: REDACTED TEXT

Sent: 06 November 2020 17:52

To: REDACTED TEXT

Cc: REDACTED TEXT

Subject: Licensing Act 2003 - Montpelier Inn, 7 - 8 Montpelier Place, Brighton BN1 3BF - 2020/39750/LICCON/EH

Importance: High

Dear REDACTED TEXT

Licensing Act 2003 – Breach of Conditions

Unauthorised Licensable Activities

Montpelier Inn, 7 - 8 Montpelier Place, Brighton BN1 3BF

Premises Licence Number: 1445/3/ 2014/04162/LAPRET

I am writing to you in your capacity as the Designated Premises Supervisor (DPS) for the above premises following a Licensing visit at your premises by Sussex Police on 4 November 2020.

They have advised on the below breach of conditions of your Premises Licence, which states:

Annex 2 – Conditions consistent with the Operating Schedule

For the prevention of crime and disorder:

I. CCTV will be maintained in good working order.

As the system cannot be accessed and the manager has stated that it is not monitored, we currently have no idea if it was working, but from what Ash has said to police it is apparent that it is not maintained. This is a breach of the condition, and if the CCTV is found to be faulty then this will add further weight to that breach.

I remind you that non-compliance with licence permissions and conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislation states that: -

(1) A Person commits an offence if –

(a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than

under and in accordance with an authorisation, or

(b) he knowingly allows a licensable activity to be carried on.

(4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Irrespective of the permission's and restrictions attached to any premises licence all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

- o The Prevention of Crime and Disorder
- o Public Safety
- o Prevention of Public Nuisance
- o Protection of Children from Harm

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy which includes, issuing of formal warnings, followed by potential prosecution. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

A copy of this email has also been sent to Police Licensing.

Should you wish to discuss the contents of this email further, please do not hesitate to contact me on REDACTED TEXT.

Yours sincerely

REDACTED TEXT

APPENDIX D

From: REDACTED TEXT

Sent: 11 November 2020 10:44

To: REDACTED TEXT

Subject: Montpelier Inn, 7-8 Montpelier Place, Brighton BN1 3BF

Importance: High

Hi REDACTED TEXT

We are just updating our database/records and note that the Premise Licence Holder for Montpelier Inn, 7-8 Montpelier Place, Brighton BN1 3BF is 'Rock & Roller Coaster Limited' which you are the sole Director.

I also note that on Companies House that 'Rock & Roller Coaster Limited' is due to be dissolved on 17 November 2020.

Can you please confirm that you are still the Premise Licence Holder or if you will be submitting a Transfer Application?

Could you please respond as soon as possible.

Regards

REDACTED TEXT

APPENDIX E

From: REDACTED TEXT

Sent: 11 November 2020 14:10

To: REDACTED TEXT

Subject: Re: Montpelier Inn, 7-8 Montpelier Place, Brighton BN1 3BF

Hi REDACTED TEXT,

We will be submitting a transfer application.

Regards,

REDACTED TEXT

APPENDIX F

From: REDACTED TEXT

Sent: 12 November 2020 12:38

To: REDACTED TEXT

Subject: Transfer Consent Form

Hi REDACTED TEXT

Details below on Transfer Applications.

You need to complete the:

consent transfer of a premises licence

Transferring the premises licence

You will need to complete a premises licence transfer application

- Submit a premises licence transfer application online
- Download a paper premises licence transfer application
- The current licence holder will need to complete a consent transfer of a premises licence

The cost is £23 made payable to Brighton & Hove City Council.

There is a 14 day consultation process where Sussex Police can make any comments on the application.

Once the consultation is complete, a new licence with all the details will be sent to you.

Premises transfer application privacy notice.

Premises transfer consent privacy notice.

Regards

REDACTED TEXT

REDACTED TEXT

Head of Safer Communities

Floor Bartholomew House

Bartholomew Square

Brighton BN1 1JP

SC CON ENDS 26.11.20 VALID PCD & PPN (L)

Dear Sir/Madam,

License Review – Montpelier Inn, 7-8 Montpelier Place Brighton BN1 3BF

REDACTED TEXT

I am responding to the notice asking for representations in relation to a review of the license of Montpelier Inn dated 12th November 2020.

I have lived at REDACTED TEXT to the Montpelier Inn for the last two years.

During this time, I park my vehicle on the front driveway which has two spaces. There are a number of reasons for this, since I have lived at this address the plant pots which are on the front of the windowsill property REDACTED TEXT. I find that if the spaces are occupied by myself or REDACTED TEXT the plant pots are kept safe. However, what has happened on more than one occasion is that my vehicle has been keyed, dented and had litter such as beer cans, glasses and cigarette buds left tucked under the windscreen wipers and has recently been spat on literally in front of my eyes.

I used to complain directly to the manager of the pub, however this made matters worse and so I have not said anything for a long time. However, during the month of July '20 as I had parked on the driveway and went to walk through my front door a REDACTED TEXT onto the side of my vehicle narrowly missing me. I have to say I was furious and so put a face mask on and went into the pub to complain about what had just happened. I spoke with the licensee and manager who did come out and clean this up, well wiped it with tissue and apologised, but the point is, this is the sort of regular behaviour that happens from REDACTED TEXT.

On this occasion I would like to point out that neither patrons nor staff were wearing face coverings of any kind. Table service was not being adhered too and music was being played loud meaning people were shouting over each other inside and outside in the terrace. It certainly was not "background music". I was utterly disgusted that the licensee and manager both of whom are responsible for the health and safety to their staff and customers were so brazen in their disregard for it.

Since then, on a weekly if not daily basis when the weather is nice, I have witnessed. Loud music, no face coverings being worn by staff or customer, no table service for customers, patrons of the pub have continued to be grossly intoxicated leaving the pub with glasses and bottles still in hand, they have vomited on REDACTED TEXT, left litter, REDACTED TEXT, smoking cannabis on the pub property, had altercations in the street and there has been late closing of the pub past the 10pm curfew.

All of this has been going on for the length of time I have resided at the above address, but in recent times during a pandemic, alarms me. My partner has completed a detailed noise log as requested by Brighton and Hove City Council to which we were both witness too. Please refer for more in depth detail of days/ times of incidents and disturbances.

On the night of Wednesday, the 4th November it was no different but it was worse, it was quite clearly the night before "lockdown 2" and it was mayhem. Neither the Montpelier Inn nor the patrons cared about any social distancing or any of the protective measures that should be in place. There were so many people inside and outside the pub I know this must have been over their capacity. It resembled New Years Eve.

Myself and my partner could not even sit to REDACTED TEXT to the noise, both loud disturbing music and shouting from the customers/ patrons. At 22:00 I checked the time, it was quite clear the customers were not being ejected from the Montpelier Inn, I recall saying to my partner if they're not all out and gone by half past I'll call the Police and report this breach of Covid license rules.

At around 22:15 there was a stabbing in the Street to which myself and my partner witnessed some of the incident, called 999 and have both given full details of how this came from the Montpelier Inn still being open to Police. When Police arrived on scene, there was around 50 people in the street, screaming, swearing, shouting, completely intoxicated and majority being obnoxious to Police, not leaving the area and still have glass bottles and glasses full of alcohol in their hands.

This was a very distressing incident. To find yourself in the centre of a Police cordon the following day knowing there had been arrests made for a stabbing of which the victim was critically ill in hospital made me feel sick to my stomach.

I fully believe that if the Montpelier Inn had been responsible in sticking to the guidelines but at the very least acting within a VALID license, not serving drunk people, not allowing glass / alcoholic drinks to leave the premises, having appropriate number of SIA door staff and crowd control none of this would have happened. This was completely avoidable and shows a complete unwillingness by the licensee and staff to uphold their licence and the current Covid restrictions.

REDACTED TEXT

Head of Safer Communities 2nd Floor Bartholomew House Bartholomew Square Brighton
BNI IJP

24th November 2020

SC CON ENDS 26.11.20 VALID PCD, PPN & PCH (M)

ftao REDACTED TEXT

Re: 7-8 Montpelier Place Brighton BNI 3BF Premises Licence review

From your flyer put up on the front of the Montpelier Inn I note that you are reviewing the licence.

I am a resident of a flat REDACTED TEXT, and still I hear significant noise from the pub on many evenings and into the early morning, particularly at weekends - it is clear that the pub regularly ignores the conditions of their licence - in particular:

6. The external area shall be closed and cleared of patrons by 23.30.
7. The licensee shall ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties.
8. The licensee shall ensure that excessive noise does not come from the premises, such as to cause people in the neighbourhood to be unreasonably disturbed.

The outside area is regularly occupied after that time, with loud phone calls, loud talk, drunken laughter or worse, culminating in the recent near riot and apparent attempted murder. The pub may close in accordance with the licenced hours, I have never stood and watched to verify that, but from passing late in the evening or early morning, and hearing it from my flat, I am certain that conditions 6, 7 & 8 are not adhered to, and I have never seen any attempt by the management to curtail this.

I'd note that I'm a great fan of pubs, and that's part of why I moved to Brighton. Nearby pubs like the Farm, The Hampton and The Windmill are also in residential streets and appear to take their responsibility seriously- I drink at these and if sitting outside at the appropriate time we are told to go inside, and then asked to leave quietly. The management of the Montpelier do not seem to be able to achieve this, and their laxity appears to attract a noisy, aggressive, unpleasant clientele - I'm a REDACTED TEXT, and I prefer to go out of my way to walk on the other side of the road when the pub is open - I can't imagine how more vulnerable people feel about it. The way the pub is operated and it's late opening hours at the weekend might be appropriate in more commercial/club areas of the city, but is certainly not appropriate in what would otherwise be a quiet residential area.

REDACTED TEXT

From: REDACTED TEXT
Sent: 25 November 2020 17:46
To: REDACTED TEXT
Subject: Montpelier Inn.

SC CON ENDS 26.11.20 VALID PPN (N)

As a local resident who has been trying to tolerate the horrendous noise made from the pub during football match playing time, I write in to support the email below.

REDACTED TEXT

From: REDACTED TEXT
Sent: 24 November 2020 22:25
To: REDACTED TEXT
Cc: REDACTED TEXT
Subject: Supporting representation: Review of the Montpelier Inn
Importance: High

Dear REDACTED TEXT,

I am writing on behalf of both myself and REDACTED TEXT, copied in here, to submit supporting representation for the Police calling the Review into the Montpelier Inn pub on Upper North Street, which is located in our ward of Regency.

Regency runs from the Palace Pier to the Peace Statue and up to seven dials, and so we have the majority of pubs, clubs, restaurants and drinking and nightlife establishes in the entire city of Brighton and Hove. REDACTED TEXT, and I myself have been a REDACTED TEXT in the city for 11 and a half years. Neither of us has ever experienced a case that comes remotely near to that of the Montpelier Inn. The problems associated with the pub include noise, anti-social behaviour, violence and drug-taking, and we have attempted to deal with them since at least 2018 (if not before), by acting as mediators, if you like, between the management and the residents: to no avail. And unfortunately, due to the continual lack of action on the part of the management of the pub, the community has now experienced a stabbing which emanated from the pub itself. It is time for something definitive to be done, before more damage is caused, more people are hurt and more lives are ruined.

Needless to say therefore, that as REDACTED TEXT for Regency, we are delighted that the Police has called a Summary (Expedited) Review into the Montpelier Inn, which is clearly associated with not only serious crime but serious disorder as well.

Clearly, the incident on Wednesday 4th November 2021 is a matter arising at the premises in connection with all of the four licensing objectives:

- the prevention of crime & disorder;

Four men were arrested on suspicion of attempted murder after a man was stabbed in a mass brawl, a fight involving about 20 men, on Montpelier Place. It has been noted that those involved in this horrific incident were customers of the Montpelier Inn pub that

evening. As well as this incident, on an ongoing basis, drug paraphernalia associated with the pub goes is found by local residents right outside the pub, and the snorting of, for example, cocaine, is seen to take place by the patrons.

- public safety;

The Designated Premises Supervisor has failed to ensure good crowd management and this has left a 40 year old man seriously injured but stable in hospital, but he could have very easily been dead. Indeed, his critical state has led to the arrests being on the grounds of suspected attempted murder.

- the prevention of public nuisance;

Recorded music is not reduced to background level during the 'wind down' period, instead it is on full blast throughout. Patrons do not all leave the premises before closing time, which is supposed to be at 01:30 at the very latest, on Friday and Saturday nights, and the external area is not closed and cleared of patrons by closing time. Instead, people are regularly hanging around inside and outside of the pub until 2am or 3am, sometimes later. The landlord constantly fails to effectively request the public to respect the needs of local residents and to leave the premises and the area quietly, and so the daily quality of lives of our constituents are completely blighted by the perpetual noise nuisance coming from the pub and by people leaving the pub, leading to residents being unable to function due to lack of sleep, inability to enjoy their homes in tranquillity and ultimately having poor physical and mental health problems. The licensee has failed to ensure that noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. Instead, the only place noise and vibration does not seem to reach is to some, but by no means all, of the basements of nearby properties. Therefore, the licensee has clearly failed to ensure that excessive noise does not come from the premises, such as to cause people in the neighbourhood to be unreasonably disturbed. Instead, people in the neighbourhood are constantly disturbed by the excessive noise and anti social behaviour emanating from the pub.

- protection of children from harm.

16 and 17 year olds are allowed onto the pub premises at any time, and those until 16 must be accompanied by an adult. Given that crime and disorder, antisocial behaviour, noise and nuisance regularly takes place in and around the Montpelier Inn, and the stabbing illustrates that very well: this pub does not protect children from harm.

Many thanks again to Sussex Police for taking leadership on this issue, and for having brought the license of the Montpelier Inn, in for Review. We very much hope, given the substantial evidence against the pub, that their license will be revoked with immediate effect, so that the community can finally live in peace and without harm.

Best wishes,
REDACTED TEXT

REDACTED TEXT

Head of Safer Communities

Floor Bartholomew House

Bartholomew Square Brighton

BNI IJP

SC CON ENDS 26.11.20 VALID PCD, PPN & PCH (O)

Dear Whom this may concern,

Re: License Review and objection to licence terms - Montpelier Inn. 7-8 Montpelier Place Brighton BNI 3BF

I am responding to the notice asking for representations in relation to a review of the license of Montpelier Inn dated 12th November 2020.

I have lived at REDACTED TEXT and REDACTED TEXT is the REDACTED TEXT to the Montpelier Inn.

The first part of my residence here I had put up with the noise from the pub as it was typically only two occasions a week I was disturbed by the noise levels. I would like to note that I spent a lot of time travelling with work and was here much much less.

In late 2017 problems really started to affect my living, sleep and peace. I first notified Councillor Alex Phillips via our former neighbours REDACTED TEXT as I did not feel comfortable doing this directly on my own. Myself and the neighbours had also prior to this met with Ash the manager and he spoke on behalf of REDACTED TEXT and himself. It started well with good intentions but nothing consistently changed. Alex Phillips was approached to intervene late January 2017/February 2018. Ash promised to Councillor Phillips a list of 8 things he would do to minimise the noise and disturbance. Please refer to Appendix 1 and email from Alex Phillips confirming Ash actions he would take.

I had also enquired to the council about my options for having the noise addressed. They stated I needed to make a formal complaint in order to act. At that time, I was in a difficult position and I was considering selling my flat. I understand problems that this may cause when selling and that complaints to the council have to be declared to future buyers and so I did not proceed as I needed to put my flat on the market.

On March 3 2019 I wrote to Alex Phillips again, Appendix Reference 2. Content of that email is a plea for help from her to intervene again as over a whole year had past and the disturbance from the pub had got much much worse and was making my life a misery. I have always observed and smelt the waft of cannabis from smokers in the pubs outside area. The problem with drugs had got rapidly worse and I had the unpleasant situation of constantly hearing swearing and music above the normal level and even level 50 on my TV. I was frequently finding drug wrappers right outside my front door on REDACTED TEXT, not to

mention my property littered with cigarette butts tampered and destroyed property. She once again spoke to Ash the manager approximately a month after my email.

On Friday 12 April 2019 I complained yet again to Alex Philips as I was woken up by drinkers still outside on the pubs property and also on my REDACTED TEXT at 5.15am. Please refer to Appendix 3.

I am mentioning these specific incidences are I have files associating these to back up my statement. I can most definitely confirm more often than not I have been disturbed by the noise and antisocial behaviour of the patrons of The Montpelier Inn on more times than I have had hot dinners. I had the pubs landline on speed dial to request the thumping music to be turned down so could hear my TV, read a book and yes, even dare I try and sleep.

I gave up all hope and actually rarely stayed at my property Mon-Thursday as I was unable to function at work due to lack of sleep.

Springing now forward to more recent times, and indeed the serious pandemic. I would like to add commentary that due to health implications I am in the clinically extremely high-risk category from Covid and as such I have been shielding since March 2020 since our first lock down.

Whilst this pandemic has developed when the pub was able to operate I have 100% witnessed this has not been done with public safety in mind. Profit over lives spring to mind.

Please refer to Appendix 4. This is a letter and email exchange from Helen Curtis-DeMendoca from the council dated 21 July. A couple of weeks prior I called the council and made an official complaint. Helen stated I needed to complete a noise diary in order to take any action. Informed me she spoken to the manager then back tracked and said she sent a letter instead. My noise diary is also enclosed. Appendix 5. Please note several members of the council EHL environmental protection, Councillor Tom Druitt and Annie Sparks were all in copy.

Please refer to Appendix 6. These are screen shots of Facebook messenger exchange between myself and Ash the Manager. This is not my preferred and not ideal method of communication but as the pub has no working number nor any number provided by the management despite requesting several times. As you can see from this record that I had to continually request the disruption noise to be dealt with over the course of about a month. This record shows you the frequency when I, could not bear it any longer and plead with Ash to make a change.

Please also note Ash mentions that he needs help, the need for security, tables people moved. I would like to highlight back to Appendix 1 which he assured Councillor Phillips that security would be put in place back in 2018. To my knowledge and experience door staff were not hired or if so sporadically done so. Within his text he makes it quite clear that he has not employed security.

Please see appendix 7. An email exchange on 15 September from Alun Cance from the council who wanted to discuss my noise log I submitted on 26 August. Please note at this time the pub was operating without a valid licence but this was not picked up or checked with the council. I would like to say I believe my complaint was taken seriously by the

council but that would be a lie. Alun when we finally spoke didn't appear to have read my noise diary properly and referred to many details incorrectly. He kept repeating he had to operate within the laws he had the power to act upon however the pub indeed was already breaking the licence agreement and covid related safety laws but that didn't register. All Alun wanted to keep saying is I should expect noise as I live by a pub and I do not live in a residential area. This statement baffles me to this day that Montpelier area in his eyes is a commercial area? There are far more residential properties than commercial so I do not see how this is possible and I contest this information.

Anyway, nothing happened with this conversation, Alun said he would send a letter to the management, well guess what, that didn't work again.

Within this pandemic I have witnessed overcrowding of people outside in the pubs designated area, take over of the pavement as people were too crammed in to fit. No social distancing observed nor enforced by the management. I overheard Ash the manager state on more than one occasion to patrons considering entering 'there are no rules here come on in and lets have shots'. The management were operating in a completely unsafe manor, music blaring so people were shouting at each other to hear each other. At one point he installed a cocktail bar outside complete with speaker connected to the sound system. I am confined to my home for months, I do not feel safe even being able to walk outside my front door without being less than 1 meter away from someone shouting.

To top it off, the day I do manage to get confidence to go for a walk, I glanced out the window to look at the weather and saw a patron spat from the pub outdoor area onto our campervan. Vile REDATED TEXT was outside at the time having just and was so disgusted she felt she had to mask up, and go next door to inform the management.

This then brings me to the horrendous night of the last day before all the pubs were to shut by order of the government. Well they certainly went with a bang. Loud thumping music to be precise, and the pub was full because as soon as I heard shouting and a large group of men exiting the pub fighting, the rest is sadly history. This was after 10pm curfew and approximately 70 or so people appeared on the street all exiting the pub with drinks in hand. The police have all the information that followed my 999 call.

Please refer to Appendix 8. An email from myself dated 19 November to Annie Sparks at the council questioning the in valid licence situation.

I would now light to express my concerns for any licence in the future to any management or company with the same terms outlined in the most recent licence. I do not agree with the elements outlined in my opinion archaic licence especially in regards to all music levels above background noise at all times and in regards to the opening hours in a RESIDENTIAL area.

I would like to end my letter to you by stating I have lived above and next to two pubs in London previously and have never experienced problems like this one.

I also frequent (in non covid times) many of the neighbourhood pubs along this road who all operate in a respectful manner and are complimentary to the community. They cease alcohol sales at 11.30 and are very conscientious and work with the residents in mind.

Please do let me know if you wish me to expand further. I do have videos of noise levels that I have recorded in the past from my front room and hallway but I may need help extracting these to you.

I am hoping I have gone into enough detail in this letter to give you a small taste of life REDACTED TEXT The Montpelier Inn and my objections to a licence being granted.

With Kind Regards

REDACTED TEXT

Appendix I

Email exchange 6 February 2018 from Alex Phillips to REDACTED TEXT. Former residents of Borough Street on behalf of Montpelier residents. Note No security firm was hired, double glazing was not installed and music that is always supposed to be background noise never is. It takes a neighbour to complain after 10pm for the landlord to even consider acting. It typically gets turned down then slowly creeps back up again. Definition of background noise? I would presume so one could have a conversation and it be in the background. As we all live external to the property it is evident it never is at that level.

On Tue, 6 Feb 2018 at 12:30 pm, Alex Phillips <Alex.Phillips@brighton-hove.gov.uk> wrote:

Hi Nick

I met with Ash yesterday and he promised the following:

1. No music after 10 pm, just background music.
2. Signs will be up about coming inside after 10pm by Friday this wk.
3. He says windows and doors are closed already at 10pm every night and assures me this will continue into the summer.
4. He will let me know on Friday about when double glazing will be installed on the window on borough st.
5. He will get back to me by Friday 16th re the curtains and if this can go ahead.
6. There won't be a need for outer door enclosures as there won't be music other than background music after 10pm.
7. He will text me today and I have just reminded him to tell me what security firm he is using to person the door for live events.
8. There are no live singers or acoustic bands.

Hope that is helpful and I will provide you with updates . Thanks

Alex

'Appendix 2

Email to Alex Phillips 3 March 2019 asking for help

----- Forwarded message -----

From: REDACTED TEXT

REDACTED TEXT Date: Sun, 3 Mar 2019 at 18:01

Subject: The Montpelier Inn

To: <Alex.Phillips@brighton-hove.gov.uk>

Hi Alex

My name is REDACTED TEXT and I live at REDACTED TEXT We have met once at the neighbours meeting. I am afraid a year on and I do not believe Ash the landlord has taken any of the actions that were agreed in the email trail below. I am having terrible trouble with the noise. Last night I had to contact them 3 times. So much so in order to get to sleep I am resulting to take sleeping pills.

I finally filled in a council form last night as I am at my wits end. If there is anything you can do to make the situation much better I would be grateful.

I am battling with noise from the music, customers of the pub and the air bnb he runs smoking outside and on my property. Litter including cigarette butts and drug wrappers outside my door and my plants being destroyed almost every weekend.

Thank you for reading REDACTED TEXT

Sent from my iPhone

Appendix 3

I Email exchange between myself and Alex Phillips date- d 12 –April 2019 along with photos of continued disturbance.

----- Forwarded message -----

From: REDACTED TEXT

Date: Fri, 12 Apr 2019 at 08:09

Subject: Re: The Montpelier Inn

To: Alex Phillips <Alex.Phillips@brighton-hove.gov.uk>

Hi Alex

This morning my partner was woken up at 5.15 am with guests from Airbnb playing games on the drive and moving the plants to the other side of my drive and used them as some race game. 5.15 am. Just another timely example of the business next door causing misery to our lives. When will it ever end.



On 9 Apr 2019, at 20:49, Alex oPhillips wrote:

Apologies REDACTED TEXT

I hope to pop in on Friday lunchtime. Best wishes,

Alex

Councillor Alexandra Phillips Deputy Mayor

Brighton and Hove City Council

From: REDACTED TEXT

Sent: Saturday, March 30, 2019 2:49 am

To: Alex Phillips

Subject: Re: The Montpelier Inn

Hi Alex

Is there any update with the Montpelier Inn? Thanks

REDACTED TEXT

Sent from my iPhone

On 6 Mar 2019, at 11:31, Alex Phillips <, alex.phillips@brighton-hove.gov.uk wrote:

Perfect; I had been using his mobile.

Will let you know what comes of this. Cheers,

Alex

Councillor Alexandra Phillips Deputy Mayor

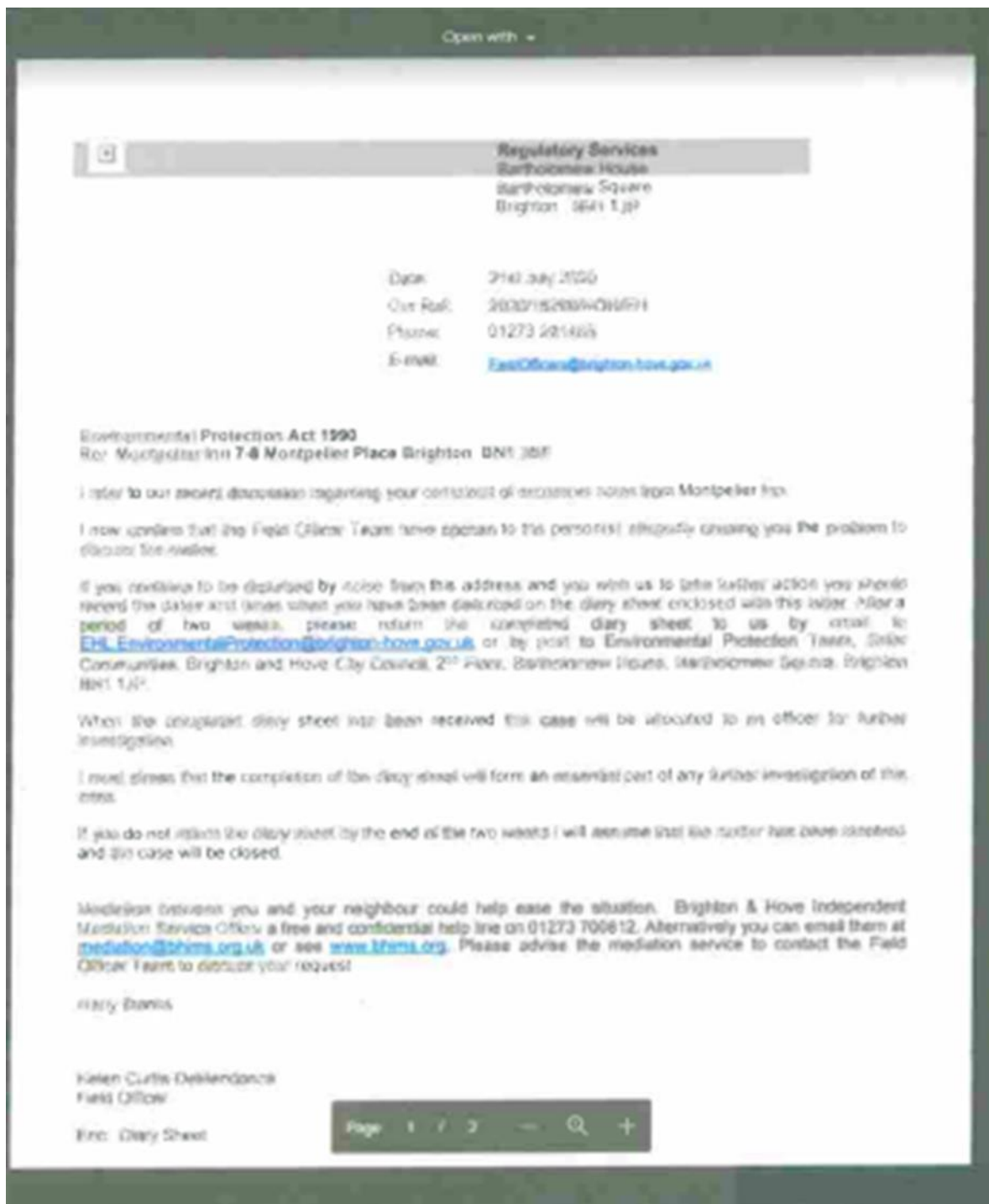
Brighton and Hove City Council

Appendix 4

Letter received after conversation with Helen Curtis-DeMendoca from council wrote to me and

I stated that they have spoken to the Landlord. I questioned this as the The Montpelier Inn does not have a contact number. Helen confirmed this was actually not the case, she wrote to them instead.

I received this letter dated 21 July_ from the council.



Appendix 5

Email to several council members on 26 August 2020 asking for help. I was asked by the Council to complete a noise diary also. Note The Montpelier in was not in possession of licence at this stage. Yet council did nothing.

----- Forwarded message -----

From: REDACTED TEXT

Date: Wed, 26 Aug 2020 at 09:39 Subject: Re: The Montpelier Inn

To: Annie Sparks <Annie.Sparks@brighton-hove.gov.uk>

Cc: Alex Phillips <Alex.Phillips@brighton-hove.gov.uk>, Brett Stacey

<Brett.Stacey@brighton-hove.gov.uk>, EHL Environmental Protection

<EHL.EnvironmentalProtection@brighton-hove.gov.uk>, Jo Player <Jo.Player@brighton-hove.gov.uk>, REDACTED TEXT Tom Druitt tTom.Druitt@brighton-hove.govu.k>

Dear all

Here is an example of the noise on Friday at 22.17pm. I've had 4 mopeds park in my drive, managed to ask three to move the last just told me t:o ****

Off Numerous people using my window and doorway as a phone booth, Presumably because it's too loud on the premises to hear anything.

I was under the impression with covid music should be kept low so people do not have to shout at each other.

I am a high risk so cannot go in the pub to complain however the landlord did respond to my Facebook message and has since turned the music down. I have video evidence of sound both in the hallway of my property and in from my sofa in the front room.

The landlord as pretends to be apologetic but does nothing. He says he wants to talk, but since i have asked for his phone number he will no longer return my messages. I do not ,want to speak to him in person, i am high risk from Covid and therefore do not feel comfortable being near him from what i have witnessed · with his behaviour ,with his customers.

He has already accused both my partner and I of complaining to the council which went down lack a sack of potatoes. I did not comment.

Noise diary attached. Enough is enough - we really need your help for this to stop.

Day Date	Time am/pm From To	Detailed noise description eg actual words spoken/ sung, music type	How did the noise affect you/what were you trying to do?
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7 Aug	21.40	24:00	Lots of people outside the pub in fenced area all night making noise. I recorded the sound whilst laying in bed and shared with the landlord. He moved a table to discourage people from standing closer to my property. Problem still persisted as they just stood instead.	Both my partner and I could not sleep until the pub closed due to the noise levels of his customers.
8 Aug	2am	9am next day	The pub has new urinals fitted during lockdown. If not turned off in the evening I have the sound of 5 cisterns continually to fill all night long right by the REDACTED TEXT. This is not news to the landlord, I have complained before and he agreed to turn them down after 10pm and off at night.	Was awake from 2am as could not get back to sleep due to the noise. Feels like I am sleeping in a block of toilets. Apparently The landlord forgot to turn it off.
10 Aug	22.00	22.40	Lots of customers making noise outside in fenced area of the pub. I messaged landlord to reduce the noise outside so I could go to sleep	Not able to get to sleep for a few hours. Customers smashing glasses, talking loudly etc. On this day landlord agreed by text again that he would reduce noise outside at 10pm each night and turn down urinals.
13 Aug	23.26	Past midnight	Being kept awake by urinal noise in bedroom. Messaged landlord to again turn them off.	Eventually they went off approx 1hr after. Still fully awake in bed due to the noise.
14 Aug	22.31	Past midnight	Noise from customers and music blaring from the pub outside unbearable. Messaged landlord to act.	Not able to sleep, can music and customers in all of the rooms in my house including my courtyard garden.
16 Aug	22.38	11AM next day	Urinals left on all night. Could not sleep in my bedroom due to the sound	Ended up sleeping on floor of my front room. Message landlord, apparently he was away. I pointed out that others he employed should do this as part of the close down process.
18 Aug	22.53	Time unknown	Noise from customers outside keeping me awake. Messaged the landlord to move the table close to me and discourage sound.	Again being kept awake. I would like to add I start work at 5am every morning and have made the landlord aware on several occasions now the noise is unacceptable. Landlord

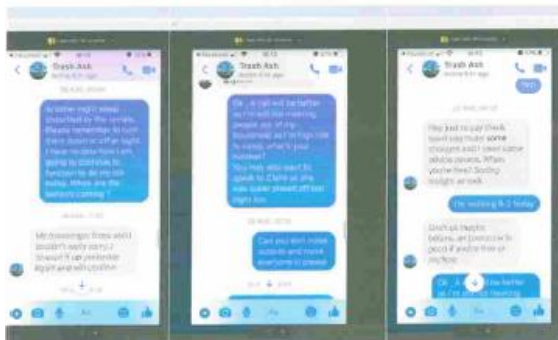
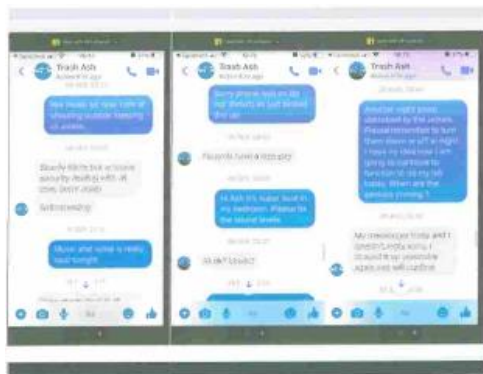
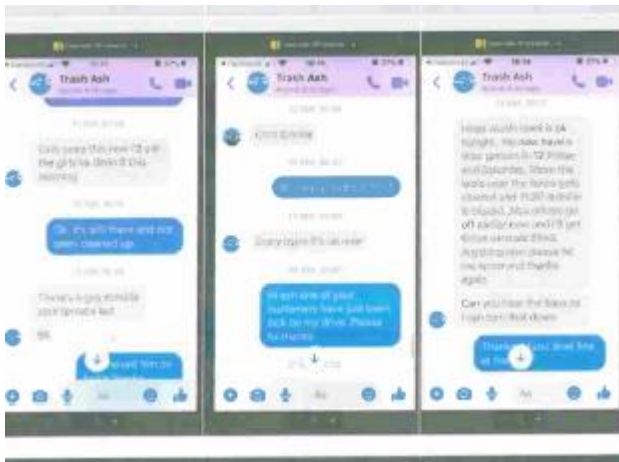
19 Aug			Pub is really quiet so the landlord decided to message me to see if I am happy with the noise levels. There are literally 4 customers in his pub.	messed to say his was struggling to manage.
Day Date	Time am/pm	From To	Detailed noise description eg actual words spoken/ sung, music type	How did the noise affect you/what were you trying to do?

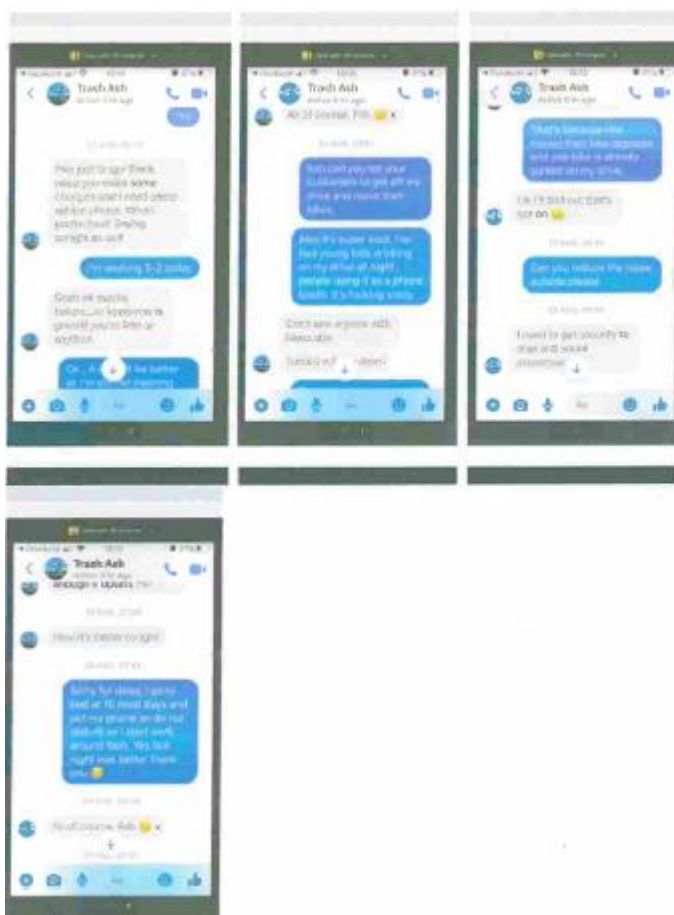
21 Aug	22.00	4:00a m next day	Lots of people outside the pub in fenced area all night making noise. Music blarring out. Several customers mopeds parked on my drive. Glasses smashed, front window seal used as a phone booth. Constant noise all night long. Landlord did nothing as there was an 18 th Birthday party on. Woke up to sick on my drive way and glass	Worse night ever. Neighbour at no5 also had noise distrubance and people parked on her driveway. I could not sleep till the pub closed, this was around 3-4 am. I asked the landlord to ask his customer who told me to 'Fuck off' when I asked him to not park on my drive. He said he would try. 2.30am Ash and the boy moved the moped, I believe without a helmet on.
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22Aug			Landlord messages me as he was fully aware of how terrible the noise was the night before. Claims he needs advice. He was provided advice when councillor Phillips intervened. on what to do to reduce noise in 2019 but no action was taken, just empty promised.	
23Aug	11pm	Beyond 3am next day	Outdoor customer noise level unbearable, I can hear every word of the drunk conversations whilst laying in bed. I messaged landlord at 2.20am again to reduce noise. No response	Not able to sleep, can hear customers in all of the rooms in my house including my courtyard garden.
25Aug	2am	Still going on next day it is currently I am I AM next day	Urinals left on despite messaging the landlord. Messaged landlord again at 3.44am due to noise and reminding him how important and disturbing his lack of action is to us and also for me being able to function at work due to lack of sleep. Not response..	Ended up try to sleep on floor of my front room. I have been awak since 2am.

Appendix 6

Screenshots of Facebook message between myself and Ash - the manager. This is the ONLY method I have to contact him as he has not shared a telephone number or email despite requesting several times. These messages highlight that he was aware of the disturbance, antisocial behaviour, aware that indeed the music was not at background level numerous times but continued left to me to complain night after night about the issues and effect on my peace , sleep continued interference to me being able to enjoy my own home without distress.l





Appendix 7

Email from Alun Cance - person from the council emailed me to discuss the noise log I submitted on 26

August 2020. Note the Montpelier Inn was operating without a valid licence in this moment in-time. I spoke to Alun at length and he informed me he would write another letter to the Montpelier Inn. He said he had looked into my complaint but had actually not read my noise diary properly. He said he had limited actions he could do within the law and I needed to prove the disturbance and

I anti social behaviour. He stated that I may- have to have a- noise measuring machine fitted in my property.

On Tue, 15 Sept 2020 at 14:43, Alun Cance <Alun.Cance@brighton-hove.gov.uk> wrote:

Dear REDACTED TEXT

I refer to your complaint regarding the above premises. Please could you call me on (01273) 292130 in order to discuss the matter further. The best times to contact me are sometime between Monday to Friday - 2pm - 5pm.

Alternatively, please feel free to mail a phone number and a convenient time at which to contact you.

Regards,

REDACTED TEXT

Environmental Health & licensing: Brighton & Hove City Council

Appendix 8

Email dated 19 November to council requesting insight as to the licence not being checked between the dates of complaints this year between July and November 2020. No response received as yet.

Forwarded message

From: REDACTED TEXT

Date : Thu 19 Nov 2020 at 13:51

Subject: Montpelier Inn

To : Annie Sparks <Annie.Soarks@brighton-hove.gov.uk>

cc: Alex Phillif.JS <Alex.Phillips@brighton-hove.gov.uk>,
REDACTED TEXT

Dear Annie

May I please ask when noise and antisocial behaviour was raised to the council why was the licence not checked? The pub has been operating out of licence since August yet we have been speaking to the council about the noise post this date. It appears to me that the council has not completed the necessary checks or even looked at our complaint in detail.

I cannot help wonder the 'what ifs' if the lack of licence was noticed by the council.

We are fearful and concerned about another licence on the same terms being issued to another person. We do not agree with all the elements outlined in the current archaic licence, especially in regards to the opening hours till late and in some instances till 5am. Not serving alcohol but staying open just ensures the customers make their last round of drinks a big one. I have witnessed this myself going in to complain about the noise, at 3am and customers having several pints lined up on the table in front of them. And thus with more booze going in the noise levels and antisocial behaviour goes up.

Many thanks

Kind Regards, REDACTED TEXT

BY EMAIL ONLY
Licensing Team
Brighton & Hove Council
2nd Floor Barts House
Barts Square
BN1 1JP

Please ask for: REDACTED TEXT
Direct Tel: REDACTED TEXT
Email: REDACTED TEXT
Our ref: REDACTED TEXT
Your ref:
Date: 26 November 2020

Dear Sirs,

SC CON ENDS 26.11.20 VALID PCD (P)

Re: Licensing Act 2003 – Review Proceedings
Montpelier Inn 7-8 Montpelier Place Brighton BN1 3BF

We act on behalf of Ei Group Ltd. Our client is the freehold owner of these premises and we have received a copy of the application for expedited review of the premises licence issued under Section 53A of the Licensing Act 2003. We understand that a hearing to consider that application and any interim steps has taken place and the licence was suspended pending the full review.

We would be grateful if you would accept this letter as a formal representation on behalf of Ei Group Ltd to that review.

Ei Group Ltd owns around 4000 public houses in England and Wales. The vast majority of these premises are the subject of lease/tenancy agreements through which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Montpelier is the subject of a tenancy in favour of Rock and Roller Coaster Ltd, the Premises Licence holder (although this is currently being transferred we understand), who has been operating these premises under the tenancy since July 1994.

Please note we take a wholly neutral stance with regards to the allegations made given that our client has no operational responsibility for the operation of the premises. On the basis of the information given within the application, it is not clear whether the premises licence holder was on site at the time of the incident contained within but what is clear is that serious mistakes have been made by the management at the property.

It appears to our client that the cause of the difficulties at these premises is the premises licence holder and current DPS. In the circumstances Ei Group Ltd are engaged in discussions with the tenant with a view to their departure from the property so that they have nothing further to do with their operation going forward and then following on after liaison with the police, a new suitable operator would be introduced.

At this stage, we would be grateful if you could acknowledge receipt of this representation and advise as to the date of the hearing.

We look forward to hearing from you.

Yours faithfully

REDACTED TEXT

GOSSCHALKS

SUPPORTING REPRESENTATIONS

From: **REDACTED TEXT**

Sent: 12 November 2020 18:01

To: **REDACTED TEXT**

Subject: Summary Review of Montpelier Inn 7-8 Montpelier Place Brighton BN1 3BF

SC CON ENDS 26.11.20 VALID PCD (SI)

Attn Head of Safer Communities

I would like to offer a few observations regarding the above review as somebody who **REDACTED TEXT** and considers themselves to be a 'regular' at the pub. I have lived at the top of **REDACTED TEXT**, not far from the pub, since 2003. Since **REDACTED TEXT** (sorry I do not know his surname) took over as landlord a few years ago it has been generally very well run. During recent times, and particularly since the easing of the first lockdown, the pub has been relatively busy at weekends. At the age of **REDACTED TEXT**, I can't say I frequent the premises regularly on busy weekends (I am more likely to go during the week, when it is quiet, to watch football) but I have been there on the odd 'busy' occasion. On those occasions there has always been somebody on the door and I have witnessed **REDACTED TEXT** handle odd the rare 'incident' (a youngster maybe having one too many) that happens very well. So, I would like to convey that the overall atmosphere is that it is a very safe place to be. I have never witnessed any sort of altercation on or near the premises and I have always felt very comfortable whilst at the premises.

I was not at the premises on the night of the altercation, Wednesday 4th November, but I did park my car about 45 minutes before closing time nearby and I noticed that it was busy. I am sure that as it was the night before lockdown many pubs were relatively busy and it is no surprise that the Montpelier was busy. It has been a tough year for pubs and publicans and you cannot blame them for taking advantage of relatively busy evenings. I hope that the review does not jeopardise the license for the Montpelier Inn. It would be sad if one, albeit very serious, altercation means it cannot continue as a public house.

Regards

REDACTED TEXT

From: REDACTED TEXT
Sent: 25 November 2020 10:13
To: EHL Safety
Subject: The Montpelier Inn: Positive recommendation

SC CON ENDS 26.11.20 VALID PCD (S2)

Dear Council,

I do not think that the licensee should have his license revoked because of one incident earlier this month.

As a sports pub prior to Coronavirus and attendant circumstances, I have visited the pub often and as a solo, older REDACTED TEXT customer have always felt very comfortable, welcomed and safe at the Montpelier Inn. This year has presented difficult circumstances for all and I hope that when restrictions are lifted, "The Monty" will regain its former place as jovial sports bar for the neighborhood.

Yours truly,
REDACTED TEXT

APPENDIX E



