

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

9.30am 5 AUGUST 2021

VIRTUAL
MINUTES

Present: Councillors Deane, C Theobald and Simson

Officers: Emma Grant, Licensing Officer, Liz Woodley, Senior Solicitor and Penny Jennings, Democratic Services Officer

PART ONE

1 TO APPOINT A CHAIR FOR THE MEETING

Councillor Deane was appointed Chair for the meeting.

2 PROCEDURAL BUSINESS

2a Declaration of Substitutes

2.1 There were none.

2b Declarations of Interest

2.1 There were none.

2c Exclusion of the Press and Public

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

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

3 APPLICATION FOR A TEMPORARY EVENT NOTICE (TEN), THE CAMELFORD ARMS 30-31 CAMELFORD STREET, BRIGHTON

- 3.1 The Panel considered a notification of a Temporary Event Notice (TEN), in view of a formal objection to it received from Sussex Police under section 104(2) of the Licensing Act 2003.

Presentation by the Licensing Officer

- 3.2 The Licensing Officer, Emma Grant, explained that the Panel needed to consider whether it was necessary for the promotion of the licensing objectives of the Prevention of Crime and Disorder and Prevention of Public Nuisance, to issue a counter notice to prevent the event from taking place.
- 3.3 This TEN related to the time period 7 August 2021 to 9 August 2021 to extend the premises opening hours as follows (24 hour clock) for sale by retail of alcohol on and off the premises:-

Saturday 07/08/2021 from 01:00 to 03:30;
Sunday 08/08/2021 from 01:00 to 04:00; and
Sunday 08/08/2021 from 23:30 to 02:00 on Monday 09/08/2021.

- 3.4 Sussex Police had made a representation on the Temporary Event Notice within the 72 hour period specified following receipt of the TEN. Their objection was made on the grounds of the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

Submission on Behalf of Sussex Police

- 3.5 Sussex Police were represented by Hannah Staplehurst who referred to the concerns that the Police had in relation to the proposal which was due to take place on what would have been Pride weekend. Notwithstanding that the event had been cancelled it was anticipated that a number of people would visit the City to mark "Pride" in addition to other seasonal visitors which would in turn place an additional strain on Police resources. Although additional policing measures had been put into place for the weekend the level of policing usually associated with Pride including assistance by officers from neighbouring forces would not be available and could not be resourced. The event proposed would potentially give rise to additional pressures at a time when it was anticipated local policing would be stretched. It was confirmed that all TEN's proposed for the city centre for this weekend had been objected to by the Police and for the same reasons.

Submission by the Applicants

- 3.6 Mr Green, Mr Musson and Mr Mackinnon were in attendance and spoke on behalf of the applicants and responded to questions put to them by the Panel. The premises was well run and had applied for TEN's for other events during the year which had not given rise to any issues. Their recollections in relation to additional information provided by the Police were at variance. However, the Panel stated that the issue for them related to consideration of the measures proposed too be put into place for what it was acknowledged would be a very busy weekend. The applicant's team contended that as the city would be "full" all accommodation was fully booked, there would be no additional persons in the area above and beyond those who would be there in any event. The measures proposed would increase security in the area and would complement the

policing arrangements in place. Neighbouring residents were supportive of the manner in which the premises were run, many were customers and had welcomed the additional safety and security provided by the premises in concert with previous Pride events.

- 3.7 In response to questions by the Panel the proposed measures outlined in the TEN to manage the event, including security staff for the extended hours only and the application of the existing premises licence conditions were amplified upon and were considered to be sufficient safeguards to mitigate risk.

Closing Submissions

- 3.8 Once the point had been reached when no further issues were raised and following the closing submission by the Licensing Officer each of the other parties gave their closing submissions re-iterating the points that they had raised during the course of the meeting. The Panel then deliberated on the matter and made their determination.

The Decision

- 3.9 The Chair stated that the Panel had read all the papers including the report, relevant representations and further document from the applicants, and had listened to all the submissions made that day by all parties. Having considered the objection and submissions from Sussex Police, and submissions from and on behalf of the premises user, the Licensing Panel (Licensing Act 2003 Functions) resolved to give the premises user a counter notice. The effect of this counter notice is to prevent the event from going ahead.
- 3.10 The panel considered that the issue of a counter notice was appropriate for the promotion of the prevention of crime and disorder and the prevention of public nuisance licensing objectives. The event period coincided with the traditional Pride weekend, and even though Pride itself had been cancelled, the panel considered that the City would still attract more visitors than normal. The Panel noted that the Police had objected to all TENs within the city centre for the weekend of 7 – 9 August, so licensed premises would only be operating within their usual hours. Police resources had been planned accordingly. If the premises were to open as notified in the TEN, it was likely that there would be more pressure on the business. Additionally, it would act as a magnet attracting visitors to the area, which would slow down dispersal as well as increasing intoxication levels.
- 3.11 The panel agreed with the Police that there was an increased risk of public nuisance in a residential area from the late hours. The panel was not satisfied that the measures outlined in the TEN to manage the event, including security staff for the extended hours only and the application of the existing premises licence conditions, would not be sufficient safeguards to mitigate risk.

Note: The Legal Adviser to the Committee notified the applicants of the Panel's decision in writing immediately following the hearing and explained that no appeal could be brought later than five working days before the day on which the event specified in the temporary event notice was to begin.

The meeting concluded at 11.00am

Signed

Chair

Dated this

day of