

APPENDIX B

Jim Whitelegg
Head Of Licensing
Brighton and Hove City Council
(via email)

Date: 23rd February 2018
Our Ref: 2018/01477/EPTEN/EH
Contact:
Phone:
Fax:
Email:

VALID PS & PNN (A)

Dear Mr Whitelegg

**Formal representation for a Temporary Event Notice (TEN) at Chapter XIII,
11-12 Pool Valley, Brighton
Licensing Act 2003
Complaint Reference : 2018/01477/EPTEN/EH**

I write to formally place a representation in terms of the application for a temporary event notice (TEN) at Chapter XIII, 11-12 Pool Valley, Brighton.

Ms Jessica Stocker, the applicant has requested a TEN for Sunday 1st April 2018 which extends the permissible hours and activities of the café/tattoo studio called Chapter XIII. This representation is made for this application for 1st April 2018 on the grounds of “**prevention of public nuisance**” and “**public safety**”, two of the 4 threads woven through the Licensing Act 2003.

The application has very limited information on how public safety and prevention of public nuisance will be managed. Subsequent information provided by the applicant is insufficient.

On 20th July 2016 I visited with a colleague and spoke to Jessica Stocker on the basis of an advertisement seen online indicating that Chapter XIII was working with a local radio station to put on a local party in Pool Valley during Pride weekend. Ms Stocker denied any external party and misled the local authority as to the arrangements being made for the Pool Valley area. On the Saturday of Pride, 6th August 2016, this department was called to the Pool Valley area and were faced with a large unlicensed gathering, there was a large number of individuals in the area, speakers outside and a stage. This area of land is Council land and used as a bus and coach station. The Department required the services of the Police on that day to close down the party, disperse the large gathering, and protect public safety and prevent public nuisance. This became even more of an issue when a national express coach tried to gain access to the Pool valley coach stop.

As a result of the circumstances seen on the day a noise abatement notice was served under section 80 of the Environmental Protection Act on Jessica Stocker, preventing any further parties in the Pool Valley area as it believed from the information seen that Chapter XIII was instrumental in the organisation of the event. The noise abatement notice was not appealed and remains in force as a legal document all the time that Jessica Stocker remains at Chapter XIII.

On 3rd April 2017 Miss Stocker was visited by a colleague from this department and also colleagues from the Police Licensing Team to discuss prospective future TENs also the need to comply with the noise abatement notice previously served.

Ms Stocker subsequently applied for a TEN for Pride 2017. The Environmental Protection team put in a representation but at the hearing the panel agreed that Ms Stocker could have the TEN. Ms Stocker promised there would be no speakers outside and only background music outside. On the afternoon of Saturday 5th August 2017 the day of Pride this department and the Police were called to Pool valley and were faced with a large unlicensed gathering of hundreds of people in the pool valley/coach station area with a DJ and decks on a stage outside the premises. It took a considerable amount of Police and local authority time and resource to clear this area of all the people that had congregated outside Chapter XIII and manage and reduce the risk to public safety and prevent public nuisance. Coaches were backed up along the Old Steine because they were not able to come into the Pool Valley area and coach station.

The current notification for a temporary event notice (TEN), is requesting an event which will include up to 75 people in an area surrounded by residential and hotel accommodation, and an area where buses and coaches have free access and commercially operate. This is also an open space area which is where alcohol will be served and consumed. This is also the Easter weekend so Brighton will be busy as will the coach station area. Having regard to the above incidents responded to by the local authority and the Police and the likelihood for a breach of the current noise abatement notice I am concerned that public nuisance will result and public safety will be at risk. For breaching a noise abatement notice if found guilty in a magistrates court there is a fine of up to £20,000.

Please do not hesitate to contact me should you wish to discuss the matter further.

Yours sincerely

M L Hayward
Environmental Protection Officer

26th February 2018

The Licensing Technical Support Officers
Environmental Health, Brighton & Hove City Council
Bartholomew House, Bartholomew Square
Brighton, East Sussex
BN1 1JP

VALID PCD, PS & PCH (B)

**RE: TEMPORARY EVENT NOTICE FOR CHAPTER XIII 11-12 POOL VALLEY,
BRIGHTON, BN1 1NJ FOR 1ST APRIL 2018**

NOTICE OF OBJECTION under Section 104 (2) of the Licensing Act 2003

To whom it may concern,

Notice of objection is hereby given on behalf of the Chief Officer of Police for Sussex for the above Temporary Event Notice (TEN) on the grounds of the prevention of crime and disorder, protection of children from harm and public safety.

The TEN seeks to licence the sale by retail of alcohol and the provision of regulated entertainment between the hours of 18:00 -23:30 on 1st April 2018 with a live PA system inside the premises. The minimal information so far provided does not satisfy Sussex Police that the above objectives will not be undermined. On reading the application we do not feel adequate provisions have been made or outlined to prevent the potential for disorder, drunkenness and noise nuisance or sufficiently promote public safety throughout the duration of the event. There is also no mention of an age verification policy.

Sussex Police have contacted the applicant by email to clarify a number of matters but have received a minimal response providing insufficient details.

There have been two previous incidents where Police have been called to the premises where unlicensed activities were taking place.

On the Saturday of Pride, 6th August 2016, Police were called to the premises after intelligence was received that a large number of people had gathered with a huge scaffolding stage area with DJ's. Police supported the Local Authority to close the party and remove the large number of people from the locale.

A second incident occurred on Saturday 5th August 2017 during a period where a TEN had been granted by the Licensing Committee Panel on the understanding there would be no speakers outside with only background music playing. Inspector Morgan and a Police Licensing Officer attended the premises at 15:00 and were informed everything was set up with 100 pre-sold and 50 to be sold on the door. A revisit at 18:30 by Inspector Morgan and Licensing Officers found there was 600-800 people gathered in Pool Valley outside the premises with loud music being played. Ms Stocker was told that the music needed to be turned off as it was unlicensed which she was reluctant to do. Due to the nature of the crowds a coach was unable to access the Pool Valley Bus Station and there was a risk to public safety and the potential for crime and disorder.

Therefore, Sussex Police do not feel confident in the management and running of this event for licensable activity to be authorised by the granting of this TEN.

The Chief Officer of Police contends that permitting the premises to be used in accordance with the notice is likely to lead to crime and disorder and risk to public safety and the protection of children from harm. We therefore ask that a Counter Notice is issued by the Licensing Authority Committee.

I confirm that a copy of this objection letter has been sent by email to the applicant and every other 'relevant person'.

Yours faithfully,

Insp Di Lewis
Licensing & Response Inspector
Local Policing Support Team
Sussex Police

Please address all future correspondence to Brighton & Hove Licensing Unit, First Floor, Police Station, John Street, Brighton, BN2 0LA.