

APPENDIX B



**Brighton & Hove
City Council**

Regulatory Services
Environmental Protection
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

*Valid ✓
PPN & PS*

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

Date: 24th July 2018
Our Ref: 2018/05536/EPTEN/EH
Contact:
Phone: (01273) 292259
Fax:
Email: Mylene.hayward@brightn-
hove.gcsx.gov.uk

Dear Mr Whitelegg

**Formal representation for a Temporary Event Notice (TEN) at Chapter XIII,
11-12 Pool Valley, Brighton
Licensing Act 2003
Complaint Reference : 2018/05536/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 Saturday 4th and Sunday 5th August 2018 (which is the weekend of Pride) to cover the sale of alcohol / vertical drinking during her normal trading hours of 12-00hrs to 20-00hrs within this café/tattoo studio called Chapter XIII. This representation is made for this application for 4th and 5th August 2018 on the grounds of "**prevention of public nuisance**" and "**public safety**", two of the 4 licensing objectives within the Licensing Act 2003.

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.

If requested by a third party under the provisions of the Freedom of Information Act 2000 or the Environmental Information Regulations 2004, the contents of this letter may be disclosed by Brighton & Hove City Council.



Telephone: 01273 290000
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As a result of the circumstances seen on the day a formal notice was served under section 80 of the Environmental Protection Act 1990 on Jessica Stocker, preventing any further parties in the Pool Valley area. 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. For breaching a noise abatement notice if found guilty in a magistrates court there is a fine of up to £20,000.

On 3rd April 2017 Miss Stocker was visited by a colleague from this department and also Police Licensing 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 submitted a representation but at the hearing the panel agreed that Ms Stocker could have the TEN. Ms Stocker promised the licensing panel 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 standing and drinking 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 30 people inside and 10 people outside 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. Having regard to the above incidents responded to by the local authority and the Police during the previous 2 Pride's this Council has no confidence in the management and running of this Pride event at this premises and that this event will be a repeat of previous years. I am concerned that public nuisance will result and public safety will be at risk.

This is also happening during the Pride Festival Weekend therefore encouraging passing members of the public to congregate and participate in this outdoor event and have the potential to escalate and be difficult to manage and control during what is the busiest weekend of the year for the emergency services.

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

Yours sincerely

M L Hayward
Environmental Protection Officer

Valid ✓ PCD, PPN & ~~PCD~~
PS



Sussex Police
Serving Sussex

www.sussex.police.uk

Brighton & Hove Licensing Unit

Police Station
John Street
Brighton
BN2 0LA

Tel: 01273 470101 ext. 550828

Email: brighton.licensing@sussex.pnn.police.uk

24th July 2018

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

RE: TEMPORARY EVENT NOTICE FOR CHAPTER XIII, 11-12 POOL VALLEY, BRIGHTON, EAST SUSSEX, BN1 1NJ FOR 4th – 5th AUGUST 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, public safety and public nuisance.

The TEN seeks to licence the sale by retail of alcohol (on premises) and the provision of regulated entertainment between the hours of 12:00 – 20:00 on 4th and 5th August 2018 – annual Pride weekend. This is an unlicensed premises that operates as a café and tattoo studio.

This premises was granted a TEN during 2016 and 2017 Pride of which both events caused Police and Environmental Protection a considerable amount of work due to them attracting many more persons than planned and management being unable to control their event. They also caused considerable disruption in Pool Valley itself and especially for the National Express. As far as individual premises are concerned, it is safe to say that Chapter XIII was the most resource intensive for Police outside of the main Pride event itself.

During the 2016 event, an unlicensed radio station arrived at Pool Valley and set up a stage and a large sound system. No prior notification was given either via land owners permission or a TEN. This attracted a vast number of people to the area and raised considerable public safety issues caused by obstruction of the public highway resulting in crowd management issues. The owner of Chapter XIII, Ms. Stocker, denies any involvement in this outside stage and sound system however, police officers who attended and spoke to Ms. Stocker and the radio station, concluded that they were working in collaboration, and they appeared to blame each other for not applying for permission to set up the outside, unauthorised and unlicensed stage and sound system. Dealing with this incident and ensuring that the event was closed down took up considerable police resources during our busiest day of the year.

Sussex Police Headquarters

Malling House, Church Lane, Lewes, E. Sussex, BN7 2DZ

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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. A visit 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 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 as well as public nuisance. Once again this took up considerable police resources having to deal with the situation.

In recent years, Sussex Police have advised premises who do not hold an existing premises licence but who want to apply for a TEN to sell alcohol/provide entertainment during Pride, that we will raise an objection to the TEN to enable a Council Licensing Sub Committee to hear the Notice and make a decision. This has worked well in controlling the number of premises who sell alcohol at the event and thereby promoting the licensing objectives and going some way to mitigate risk.

Further, Pride weekend is the busiest weekend for Brighton and Hove and has a huge impact on police resources. The premises itself is in close proximity to the Pride Village Party (PVP) area and the Pride Pleasure Gardens (the Old Steine).

The premises has run a small number of TEN's recently which to our knowledge have gone without incident however, with this being pride weekend and there being a large volume of people in the surrounding area, Sussex Police are concerned that the licensing objectives will not be promoted due to the last two years history at this premises. Had the previous TENS outside of Pride weekend had issues, we would have had the resources to deal with it but the risk is too great during pride weekend. The management's ability to run an event during Brighton and Hove's busiest weekend has not been proven so in turn, this would evidence the applicant being unable to promote the licensing objectives, especially public safety and nuisance.

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, risk to public safety and potentially cause issues with public nuisance. We therefore ask that a Counter Notice is issued by the Licensing Authority Committee to ensure the public are protected from harm and that the licensing objectives are not being undermined.

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

Yours faithfully,



Lisa Bell
Chief Superintendent
Divisional Commander
Brighton & Hove Division

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

