

LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) ADDENDUM 1

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VIRTUAL

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ADDENDUM 1

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**Statement on behalf of Premises Licence Holder for The Black Horse, 112 Church Street, Brighton,
BN1 1UD**

Introduction

The Stonegate Pub Company fully owns Craft Union Pub Company, which is the Premises Licence Holder of The Black Horse. The company apologises unreservedly to the Licensing Committee, Police and local residents for the amount of time that has had to be dedicated to this review application following the incidents which occurred in the middle to latter part of 2022, and the ultimate trigger incident for the review proceedings which occurred on 12th January 2023.

The Company

Stonegate owns and operates in excess of 4,000 licensed premises across the country, including 36 premises in the Brighton area.

Their estate is essentially a blend of managed and tenanted businesses, with a relatively small number of franchised operations of which The Black Horse is one.

Analysis of the key issues raised in the Police review application and supporting representations

The principle failing which has been identified by the Police, both in their application and in their ongoing dialogue with the Premises Licence Holder, has been one of very poor management control.

This has manifested itself through incidents of violence, questionable levels of intoxication and high drug readings within the premises, as alluded to in the Police's expedited review application.

The situation was exacerbated by suggestions of management failure to report incidents to the Police, presumably because they wanted to hide their own apparent failure to manage the premises better, despite engagement with the authorities in the second half of 2022.

The failure at a local level to report incidents to the Police was further compounded by a failure to report the issues internally. This meant that the company's Head Office Licensing team were unfortunately unaware of what was happening and, therefore, denied the opportunity to take appropriately robust action to resolve the issues which were in play.

Several residents have also aired their views in respect of the premises, and have clearly suffered disturbance as a result of the poor standards of management, and their concerns largely reflect and reinforce the issues which have been raised by the Police.

Company actions following trigger incident on 12th January 2023

The company has a dedicated Head Office licensing team, who work under the authority of the company's dedicated Director of Licensing, Paul Wright. Their role is to (in addition to many ongoing administrative responsibilities) intervene and engage with relevant authorities where problems have been raised, which are not being adequately addressed by local premises management and their immediate operational support.

When the licensing team became aware of the imminent expedited review application they immediately instructed their lawyers to reach out to the Police, and to reassure them of their desire to work with them to achieve a mutually satisfactory resolution.

The company does have an excellent record of doing so on a national basis and, happily, the occasions when enforcement action of this nature is taken are few and far between.

The company was aware of the interim steps hearing, and the fact that the Police would be seeking suspension of the licence pending full review. The company made it clear at the outset that they had lost faith in premises management, and would not be seeking to challenge the suspension of the Premises Licence in the interim.

A meeting with the Police was convened on the day of the interim steps hearing, when this desire to work together was clearly expressed along with the assurance that the premises would remain closed in the interim.

Previous management of the premises

It is deeply disappointing from the company's perspective that the recent managers of this pub (both temporary and permanent) have failed to live up to the company's high standards, leading to the current threat to the Premises Licence.

Equally, it is frustrating from the company's perspective that they were unable to secure the tenure of a stable and competent operator during the period of time that is in issue. This is a relatively unusual occurrence, and one which the company is seeking to put right.

The company has used the period of suspension to seek out a new management team for the premises, headed up by the new proposed Designated Premises Supervisor, Kevin Churchyard, who has successful recent management experience in Hove and, indeed, previously on Brighton's sea front. He also has a strong CV, including the management of late night businesses.

The company is confident that with him at the helm, and with a strong and well trained team beneath him, that these premises can be turned around and operated in promotion of the licensing objectives.

Kevin Churchyard is currently in the process of completing his onboarding training at the company's Centre of Excellence in London.

The future management of the premises will be further strengthened by the engagement of a new door company, to ensure a strong management presence on the front door of the premises and within. The new door company is "Resolve", which is a locally based provider of door supervisors.

Increasing the retail price point

A concern which is repeated through a number of the representations is the relatively low price point of these premises, and the suggestion that this is contributing to crime and disorder associated with the premises.

Whilst it is not true to say that a low price point for alcoholic beverages is necessarily a driver for crime and disorder, the company is anxious to discourage any problematic elements of the previous clientele from returning to the premises in due course.

It is the experience of the company that customers will often vote with their feet following as little as a 10p increase on the price of their favourite drink. The company is currently engaged in market research to determine the appropriate price increase to be adopted in order to discourage as large a proportion as possible of the existing customer base from returning to the premises. This will be concluded and implemented prior to any proposed reopening of the premises.

Enhanced company monitoring

As a result of what has happened here, the company is proposing the following in terms of deploying a higher level of scrutiny should the premises be allowed to reopen in due course. The company is determined that the issues which have arisen here should not be repeated, and enjoys a strong track record of achieving similar turnarounds to that proposed here, at other premises.

The Regional Manager of the premises (who is the first point of contact for the DPS) has been spoken to at length by a number of company representatives, including the Director of Licensing. Consideration was given to engaging the company's disciplinary process in respect of him but, on balance, it was felt that additional support was the better option, and that is what is proposed moving forwards. Should the Committee allow the premises to reopen in due course, then the Regional Manager will be required to attend the business on a weekly basis to ensure that everything is being done properly. In addition, he will be required to report directly to the company and, particularly, its Licensing team, using the company's "Trail" platform. This will enable the company's Licensing team to be fully informed as to the performance and, indeed, compliance of the premises moving forward, and to take any necessary remedial action immediately, should it prove necessary.

Suspension / Reduction in Hours

The Police have proposed in their additional evidence that they will be seeking a further period of suspension beyond the full hearing, in order to enable a new competent management team to be installed at the premises, and full retraining to occur. The Police are proposing a suspension of three months in total, to include the four weeks which have already occurred since the interim steps hearing.

In addition, the Police have proposed a reduction of the terminal hour for licensable activities from 01:00 to midnight daily.

Suspension

The company has indicated in a meeting with the Police which took place on 8th February, that the new DPS will have concluded his induction and had an opportunity to fully retrain his team within a period of approximately two weeks. That having been said, the company is quite happy to agree to a period of suspension of one month beyond the full Review hearing date (13th February 2023).

The company's thinking on this is as follows:

The company is keen to avoid having the premises reopen in mid-April, right in time for the Easter weekend which is swiftly followed by a number of Bank Holidays. The company has born in mind that Brighton is also a seasonal town and will undoubtedly get much busier at that time of year.

The company would much prefer their new Designated Premises Supervisor to have a period prior to Easter when he is able to properly bed into the premises, and undertake the hard yards in terms of getting rid of any troublemakers. The company is concerned that a period of suspension which delays reopening until this busy period may make life unnecessarily complicated and challenging for the new management team.

Proposed reduction in hours

As an alternative to the proposed reduction in hours, the company is happy to offer a condition as follows:

“There will be no DJ-led entertainment at the premises, otherwise than by way of a Temporary Event Notice”.

The addition of this condition will give the Police and, indeed, Environmental Health, complete control over whether any DJ-led entertainment may take place at the premises at all.

The company’s rationale on this, borne out by successful implementation of such a policy at other sites, is that the removal of DJ-led entertainment is absolutely key to removing troublemakers from premises, and making the premises altogether unattractive to them. The company feels that this is a much more significant change and, indeed, effective tool towards repositioning the premises than the loss of an hour of trading.

Finally, in respect of both the proposed suspension and reduction in hours, there has been further communication with the Police subsequent to the meeting on 8th February, and the company welcomes further discussions in both of these regards before or indeed at the hearing.

Conditions

The company has accepted the need for a fresh package of conditions to be attached to the licence following any period of suspension. The licence, as it currently stands, has very little upon it in terms of conditions, and the company accepts that this licence requires “tightening up”.

Following negotiations with the Police, the following package of conditions is proposed and has been agreed with the Police:

General

1. Authorised staff employed by Sussex Police shall have free access to all parts of the licensed premises at all times licensable activity is taking place or when open to members of the public, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.
2. The premises shall have a documented Duty of Care policy for managing intoxicated and vulnerable customers. The policy shall also include provision for persons refused entry to the premises who are also considered vulnerable by staff.

For the Prevention of Crime and Disorder:

3. Subject to GDPR guidance and legislation:
 - a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrances/exits to the premises as well as any outside space. The system shall be on and recording at all times the premises licence is in operation.
 - b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - c) CCTV footage will be stored for a minimum of 31 days
 - d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - f) The management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Police e.g. USB) or provide footage via an online link as initiated by Police, without difficulty or delay and without charge.
 - g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
 - h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
4. A minimum of 2 SIA registered Door Supervisors will be employed Thursday – Saturday from 21:00 until close
5. Whilst on duty at least 1 SIA registered door supervisor must wear working body-worn video devices (body cams) that comply with the minimum requirements of the police
6. At all other times the need for SIA Registered Door Supervisors shall be risk assessed by the DPS
7. A register of any SIA Door Supervisors employed at the premises shall be maintained by the DPS, this register shall include:
 - a) The Door Supervisors name
 - b) SIA Badge Number

- c) Date and Times of duty
- 8. a) An incident and refusals log will be maintained by the premises showing a detailed note of incidents and refusals that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at intervals of no more than four (4) weeks.
- b) The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.
- c) Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises.
- d) Any refusals made for alcohol service e.g. underage, will be recorded and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.
- 9. The management and premises will have an absolute zero tolerance policy towards drugs and drug misuse. Any illegal drugs seized or found will be documented and stored in a lockable 'drugs box'. Management will contact police once a month to inform them of any drug seizures and request the drugs are collected. This contact will take place even if there have been no seizures that month.
- 10. In the event that a person is found on the premises actively dealing in drugs, that person will be detained and the Police will be called to the premises. Any person found with any more than a very small quantity of drugs on their possession which they claim is for personal use, will still be treated as 'dealing' and detained until the Police are called and arrive.
- 11. The management will permit the Police to use an 'ION Track' drugs detector or other similar device inside the premises to detect the illegal use of drugs and will sign the Police consent form.
- 12. The premises will become a member of the Business Crime Reduction Partnership (BCRP) or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and night time economy. The DPS and staff will proactively use the DISC system to report incidents.

For Public Safety:

- 13. The outside areas shall be monitored and regularly cleared of glasses and bottles.

For the Prevention of Public Nuisance:

- 14. No person shall be allowed to leave the premises (except to any area set aside for the consumption of alcohol) with open containers of drinks of any kind.
- 15. All Doors (save for access or egress) and Windows must be kept shut during regulated entertainment.

16. Notices shall be prominently displayed near all exits from the premises requesting patrons to leave quietly with consideration for neighbours.

For the Protection of Children from Harm:

17.

- a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

*The lawful selling of age restricted products

*Refusing the sale of alcohol to a person who is drunk

- b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 12 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request. Training records will be retained for a minimum of twelve (12) months.

18. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID, biometric residence permit cards or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.

19. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises including points of sale.

20. Children must be accompanied by a responsible adult at all times whilst on the premises.

21. Children shall not be allowed to remain on the premises beyond 20:00hrs.

Conclusion

The company reiterates its regret and apology to all parties for the difficulties which have arisen with these premises. It is determined to turn these premises around and achieve a greater degree of Head Office control over the way in which these premises operate, as described within this statement.

The key elements can be summarised as follows:

1. A period of suspension to enable the arrival of a new and strong DPS and management team, backed up by a new and strong door team.
2. The removal of DJ-led entertainment, which can be a catalyst for incidents of crime and disorder.
3. An increase in price point of alcohol at the premises.
4. A fresh package of conditions to ensure the smooth running of the premises moving forwards.
5. Heightened supervision and control of the premises from a company perspective.

It is submitted that the combination of these remedial measures will enable the new management team to deter the historically troublesome elements of the clientele from attending the premises, and allow the premises to promote the licensing objectives following reopening.