

# Licensing Panel (Licensing Act 2003 Functions)

Date: **6 February 2023**

Time: **10.00am**

Venue **Virtual**

Members: **John, Simson, & Henry**

Contact: **Thomas Bald**  
Democratic Services Officer  
01273 291354  
thomas.bald@brighton-hove.gov.uk

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# AGENDA

## 1 TO APPOINT A CHAIR FOR THE MEETING

### WELCOME & INTRODUCTIONS

## 2 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.

## 3 ANTIDOTE BAR LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Corinne Hardcastle  
Ward Affected: Brunswick & Adelaide

Tel: 0127329

Date of Publication - Friday, 27 January 2023

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For further details and general enquiries about this meeting contact , (01273 291354, email [thomas.bald@brighton-hove.gov.uk](mailto:thomas.bald@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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- Do not re-enter the building until told that it is safe to do so.



# Licensing Panel (Licensing Act 2003 Functions)

**Agenda Item**  
Brighton & Hove City Council

<b>Subject:</b>	<b>Review of a Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Antidote Bar 5 - 6 Western Road Hove BN3 1AE</b>		
<b>Premises Licence Holder:</b>	<b>Ritan Enterprises Limited (previously Antidote Bar Ltd)</b>		
<b>Date of Meeting:</b>	<b>06 February 2023</b>		
<b>Report of:</b>	<b>Executive Director for Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Emily Fountain</b>	<b>Tel: (01273) 292143</b>
	<b>Email:</b>	<b>emily.fountain@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Brunswick and Adelaide</b>		

## 1. PURPOSE OF REPORT AND POLICY CONTEXT

1.1 To review a Premises Licence for Antidote Bar under the Licensing Act 2003.

## 2. RECOMMENDATIONS:

2.1 That the Panel review the licence granted to the premises known as Antidote Bar under the Licensing Act 2003.

## 3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

3.1 Existing licence attached at Appendix A.

3.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.

3.3 An application was received by the Licensing Authority on 15 December 2022 from Sussex Police, to review the licence granted to the premises known as Antidote Bar, 5 - 6 Western Road, Hove, BN3 1AE.

3.4 The grounds for the review relates to the following Licensing objective

- The Prevention of Crime and Disorder

Full details of the grounds for the review are in Appendix B

3.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51
- 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, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

#### **Representations received**

- 3.6 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 One representation has been received from The Licensing Authority on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance supporting the application submitted by Sussex Police seeking the revocation of the licence.
- 3.8 Full details of the representation are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

## **4. COMMENTARY ON THE LICENSING POLICY**

4.1 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. This policy takes effect from 4 February 2021. 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.

### **1.1 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**

**1.3.1** 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.

### **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**

	<b>Cumulative Impact Area</b>	<b>Special Stress Area</b>	<b>Other Areas</b>
<b>Restaurant</b>	Yes (midnight)	Yes (midnight)	Yes (midnight)
<b>Café</b>	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
<b>Late Night Takeaways</b>	No	Yes (midnight)	Yes (midnight)
<b>Night Club</b>	No	No	No
<b>Pub</b>	No	Yes (11pm)	Yes (midnight)
<b>Non-alcohol lead (e.g. Theatre)</b>	Yes (favourable)	Yes (favourable)	Yes (favourable)
<b>Off-licence</b>	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
<b>Members Club (club premises certificate)</b>	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

**Notes on matrix**

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

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 cafes, 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 on our website [www.brighton-hove.gov.uk/licensingact](http://www.brighton-hove.gov.uk/licensingact).
8. In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence 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 or restrictions placed on the terminal hour to reflect opening hours of other shops.
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.
10. Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

#### **4 Prevention of Crime and Disorder**

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.

**4.1.1** 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.

**4.1.2** 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.

**4.1.3** The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

**4.1.4** Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

## **4.2 Sussex Police**

**4.2.1** Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.

**4.2.2** The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing ([brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.

**4.2.3** Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.

**4.2.4** Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

**4.2.5** Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

**4.2.6** Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

**4.2.7** Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

### **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, e.g. 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 Industry 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. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

**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).

## **6 Prevention of Public Nuisance**

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.

**6.1.5** 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 their 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 it may be 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.

## **8 Integration of Strategies**

**8.1.1** 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

**8.1.2** 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.

**8.1.3** 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.

**8.1.4** 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.

**8.1.5** 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.

**8.1.6** 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.

## **8.2 Other regulatory regimes**

**8.2.1** This policy avoids duplication with other regulatory regimes wherever possible. The following notes are made with regard to specific regimes:

### **Health and Safety**

Certain premises will be the subject of health and safety enforcement by the local authority or the Health and Safety Executive (HSE). If other existing law already places certain statutory responsibilities on an employer or operator of premises, for example the Management of Health and Safety at Work Regulations 1999, it will not be necessary to impose the same or similar duties on the premises licence holder or club. However, existing duties will not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment, and where additional and supplementary measures are necessary to promote the licensing objectives, necessary, proportionate conditions will need to be attached to a licence.

### **Fire Safety**

Premises and their operators will be regulated by general duties under current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005 rather than licensing provisions.

### **Noise**

Statutory and public nuisances are dealt with by the local authority's Environmental Health department under the Environmental Protection Act 1990, Noise Act 1996 and associated legislation. Noise from commercial premises may often fall under review powers set out in licensing provisions and closure powers in anti-social behaviour provisions.

### **Equality Act 2010**

The Public Sector Equality Duty obliges public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between persons who share protected characteristics and persons who do not share it. The local authority's equality and inclusion policy produced under these obligations shall include reference to this statement of licensing policy.

### **Community relations**

Integration of corporate strategies with licensing policy will include the Inclusive Council Policy which recognises the council's role, as a community leader, to promote community cohesion and good relations between diverse communities. Measures to address prevention of crime and disorder recognise the need to improve wellbeing and safety of all the communities in the city. Licensing policy supports the Crime and Disorder Reduction Partnership's crime reduction strategy. In particular it seeks to

confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour.

### **Anti-Social Behaviour, Crime and Policing Act 2014**

Contains powers to close premises that are causing nuisance or disorder. These powers can be exercised by the council or Police and they replace the closure powers in the Licensing Act 2003. The Act also contains powers to issue Community Protection Notices in respect of persons or businesses committing anti-social behaviour which is spoiling a community's quality of life.

### **Litter and Smoking**

CityClean contractors have Clean Neighbourhoods powers to enforce premises operators' responsibilities to keep frontages clear of litter.

### **Gambling Act 2005**

In relation to casinos and bingo clubs, the principal purpose is gaming. The sale of alcohol and the provision of entertainment in such premises is incidental to gaming and in determining whether to permit entertainment that constitutes regulated entertainment under the act, gaming license committees and / or the Gambling Commission will have taken into account relevant government guidance. Accordingly, it is felt that the licensing objectives will have been, or will be in the main, adequately considered by such committees and duplication of conditions should be avoided when considering applications under the 2003 Act where relevant representations have been made.

## **8.3 Enforcement**

**8.3.1** The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

**8.3.2** Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti-Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006



- Policing and Crime Act 2009

## 9 Reviews

**9.1.1** 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 – Appendix B.

**9.1.2** 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.

## 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: 27/01/23*

### 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: 26/01/23*

### 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:**

1. Appendix A – Part A of Premises Licence
2. Appendix B – Review Application, together with Police Appendices 1-6.
3. Appendix C – Representation, together with Licensing Appendices A-E
4. Appendix D – Map of area

### **Documents in Members' Rooms**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, December 2022.

Public Health Framework for Assessing Alcohol Licensing – January 2022.

### **Background Documents**

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.



# Brighton & Hove City Council

## Schedule 12

### Part A

Regulation 33, 34

## Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2023/00250/LAPRET

### Part 1 – Premises Details

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

Antidote Bar  
5-6 Western Road  
Hove  
BN3 1AE

**Telephone number**

**Licensable activities authorised by the licence**

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

**Times the licence authorises the carrying out of licensable activities:**

#### **Performance of Dance**

Every Day                      10:00 - 02:00      Ground floor and basement.

#### **Anything of a similar description to live music, recorded music and performance of dance**

Every Day                      10:00 - 02:00      Ground floor and basement.

#### **Performance of Live Music**

Every Day                      10:00 - 02:00      Ground floor and basement.

#### **Performance of Recorded Music**

Every Day                      10:00 - 02:00      Ground floor and basement.

#### **Late Night Refreshment**



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Every Day 23:00 - 02:30 Only on the ground floor.

**Sale by Retail of Alcohol**

Every Day 10:00 - 02:00 Ground floor and basement.

**The opening hours of the premises**

Every Day 10:00 - 02:30

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Ritan Enterprises Limited  
The Gore  
Jarn Way  
Boars Hill  
Oxford OX1 5JF

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Number: 08810939

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

Francois Roberts  
REDACTED TEXT

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

REDACTED TEXT



# Brighton & Hove City Council

## Annex 1 - Mandatory conditions

### S19: 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;



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(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



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(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



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(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 21; mandatory condition: door supervision**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
  - a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001: or
  - b) Be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
  - a) In respect of premises within paragraph 8 (3)(a) of Schedule 2 to the Private Security Industry act 2001 (c12) (premises with premises licences authorising plays or films): or
  - b) In respect of premises in relation to:
    - I. Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence) or
    - II. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:





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- a) "Security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for purposes of that Act, (see Section 3(2) of that Act) and Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

### **Annex 2 – Conditions consistent with the Operating Schedule**

#### **For the Prevention of Crime and Disorder:**

1. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally and externally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The CCTV images will record time and display dates and times, and these times will be checked regularly to ensure their accuracy and will be changed when British Summer Time starts and ends. During the hours of darkness suitable lighting will be provided to illuminate the outside area of the premises fronting Farman Street.

**Public Safety:** N/A

**The Prevention of Public Nuisance:** see Annex 3

#### **The Protection of Children from Harm:**

2. The premises shall adopt a policy whereby any person attempting to buy alcohol who appears to be under 21 will be asked for photographic ID to prove their age. The only ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen Card or Validate proof of age cards bearing the "PASS" mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the actual licence.
3. Children under the age of 16 will not be admitted to the premises after 24.00 hours.

### **Annex 3 – Conditions attached after hearing by the licensing authority 26<sup>th</sup> January 2009.**

#### **For the Prevention of Crime and Disorder:**

4. At any time the basement is open from 20:00 onwards then a minimum of one Door Supervisor shall be on duty with the responsibility of controlling the entrance to the Basement and at any time on a Friday, Saturday or Sunday of a Bank Holiday Weekend when



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the Ground Floor venue is open, than from 22:00 hours an additional Door Supervisor with the sole responsibility of controlling entrance to the Ground Floor will also come on duty. Both Door Supervisors or their replacements will remain on duty until their particular venue closes to the public, but if both venues are open after 22:00 on a Friday, Saturday or Sunday of a Bank Holiday Weekend then one additional Door Supervisor [thus a minimum of three Door Supervisors after 22:00 when both floors are open] will always be employed, and at all times when either venue is open then a risk assessment will be carried out by the DPS or other responsible person and Door Supervisors additional to the stated minimum requirements will be employed based on that risk assessment and with specific roles to either one or both venues as is required.

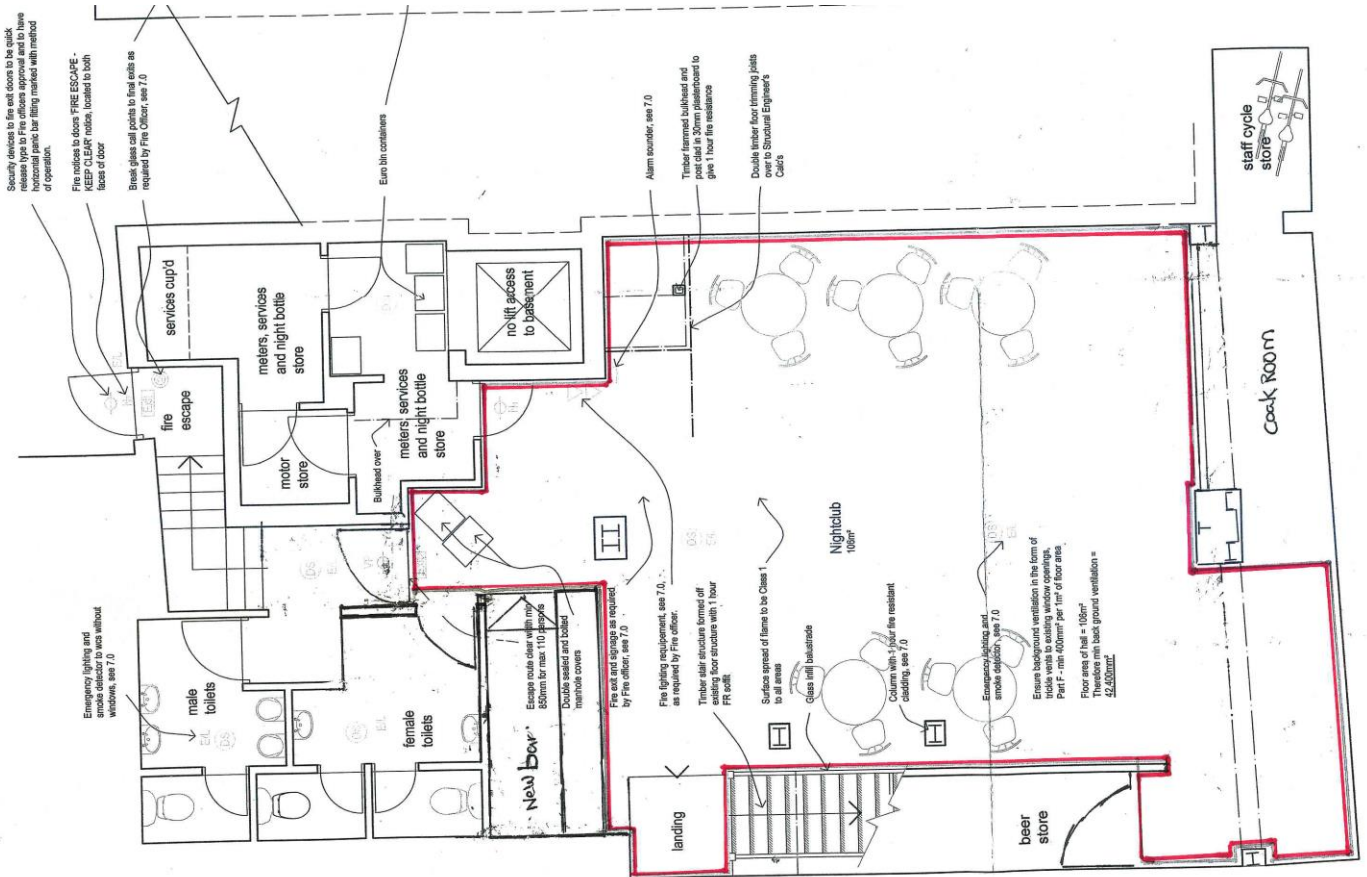
### **The Prevention of Public Nuisance:**

5. The front doors and windows on the ground floor must be kept shut when any regulated entertainment is being performed except for entry and exit.
6. No drinks are to be taken outside between 23:00 and 10:00.
7. All Live and Recorded music to be controlled via noise limiting devices and these are to be set at levels agreed by the Licensing Authority.



# Brighton & Hove City Council

## Annex 4 - Plans



Basement Plan @ 1/50



## Appendix B

### Application for the review of a premises licence under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I **Chief Supt Justin BURTENSHAW, Brighton & Hove Divisional Commander, Sussex Police on behalf of Sussex Police Chief Constable Jo SHINER**

Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Antidote Bar 5-6 Western Road	
<b>Post town</b>  Hove	<b>Post code (if known)</b>  BN3 1AE

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  Antidote Bar Ltd
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<b>Number of premises licence or club premises certificate (if known)</b>  1445/3/2022/00266/LAPRET
---

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

**Please tick yes**

**I am 18 years old or over**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Sussex Police, Licensing, John Street, Brighton, East Sussex, BN2 0LA.
Telephone number (if any)  01273 404 535 - Ext 550826
E-mail address (optional)  brighton.licensing@sussex.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review** (please read guidance note 2)

A review is being sought by Sussex Police due to on-going high drug readings in the premises, including within staff areas, which undermines the prevention of crime and disorder licensing objective.

Previously the venue traded as 'Back Beat Bar' and there was a documented history of drug taking within the premises. Sussex Police worked with the former venue operator at the time in an effort to control and reduce this issue. It was felt that progress was being made as lower drug readings were found when the premises was swabbed by Police in October 2020. Due to this, the venue was placed as a 'watching brief' with a view that, unless further intelligence was received, the venue had made progress in the right direction.

The current operator took over in November 2021 and 'Antidote Bar Ltd' applied to Brighton & Hove City Council to become the Premises Licence Holder on 19<sup>th</sup> November 2021 with the application form forwarded to ourselves via email from the Council on 22<sup>nd</sup> November 2021 so that we could conduct our standard checks. Due to the previous drugs issues at the venue a meeting was requested with the new management so that we could assist them in preventing the issues from reoccurring.

The venue was visited several times over the last 12 months for drugs readings to be taken and feedback and advice was provided to the current operator on how to make improvements and ensure their venue was an inhospitable place for drug takers. The aim being to have a zero-tolerance policy towards their venue being used to consume drugs.

Drug readings have since returned to high levels and Sussex Police have no confidence that the current operator is able or has the desire to take control or ownership of the issue of drug consumption. They are allowing specific crime to perpetuate at the premises and deliberately undermining the licensing objective of the prevention of crime and disorder.

**Please provide as much information as possible to support the application** (please read guidance note 3)

Antidote is a licensed bar with club facilities across two floors (ground and basement) located at 5-6 Western Road, Hove.

The premises are authorised for the following licensable activities:

- **Performance of Dance**  
Every Day: 10:00 - 02:00      Ground floor and basement.
- **Anything of a similar description to live music, recorded music and performance of dance**  
Every Day: 10:00 - 02:00      Ground floor and basement.
- **Performance of Live Music**  
Every Day: 10:00 - 02:00      Ground floor and basement.



- **Performance of Recorded Music**  
Every Day: 10:00 - 02:00      Ground floor and basement.
- **Late Night Refreshment**  
Every Day: 23:00 - 02:30      Only on the ground floor.
- **Sale by Retail of Alcohol (on the premises)**  
Every Day; 10:00 - 02:00      Ground floor and basement.

**Opening hours:** Everyday: 10:00 - 02:30

Sussex Police have consistently tried to work with the current operator throughout the past 12 months to support them in making changes and improvements and bringing to their attention our concerns around drug taking within the venue. This has been unsuccessful and leaves Sussex Police with no choice but to ask a committee to consider revocation of the Premises Licence in this instance to prevent further crime taking place and perpetuating at Antidote.

Below is a timeline of interactions with the current Designated Premises Supervisor who is also named as a Director of the Premises Licence Holder since they took the licence and venue over.

#### **Monday 22<sup>nd</sup> November 2021**

Sussex Police received a notification email from Brighton & Hove City Council Licensing department in regards of an application to transfer the premises licence and appoint a new designated premises supervisor (DPS). Due to previous history at the venue when it traded as Back Beat Bar contact was made with the new owner, Francois ROBERTS requesting a meeting so that we could go through the previous issues and assist them where possible to ensure the venue is run responsibly. The meeting was confirmed for 04<sup>th</sup> December 2021.

#### **Saturday 04<sup>th</sup> December 2021 – 16:00hrs**

A pre-arranged meeting was held at the premises. This was a joint meeting attended by Sussex Police Licensing, Brighton & Hove City Council Licensing, and the current premises licence holder / designated premises supervisor – Francois ROBERTS.

Mr ROBERTS stated that he was aware of the history at the venue and was keen to turn this around. He commented that he had already barred several the regulars that he believed was the cause of some of the issues. The plan going forward was to run the basement bar as an events space and operate DJ nights. Mr ROBERTS also advised that he had plans to install a noise limiter which was a condition under his licence as well as looking to source a local security firm to provide SIA Door Supervisors. Due to costs, he was currently sourcing door staff himself and employing them directly. He was provided with refusals and incident logbooks by Brighton & Hove City Council and was also sent a number of posters in regard to drink spiking's and safeguarding by police.

Sussex Police conducted drug swabbing which showed that, despite the lower readings back in October 2020, high levels had returned in the venue. The results were given on the night by phone call and followed up officially by email to Mr ROBERTS on 06<sup>th</sup> December 2021. These are listed below and evidenced as Appendix 1. Within the email you will see we provided Mr ROBERTS with drug

prevention advice.

### **Basement**

Bar – Cocaine 5.57

Table within the bar area – Cocaine 5.24

### **Gents Toilets**

Sink – Cocaine 6.05

Toilet seat – Cocaine 6.56

### **Ladies Toilets**

Left cubical toilet seat – Cocaine 1.06

Left cubical toilet roll holder – Cocaine 3.80

Right cubical toilet seat – Cocaine 5.88

Right cubical toilet roll holder – Cocaine 6.19

### **Ground floor**

#### **Gents Toilets**

Ledge by flush button in cubical – Cocaine 3.08 and Ketamine 2.18

Silver ledge – Cocaine 5.50

#### **Ladies Toilets**

Ledge by flush button in cubical – Cocaine 5.07

Toilet seat – Cocaine 1.46

Tiled ridge – Cocaine 4.20

Hand dryer – Cocaine 3.35

### **Guidance on drug reading results – Full statement submitted with this review document:**

GE Security, the Ion Track Itemiser manufacturer give the following guidance in their Technology Statement about interpreting swab results:

***Readings of between 1 and 2 times the alarm threshold can be classed as a “low” response. It could be attributed to cross contamination of the surface tested, background contamination, or greatly degraded historic contamination. It is not indicative of recent direct contact.***

***Alarms of between 2 and 3 times the alarm threshold can be classed as a “medium” response. It could be attributed to cross contamination of the surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.***

***Alarms of between 3 and 4 times the alarm threshold can be classed as a “high” response. This level of response would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.***

**Readings of 4.00 and above** are estimated to relate to microgram amounts of contamination being transferred to the sample media. **This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic, i.e. this level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.**

### **Wednesday 29<sup>th</sup> December 2021**

An email was sent to Mr ROBERTS in regard to fly posting occurring on St James Street, Brighton advertising an event to be held at Antidote Bar on that day. He was asked to make arrangements to have the posters removed. Mr ROBERTS did acknowledge the email and confirmed he would ensure the poster and any additional ones are taken down.

### **Friday 14<sup>th</sup> January 2022**

Sussex Police was copied into an email from Brighton & Hove City Council sent to the DPS, Mr ROBERTS, in regard to a noise complaint that had been received by the local authority.

### **Saturday 05<sup>th</sup> February 2022 – 20:00hrs**

Police Licensing attended the venue to conduct drug swabbing with the results as follows:

#### **Basement**

Bar – Cocaine 3.11  
Table within the bar area – Cocaine 2.94

#### **Gents Toilets**

Sink – Nil  
Toilet seat – Nil

#### **Ladies Toilets**

Left cubical toilet seat – Nil  
Left cubical toilet roll holder – Nil  
Right cubical toilet seat – Nil  
Right cubical toilet roll holder – Cocaine 1.79

#### **Ground floor**

#### **Gents Toilets**

Ledge by flush button in cubical – Cocaine 3.53  
Silver ledge – Cocaine 5.39

#### **Ladies Toilets**

Ledge by flush button in cubical – Cocaine 4.25

Toilet seat – Cocaine 1.31  
Tiled ridge – Nil  
Hand dryer – Cocaine 3.40

Of note, the basement swabbing was conducted later in the evening due to access and at the time the area was being cleaned by staff in preparation for a private hire booking. These results were emailed to Mr ROBERTS on 08<sup>th</sup> February 2022 in which Sussex Police Licensing acknowledged that the results were heading in the right direction and again giving drug prevention advice. This email was responded to by Mr ROBERTS on 23<sup>rd</sup> February 2022 where he set out his security arrangements as well as future plans for the venue in regards to a refurbishment and a new business model. Sussex Police Licensing responded to this email to ask them to advise once the refurbishment was completed so that a further follow up visit could be carried out. See Appendix 2.

### **Friday 11<sup>th</sup> March 2022**

Police Licensing were requested by our Investigations team to assist in securing some CCTV from the venue. This was in regard to an incident that occurred at the venue on 06<sup>th</sup> February 2022. Officers originally requested this on 07<sup>th</sup> February and chased up on both 14<sup>th</sup> and 28<sup>th</sup> February 2022 without success. Mr ROBERTS stated he was not aware of these interactions and believes that possibly communication was with staff at the venue rather than directly with himself. See Appendix 3.

### **Friday 08<sup>th</sup> July 2022 – 19:00hrs**

Police Licensing attended the venue to conduct drug swabbing with the results as follows:

#### **Basement**

Bar – Cocaine 3.77  
White table top left of the DJ booth – Cocaine 1.38  
DJ Booth – Cocaine 4.73  
Middle tabletop – Cocaine 3.36

#### **Gents Toilets – no readings taken**

#### **Ladies Toilets**

Left cubical toilet roll holder – Cocaine 1.41  
Hand dryer - Nil  
Shelf at top of stairs - Cocaine 1.12

#### **Ground floor**

#### **Gents Toilets**

Back of cubical toilet - Cocaine 3.51 and Ketamine 1.76  
Cubical ledge to the side – Cocaine 5.27  
Top of urinal – Cocaine 5.61  
Ledge above urinal – Cocaine 4.62

#### **Ladies Toilets**

Back of cubical toilet - Cocaine 6.38

Toilet seat – Cocaine 3.06

**Kitchen - An area you would expect to be accessible only to staff at the venue.**

Metal counter top by microwave – Cocaine 1.58

Metal top of cool counter – Cocaine 4.23

These results were emailed to Mr ROBERTS on 11<sup>th</sup> July 2022 and included a request for him to attend John Street Police Station for a meeting with Sussex Police Licensing as well as Brighton & Hove City Council Licensing and Environmental Protection department. Mr ROBERTS acknowledged this meeting request and said he would bring with him an action plan. See Appendix 4.

**Wednesday 13<sup>th</sup> July 2022 – 14:00hrs**

Meeting held at John Street Police Station with Mr ROBERTS. In attendance were officers from both Brighton & Hove City Council Licensing and Environmental Protection departments.

Sussex Police Licensing went through the areas of concerns, notably being the high drug readings especially within the kitchen and DJ Booth, areas you would presume are only accessible to staff members and asked what the plan was to get this under control. Mr ROBERTS advised he had brought in new SIA security although these were still in-house rather than using a local firm due to costs. Mr ROBERTS was advised by police that as he was employing his own SIA that he needed to have a non-front line SIA badge himself. To date on checking the SIA public register (12<sup>th</sup> December 2022) no such licence has been registered in Mr ROBERTS name.

He was also asked about the process for any drugs that are found on persons or within the venue. He advised that they are seized and stored in a safe place for police to collect. To date (12<sup>th</sup> December 2022) Sussex Police has never been asked to attend the venue to collect any seized drugs.

Mr ROBERTS then stated that towards the end of July 2022 the main bar would close for two weeks so that a full refurbishment could take place including the toilets. We requested that we were informed of confirmed dates as and when he had them. It was hoped that the opportunity would be taken to design out areas within the toilets that people use for consuming drugs i.e., flat surfaces.

Going forward the plan was to operate more as a cocktail bar with a daytime food offering on the ground floor and the basement becoming a member only club.

Mr ROBERTS was advised that this meeting was a final warning and that if the venue continued to be used to consume drugs that Sussex Police would be left with no other option than to call a review of the premises licence.

Environmental Protection went through recent noise complaints they had received and dealt with. Mr ROBERTS advised he planned to address this by installing a second door leading down to the basement club. He was reminded about the need to use a noise limiter which he stated was not possible with bands as they control their own sound levels. Mr ROBERTS also advised he was looking at the possibility of bringing in a club scan machine.

Brighton & Hove City Council Licensing offered to do some staff training once the refurbishment work was completed.

At the end of the meeting Mr ROBERTS provided attendees with a copy of the venues Drugs Policy. See Appendix 5.

#### **Saturday 23<sup>rd</sup> July 2022 – 23:30hrs**

A licensing inspection was conducted by Response officers from Sussex Police. The officers were advised by staff that they permit people to consume drinks outside in plastics until 02:30 when busy inside. This was brought to the attention of Licensing and taken up with Mr ROBERTS. The premises licence has the following condition attached to it:

*'6. No drinks are to be taken outside between 23:00 and 10:00.'*

On reviewing the attending officers body worn video the staff members advised that normally they permit customers to stand outside with drinks until 01:30 but as it was really busy the previous night, they allowed it until 02:30.

This was disputed by Mr ROBERTS and the email trail is attached. See Appendix 6.

As officers were just told of the above rather than seeing people outside with drinks at the time, no official breach was issued but communication focused on ensuring all staff are aware of the premises licence permissions and conditions.

#### **Wednesday 26<sup>th</sup> October 2022**

Mr ROBERTS was emailed by Sussex Police Licensing due to an advert for an event to held on Halloween at Antidote. We were requesting additional information as it mentioned an after party at a secret location which raised concerns about a possible unauthorised music event (rave). Mr ROBERTS replied to us the following day to advise that he had asked the event organiser what they meant as an "after party". The organiser advised Mr ROBERTS that the event had now been cancelled but the after party was due to be held in Newhaven but no mention of what location as they had not been able to secure it. It was suggested to Mr ROBERTS that any future advertising for the venue was run past him so that he could be fully aware of what was being advertised under his venue name and licence.

#### **Saturday 29<sup>th</sup> October 2022 – 21:00hrs**

Police Licensing attended the venue to conduct drug swabbing. On arrival Mr ROBERTS was not present but was enroute so officers waited for him to arrive. While waiting, a staff member was spotted coming out of the ground floor toilets with a spray bottle which we believe to possibly be cleaning fluid. They were then seen to head down to the basement, presumably to spray the basement toilets. Mr ROBERTS then arrived. The attending officer explained what they had seen and advised that although they were there to drug swab there was now no point in doing so and would come back another time. Mr ROBERTS was annoyed that we had attended on a busy night and stated that 'what did we expect if we were going to give them a chance of passing'. He was asked about any drugs seized to which he advised that door staff don't seize drugs, they just refuse entry. This goes against what he previously advised about seizing and storing in a safe place for police to collect.

**Thursday 08<sup>th</sup> December 2022 – 18:40hrs (swabbed ground floor and 20:25hrs to swab basement.**

Police Licensing attended the venue to conduct drug swabbing with the results as follows:

**Basement**

Till screen- Cocaine 5.24  
DJ Booth – Heroin 1.37  
High table in corner – Nil  
Staff side of bar servery – Cocaine 4.20  
Front of bar – Cocaine 3.06

**Gents Toilets**

Hand dryer – Cocaine 3.07  
Toilet roll holder – Cocaine 3.09  
Toilet seat - Nil

**Ladies Toilets**

Cubical 1 toilet roll holder – Cocaine 5.40  
Cubical 1 toilet seat – Cocaine 1.59  
Cubical 2 toilet roll holder – Cocaine 1.427  
Cubical 2 toilet seat – Nil  
Hand dryer - Nil

**Ground floor**

**Gents Toilets**

Top of urinal – Cocaine 5.42  
Sink – Cocaine 4.71  
Hand Dryer – Cocaine 6.19  
Back of cubical toilet - Cocaine 4.52  
Toilet seat – Cocaine 4.58  
Toilet bin – Cocaine 6.10  
Cubical toilet ledge – Cocaine 4.95

**Ladies Toilets**

Hand Dryer – Cocaine 4.25  
Sink – Cocaine 4.00  
Toilet roll holder – Cocaine 2.93  
Back of toilet – Cocaine 4,47  
Toilet seat – Cocaine 6.08  
Toilet bin – Cocaine 6.34

These results were emailed to Mr ROBERTS on 09<sup>th</sup> December 2022. Once again, we see high readings within areas that you would expect to be occupied only by staff employed at the venue.

Sussex Police believe we have worked with the current PLH/DPS regarding the

issues of drugs within the venue. We have offered advice and been open to any communication with Mr ROBERTS. Following the last set of results, we now believe we have reached a point of having no confidence in the current owner and manager to be able to get the drugs issue under control. This is especially when we are also recording high readings within areas that are, in theory, only open to staff.

A change of DPS we don't believe is a viable option as Mr ROBERTS is also the premises licence holder. A suspension was considered but suggestions have been put forward by Mr ROBERTS which have not materialised, and it is believed that after re opening the venue would soon slip back into its old ways with drugs being consumed on site.

Sussex Police therefore contend that the only course of action is for revocation of the premises licence.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application: N/A

**If you have made representations before relating to this premises please state what they were and when you made them**

N/A

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)

**REDACTED**



Insp M.Palmer- Harris

Date 15<sup>th</sup> December 2022.

Capacity: Operations, Planning and Licensing Inspector.  
Force Licensing & Public Safety Manager on behalf of Chief Superintendent,  
Divisional Commander, Brighton & Hove Division

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
Insp M.Palmer-Harris Sussex Police Licensing John Street	
<b>Post town</b> Brighton	<b>Post Code</b> BN2 0LA
<b>Telephone number (if any)</b> 01273 404 535 Ext REDACTED	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> brighton.licensing@sussex.police.uk	

#### Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

## Appendix 1

**From:** Brighton Licensing  
**Sent:** 06 December 2021 14:44  
**To:** Francois Roberts REDACTED  
**Cc:** Donna Lynsdale <Donna.Lynsdale@brighton-hove.gov.uk>  
**Subject:** Police & Council Licensing Inspection - 4th Dec 21

Dear Francois,

Thank you for meeting with us on Saturday.

Firstly, please find attached your letter in regards to the drug swabbing results. As mentioned on the phone and set out within the letter, you do have very high readings which is a concern. The venue does have a history of high readings back in Feb and Aug 2020. By the time we re tested in Oct 2020 the situation had improved. Of note this was only in the main ground floor bar, not the basement.

You do need to get on top of the drug issue within your venue. If we continue to see high readings we would have no choice but to look to have your premises licence revoked. That won't happen overnight – as mentioned we work with a stepped approach. We do give you the opportunity to address the issues.

Secondly, I have today sent you some posters for your venue in regards to drink tampering and safeguarding. You should receive those by the end of the week.

We are here to assist you in anyway we can so please do not hesitate to make contact should you have a query or need advice.

Kind Regards

Mark.



**Mark Thorogood**  
Police Licensing Officer

**Brighton & Hove Licensing Unit : John Street, Brighton**  
**Telephone:** 01273 404 535 **Ext:** REDACTED **Mobile:** REDACTED  
**Twitter:** @SusPolLicensing



**Sussex Police**  
Serving Sussex

[www.sussex.police.uk](http://www.sussex.police.uk)

## Brighton & Hove Licensing Unit

Police Station  
John Street  
Brighton  
BN2 0LA

Tel: 01273 470101 ext. REDACTED

Email: [brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)

06<sup>th</sup> December 2021

Francois Roberts  
Antidote Bar  
5-6 Western Road  
Hove  
East Sussex  
BN3 1AE

Dear Francois,

Our records show that you are the Premies Licence Holder and Designated Premises Supervisor for Antidote Bar, 5-6 Western Road, Hove.

As you are aware on 4<sup>th</sup> December 2021, we conducted drug swabbing around your venue, please find below the results,

### **Basement**

Bar – Cocaine 5.57  
Table within the bar area – Cocaine 5.24

### Gents

Sink - Cocaine 6.05  
Toilet seat – Cocaine 6.56

### Ladies

Left cubical toilet seat - Cocaine 1.06  
Left cubical toilet roll holder Cocaine 3.80  
Right cubical toilet seat - Cocaine 5.88  
Right cubical toilet roll holder Cocaine 6.19

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

Telephone: 101 | 01273 470101

Email: [brighton.licensing@sussex.pnn.police.uk](mailto:brighton.licensing@sussex.pnn.police.uk)

## Ground Floor

### Gents

Ledge by flush button in cubical - Cocaine 3.08 & Ketamine 2.18  
Silver ledge – Cocaine 5.50

### Ladies

Ledge by flush button in cubical - Cocaine 5.07  
Toilet seat – Cocaine 1.46  
Tiled ridge – Cocaine 4.20  
Hand dryer – Cocaine 3.35

Results of between 1 and 2 can be classed as a **“low”** response. It could be attributed to cross contamination of the surface tested, background contamination, or greatly degraded historic contamination. It is not indicative of recent direct contact.

Results of between 2 and 3 can be classed as a **“medium”** response. It could be attributed to cross contamination of the surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.

Results of between 3 and 4 times can be classed as a **“high”** response. This level of response would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.

Readings of 4.00 and above are estimated to relate to microgram amounts of contamination being transferred to the sample media. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic, i.e. this level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.

So, anything 3 and above means drugs have recently been consumed using those areas.

You have very high drug readings throughout the venue which need to be drastically reduced. What we would normally suggest in situations like this is you need to make the area less user friendly for drug taking. Remove flat surfaces if possible and if not cover them with a material that would not make it possible for them to snort drugs of them. You could also increase your toilet checks and make the patrons aware that the toilets will be checked on a regular basis, I would personally get you're your door staff to carry out more thorough checks on entry and not only check males – you can see for yourself with the results above that females are just as likely to consume drugs.

We will revisit soon to carry out the tests again and hopefully we will see an improvement. If there are any matters within this letter that you wish to discuss then please do not hesitate to contact us via the email address above.

Yours sincerely,

Mark Thorogood  
Licensing Officer  
Brighton & Hove Division

c.c Brighton & Hove City Council Licensing

## Appendix 2

**From:** Thorogood, Mark REDACTED  
**Sent:** 24 February 2022 14:37  
**To:** Francois Roberts REDACTED  
**Subject:** RE: Recent Drug Readings

Afternoon Francois,

Thank you for the update. Maybe once all the work is done you could let us know and we will come say Hi and take a look.

Kind Regards

Mark.



---

**Mark Thorogood**  
Police Licensing Officer

**Brighton & Hove Licensing Unit : John Street, Brighton**

**Telephone:** 01273 404 535 **Ext:** REDACTED **Mobile:** REDACTED

**Twitter:** @SusPolLicensing

**From:** Francois Roberts REDACTED  
**Sent:** 23 February 2022 21:05  
**To:** Thorogood, Mark 33005 REDACTED  
**Subject:** RE: Recent Drug Readings

**\*\*External Email- Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found [here](#)\*\***

Dear Mark,

Thank you for the email and I apologise for the delayed response. I was relieved to know that the results are heading in the right direction however i would like to get them a lot better. I have had words with my head of security to increase vigilance and do better searching. I now have security 7 days a week and we are in the process of employing a female security staff member to search female customers as well as female toilets.

In terms of reducing flat surfaces in the toilets where customers can take drugs off, we have decided to completely renovate the upstairs venue, that will mean new toilets without electric hand dryers rather tissue dispensers with slanted surfaces. As for the actual toilet tissue dispensers that is a difficult decision to make as customers tend to clog up the toilet with excess tissue which costs us a lot in plumber fees. We will instead position them higher up during the renovation so no one can use the surfaces for taking drugs.

Post renovation, we will be having a new business model to attract better clientele. Once all the aforementioned drug use prevention measures are implemented we should have better results.

Kind Regards,

Francois Roberts

Sent from [Mail](#) for Windows

**From:** REDACTED

**Sent:** 08 February 2022 09:54

**To:** REDACTED

**Subject:** Recent Drug Readings

Dear Francois,

Please find below results from your recent drug swabbing at your premises. The figures in black are what the resulted were on our first visit and ones in red are what they are after our visit at the weekend.

## **GROUND FLOOR**

### GENTS

LEDGE BY FLUSH BUTTON IN CUBICAL - COCAINE 3.08 & KETAMINE 2.18 cocaine 3.53

SILVER LEDGE – COCAINE 5.50 Cocaine 5.39

### LADIES

LEDGE BY FLUSH BUTTON IN CUBICAL - COCAINE 5.07 cocaine 4.25

TOILET SEAT – COCAINE 1.46 cocaine 1.31

TILED RIDGE – COCAINE 4.20 nothing

HAND DRYER – COCAINE 3.35 cocaine 3.40

## **BASEMENT**

BAR – COCAINE 5.57 cocaine 3.11

TABLE WITHIN THE BAR AREA – COCAINE 5.24 cocaine 2.94

### GENTS

SINK - COCAINE 6.05 nothing

TOILET SEAT – COCAINE 6.56 nothing

### LADIES

LEFT CUBICAL TOILET SEAT - COCAINE 1.06 nothing

LEFT CUBICAL TOILET ROLL HOLDER COCAINE 3.80 nothing

RIGHT CUBICAL TOILET SEAT - COCAINE 5.88 nothing

RIGHT CUBICAL TOILET ROLL HOLDER COCAINE 6.19 cocaine 1.79

The results are heading in the right direction but you still have some over 3 which does evidence that you have still got drug consumption going on within your venue. We would ask you to look carefully

at any flat surfaces within the toilets to see if you can remove these and consider moving things like toilet roll holders and hand dryers further up so people can't sniff things off the top of them.

For now we will continue to monitor the situation but due to the improvement at this time we do not need to take any further steps in regards to enforcement. Please do not take your eye off the ball when it comes to drug consumption within your venue.

If you have any queries please do not hesitate to contact us.

Kind Regards

Mark.



**Mark Thorogood**  
Police Licensing Officer

**Brighton & Hove Licensing Unit : John Street, Brighton**

**Telephone: 01273 404 535 Ext: REDACTED Mobile: REDACTED**

**Twitter: @SusPolLicensing**

### Appendix 3

**From:** Francois Roberts REDACTED  
**Sent:** 11 March 2022 13:17  
**To:** Brighton Licensing <Brighton.Licensing@sussex.police.uk>  
**Cc:** Donna.Lynsdale@brighton-hove.gov.uk  
**Subject:** Re: CCTV - Sussex Police

**\*\*External Email- Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found [here](#).\*\***

Okay thank you for your help mark, I will make a file ready to be sent today for when the investigating officer requires it.

Have a lovely weekend,

Many thanks,

Francois

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---

**From:** [Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk) <[Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk)>  
**Sent:** Friday, March 11, 2022 1:14:13 PM  
**To:** Francois Roberts REDACTED  
**Cc:** [Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk) <[Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk)>  
**Subject:** RE: CCTV - Sussex Police

I have asked the investigating officer to make contact with you. They are currently on rest days so will come back to you early next week.

Many Thanks

Mark.



**Mark Thorogood**  
Police Licensing Officer

**Brighton & Hove Licensing Unit : John Street, Brighton**  
**Telephone:** 01273 404 535 **Ext:** REDACTED **Mobile:** REDACTED  
**Twitter:** @SusPolLicensing

**From:** Francois Roberts REDACTED  
**Sent:** 11 March 2022 13:11  
**To:** Brighton Licensing <[Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk)>  
**Cc:** [Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk)  
**Subject:** Re: CCTV - Sussex Police



**\*\*External Email- Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found [here](#)\*\***

Good afternoon Mark,

I believe this is a big misunderstanding as I do not recall being contacted by anyone especially by phone on the 14th. They may have contacted my stuff in regards to this which they did not inform me of this. I do apologise if I am mistaken.

Would you know where I would be able to find this link so I can upload the footage please.

Kindest regards,  
Francois

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---

**From:** [Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk) <[Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk)>  
**Sent:** Friday, March 11, 2022 12:59:19 PM  
**To:** Francois Roberts REDACTED  
**Cc:** [Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk) <[Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk)>  
**Subject:** RE: CCTV - Sussex Police

Afternoon Francois,

Thank you for your reply.

On checking the file I can see it makes mention of the following:

07<sup>th</sup> Feb – CCTV request links sent.

14<sup>th</sup> Feb – A call was made to yourself and you advised you would get CCTV over that afternoon.

28<sup>h</sup> Feb – Officers attended the venue and asked staff to ask you to uploaded the CCTV as still not received.

I can only go by what's on the investigation notes which stats the above.

I will pass your email on to the officer investigating and they will make contact with you to retrieve the CCTV.

Kind Regards

Mark.



**Mark Thorogood**  
Police Licensing Officer

**Brighton & Hove Licensing Unit : John Street, Brighton**  
**Telephone:** 01273 404 535 **Ext:** REDACTED **Mobile:** REDACTED  
**Twitter:** @SusPolLicensing

**From:** Francois Roberts REDACTED  
**Sent:** 11 March 2022 12:49  
**To:** Brighton Licensing <[Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk)>  
**Cc:** [Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk)  
**Subject:** Re: CCTV - Sussex Police

**\*\*External Email- Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found [here](#).\*\***

Hello Mark,

Thank you for your email. I have not received any communications from yourself or the police regarding this. I have been waiting for someone to contact me with the relevant details for me to send through. I still have the footage as cctv is stored for almost two months as I purchased a very big hard drive. I have never been at the premises when police have been there asking for cctv footage. My stuff have never left me any contact details for whom I am to contact to send over footage and have just been waiting for another visit. I do apologise for any inconvenience caused and would please kindly ask that I be contacted directly by email or phone in the coming future for any footage you may need as I will be very happy to cooperate.

I will get this over to you by today, I am just waiting for the footage to be sent to me by the company that does my cctv.

Please may you also send me any other dates of footage you would like me to send to you. I have footage stored that goes back to 24/12/2021.

Kindest regards,  
Francois Roberts

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**From:** [Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk) <[Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk)>  
**Sent:** Friday, March 11, 2022 9:55:58 AM  
**To:** Francois Roberts REDACTED  
**Cc:** [Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk) <[Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk)>  
**Subject:** CCTV - Sussex Police

Good Morning Francois,

We have been made aware of an incident that occurred within your venue on 06<sup>th</sup> Feb 2022 which resulted in a member of your staff and security being assaulted. It appears on a number of occasions officers had asked for the CCTV to be downloaded on to a link that was provided to yourselves. Despite chasing a number of times it does not seem the CCTV has even been provided and we now believe it has been lost.

Can you please provide me with your side of things so that we can workout how to deal with this possible breach of your licence conditions.

### **For the Prevention of Crime and Disorder:**

- I. Digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally and externally to cover all public areas with sufficient numbers

of cameras as agreed with Sussex Police. **CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime.** The CCTV images will record time and display dates and times, and these times will be checked regularly to ensure their accuracy and will be changed when British Summer Time starts and ends. During the hours of darkness suitable lighting will be provided to illuminate the outside area of the premises fronting Farman Street.

I look forward to hearing from you.

Kind Regards

Mark.



**Mark Thorogood**  
Police Licensing Officer

**Brighton & Hove Licensing Unit : John Street, Brighton**  
**Telephone: 01273 404 535 Ext: REDACTED Mobile: REDACTED**  
**Twitter: @SusPolLicensing**

## Appendix 4

**From:** Francois Roberts REDACTED  
**Sent:** 12 July 2022 15:21  
**To:** Brighton Licensing <Brighton.Licensing@sussex.police.uk>  
**Subject:** Re: Drug Readings - Meeting

**\*\*External Email- Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found [here](#)\*\***

Hello mark,

I am shocked by all these readings, especially by the new spots people are finding to consume drugs.

I will indeed be attending tomorrow's meeting and I look very forward to it to tackle this drug problem once and for all.

I have completed the action plan and will be putting this forward to you and the council.

Many thanks,

Francois Roberts

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**From:** [Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk) <[Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk)>  
**Sent:** Monday, July 11, 2022 9:30:55 AM  
**To:** Francois Roberts REDACTED  
**Subject:** Drug Readings - Meeting

Dear Francois,

As promised please see below the results from the swabbing we conducted on Friday 08<sup>th</sup> July 2022.

### UPSTAIRS

LADIES CUBICLE BACK AREA OF TOILET FLUSH – COCAINE 6.38

LADIES TOILET SEAT – COCAINE 3.06

GENTS CUBICLE BACK OF TOILET – COCAINE 3.51, KETAMINE 1.76

CUBICLE LEDGE ON THE SIDE – COCAINE 5.27

TOP OF URINAL – COCAINE 5.61

LEDGE WHERE TILES MEET WALL ABOVE URINAL – COCAINE 4.62

### KITCHEN

METAL COUNTER TOP BY MICROWAVE – COCAINE 1.58

METAL TOP OF COLD COUNTER – COCAINE 4.23

### DOWNSTAIRS

BAR TOP – COCAINE 3.77

WHITE TABLE TOP , LEFT OF DJ BOOTH – COCAINE 1.38

DJ BOOTH – COCAINE 4.73

TABLE TOP MIDDLE HIGH ON LEFT – COCAINE 3.36

LADIES DOWNSTAIRS  
LEFT CUBICLE TOILET ROLL HOLDER COCAINE 1.41  
HAND DRYER – 0  
SHELF AT THE TOP OF STAIRS – COCAINE 1.12

As mentioned on the phone we would like to invite you for a meeting at John Street Police Station on Wednesday 13<sup>th</sup> July at 14:00. Brighton & Hove City Council colleagues will also be joining us. The reason for the meeting is part of our stepped approach which we have mentioned before. This is the final stage now so it would be good for you to come to the meeting with an action plan and time scale of how your going to deal with the drug issues within your venue.

If you can please confirm your attendance.

Kind Regards

Mark.



**Mark Thorogood**  
Police Licensing Officer

**Brighton & Hove Licensing Unit : John Street, Brighton**  
**Telephone:** 01273 404 535 **Ext:** REDACTED **Mobile:** REDACTED  
**Twitter:** @SusPolLicensing

## Appendix 5

### Drugs Policy POA

Below is the plan of action I and my Security staff have decided to put in place based on the recent high readings:

- All security personnel have been briefed that they are now to carry out mandatory searches for both male and female guests attending the venue. Failure to a consent to a search will mean refusal of entry.
- Bar staff will now have to carry out mandatory half hour checks of toilets. I have printed a sign off sheet for that for verification purposes. Should staff fail or miss to check and sign the toilet check chart, there will be warnings issued.
- All staff have been informed that they must report any suspicious activity they see to the Manager on duty who will liaise with security personnel.
- I have been in touch with our CCIV installer about adding more cameras to cover the areas that are currently blind spots i.e. Kitchen, the two white tables behind DJ booth and bottom of the stairs leading to club. This will be installed on 30<sup>th</sup> of July.
- Lastly a toilet renovation must be done to eradicate flat surfaces from which drugs could be consumed.

I feel the above steps will help deter illegal drugs and drug taking from taking place in the venue. Internally I have put all staff on notice that the recent readings are unacceptable and anyone of them who deviates from the above POA will face disciplinary action and/or dismissal.

## Appendix 6

**From:** Francois Roberts REDACTED  
**Sent:** 25 July 2022 11:37  
**To:** Brighton Licensing <Brighton.Licensing@sussex.police.uk>  
**Cc:** Donna.Lynsdale@brighton-hove.gov.uk; Mylene.Hayward@brighton-hove.gov.uk  
**Subject:** Re: Licensing inspection

**\*\*External Email- Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found [here](#).\*\***

Hello mark,

I completely agree and understand with everything above. My staff members should have known. I did conduct an emergency meeting with both staff and security the following day after our meeting explaining all the licensing conditions and the problems we are having and what is expected by everyone. I have already fired two staff members due to them not adhering to they're new conditions and not doing the toilet checks in the timely manner that has been given to them. I do not have any room for mistakes, and we will and have been doing what is asked by us by law without fail.

I look forward to licensing visits as it will give us a chance to prove ourselves.

Kind regards,

Francois

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**From:** [Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk) <[Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk)>  
**Sent:** Monday, July 25, 2022 11:26:53 AM  
**To:** Francois Roberts REDACTED  
**Cc:** [Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk) <[Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk)>;  
[Mylene.Hayward@brighton-hove.gov.uk](mailto:Mylene.Hayward@brighton-hove.gov.uk) <[Mylene.Hayward@brighton-hove.gov.uk](mailto:Mylene.Hayward@brighton-hove.gov.uk)>  
**Subject:** RE: Licensing inspection

Good Morning Francois,

Thank you for your fast response. The check we made on the Saturday, we did ask to speak with the manager and a female approached but I am unsure who she is. The staff member behind the bar was the one that I believe possibly tried to call yourself and then proceeded to answer the officers questions. We would expect anyone working at the venue to be fully aware of the licence and the conditions upon it. In regards to the times outside I am only repeating what the staff member advised our officers. When we do our checks it is normal for the security to pass us over to a member of staff rather than deal with the inspection themselves.

As at the time there is no evidence of people outside with drinks we will not issue you a breach however on going checks will be made to ensure compliance of the licence conditions.

Kind Regards

Mark.



**Mark Thorogood**  
Police Licensing Officer

**Brighton & Hove Licensing Unit : John Street, Brighton**  
**Telephone:** 01273 404 535 **Ext:** REDACTED **Mobile:** REDACTED  
**Twitter:** @SusPolLicensing

**From:** Francois Roberts REDACTED  
**Sent:** 25 July 2022 09:01  
**To:** Brighton Licensing <[Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk)>  
**Cc:** [Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk); [Mylene.Hayward@brighton-hove.gov.uk](mailto:Mylene.Hayward@brighton-hove.gov.uk)  
**Subject:** Re: Licensing inspection

**\*\*External Email- Think before you click. If you do not trust the sender, do not click on any links or open any attachments. Further information can be found [here](#).\*\***

Hi mark,

I think you have my staff person mistaken and didn't fully understand her responses to her question. I was there working behind the bar Friday night and was also present the whole evening.

We did not breach our licensing. The outside was closed from 11pm and no one was taking they're drinks outside as my security was very strict on this the whole night. We left people stay in the bar till 2:30 as they were not allowed to take they're drinks outside or have plastic cups. The new staff member in question has worked with us for one week and was the wrong person to talk to. Saturday evening was a busy evening and we have been closed downstairs for the past couple weeks due to a leak we have had.

On Saturday night, we closed the bar at 1:05. I have just looked at the cctv. Outside tables were brought in way before 11pm on both nights this weekend and I see on cctv that before 11pm my security officer was informing people to bring they're drinks in and that they were not allowed to take them out on both nights and there is cctv evidence of this.

I would prefer the police spoke to me or spoke to security for accurate answers next time. I do recall telling all my staff strictly that they can allow people to stay in till 2:30 and finish they're drinks inside as customers are not allowed to take they're drinks outside in plastic cups and they all understood this as not one person was given a plastic cup as frankly I threw them all away.

I took our meeting very seriously and I am working very hard, day and night to make sure we fully comply with our licencing and new action plan for our drug problem but I can assure you there has not been a breach in our licensing this weekend.

If you have any other questions in regards to this please feel free to ask.

Kind regards,  
Francois



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**From:** [Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk) <[Brighton.Licensing@sussex.police.uk](mailto:Brighton.Licensing@sussex.police.uk)>  
**Sent:** Monday, July 25, 2022 8:41:13 AM  
**To:** Francois Roberts REDACTED  
**Cc:** [Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk) <[Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk)>;  
[Mylene.Hayward@brighton-hove.gov.uk](mailto:Mylene.Hayward@brighton-hove.gov.uk) <[Mylene.Hayward@brighton-hove.gov.uk](mailto:Mylene.Hayward@brighton-hove.gov.uk)>  
**Subject:** Licensing inspection

Morning Francois,

Officers conducted a licensing inspection over the weekend and during that visit the bar person advised the following:

LICENCED TO OPEN UNTIL 2:30 AND **LET PEOPLE DRINK OUTSIDE UNTIL THEN IF BUSY.**  
SERVE DRINKS IN PLASTIC CUPS.

On reviewing the body worn video the bar person clearly advises the officers that tonight (23<sup>rd</sup> July) they let people stay outside until 01:30 but yesterday it was until 02:30 as it was really busy.

Under your licence you have the following condition:

6. No drinks are to be taken outside between 23:00 and 10:00.

Can you please come back to me with your comments on this as this is a possible further breach of your premises licence.

I look forward to hearing from you – please can you click “reply to all” as Donna Lynsdale and Mylene Hayward from Brighton & Hove City Council are copied in.

Kind Regards

Mark.



**Mark Thorogood**  
Police Licensing Officer

**Brighton & Hove Licensing Unit : John Street, Brighton**  
**Telephone:** 01273 404 535 **Ext:** REDACTED **Mobile:** REDACTED  
**Twitter:** @SusPolLicensing

### **Morpho Detection (UK) Ltd Technology Statement**

The Itemiser<sup>(x)</sup> and Mobile Trace are programmed to detect and identify microscopic amounts of many different types of narcotics. Cocaine is one of the most reactive and easy to detect substances in the equipments library. Responses are reported to the user by a simple and clear computer interface. An “alarm Strength” number gives intensity of the response. This strength is an indication of the amount of narcotic contamination that was collected on the sampling media used, in the case of Itemiser<sup>98</sup>, a cotton – paper disk and with the Itemiser<sup>3/3e/DX</sup> and Mobile Trace a Teflon coated fiberglass strip. These traps are cleaned and packed by MDII in Boston, USA to ensure they are not contaminated before use. They should also be checked before use on site in a customs or police application.

Samples are taken from areas likely to contain fingerprints from the target subject but not necessarily directly from the person themselves. The machine will correctly identify contamination down to nanogram (billionth of a gram) levels.

Alarms of between 1 and 2 times the alarm threshold can be classed as a “low” response. It could be attributed to cross contamination of the surface tested, background contamination, or greatly degraded historic contamination. It is not indicative of recent direct contact.

Alarms of between 2 and 3 times the alarm threshold can be classed as a “medium” response. It could be attributed to cross contamination of the surface tested or recent historic contamination that may have been left a number of days prior to the sample being taken.

Alarms of between 3 and 4 times the alarm threshold can be classed as a “high” response. This level of response would not be attributed to cross contamination and is indicative of recent and direct contact with measurable quantities of the narcotic identified by the machine.

Readings of 4.00 and above are estimated to relate to microgram amounts of contamination being transferred to the sample media. This level of contamination is not generally experienced in any other environment than somewhere that has been in direct contact with a bulk amount of the source narcotic, i.e. this level is not generally experienced as background contamination or through incidental cross contamination by being in close contact with other contaminated areas or persons.

It should be noted that the presence of any response to drugs using the Itemiser could be used as grounds for furthering an investigation depending on the SOP of the enforcement agency using the device.

A full technical introduction to the ITMS detection principals follows.

## Technology Notes - Trace Detection Technologies

The three most prevalent technologies available for trace detection of narcotics and explosives include Ion Mobility Spectrometry (IMS), Combination Gas Chromatography-Chemiluminescence (GC-CLD), and enhanced IMS, or Ion Trap Mobility Spectrometry (*ITMS*). A fourth combination gas chromatography and mass spectrometry (GC-MS) is also available, but it is used mostly in lab-related equipment.

**IMS** separates ionized molecular compounds on the basis of their transit times (sometimes called “time of flight” or “drift time”) when subjected to an electric field in a tube. This time is then compared to stored transit times of known compounds making it possible to distinguish the target material (explosives or narcotics) from other molecules. This technique is fast and makes a compact device possible. Gaseous samples enter an ionization chamber where an ionization source emits low-energy beta particles resulting in ion formation in the gaseous phase. A gating mechanism allows the ions of the correct polarity to pass through the shutter grid and enter the ion drift region where an applied electric field mobilizes the ions. Less than 1% of the ions created in the ionization chamber actually reach the drift tube as more than 99% of the ions are discharged on the shutter grid. The rate at which these ions traverse the ion drift region is inversely proportional to the size of the ion. This correlation allows for the identification of the analyte of interest.[3]

**GC-Chemiluminescence** uses quantitative measurements of the optical emission from excited molecules to determine analyte concentration. Although GC-CLD technology has good sensitivity and selectivity, its range of detection is fairly limited. The GC-CLD technology employed in explosive detectors can only detect nitro compounds. Today, with the ever-increasing threat of non-nitro substances such as HMTD and TATP that are outside the detection range of this technology, the practical application of GC-CLD as an option for security outside the structured controls of a laboratory is limited. In addition, there are practical concerns about the expense of maintenance, instrument complexity, high consumable gas costs, and containment of potentially harmful materials, such as ozone, from the operator.

**ITMS**, like IMS, separates ionized vapors and then measures the mobility of the ions in an electric field. In the typical implementation of ITMS, the gaseous sample passes through a semi-permeable membrane prior to ionization. Also like IMS, the gaseous samples then enter an ionization chamber where an ionization source emits low-energy beta particles resulting in ion formation in the gaseous phase. Unlike IMS, however, the ionization in ITMS is allowed to reach equilibrium in a field free region and then pulsed into the drift tube where an electric field accelerates the ions to the collector. Note that in the ITMS detector, the shutter grid does not exist, resulting in a much greater portion of the ions entering the drift tube.

### **Performance Requirements of Trace Detection**

When comparing these technologies, there are important performance requirements that we can use to evaluate their application for checkpoint, facility, or event security. The requirements include sensitivity, selectivity, and range of compounds detected, logistics, and reliability/maintenance.

**Sensitivity (detection effectiveness)** is the degree of response of an instrument to an introduced concentration. In other words, how much of an explosive or narcotic material is required to detect it. In real world application of these devices, we must realize that there is a time limit to complete the analysis in order to process sample targets through the unit, typically in the 3-to10-second range. Assuming this is a realistic range, GC-CLD technology will have a loss in selectivity, as the GC column will not provide enough separation of the nitro compounds over this analysis time.

Traditional IMS loses sensitivity with the loss of ions to the shutter grid with its non-equilibrium ionization. ITMS enhances the sensitivity through many methods.

**Selectivity** is the ability to distinguish between compounds. Typically when sampling for explosives or narcotics, other materials are present and the threat signals need to be selected by the technology. All three technologies are able to accurately select the threat compound if it is present above the sensitivity level of that detector, although there are significant operational differences.

**Range of compounds detected** is quite simply the spectrum of material that the device can detect simultaneously. GC-CLD concentrates on distinguishing between nitro compounds, but detects *only* nitro substances. IMS detects *either* negative or positive ions, but not both at the same time. ITMS simultaneously detects negative and positive ions, including both nitro and non-nitro target substances.

**Logistics** incorporate practical application issues present with each technology. This could include regulatory issues for ozone, radioactive sources, bottled gases, etc. IMS and ITMS contain radioactive sources. GCCLD requires handling of sensitive gases such as hydrogen, ozone, or helium.

### ***Reliability/Maintenance.***

Looking at the real world application of this technology in areas outside the controlled laboratory environment, reliability of operation and the ability to maintain peak performance in dusty, high-traffic, or humid conditions become a concern. Downtimes due to maintenance or excessive maintenance costs become other factors of concern. Both GC-CLD and IMS are unprotected from dust, dirt, and water vapor entering the system. This is a serious problem for traditional IMS, as the dryer or desiccant requires frequent changing and leads to downtime. In addition, the contamination material can lead to a loss of sensitivity over time if it is not installed in a very clean environment. The latest ITMS systems have regenerating dryers that do not require changing and a semi-permeable membrane to protect them from dirt, dust, and humidity. GC-CLD systems require replacement of the chemical modules approximately every 3-6 months if usage is high, which can be almost as expensive as a new bench-top ITMS or IMS detector.

While all three require similar sampling consumables, the GC-CLD requires gas bottle replacement on top of the consumables. The ITMS and IMS devices require dopant depending on the application.

### **ITMS vs. IMS Technology**

Enhancements to IMS analysis through ITMS technology allow for vast improvements to ionization efficiency, and therefore sensitivity of the detector. ITMS enables extremely low concentrations of electrophilic vapors, such as explosive vapors, to be detected—impossible with traditional IMS.

The ionization chamber in the ITMS detector is a field-free region where the ion population, both negative and positive ions, is allowed to build up by the action of the beta particles on the dopant gas. With IMS and ITMS, the high density of electrons produces a high probability of ionization of the dopant gas molecules, which in turn collide with the target molecules. Electric charge is then transferred to the target molecules because of their extremely high charge affinity, and the overall result is high ionization efficiency.

Since the ITMS detector does not incorporate a shutter grid as in traditional IMS, there is no loss of ions by discharge onto the shutter grid, which could account for a loss of up to 99% of the ions. With ITMS, ions are accumulated over a 20mS interval and then compressed into a pulse of 0.2mS, increasing the density and collected current by a factor of 100 [4,5,6]. Further enhancement is made with the addition of a semi-permeable membrane that excludes dust and dirt.

This enhancement makes the system more sensitive to the materials of concern and allows continued operation and sensitivity in environments outside the lab that are high-traffic, humid, or dusty. In addition to providing a charge medium, the chemical dopant that is added into the analysis in the detector region to reduce the chances of ionizing unwanted analyte. Ammonia is the primary dopant for positive ions used in the ITMS detector, while methylene chloride is used as the dopant for negative ions. The dopants accept charge from the low-energy beta particles thereby reducing the chance of analytes with charge affinities lower than that of the dopant to accept

charge. The target contraband molecules will accept the charge more readily than the dopants due to their higher affinity for the charge. This process reduces the amount of possible interferences due to the other analytes because the detector recognizes only charged species [4,5,6].

Finally, recent advancements in ITMS technology incorporate engineered high-speed switching systems that allow for millisecond alternating from positive to negative ion mode, thereby allowing for simultaneous detection and analysis of target positive and negative ions. Most narcotics have a positive ion affinity, while most explosives have a negative ion affinity; however, there are some important exceptions. TATP, for example, is an explosive that is seen as a positive affinity molecule, which would not be detected in a traditional IMS in single-mode operation for explosives. Detection limits for real world samples in ITMS in vapor sampling mode are in the picogram range.

### Summary

As we look to implement a total solution for security, trace detection technologies become an integral component of that solution. Complementing x-ray scanners and metal detection, trace detection closes security loopholes by detecting microscopic particles that remain on clothing, luggage, ID cards, and more after explosives or narcotics are handled. Because it can sniff out vapors that build up in confined spaces, trace detection is especially effective for finding contraband hidden in compartments, suitcases, and lockers. ITMS technology offers the advantage of detecting a wider range of targeted substances in a more flexible detector design. Therefore it is ideal for practical applications such as checkpoint security, and screening vehicles, personnel, shipside, sea craft, packages, luggage, and cargo.

**References** [1] J. Brokenshire, N. Pay, "Ion mobility spectrometry" in International Laboratory, Graseby Analytical Ltd, Warford, Herts, England, **1989**, p4 [2] P. Z. Jankowski, A. G. Mercado, S. F. Hallowell, "FAA Explosive Vapor/Particle Detection Technology" Proceedings "Applications of Signal and Image Processing in Explosives Detection Systems", Boston, Massachusetts, 16-17 Nov. **1992** Volume 1824, pp13-27 [3] Eiceman, G.A., Karpas, Z., Ion Mobility Spectrometry" CRC Press **1994**. [4] ITMS (*U.S. Patent No. 5,200,614*). [5] McGann, W.J., Jenkins, A., Ribiero, K., Napoli, J., *SPIE on Substance Detection* Vol. 2092, **1993**. [6] McGann, W.J., *SPIE on Chemistry and Biology-based Technologies For Contraband Detection*. Vol. 2937, **1996**. [7] Haigh, P.B., "Dual Mode Detection" technical presentation, GE Ion Track, Wilmington, MA, **2003**. **T E C H N I C A L P A P E R** For more information on ITMS products call, email or consult our website. 1 . 9 7 8 . 6 5 8 . 3 7 6 7 / s a l e s @ i o n t r a c k . c o m / w w w . i o n t r a c k . c o m GE Ion Track Limited

## Appendix C

Emily Fountain  
Licensing Authority  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton  
BN1 1JP

Date: 6 January 2023  
Our Ref: 2023/00046/LICREP/EH  
Phone: 01273 292494 / 07717 303114  
Email: [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

Dear Emily Fountain

**Licensing Act 2003**  
**Representation in support of an application by Sussex Police seeking a review of**  
**the Premises License - 2022/04320/LAREV**  
**Antidote Bar, 5-6 Western Road, Hove BN3 1AE**

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 Antidote Bar, 5-6 Western Road, Hove BN3 1AE.

This representation is made as the Licensing Team have concerns that the licensing objective 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.

On 4 December 2021, a joint with Police Licensing visit was carried out to the premises. Following this meeting, on 9 December 2021, I sent an email to Mr Roberts. A copy of this email and Mr Roberts reply is attached as Appendix A.

On 4 January 2022, following a complaint received regarding the premises, I wrote to Mr Roberts advising of the complaint. On 17 January 2022, I received a response from Mr Roberts. Both emails are attached as Appendix B.

On 22 and 24 January 2022, a further two complaints were received.

Following these complaints, on 2 February 2022, Environmental Protection Team sent Mr Roberts a letter advising that further complaints had been received. On 23 February 2022, I received an email from Mr Roberts responding to this letter. I replied informing Mr Roberts that I had forwarded his response to Environmental Protection Team who had sent the letter. A copy of this letter, email received, and response sent is attached as Appendix C and Appendix D.

On 8 July 2022, I accompanied Police Licensing on a visit to the premises. At the time of this visit Police Licensing carried out further drug swabbing.

On 13 July 2022, I attended a meeting at Brighton Police Station which was also attended by Mr Roberts. At the time of this visit a discussion was had with Mr Roberts regarding the high

drug readings, ongoing complaints regarding noise etc. Mr Roberts advised that the premises was closing in a couple of weeks for a refurb.

On 4 September 2022, I was forwarded a letter sent to the premises following further noise complaints by the Councils Field Officers. A copy of this letter can be seen as Appendix E.

It is my opinion that the premises are poorly run, and I have no confidence in the management of the venue. This venue is situated in CIZ area in the city, where there are already high levels of crime and disorder.

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**

Donna Lynsdale  
Licensing Officer  
Licensing Team

**Appendix A** – Email sent 9 December 2021 following joint visit with Police Licensing

**Appendix B** – Email correspondence in January 2022 following a complaint received

**Appendix C** – Letter sent by Environmental Protection

**Appendix D** – Email correspondence following letter sent on behalf of Environmental Protection

**Appendix E** – Letter sent by Field Officers following further complaint received



## Appendix A – Email sent 9 December 2021 following joint visit with Police Licensing

**From:** Donna Lynsdale

**Sent:** 09 December 2021 14:11

**To:** REDACTED

**Subject:** Antidote Bar, 5-6 Western Road, Hove BN3 1AE - 2021/02757/LICPRM/EH

Dear Francois

Please see below details on registering with Environmental Health Food:

<https://www.brighton-hove.gov.uk/business-and-trade/food-safety/start-and-register-new-food-business>

### Food Business Registration Form

[Food premises registration form](#) 122KB PDF **Published** May 2020

[Food premises registration form](#) 27.3KB DOCUMENT **Published** May 2020

Also attached forms and examples of carrying out a Risk Assessment.

<https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-risk-assessments>

I hope the above is of assistance.

Regards

**Donna Lynsdale** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities  
Brighton & Hove City Council, 2<sup>nd</sup> Floor, Bartholomew House, Bartholomew Square,  
Brighton BN1 1JP  
**T** 01273 292494 | **M** REDACTED | [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

**From:** Francois Roberts REDACTED

**Sent:** 09 December 2021 14:16

**To:** Donna Lynsdale <Donna.Lynsdale@brighton-hove.gov.uk>

**Subject:** Re: Antidote Bar, 5-6 Western Road, Hove BN3 1AE - 2021/02757/LICPRM/EH

Dear Donna,

Thank you so much for sending those bits over, they will be very helpful.

Many thanks,

Francois roberts

## Appendix B – Email correspondence in January 2022 following a complaint received

**From:** [Donna Lynsdale](#)

**Sent:** 14 January 2022 11:40

**To:** REDACTED

**Cc:** [Brighton.Licensing@sussex.pnn.police.uk](mailto:Brighton.Licensing@sussex.pnn.police.uk)

**Subject:** Antidote Bar, 5-6 Western Road, Hove BN3 1AE - 2022/00020/LICPRM/EH

Dear Francois

### **Licensing Act 2003**

#### **Antidote Bar, 5-6 Western Road, Hove BN3 1AE**

This authority has received a complaint from a local resident that they are being disturbed by noise from your premises. The complainant has advised that *'there doesn't seem to be anyone in control of the customers drinking outside. As the music is so loud inside everyone outside has to shout to hear each other. It's now nearly half 12 at night and I can't sleep'*.

I would remind you that your Premises Licence conditions states:

#### **Annex 3 – Conditions attached after hearing by the licensing authority 26th January 2009.**

##### **The Prevention of Public Nuisance:**

5. The front doors and windows on the ground floor must be kept shut when any regulated entertainment is being performed except for entry and exit.
6. No drinks are to be taken outside between 23:00 and 10:00.
7. All Live and Recorded music to be controlled via noise limiting devices and these are to be set at levels agreed by the Licensing Authority.

I remind you that non-compliance with 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. 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.

Please do not hesitate to contact me if you wish to discuss the contents of the email.

Yours sincerely

**Donna Lynsdale** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities  
Brighton & Hove City Council, 2<sup>nd</sup> Floor, Bartholomew House, Bartholomew Square,  
Brighton BN1 1JP  
T 01273 292494 | M REDACTED | [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

**From:** Francois Roberts REDACTED  
**Sent:** 17 January 2022 22:05  
**To:** Donna Lynsdale <Donna.Lynsdale@brighton-hove.gov.uk>  
**Cc:** Brighton.Licensing@sussex.pnn.police.uk  
**Subject:** RE: Antidote Bar, 5-6 Western Road, Hove BN3 1AE - 2022/00020/LICPRM/EH

Dear Donna,

I hope this finds you well.

Thank you for your email and I apologise for the delay on responding.

I have had multiple meetings with the team here at Antidote and wanted to plan carefully how we move forward with this matter and how we avoid this occurring in the future.

After multiple conversations with my staff and the security here at Antidote we have decided to implement rules on people smoking outside and leaving the premises. We have decided on the following:

1. 5 people are allowed out at one time from 11pm till close with security and staff monitoring this at all times
2. Seating outside will be removed from 10pm.
3. People will be asked to leave the area quietly and to disperse quickly and efficiently by the team and security.
4. No drinks will be allowed outside from 10pm.

5. Any non smokers after 11pm will be asked go back inside or leave the premises.
6. Moving forward with bands, we are changing to more acoustic bands rather than amplified bands.
7. We will be starting to do food from mid February which will include a lunch and dinner service where the music will have to be much quieter.

I hope you see we are taking serious precautions to avoid this matter from happening again.

Please do not hesitate to contact me with any further issues or advice that we can put in place.

Kindest regards,

Francois Roberts

## **Appendix C – Letter sent by Environmental Protection**

C/o Antidote Bar  
5-6 Western Road  
Hove  
Sussex  
BN3 1AE

Date: 2<sup>nd</sup> February 2022  
Our Ref: MH/00176  
Contact:  
Phone: (01273) 292259  
Email: Mylene.hayward@brighton-hove.gov.uk

Dear Mr Roberts,

### **Environmental Protection Act 1990** **Re: Noise Nuisance**

I write to inform you that this Department has received complaint's alleging that loud music both recorded and live bands coming from inside your premises and shouting from customers using the outside area is causing a disturbance to neighbours.

In light of this I have a duty to investigate the matter to establish if legal action is required. Where investigations are undertaken this Department employs a number of ways of gathering evidence. This may be by the complainant's keeping a disturbance diary, an officer of this Department witnessing the noise or by use of monitoring equipment

It is your responsibility to ensure that noise from your premises does not cause nuisance to others. Where sufficient evidence is gathered to satisfy this Department that legal action is necessary a Noise Abatement Notice can be served under the above legislation. Such a notice will require you to take whatever practical steps are necessary to stop the disturbance

Failure to comply with a Noise Abatement Notice could result in a prosecution with unlimited fines. In addition to this in extreme cases we have the power to seize any noise making equipment

Alternatively, an aggrieved person may complain direct to the Magistrates Court which can if satisfied that it is appropriate, make an order requiring the abatement of the nuisance.

I am normally available on the above number. I would suggest that it is very much in your own interest to contact me as soon as possible to discuss the matter.

Yours sincerely,

**M L Hayward**

**Environmental Protection Officer**

## Appendix D – Email correspondence following letter sent on behalf of Environmental Protection

**From:** Donna Lynsdale  
**Sent:** 02 March 2022 16:45  
**To:** Francois Roberts **REDACTED**  
**Subject:** Noise Complaints Antidote Bar

Dear Francois

Thank you for your update.

I will forward your email to Mylene Hayward to also update as she was dealing with the Noise Complaints.

Please keep me updated with any changes.

Many thanks

Regards

**Donna Lynsdale** | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities  
Brighton & Hove City Council, 2<sup>nd</sup> Floor, Bartholomew House, Bartholomew Square,  
Brighton BN1 1JP  
T 01273 292494 | M **REDACTED** | [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

**From:** Francois Roberts **REDACTED**  
**Sent:** 23 February 2022 21:10  
**To:** Donna Lynsdale <[Donna.Lynsdale@brighton-hove.gov.uk](mailto:Donna.Lynsdale@brighton-hove.gov.uk)>  
**Subject:** Noise Complaints Antidote Bar

Dear Donna,

I hope this email finds you well. I have written to you regarding some issues we've been having with residents. Some of the neighbours have shared their concerns about noise. While we have made this our utmost priority, we have decided to further review our current operational measures.

We have had a couple of conversations with residents in the surrounding area regarding how they feel and how we can make amends, therefore we have implemented the following...

1. Security every night of the week.
2. Acoustic bands only During the week except on Wednesdays.
3. We are putting in noise cancelling seals in the door frames and are looking into in putting noise cancelling glass over the top of the current single glazing.

4. Renovating and changing the business model upstairs to then not have bands at all and only do events with bands on weekends once or twice a month which this hopefully attract a different crowd and this will be implanted during the month of March.

Once we have implemented all the above changes will be also working closely with all residents/neighbours so we can continue to trade and not have these issues.

Kind regards,  
Francois

**Appendix E – Letter sent by Field Officers following further complaint received**



**Regulatory Services**  
Bartholomew House  
Bartholomew Square  
Brighton BN1 1JP

Antidote Bar & Club  
Ground Floor  
5 - 6 Western Road  
Hove  
BN3 1AE

Date: 4th September 2022  
Our Ref: 2022/02025/NOI/EH  
Phone: **REDACTED**  
E-mail [FieldOfficers@brighton-hove.gov.uk](mailto:FieldOfficers@brighton-hove.gov.uk)

Dear Sir or Madam

**Environmental Protection Act 1990**  
**Re: Complaint of Noise Nuisance at Ground Floor**

I write to inform you that this office has received a complaint which alleges that noise from your premises is causing a disturbance to neighbouring residents.

The details of the complaint are - loud music comes from the bar through, larger open windows and cause a disturbance.

Thank you for talking with me today.

Whilst I am unable to confirm if these complaints are justified, I hope you understand that it is this Department's duty to make enquiries following the receipt of such complaints.

The aim of bringing this problem to your attention is to give you the opportunity to consider the matter and, if necessary, to take all suitable steps to resolve the issue.

I must advise you that should this Department receive further complaints regarding this matter we are obliged to carry out a formal investigation.

Mediation between you and your neighbour could help ease the situation. Brighton & Hove Independent Mediation Service Offers a free and confidential help line on 01273 700812. Alternatively, you can email them at [mediation@bhims.org.uk](mailto:mediation@bhims.org.uk) or see [www.bhims.org](http://www.bhims.org). Please advise the mediation service to contact the Field Officer Team to discuss your request

Yours sincerely  
**REDACTED**  
Field Officer

Enc: Advice sheet



Appendix D



