

# Licensing Panel (Licensing Act 2003 Functions)

Date: **13 February 2023**

Time: **10.00am**

Venue **Virtual**

Members: John, Pissaridou and Simson

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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 BLACK HORSE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Corinne Hardcastle  
Ward Affected: St Peter's & North Laine

Tel: 0127329

Date of Publication - Friday, 3 February 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>To determine an application for summary review under SS53A – 53D of the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Black Horse 112 Church Street Brighton BN1 1UD</b>		
<b>Premises Licence Holder:</b>	<b>The Craft Union Pub Company Ltd</b>		
<b>Date of Meeting:</b>	<b>13 February 2023</b>		
<b>Report of:</b>	<b>Executive Director for Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Donna Lynsdale</b>	<b>Tel: (01273) 295801</b>
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<b>Ward(s) affected:</b>	<b>St. Peter's and North Laine</b>		

## FOR GENERAL RELEASE

### 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine a summary review application made by Sussex Police in regard to the premises licence issued for the Black Horse.

### 2. RECOMMENDATIONS:

- 2.1 To determine a summary review application made by Sussex Police in regard to the premises licence issued for the Black Horse.

### 3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 On 18 January 2023 the licensing authority received a summary review application from Sussex Police, under S53A of the Licensing Act 2003, regarding the Black Horse. The summary review application was accompanied by a certificate issued by a senior officer of the rank of Superintendent, who was of the opinion that the premises are associated with serious crime and serious disorder.
- 3.2 As per the requirements of S53A(2)(a) and 53B of the Licensing Act 2003, on 19<sup>th</sup> January 2023 the licensing authority considered whether it is necessary to take interim steps pending the determination of the review applied for. The licensing authority decision was to suspend the licence with immediate effect.

**3.3** The grounds for the review are that Sussex Police are of the opinion that the premises are associated with serious crime and serious disorder. The review application relates to the following licensing objectives:

- Prevention of Crime and Disorder

Redacted details of the grounds for the review are in Appendix B.

### **Documents received**

**3.4** The current premises licence can be viewed at Appendix A

**3.5** The review application and the certificate that accompanied the application can be viewed at Appendix B. (As redacted).

**3.6** The decision notice issued following the interim steps meeting that took place on 19<sup>th</sup> January can be viewed at Appendix C. (Not for publication).

### **Representations received**

**3.7** Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

**3.7.1** 7 representations have been received from local residents, local businesses and the Licensing Team on the grounds of the Prevention of Crime & Disorder, Prevention of Public Nuisance and Public Safety supporting the application submitted by Sussex Police.

**3.7.2** Full details of the representations are attached at Appendix D. A map detailing the location of the premises is attached at Appendix E.

## **COMMENTARY ON THE LICENSING ACT 2003 AND GUIDANCE ISSUED UNDER S182 OF THE ACT**

**3.8** At this hearing the licensing authority must:

- Consider the application made in accordance with Sections 53A-53D
- Consider any relevant representations
- Take such steps (if any) as are considered appropriate for the promotion of the Licensing objectives. These steps are:
  - o to modify the conditions of the licence
  - o to exclude a licensable activity
  - o to remove the designated premises supervisor from the licence
  - o to suspend the licence for a period not exceeding 3 months, or
  - o 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 of the review application and interim steps review

must be made at the conclusion of the hearing.

**3.9** In conducting the review under this section, the relevant licensing authority must also —

- (a) consider whether the interim steps are appropriate for the promotion of the licensing objectives;
- (b) consider any relevant representations; and
- (c) determine whether to withdraw or modify the interim steps taken.

The power of the relevant licensing authority on a review under this section includes a power to take any of the following interim steps—

- (a) the modification of the conditions of the premises licence;
- (b) the exclusion of the sale of alcohol by retail from the scope of the licence;
- (c) the removal of the designated premises supervisor from the licence;
- (d) the suspension of the licence

## **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. 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.

#### **1.1.1 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.

### **3.4 Night-time Economy Safeguarding Initiatives**

The licensing authority continue to support safeguarding initiatives such as the Beach Patrol Quad bike, safe space and street pastors. The Community Safety Partnership Board continues to oversee the Community Safety Strategy and Safety in the Night-time Economy Action Plan as part of their remit. The action plan has been updated and recently the updated strategic assessment has been completed. In addition, the University of Sussex operates a "Good Night Owl" scheme which includes 40 volunteers and is currently funded by the Police Community Safety Fund. Licensed premises are being encouraged to use the "Ask 4 Angela" initiative.

#### **3.4.1 Operation Marble (Sussex Police)**

Due to the large concentration of licensed premises and night clubs in the centre of Brighton, a high proportion of the Division's violent crime and serious sexual offences are committed within a relatively small area. The Division receives a large influx of visitors to the city centre at weekends. Many of these people attend the pubs and night-clubs during night-time hours and as a result an enhanced policing operation is provided, called Op Marble. Traditionally this ran from 2100hrs through to 0400hrs on a Friday and Saturday night but since a review in 2017 has run from 20:00 to 06:00 between 1st May and 30th September. This was in response to pressures from the Night-time Economy as pubs and clubs remained open later and increases in crimes in the earlier hours of the morning. The emphasis of Op Marble is a highly visible presence of officers deployed on foot as well as focus on regularly updated hot spots to help reduce the risk of violent crimes.

In addition to the standard Friday and Saturday night, there are a number of standalone operations such as Bank Holidays, New Year's Eve, Halloween and Pride. In the run up

to Christmas, additional resources are at times deployed during the end of week to monitor Christmas Parties.

Op Marble covers an area between Preston Street to the West – The Level to the North – Kemptown to the East and the seafront between West Pier and Concorde 2 to the South. This covers the majority of the Cumulative Impact Zone defined in this policy at 3.1 and is regularly under review to ensure that limited Police resources are being used to their optimum.

### **3.4.2 Doorstaff Briefing**

In association with BCRP – Business Crime Reduction Partnership – Police attend a weekly Friday night doorstaff briefing at Pryzm. Covered are persons of interest and share information on any events that might impact the city during that weekend – music events, football etc. Weekly meeting is held between Police and BCRP. The previous weekend is reviewed and plan for the weekend ahead and any future events. Premises of concern are also discussed.

### **3.4.3 Vulnerability training**

Training delivered by Sussex Police to staff working within the night-time economy to provide them with knowledge of vulnerability and ensure they understand their responsibilities and duty of care to vulnerable people including actions that must be taken to reduce identified risk. Training will include:

#### **Ask for Angela**

An initiative for persons that are on dates and they are feeling uneasy and need a safe way of leaving. The individual can approach a member of bar staff and ask for Angela and the staff will know this person needs some help getting out of a situation

they don't feel safe or comfortable in. This could be calling them a taxi or a friend of family member to come and collect them.

#### **Op Bobcat**

How to identify a possible sexual predator within the night-time economy. What kind of behaviour to look out for. What to do when you feel someone could be out to cause sexual harm to other individuals.

## **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, underage 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 underage 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 daytime 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, eg 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).

## **5 Public Safety**

The following details and measures are intended to address the need for the protection of public safety which may be associated with licensed premises and certificated club premises.

**5.1.1** The permitted capacity is a limit on the number of persons who may be on the

premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the "permitted capacity" of those premises should be.

**5.1.2** Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.

**5.1.3** Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:

- (a) provision of closed-circuit television and panic buttons.
- (b) use of shatterproof drinking vessels; bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons.
- (c) use of door supervisors, licensed by the Security Industry Authority.
- (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
- (e) occupant capacity conditions will be applied where appropriate.
- (f) the provision of designated and suitably trained first aiders.

**5.1.4** Where appropriate, licence holders or their authorised representatives will submit event safety plans and operating manuals, attend Event Planning Teams or Safety Advisory Groups and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including, for example: HSE approved code of practice for events.

## **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.

**6.1.4** 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.

**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** 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

**8.2** 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.

**8.3** 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.

**8.4** 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.

**8.5** 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.

**8.6** 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 well being 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.

**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: 03/02/23*

### 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: 03/02/23*

### 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:**

Appendix A – Part A of Premises Licence

Appendix B – The review application and the certificate that accompanied the application can be viewed at Appendix B. (As redacted).

Appendix C - The decision notice issued following the interim steps meeting that took place on 19th January can be viewed at Appendix C. (Not for publication).

Appendix D – Representations. (As redacted).

Appendix E – 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

## Appendix A

### Schedule 12 Part A

Regulation 33, 34

## Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2019/05389/LAPRET

### Part 1 – Premises Details

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

Black Horse Inn  
112 Church Street  
Brighton  
BN1 1UD

**Telephone number** 01273 606864

**Where the licence is time limited the dates -**

**Licensable activities authorised by the licence**

Entertainment of a similar description to a performance of live music or any playing of recorded music

Performance of Recorded Music  
Late Night Refreshment

Performance of Live Music  
Sale by Retail of Alcohol

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

Entertainment of a similar description to a performance of live music or any playing of recorded music – Indoors

Comperes for quiz or similar events, comedians and similar performances in any case using



## Brighton & Hove City Council

voice amplification.

Every Day: 10.00 - 24.00, New Years Eve: 10.00 - 02.00

### **Performance of Live Music - Indoors**

Live Acoustic/Amplified music and amplified voice performances to end at 00.00 to minimise nuisance.

Monday - Saturday: 10.00 - 24.00, Sunday: 10.00 - 23.30, New Years Eve: 10.00 - 02.00

### **Performance of Recorded Music - Indoors**

Recorded music including jukebox and karaoke with or without DJ during normal business including audience participation.

Monday - Saturday: 10.00 - 01.00, Sunday: 10.00 - 23.30, New Years Eve: 10.00 - 03.00

### **Late Night Refreshment - Indoors**

Provision of hot drinks and snacks particularly during wind down period.

Monday - Saturday: 23.00 - 01.30, Sunday: 23.00 - 00.30, New Years Eve: 10.00 to 10.00 New Years Day

### **Sale by Retail of Alcohol**

Monday - Saturday: 10.00 - 01.00, Sunday: 10.00 - 24.00, 10.00 New Years Eve to 24.00 New Years Day.

### **The opening hours of the premises**

Monday - Saturday: 10.00 - 01.30, Sunday: 10.00 - 00.30, New Years Eve

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

Alcohol is supplied for consumption both on and off the Premises.





## Brighton & Hove City Council

### Part 2

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

The Craft Union Pub Company Ltd  
3 Monkspath Hall Road  
Solihull  
B90 4SJ

**Registered number of holder, for example company number, charity number (where applicable) - 09429990**

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

**SALE BY RETAIL OF ALCOHOL PROHIBITED AS NO DPS ON PREMISES**

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

**SALE BY RETAIL OF ALCOHOL PROHIBITED AS NO DPS ON PREMISES**



# Brighton & Hove City Council

## Annex 1 – Mandatory conditions

### S 19; 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;
  - (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.



## Brighton & Hove City Council

(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
  - (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.



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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
  - (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.



## Brighton & Hove City Council

(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.

### **Embedded Conditions:**

#### **On Licence**

##### **1. Permitted Hours**

Alcohol may be sold from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

### **Restrictions**

The above restrictions do not prohibit:

- d) consumption of alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
- f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h) the taking of alcohol from the premises by a person residing there; or
- i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

##### **2. Premises with no children's certificate-**

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- a) He is the child of the holder of the premises licence.
- b) He resides in the premises, but is not employed there.
- c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.



## Brighton & Hove City Council

In this condition “bar” includes any place exclusively or mainly used for the consumption of alcohol. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.  
*Source Section 168,171 and 201 Licensing Act 1964*

### **5. Recorded Music**

Premises licensed for the sale and supply of alcohol may provide, at any time, regulated entertainment by the reproduction of wireless, including television broadcast and of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound.

*Source Section 182 Licensing Act 1964*

### **Variations to Embedded Conditions:**

References to permitted hours for the sale of alcohol and for late night refreshment removed as superseded.

### **Annex 2 - Conditions consistent with the Operating Schedule:**

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

1. The CCTV system covering all public areas will be maintained in good working order including the rear beer garden area.

**For Public Safety:** None.

#### **For the Prevention of Public Nuisance:**

2. Windows and doors will be closed when live music is being played.
3. Signs will be displayed asking customers to leave the premises quietly.
4. The maximum capacity of persons allowed in the beer garden at any one time will not exceed 25.
5. There will be no music in the beer garden.

#### **For the Protection of Children from Harm:**

6. Children will be admitted until 21.00 but only when dining.



## **Brighton & Hove City Council**

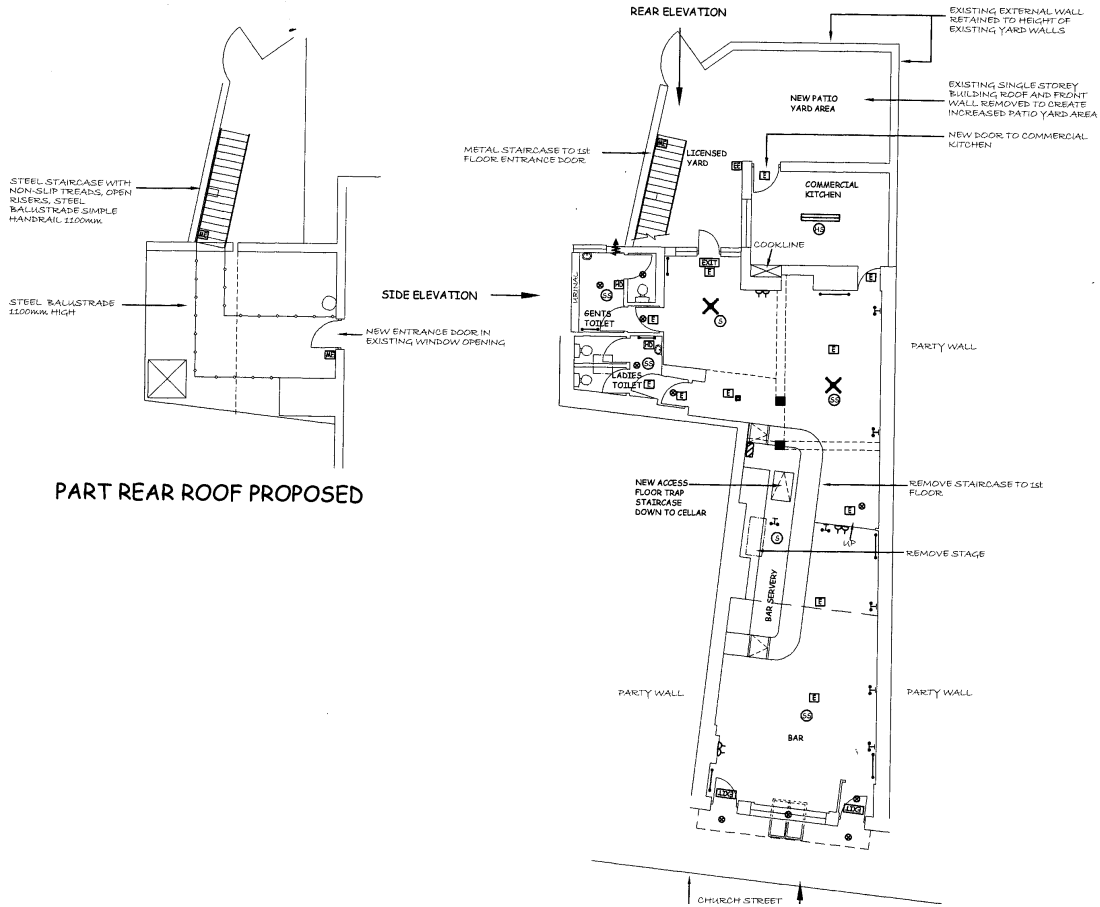
7. No person under 18 will be admitted unless accompanied by a parent or guardian.
8. Any person seeking to buy or consume alcohol who appears to be under the legal age to do so will be required to produce suitable photographic identification as evidence of their age; they will only be served if able to comply with this.

**Annex 3 - Conditions Attached after a hearing of a Licensing Panel - N/A**

**Annex 4 - Plans**



# Brighton & Hove City Council







**Sussex Police**  
Serving Sussex

www.sussex.police.uk

## Brighton & Hove Licensing

First Floor  
Police Station  
John Street  
Brighton  
BN2 0LA

Tel: 01273 404535 ext 550809

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

3<sup>rd</sup> February 2023

Dear Sir or Madam,

**APPLICATION FOR SECTION 53A-C REVIEW – BLACK HORSE, 112 CHURCH STREET, BRIGHTON, BN1 1UD UNDER THE LICENSING ACT 2003.**

Please see enclosed a redacted version of the 53a review application for the above premises. The incident relates to a serious GBH with ongoing medical intervention to the victim and an investigation that is being progressed but at this time requires that no specific details of the incident itself are made public.

Therefore, we request that the review hearing itself, is held in private away from press and public.

Yours faithfully,

Sgt Mark Redbourn  
Brighton & Hove Division

Please address all future correspondence to Brighton & Hove Licensing Unit, 1<sup>st</sup> Floor, Police Station, John Street, Brighton, BN2 0LA.



**Statutory Form For Applying For A Summary Licence Review      Annex B**

Brighton and Hove City Council, Bartholomew House, Bartholomew Square, Brighton, East Sussex, BN1 1JE

**Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)**

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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 the 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.**

I, **Superintendent Rachel Carr** [on behalf of] the chief officer of police for the **Sussex** police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

**1. Premises details:**

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Black Horse  
112 Church Street**

Post town: **Brighton**

Post code (if known): **BN1 1UD**

**2. Premises licence details:**

Name of premises licence holder (if known): **The Craft Union Pub Company Limited**

Number of premises licence holder (if known): **09429990**

**3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:**

I confirm that a certificate has been given by a senior member of the police force for the police area above that in their opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

*(Please tick the box to confirm)*

**4. Details of association of the above premises with serious crime, serious disorder or both:**

[Please read guidance note 2]

An expedited review is sought by Sussex Police following an incident of serious disorder inside the rear garden of the premises on Thursday 12<sup>th</sup> January 2023 at

[REDACTED]. During the incident, a fight broke out [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

A Police Licensing officer has since had a conversation with the Area Manager who stated the DPS had told him that he wasn't working at the Black Horse on the night in question. The DPS had stated to the Area Manager that the duty manager he had left in charge had not told him about the incident and was not aware. The Area Manager said that the DPS had spoken to other staff who were present in the Black Horse on the night who said they were told by the duty manager not to call the police at the time of the incident. No calls to Police were received from anyone related to the Black Horse.

Sussex Police have been working with management at the Black Horse since July 2022 regarding high drugs readings found at the premises as well as breaches of

the premises licence conditions. This has included visits to the premises and meetings with management both at the premises and at Brighton Police Station, John Street. An improvement in these readings and adherence to the licence conditions had been seen by November 2022 and it was hoped that this showed a new direction for the premises. However, the incident of 12<sup>th</sup> January 2023 shows that the risks continue and despite 3 different DPS's managing the premises since July 2022, no lasting changes have been made.

Therefore, due to the clear evidence of poor management including a deliberate decision not to call the Police during or after a serious incident, high levels of intoxication, drug use inside the premises, breaches of the premises licence and this incident of serious crime, as defined under Section 53a of the Licensing Act 2003, Sussex Police have taken the unusual, but appropriate, step of submitting an application for a 53a Expedited Review.

.....

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Regarding the handling of the incident on the night of 12<sup>th</sup> January 2023, the DPS, Jeremy Jackson, was not present at the premises that evening and was not made aware of the incident by the duty manager he had left in charge. The Area Manager has further stated that the DPS had spoken to other staff who were present on the night who said they were told by the duty manager not to call the police at the time of the incident. The Area Manager has since told Police Licensing that the duty manager has been sacked following this incident.

This is especially disappointing and concerning as a similar situation happened on 28<sup>th</sup> December 2022. A fight broke out inside the Black Horse which resulted in a ABH level injury and no one from the premises reported this to Police. Police were only made aware as a witness called 999 as they were with the victim further up the street. The victim then attended the Front office at John Street later that afternoon to report the fight and that several items had been stolen from him. The Area Manager was contacted on 3<sup>rd</sup> January 2023 and reminded that staff must call Police for incidents of this nature and use their BCRP radio.

As mentioned, Police Licensing have been attempting to work with the premises and management since July 2022. A number of visits to the

premises to take drug swabs, following credible intelligence being received, showed the following results:

**01/08/2022**

Ladies Toilets

Left Toilets Seat – **Cocaine 5.13**

Left Toilet Roll Holder – Zero (0)

Right Cubicle Toilet Seat – Cocaine 2.12

Right Toilet Roll Holder – Zero (0)

Male Toilets

Window Shelf - Cocaine 1.58

Hand Dryer – **Cocaine 4.81**

Toilet Roll Holder – Cocaine 2.11

Toilet Cubicle Frame Around Board – **Cocaine 4.96**

Bar Area

Bar Top - Cocaine 2.80

High round table by toilets – Zero (0)

Shelf around pillar at back of pub – Zero (0)

**12/10/2022**

Ladies Toilets

Right Toilet Seat - Cocaine 1.78

Right Toilet Roll Holder - Zero (0)

Left Toilet Roll Holder - **Cocaine 4.46**

Left Toilet Seat - **Cocaine 5.25**

Hand Dryer – Zero (0)

Male Toilets

Toilet Roll Holder - **Cocaine 5.62**

Hand Dryer - **Cocaine 4.10**

Frame In Toilet - **Cocaine 6.17**

Window Shelf - **Cocaine 5.68**

**15/11/2022**

Ladies Toilets

Sink - Zero (0)

Hand Dryer - Zero (0)

Cubicle 2 Ridge - Zero (0)

Cubicle 2 Toilet Roll Holder - Zero (0)

Cubicle 1 Sanitary Bin - Zero (0)



Cubicle 1 Ridge - Zero (0)  
Cubicle 1 Toilet Roll Holder - Zero (0)

Male Toilets

Hand Dryer - Zero (0)  
Sink - Zero (0)  
Ridge Behind Toilet - Zero (0)  
Men's Shelf - Zero (0)  
Toilet Roll Holder - Cocaine 1.30  
Picture Ledge – Cocaine 2.60

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.***

Both DPS's and the Area Manager have also attended a number of meetings both at the premises itself and in the more formal setting of Brighton Police Station, John Street in an attempt to help the Premises Licence Holder and their employed staff improve and reduce crime and harm within the venue. The key interactions are as follows:

**01/08/2022** – Joint visit to the premises with Brighton & Hove City Council (BHCC) Licensing and Police Licensing where drug swabs were taken and DPS was asked to write an Action Plan to tackle drug use within the premises.

**28/09/2022** – Meeting held via Teams with Police Licensing, BHCC Licensing, [REDACTED] (Area Manager) and [REDACTED] (DPS). Advice given around a recent licensing check where a ‘duty manager’ presented as drunk. Reminded that the premises will be reswabbed soon and that drugs readings need to be reduced.

**19/10/2022** – Meeting held at John Street Police Station following the second set of high drugs readings on 12/10/2022. Police Licensing, BHCC Licensing and Area Manager [REDACTED] were in attendance. The seriousness of the situation was impressed upon [REDACTED] and that real change needed to take place to stop drug taking and change the culture of the venue. [REDACTED] provided additional steps that the PLH were putting in place.

**25/10/2022** – Joint meeting at the premises with Police Licensing, BHCC Licensing and the new temporary DPS [REDACTED] and the Ops Manager [REDACTED]. The issues with the venue were discussed and Police Licensing set out strongly what would be expected moving forwards. Measures to prevent drug use were gone through as well as how the BCRP works.

**03/01/2023** – Phone call made by Police Licensing to [REDACTED] (Area Manager) to discuss the fight on 28<sup>th</sup> December 2022 and the fact that it was not reported to Police by the venue. [REDACTED] advised that the temporary DPS had now left and a new DPS, Jeremy Jackson, was being appointed until a permanent DPS and Manager could be recruited. Mr Williams was reminded that staff must call the Police for incidents of violence and also use the BCRP radio to call for security if required.

The incident of serious disorder on 12<sup>th</sup> January 2023, combined with the history of the premises including recent evidence of high drug use, other incidents of disorder/violence and non-reporting of incidents, mean that an expedited review is the only option remaining to protect the public and ensure the prevention of crime and disorder and public safety licensing objectives (Licensing Act 2003) are not being undermined. Additionally, the decision by the duty manager not to call the Police despite the seriousness of the incident and other staff refusing to provide a statement since being spoken to by police, shows that staff appointed by the Premises Licence Holder are undermining the licensing objectives rather than promoting them as they should be.

.....

Sussex Police contend that a suspension of the Premises Licence is both necessary and proportionate and request that the Licensing Committee

seriously consider taking this course of action as an interim step. Sussex Police will make submissions to request a longer period of suspension, a raft of new conditions and a new DPS at the full hearing and reserve the right to serve additional details in due course.

The Premises Licence Holder and Designated Premises Supervisor have shown disregard for the Licensing Objectives by not making continued and sustainable change at the premises to prevent further crime and harm coming to the public. This is despite numerous inputs from Police Licensing.

While considering the interim steps Sussex Police did give consideration to alternative options. Additional conditions could be placed on the premises licence but it is believed that these will be ineffective at mitigating the ongoing risks as they will not prevent the current clientele from continuing to frequent the pub.

The current Premises Licence Holder (PLH) has held the Premises licence since September 2019 and in this time has appointed a number of different Designated Premises Supervisors (DPS). Since July 2022, there have been 3 different DPS's appointed by the PLH which seems to have made little lasting impact, Sussex Police therefore have no confidence in the management of this premises and believe the issue is systemically related to the Black Horse itself. Consequently, any change to the Designated Premises Supervisor will have no impact on the serious issues seen at the premises.

The exclusion of the sale of alcohol by retail from the scope of the licence or the restriction of times for licensable activity could have been amended, however this will not prevent current patrons visiting the premises and so it is unlikely this will have an impact on the outstanding risk. Additionally, this course of action will not break the causal link or address the poor management.

Therefore, Sussex Police believe only the interim step of suspending the licence taken within an expedited review will ensure that the premises cannot reopen until the case is heard by a Licensing Committee. Nothing short of closure will ensure the safety of the public in this case.

Signature of applicant:

Date: **18<sup>th</sup> January 2023**

Capacity: **Superintendent Rachel Carr**

**Contact details for matters concerning this application:**

C/Insp Michelle Palmer-Harris  
Ops Planning & Events (inc. Licensing) Inspector  
**07912 894296**  
**michelle.palmer-harris@sussex.police.uk**

Brighton & Hove Police Licensing Team  
Police Station  
John Street  
Brighton  
East Sussex  
BN2 0LA  
**01273 404535 ext. 550828**  
**brighton.licensing@sussex.police.uk**

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000.

In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

**Appendix C**

**NOT FOR PUBLICATION**



## **Appendix D**

### **REP A**

**From:** REDACTED

**Sent:** 23 January 2023 17:45

**To:** EHL Safety <EHL.Safety@brighton-hove.gov.uk>

**Subject:** Black Horse Pub, Church Street

### **DL CON ENDS 01.02.2023 VALID PCD, PPN (A)**

Good Afternoon,

We REDACTED and I am writing to you to leave my thoughts on the closure/reopening of the pub Black Horse, just outside our REDACTED.

I must confess I have never had such good and quiet evenings since the pub closed.

The amount of stress and disturbance that venue has brought to me and my family over the past few years is just immense.

The constant noise from the beer garden, the loud music to very late hours, clients urinating through our gates, forcing the gate to get inside and urinating on our doorstep, glass bottles, vomit and cigarette ends in the entrance and street. Every time we complain the management is not interested in being neighbourly in any way.

Violence and fighting on our gate to the point where families with children cannot access their home and feel safe. There is also drug dealing and littering all the time.

Please make sure the pub is closed for good. We all want to live in a safe and well-mannered environment.

Many Thanks,

**REDACTED**

**REP B**

From: REDACTED  
Sent: 27 January 2023 12:57  
To: EHL Safety <EHL.Safety@brighton-hove.gov.uk>  
Subject: Black Horse 112 Church Street Brighton

**DL CON ENDS 01.02.2023 VALID PCD, PPN (B)**

Dear Sirs

The Black Horse has been a major concern for residence and local businesses for a long time now.

I would like to point out that for every incident that the police are called to the pub there are literally dozens of other incidents that go unreported that affect the local area.

The pub is the centre of anti social behaviour with open drug dealing and acts of violence , it is almost a weekly occurrence to see people coming out of the venue covered in blood. I honestly feel it is only a matter of time until someone is seriously injured or even killed.

The staff and management have actually been involved in the drinking and drug taking and were involved in a recent violent assault on a customer who was taken to hospital.

I personally have been in on a number of occasions to speak with staff about the behaviour of their customers outside and the staff have actually been in a worse condition than the customers themselves.

I am in no doubt that the owners will blame the management for what has been going on but I don't believe they are fit to run this establishment, they know what has been going on but have ignored the situation as the pub has been making money.

The set up of the pub, weak management, playing sport, loud music and ridiculously cheap drinks is a recipe for disaster, only a few weeks ago on a busy weekend everyone was coming out of the pub to urinate in the street as they had no toilets in use, the manager had apparently rang Head Office but was told they were not allowed to close.

The area the pub is in, New Road, has a high street drinking and anti social behaviour problem, the change for the better has already been dramatic since the closure of the pub.

I just hope this venue remains closed as local residents and businesses are already under a lot of pressure.

I could honestly write a lot more but am aware it needs to be kept brief but if you need any further details please do not hesitate to contact me

With kind regards  
REDACTED



REP C

Donna Lynsdale  
Licensing Authority  
Brighton & Hove City Council  
Bartholomew House  
Bartholomew Square  
Brighton  
BNI IJP

Date: 27<sup>th</sup> January 2023  
Our Ref: 2023/00215/LICREP/EH  
Phone: 01273 292143  
e-mail: [Emily.fountain@brighton-hove.gov.uk](mailto:Emily.fountain@brighton-hove.gov.uk)

**DL CON ENDS 01.02.2023 VALID PCD (C)**

Dear Donna Lynsdale

**Licensing Act 2003**

**Representation in support of an application by Sussex Police seeking a review of the Premises Licence - 2023/00193/LAREV**

**Black Horse Inn - 112 Church Street, Brighton, BNI IUD**

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 the Black Horse Inn, 112 Church Street, Brighton, BNI IUD.

This representation is made as the Licensing Team have concerns that the licensing objective of the Prevention of Crime and Disorder is not being upheld.

The history of this matter is explained in more detail in the application of Sussex Police.

Due to complaints in July 2022 regarding anti-social behaviour, drug use and staff intoxication a joint licensing inspection with Sussex Police Licensing was carried out on the 1<sup>st</sup> August 2022. Drug swabs were also taken. Post inspection an action plan was agreed between PC Kate Hancox from Sussex Police and the Designated Premises Supervisor (DPS) at the time REDACTED to address the issues. I followed up this inspection with an email 12<sup>th</sup> August 2022 at Appendix A with the measures discussed to reduce the issues.

I received a further complaint on 17<sup>th</sup> September 2022 that issues at the Premises around anti-social behaviour, drug use and staff intoxication persisted. I advised the Police of the further complaint, and I understand an Operation Marble licensing check was done on the 24<sup>th</sup> September 2022. As problems were persisting at the premises a virtual Teams meeting was arranged on the 28<sup>th</sup> September 2022 with PC Hancox, myself, the existing DPS and REDACTED, Area Manager. The ongoing issues were discussed as well as measures to mitigate problems, including door staff, mobile support unit and BCRP membership. REDACTED said he would support the DPS to address the problems.

Following further drug swab readings, a meeting was arranged at the Police Station on 19<sup>th</sup> October 2022. Myself, REDACTED, Sergeant Redbourn and Claire Abdelkader were present and discussion around the seriousness of the issues at the Premises and the possibility of the removal of the DPS took place.

Following the meeting at the Police Station a new temporary DPS REDACTED was appointed. On 25<sup>th</sup> October 2022 myself, PC Hancox, the new DPS and the Operations Manager, REDACTED, met at the Premises where again previous issues and control measures were discussed.

It is clear from the history above that despite numerous attempts to work with the Premises Licence Holder and various DPS's that there has been little lasting impact and it is clear that the Licensing Objective of the prevention of crime and disorder continues to be undermined.

Therefore I support the review application of Sussex Police and consider this necessary to ensure the Licensing Objective of the prevention of crime and disorder is met.

Yours sincerely,



Emily Fountain  
Licensing Officer  
Licensing Team  
Safer Communities

#### **Appendix A**

**From:** Emily Fountain <Emily.Fountain@brighton-hove.gov.uk>

**Sent:** 12 August 2022 17:00

**To:** REDACTED

**Cc:** REDACTED Kate Hancox REDACTED

**Subject:** Appendix A -Black Horse Licensing Inspection 1.8.22 - 1445/3/2019/05389/LAPRET

Dear REDACTED

#### **Licensing Act 2003**

**Black Horse Inn – 112 Church Street, Brighton, BN1 1UD**

**Premises Licence Number: 1445/3/2019/05389/LAPRET**

I refer to my visit on Monday 1<sup>st</sup> August 2022 with my colleague Donna Lynsdale Licensing Officer and PC Kate Hancox Police Licensing Officer to carry out a licensing inspection to ensure compliance with your premises licence and conditions.

This inspection was prompted by allegations of anti-social behaviour in and around the Premises and these allegations were discussed with yourself at the inspection. You acknowledged that there have been some challenging incidents at or outside the Premises in recent weeks and that you would welcome ways to address these challenges and allegations. You also agreed to submitting an action plan to address these issues to my colleagues in Police Licensing.

With regard to your licence conditions, we discussed the following:

## For the Prevention of Public Nuisance:

### **1. Windows and doors will be closed when live music is being played.**

You advised that you have karaoke on Sundays and a DJ once a month and would ensure the above is complied with.

### **2. Signs will be displayed asking customers to leave the premises quietly.**

We could only find one sign in relation to the above condition on the back gate and agreed that we would provide you with more signage to display at all exits and outside.

### **3. The maximum capacity of persons allowed in the beer garden at any one time will not exceed 25.**

### **4. There will be no music in the beer garden.**

With regard to the above conditions you confirmed that staff regularly monitor the number of people in the garden and monitor the CCTV to ensure the 25 capacity is not exceeded. You also confirmed that you don't have music in the garden, but were at one point still measuring the noise via an app on your phone. Whilst not a condition of your licence we agreed that this would be a good practice to continue and that you would re-start and keep a record of these checks. You also said that you had instated a no one in the garden after 1 pm policy.

We also discussed other measures that may help to reduce the anti-social behaviour incidents. As follows:

Security staff – You currently have 2 SIAs working on the door Friday and Saturday nights. PC Hancox discussed the importance of their vigilance and asked you to provide an action plan for improvement i.e. consideration of more training for them in relation to your specific premises and possibly more or different security staff.

Staff training – You acknowledged that there has been some staff turnover recently and as a result new staff may need re-enforced alcohol sales training around intoxication and refusals. We offered you the BHC Council's training which you were keen to engage with details attached. We have also sent you an alcohol training manual which has some useful guidance and a log for you to complete as staff have undergone training and received refreshers. You do keep a log of training but it was agreed this needed updating.

Last Thursday 4<sup>th</sup> August you submitted an action plan to Police Licensing which was shared with myself with many positive actions you intend to take regarding many of the issues above.

However my colleague Donna Lynsdale visited the Premises on Saturday night as part of our regular visits during Pride and as I understand it, the situation at the Premises was rather chaotic. Donna will be addressing these issues in a separate email.

Therefore I must remind you that irrespective of the permissions 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

At any stage following the grant of a premises licence, a responsible authority, such as the Environmental Health, Police or persons such as a business or 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.

Please let me know if you have any questions regarding this email. Please note I am on leave for the next two weeks, but will pick up any messages on my return.

I have copied my colleague in Police Licensing Kate Hancox into this email and also REDACTED

Kind regards

**Emily Fountain** | Licensing Officer, Safer Communities | Brighton & Hove City Council

2<sup>nd</sup> Floor, Barts House, Barts Square, BN1 1JP

**REDACTED**

**REP D**

**Sent:** 29 January 2023 19:57

**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>

**Subject:** The Black Horse Church Street Brighton

**DL CON ENDS 01.02.2023 VALID PCD, PPN (D)**

Jo Player Head of Safer Communities,

We are REDACTED and share a REDACTED with the Black Horse pub.

In the 13 years preceding the pandemic we'd only had reason to speak with the management of the premises on 3 occasions, with music at levels which were keeping us awake. The pub was well managed with thoughtful and reasonable staff and attracted a sensible and responsible client base.

The management of these premises since the relaxation of Covid restrictions to the licensed trade has been an absolute nightmare for us, residents of the mews and other local businesses.

The business model employed by the pub of selling really cheap alcohol and placing no visible restrictions or guidelines on their clients' behaviour, either inside or outside the premises, has meant two years of nightly disturbances with music being played at night club levels with both the front and rear doors propped wide open. The beer garden at the rear was remodelled from a smoking area into an entertainment area with a large TV screen (not sure if it is licensed) and a polycarbon roof placed over, without I suspect any planning approval, which sits directly beneath our bedrooms.

Tables and chairs outside the front of the premises with the associated noise of rowdy punters has been a constant problem. We have had to deal with glasses, bottles and refuse from the Black Horse's clients in the REDACTED entrance along with urinating and vomit on a regular basis! The owner of REDACTED next to our gate literally has to clean up outside his premises on a daily basis as the pub makes no effort to deal with this.

I had spoken with the long-time manager REDACTED on a number of occasions in the early months following the relaxation of lock down. He was often under the influence of alcohol and I suspect other substances as he would repeatedly greet my complaints as if we had never spoken before and appear manic to say the least.

We know from discussions with the landlord at the REDACTED that many of the clients served by the Black Horse are banned from all other pubs in Brighton and Hove. The business model they employ attracts a colourful and demanding type of client, which requires really strong management to have any hope of working. We know that the company that owns the pub and employs the managers have no interest in being good neighbours but are only concerned with turnover and profit.

It is only in more recent times that there has been any security on duty at the premises and then only at the weekend; and frankly one guy trying to deal with the customers attracted to these premises has proved to be an absolute waste of time. The music is played too loud, too often and well after their license allows on a far too regular basis. We have witnessed and heard some horrific fights and altercations. I have seen drugs being dealt at the front door and we also had through our REDACTED the smell of cannabis being smoked in the beer garden at the rear of the premises on a number of occasions.

REDACTED departure has not improved the situation and whilst the interim manager is trying, he is clearly hindered by the company that employ him and a very young team of staff who cannot manage their customers.

I have many, many videos of the noise and disruption we've had to put up with and many SMS messages to both REDACTED and the new relief manager REDACTED asking them to turn down the music levels and close doors in order that we can sleep many of which have been ignored. We have provided Environmental Health and Licensing with our complaints and a noise diary, but have been frustrated with the lack of enforcement of any restrictions placed on the premises and any adherence to their license.

We've struggled to understand how this Public House with its owners and management hasn't been closed down a long time ago. It attracts and encourages the worst types of individuals and its team have proved consistently unable to manage the clients they attract or provide suitable levels of security..

We can only hope that common sense will prevail and the license will not be renewed without a massive change in the way these premises are run and managed. If that can't be guaranteed and demonstrated, then we would vigorously oppose its reopening in its current format.

This is our home and these people have made our lives really miserable at times. They don't care about anything other than their profits and have a complete disregard for any of their neighbours, residential and commercial.

Yours Faithfully,

REDACTED

**REP E**

**From:** REDACTED

**Sent:** 31 January 2023 14:09

**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>

**Subject:** The Black Horse, Church Street Brighton - Objection to Licence

**DL CON ENDS 01.02.2023 VALID PCD, PS and PPN (E)**

FAO Jo Player Head of safer Communities - Brighton Council

Dear Jo,

I am the owner of REDACTED, a residential house REDACTED to The Black Horse Pub. I am also the landlord of REDACTED which is currently occupied by REDACTED.

The REDACTED of my residential property REDACTED the outside drinking area of the Black Horse pub. REDACTED is immediately next door.

I am writing to object to the license and raise awareness regarding dangerous, antisocial and illegal activities that have taken place immediately outside of my REDACTED specifically relating to the Black Horse pub.

I am objecting to both the premises licence and personal liquor licenses based on the following:

- I have been subjected to abuse and intimidation by intoxicated customers of the Black Horse, when seeking to gain access to my house
- There have been numerous and regular fights, arguments, excessive noise and antisocial behaviour outside my house, from the pub, making it unsafe to get in or out of my own premises
- I believe customers continue to be served with alcohol when intoxicated, creating risk to health and personal safety
- There is evidence of drug taking
- There is ongoing nuisance caused by mismanagement of the premises
- The number of occupants within the Black Horse at peak periods is excessive and puts safety at significant risk
- Noise pollution outside of (and within) licensing hours is unreasonable and substantially interferes with the use and enjoyment of my home as detailed within the Environmental Protection Act 1990
- Damage has been caused to my premises

I believe there to be a significant inconsistency with Brighton and Hove licensing objectives and that The Black Horse premises are unsuitable for high capacity, high volume, cheaply priced alcohol sales. The current business model is unsafe and puts local residents and customers at risk. There is also an overprovision of pubs in the immediate area which is having an adverse effect on the conservation area and safety of people.

I object to the licence and would be grateful if you'll consider my objections in full.

Yours sincerely,

REDACTED

**REP F**

**From:** REDACTED

**Sent:** 31 January 2023 14:39

**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>

**Cc:** REDACTED

**Subject:** Black Horse, Church Street Statement.

**DL CON ENDS 01.02.2023 VALID PCD (F)**

Dear Jo Player,

We have run our REDACTED and have watched the decline in the area since The Black Horse was taken over by Craft Union Pubs.

Unfortunately the discounted price of the alcohol on sale has attracted serious trouble at all times of the day and the total lack of management and security has only made the problem worse.

Whilst working we have witnessed constant day time drug dealing, violence, urinating, blatant drink driving and much more.

We have tried on many occasions to speak to the management and the pub regulars regarding the antisocial behaviour, and have been met with verbal abuse and intimidation.

We are not prepared to return to having to clear up vomit, cigarette butts, empty glasses on a daily basis from outside our REDACTED, when The Black Horse who is responsible and profiting does nothing.

In our opinion no establishment anywhere in the city should be permitted to sell alcohol at this price point and hope this out of control situation is not allowed to continue.

Thank you,

REDACTED



**REP G**

**From:** REDACTED

**Sent:** 01 February 2023 12:46

**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>

**Subject:** REDACTED and Black Horse Public House

**DL CON ENDS 01.02.2023 VALID PPN (G)**

FAO: Jo Player – Head of Safer Communities

My REDACTED Black Horse Public House.

We have seen the correspondence sent to you on 29 January by REDACTED who resides with REDACTED. The REDACTED for many years until the current Pub manager took over control of the premises post COVID with the resultant disturbance and lack of consideration for their neighbours.

We wholeheartedly support the Residents objection to the renewal of the license in respect of these premises and trust our representations will be taken into account by the Licensing Committee.

**Kind regards**

REDACTED



## Appendix E

