

Licensing Panel (Licensing Act 2003 Functions)

Date: **21 February 2023**
Time: **10.00am**
Venue **Virtual**
Members: Henry, Moonan and Pissaridou

Contact: **Thomas Bald**
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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 MONARCH BAR & RESTAURANT LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

7 - 80

Contact Officer: Corinne Hardcastle
Ward Affected: Regency

Tel: 0127329

Date of Publication - Monday, 13 February 2023

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Licensing Panel (Licensing Act 2003 Functions)

Agenda Item
Brighton & Hove City Council

Subject:	To determine an application for a summary review under SS53A – 53D of the Licensing Act 2003		
Premises:	Monarch Bar & Restaurant 46 - 50 Kings Road Brighton BN1 1NA		
Premises Licence Holder:	Monarch Restaurant & Bar Limited		
Date of Meeting:	21 February 2023		
Report of:	Executive Director for Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Corinne Hardcastle	Tel: (01273) 292100
	Email:	corinne.hardcastle@brighton-hove.gov.uk	
Ward(s) affected:	Regency		

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 Monarch Bar & Restaurant.

2. RECOMMENDATIONS:

- 2.1 To determine a summary review application made by Sussex Police in regard to the premises licence issued for Monarch Bar & Restaurant.

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 On 26th January 2023 the licensing authority received a summary review application from Sussex Police, under S53A of the Licensing Act 2003, regarding Monarch Bar & Restaurant. 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 27th 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

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 B1 and B2. (As redacted).
- 3.6** The decision notice issued following the interim steps meeting that took place on 27th 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** 3 representations have been received from The Environmental Protection Team, Highways Team 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

	Cumulative Impact Area	Special Stress Area	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes (midnight)
Café	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)
Night Club	No	No	No
Pub	No	Yes (11pm)	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)
Off-licence	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	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.
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). 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: 13/02/23

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: 10/02/23

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 B1 and Appendix B2. (As redacted).

Appendix C - The decision notice issued following the interim steps meeting that took place on 27th 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.



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Appendix A

Schedule 12

Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2021/04304/LAPRET

Part 1 – Premises Details

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

Monarch Bar & Restaurant
46 - 50 Kings Road
Brighton
BN1 1NA

Telephone number 01273 323600

Licensable activities authorised by the licence

Performance of Recorded Music
Performance of Live Music
Late Night Refreshment
Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Performance of Recorded Music - Indoors/Outdoors: Background music at an acceptable level to create an ambience in the cafe/bar.

Monday to Sunday: 00.00 - 00.00

Performance of Live Music - Indoors only. Background music at an acceptable level to create an ambience in the cafe/bar.

Monday to Sunday: 23.00 - 02.00

Late Night Refreshment

Monday - Sunday: 23.00 - 05.00.

Sale by Retail of Alcohol



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Monday to Sunday: 00.00 – 00.00. From 01.00 to 09.00 each day alcohol will only be sold and supplied to persons taking a full table meal, at all other times the Cafe/Bar licence times will apply.

The opening hours of the premises

Monday to Sunday: 00.00 – 00.00

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. Off the premises subject to Condition 4 of Annex 2 only.

Part 2

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

Monarch Bar & Restaurant Limited
Tax Assist Accountants
16 Blatchington Road
Hove
BN3 3YN

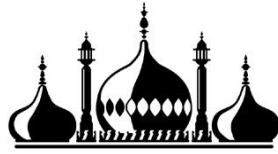
Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 13494189

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

Andrew John Cheesman
REDACTED

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



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REDACTED



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



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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.

(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;



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- (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.
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



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(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.

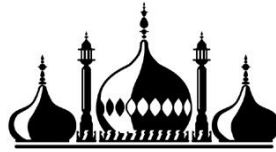
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies 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.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

S 20; mandatory condition: exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where –

(a) The film classification body is not specified in the licence, or



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(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section –

“children” means any person aged under 18; and

“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

S 21; mandatory condition: door supervision

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



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

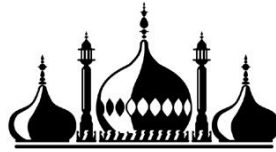
Annex 2 – Conditions consistent with the Operating Schedule

General

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.
2. During the hours of 01:00–09:00 each day, alcohol will be served to persons seated at tables and ancillary to a main table meal. During all other hours, substantial food shall be available at all times that alcohol is offered for sale.
3. The sale of alcohol and other beverages shall be by waiter/waitress service for consumption by persons seated at tables. There will be no vertical drinking.
4. Alcohol for off sales is only permitted to customers seated at tables within the designated seating area immediately outside the premises. The outside area within the submitted plans will be subject to a valid tables and chairs licence issued by Brighton & Hove City Council. The area size and hours permitted hours of use will be as per the granted pavement licence. The area must be clearly defined by a substantial barrier.

For the Prevention of Crime and Disorder:

5. SIA registered door supervisors shall operate as follows:
 - On a Friday, Saturday, Sunday when the next day is Bank Holiday, Halloween, Christmas Eve, New Year's Eve a minimum of 1 (one) SIA door supervisor will be employed from 00:00hrs until 05:00hrs or close if earlier, when the premises is open past 02:00hrs. Once capacity has reached 30 customers, an additional 1 (one) SIA door supervisor will be employed making the total 2 and both will stay on until 05:00hrs or close if earlier regardless of capacity.



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6. At all other times, SIA licensed door supervisors shall be employed when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.
7. At all times the premises are open to the public, the management will contract the back-up services of an approved mobile support unit (MSU) 24 hours a day, with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Business Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.
8. a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times the premises licence is in operation.
b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
c) CCTV footage will be stored for a minimum of 31 days.
d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
f) Subject to GDPR guidance and legislation, the management of the premises will ensure that



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key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.

- g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
 - h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
- 9. The premises will become a member of the Business Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and night-time economy.
 - 10. An incident & refusals log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The logbook should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of 12 months.
 - 11. There will be no alcoholic drink promotions such as discounts or 3 for 2.

For the Prevention of Public Nuisance:

- 12. The premises will provide a Freephone taxi service.

Public Safety

- 13. In regard to the use of polycarbonates, a documented risk assessment will be written which identifies the activities undertaken at the premises when polycarbonate drinking vessels will be used both externally and internally. This includes the removal of other glass items such as beer and wine. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The



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written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.

For the Protection of Children from Harm

14. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.
15. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
16. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
 - The lawful selling of age restricted products
 - Refusing the sale of alcohol to a person who is drunk
- b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- c) All such training undertaken by staff members shall be fully documented and recorded. The records will be retained for at least 12 months and shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.
17. No person under 18 shall be allowed in the premises after 22:00hrs on any day unless accompanied by an adult.



Annex 3 – Conditions Attached after a hearing of a Licensing Panel: n/a

Sussex Police
Brighton & Hove Division
Licensing Team
Police Station
John Street
Brighton
East Sussex Police BN2 0LA

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with **both serious crime and serious disorder**¹.

*Premises*²:

**Monarch,
46-50 Kings Road,
Brighton,
BN1 1NA**

Premises licence number (if known): **1445/3/2021/04304/LAPRET**

Name of premises supervisor (if known): Andrew John Cheesman

I am a **Superintendent**³ in the **Sussex** police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

Immediate action is required to prevent further serious crime and incidents where harm or injury may be caused to the public.

The seriousness of the incident on Monday 23rd January 2023 and the evidence of serious crime within the premises as described within the Summary Licence Review document, show there are systemic issues relating to Monarch and its management. It also means there is potential for further serious disorder and associated crime to occur and only the interim steps taken within an expedited review will ensure immediate action is taken to ensure the safety of the public.

On considering alternative enforcement action, a closure order was not felt to be suitable due to the nature of the ongoing issues at Monarch. A short term

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

closure of this nature will not be able to make any significant change to the daily running of the premises. We feel it is more appropriate that any closure of this premises is handled by a specialised Licensing committee. This is because they will have awareness and experience of specific local policies and considerations relating to licensed premises. They also have the ability to look at long term solutions to protect our communities and uphold the Licensing Objectives. The powers under Section 53A-C of the Licensing Act 2003 offer a variety of options including a period of closure and the ability to amend the licence and the conditions attached to it.

It is not felt that a standard licence review would address the problem in a timely manner. The risk remains outstanding and it is believed that only by closing the premises will this risk be removed and concerns addressed. A period of suspension will immediately break the cycle and close the premises to the type of clientele and staff members who attend Monarch. Additionally, Sussex Police do not believe the removal of the Designated Premises Supervisor alone will have any impact as the issues of intoxication, violence and drug use are endemic in Monarch. We have no confidence in the management to resolve the serious issues at the premises.

Without confident and robust management, we do not believe that there is anything further that can be added to the licence in the way of conditions to manage the risk at this premises if it continues to remain open with its current set-up. We believe the only way to mitigate the current issues which include poor management and various incidents of violence/disorder is via an expedited review. This will ensure swift action and remove the immediate risk that Monarch poses.

By submitting this expedited review, it will give the licensing authority the ability to impose immediate safeguarding until a full licence review can be heard within the required 28 days. Assistance from the Police can also be sought by the licensing authority if required, who can offer advice and recommendations.

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, various new conditions at the full hearing and reserve the right to serve additional details in due course.

.....

(Signed)

25th January 2023.....

(Date)

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)

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 Richard BATES** [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:

**Monarch
46 – 50 Kings Road,**

Post town: **Brighton**

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

2. Premises licence details:

Name of premises licence holder (if known): **Monarch Bar & Restaurant Limited.**

Number of premises licence holder (if known): **13494189**

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 serious crime at the premises and distrust of the management and the Premises Licence Holder, the sole director being Ellis CHEESMAN.

In 2021 when the premises changed from Buddies to Monarch, Sussex Police were led to believe this premises would have the operational style of a restaurant. Since this date there has been a large number of incidents including crime and anti-social linked to the premises and the surrounding areas.

Therefore, due to the clear evidence of poor management including the provision of misleading information to the Police after a serious incident, 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.

.....

31st October 2021 it was observed by a Licensing Police officer that the premises had a dance floor set up, high tables with multiple drinks on, customers were vertically drinking, and one person was observed to be on the dance floor drinking. This was a breach of the premises licence.

02nd November 2021 – a breach letter was sent to the premises.

12th November 2021 – Meeting held at John Street Police Station with the DPS, Andrew Cheesman and Manager Ellis Cheesman, a BHCC licensing officer and Police Licensing. The Licence was run through so to prevent any confusion over what is allowed under the licensable activities and responsibilities of the management.

02nd March 2022 – Police received a report of an altercation between staff inside the premises, resulting in a minor injury.

19th April 2022, An incident at the venue where there was an assault by security staff, CCTV was requested from Ellis Cheesman, but was never received by Sussex Police.

7th May 2022 - a large fight involving weapons by persons linked to the premises occurs within the vicinity of Monarch, as a result CCTV was requested on the 8th and 12th May 2022 and 5th June where no CCTV was provided. Eventually CCTV was provided on an USB.

08th July 2022 – further breaches of the premises licence were witnessed by Police licensing (bar service and vertical drinking).

23rd July 2022 – Multiple calls to the police regarding a suspect Male who had been refused entry, reports of the male processing weapons, allegations made by staff, however no staff member was willing to provide statements or evidence.

24th July 2022 – Police witnessed drug dealing and a male found later to be in possession of a knife. Identified as being within the premises that same evening.

29th July 2022 – Report of an assault on security by a male suspected to have a knife. Various requests of CCTV, 1 was completed. The request sent to Ellis was read but not completed.

The Offender of this crime stated they were friends with Ellis.

16th September 2022 – a suspect identified in the premises with drugs and paraphernalia.

CCTV request sent to Ellis on the 16th of September 2022, the request has been read but no CCTV has been received.

Cocaine, Cannabis and a Taser torch have been recovered.

16th September 2022 – Police assisted security who had lost control of a group of people within the premises. There was a significant number of highly intoxicated customers.

18th September 2022 – Security staff called the police without reasonable grounds in order to disperse persons outside the premises.

29th September 2022 – another meeting was held with Andrew Cheesman to discuss the concerns regarding the lack of CCTV submissions and Ellis Cheesman managing the premises.

03rd October 2022 – Breaches and concerns over no Mobile support unit which is a condition of the premises licence.

14th October 2022 – Altercation at the premises, 1 male found in possession of knife and suspected drug use in the toilets.

02nd January – 23rd January 2023

02nd January 2023- Police CCTV saw an incident involving a male with a cricket bat and an unknown bottle of liquid on West Street having an altercation with 2 males. 1 of these males was carrying a large knife. Police attended and arrested the male with the cricket bat, the other 2 males had vacated the area.

Subsequent enquiries have shown that the 2 males (1 of which is believed to have been carrying a knife) are suspected staff members at Monarch and other people seen in the area at the time are also from Monarch.

23rd January 2023- Monarch made a call for assistance to their Mobile Support Unit (MSU) to assist with ejecting a problem customer. The MSU attended and were told by Ellis Cheesman that the male had been causing issues and had been punched by another customer. The male was highly intoxicated. Police attended took the male to A&E as he had a concerning eye injury. Whilst at A&E, the male's behaviour deteriorated, and he was arrested for being Drunk and Disorderly.

The male was conveyed to custody but due to the injury, he was returned to the hospital for examination.

The hospital informed Police he had a fractured eye socket.

[REDACTED]
[REDACTED]
[REDACTED]

Police Licensing made two separate requests for CCTV. Ellis Cheesman contacted Police Licensing to say there was an issue with his work email and asked that the CCTV request was sent to his personal email, which he provided. At the time of writing this submission which is approaching 48 hours after the incident the CCTV has still not been received. The System shows that this email request has been read but not completed.

During the conversation with Ellis Cheesman, he was asked if they had the details of the customer who assaulted the male. At this point, Ellis Cheesman stated that the male had received his injury whilst being ejected by a staff member called [REDACTED] and added that [REDACTED] was an SIA licence holder. [REDACTED]

[REDACTED]

[REDACTED]

Ellis Cheesman

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The number of incidents listed above have caused an ongoing concern in relation to Anti-social Behaviour (ASB), drug use, crime and persons who police believe are linked to criminality. The most recent incidents and questionable Behaviour of manager and DPS have seriously undermined the trust and confidence in the premises management and DPS to promote the licensing objectives.

In between the listed dates above, there have been various reports of other incidents and ASB. There have also been multiple interactions with Police

Licensing and the premises management to try rectify the breaches and prevention of ASB and crimes.

This means 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.

.....

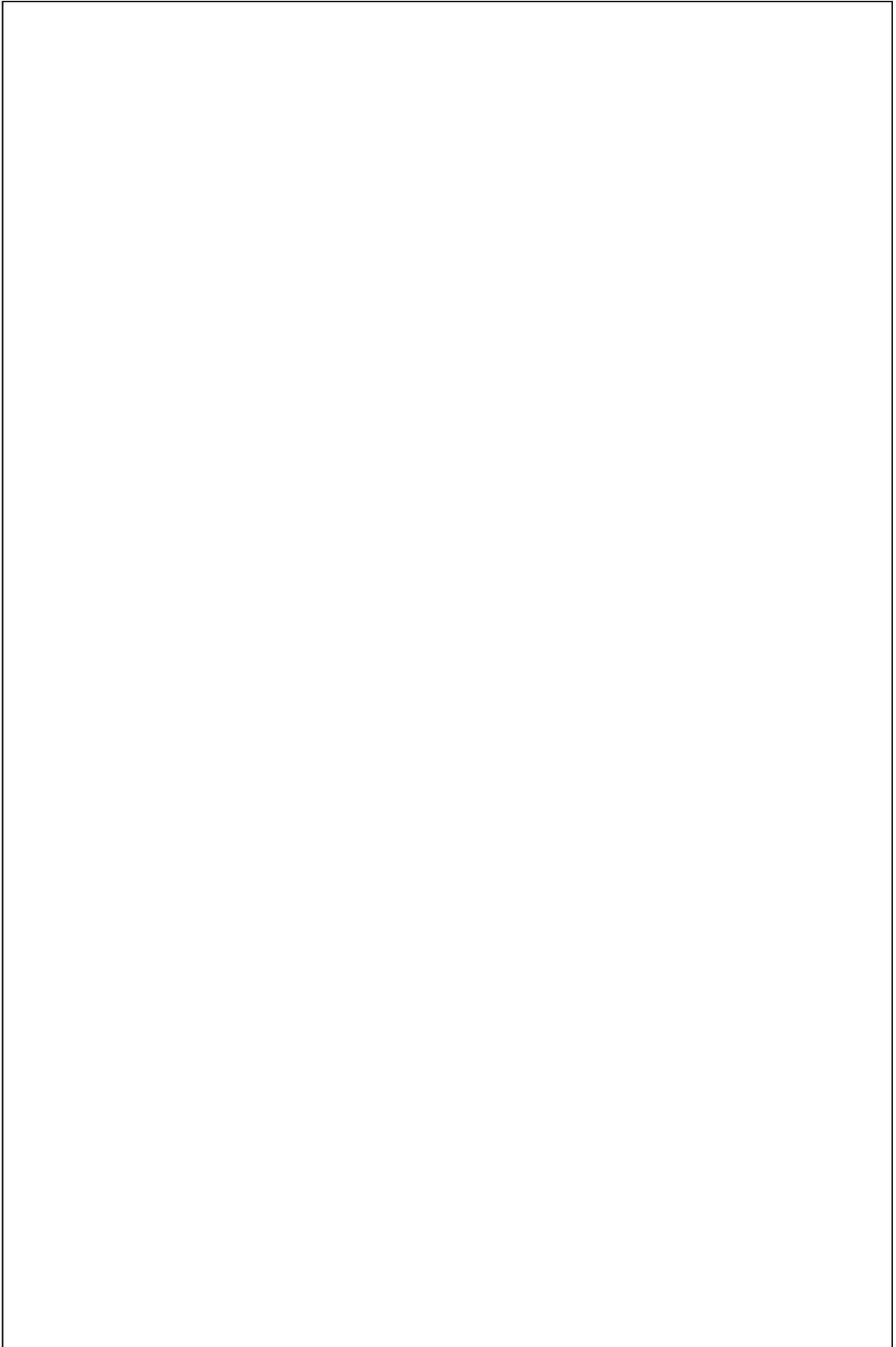
Sussex Police contend that a suspension of the Premises Licence is both necessary and proportionate and request that the Licensing Committee seriously consider taking this course of action as an interim step. Sussex Police will make submissions to request a longer period of suspension, a raft of new conditions and an amendment to the licensable activity timings plus a change of 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.

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 and members of staff 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: **25th January 2023**

Capacity: **Superintendent Richard Bates**

Contact details for matters concerning this application:

C/Insp Michelle Palmer-Harris
Ops Planning & Events (inc. Licensing) Inspector

michelle.palmer-harris@sussex.police.uk

Brighton & Hove Police Licensing Team
Police Station
John Street
Brighton
East Sussex
BN2 0LA
01273 404535 ext. 550809
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

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

Date: 3rd February 2023
Our Ref: 2023/00243/EPLICH/EH
Contact:
Phone: REDACTED
Email: Mylene.hayward@brighton-hove.gov.uk

CH COND ENDS 09.02.2023 VALID PPN (A)

Dear Mr Whitelegg

Formal representation for a Licensing Review for Monarch 46-50 Kings Road, Brighton BN1 1NA

Licensing Act 2003 - Complaint Reference : 2023/00243

I refer to a licensing review hearing that has been called regarding the premises known as Monarch 46-50 Kings Road, Brighton, BN1 1NA.

Following a number of noise complaints that the Environmental Protection team have received since this premises was renamed Monarch in 2021 I have concerns about this premises and make a representation on the grounds of “**prevention of public nuisance**” one of the 4 licensing objectives within the Licensing Act 2003.

Since August 2021 there have been 7 noise complaints submitted to the Environmental Protection team, letters have been sent to the designated premises supervisor and also a meeting was held on 20th October 2021 with Andrew Cheeseman, Elis Cheeseman, REDACTED the premises licence holder and the Councils licensing officer at the venue to discuss the ongoing noise issues.

The Environmental Protection team fully support the Police’s application. I note that the Police suggest a variety of options including a period of closure and the ability to amend the licence and conditions attached to it. Should the licence be amended then the Environmental Protection team would like to propose conditions to be attached to a licence under “**prevention of public nuisance**”, I attach these conditions as an appendix A to this letter.

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

Yours sincerely

M L Hayward

Environmental Protection Officer

Appendix A

Proposed Conditions for Monarch Licence under Prevention of Public Nuisance

1. No Noise shall emanate from the premises nor vibration be transmitted through the structure of the premises that gives rise to a nuisance.
2. Speakers shall not be located/operated in the entrance lobby or outside the premises.

In addition the Environmental Protection team would like to propose rewording of the current licence which states under “Times the licence authorises the carrying out of licensable activities”

Performance of Recorded music- to remove outdoors and reword it to Indoors only.

REP B

From: Sarah Leach <Sarah.Leach@brighton-hove.gov.uk>

Sent: 07 February 2023 15:50

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

Subject: Representation regarding Monarch Cosmopolitan bar and restaurant 46-50 Kings Road

CH CON ENDS 09.02.2023 VALID PPN (B)

I wish to make representation in support of the review application submitted by the Police on the grounds that the licence holder is undermining licensing objectives of Prevention of Crime and Disorder for erecting an unlicensed structure on the Highway. It is an offence under the Highways Act 1984 to place an item/structure on the highway without the relevant Council permission

The purpose of a Pavement Licence is to ensure all items placed upon the public highway are agreed to ensure they are not a hazard or a dangerous obstruction to the public. It also ensures that where a licence is granted the licensee must adhere to the licence conditions. As the structure was erected without the consent of the Highway Enforcement team and exceeds what we would allow for a temporary structure within a Pavement Licence area we are not in a position to agree an application for a pavement Licence until the structure is removed.

The Pavement licence for the above venue expired on 30 September 2022. It has never been renewed.

A large structure was erected without the permission of the Highways Authority, this would be contrary to the Pavement licence conditions if they were licensed.

On 9th January I requested the structure be removed within 28 days, until the structure was removed I would not agree a Pavement Licence at this location, the structure is still currently on site

This department has since learnt that the premises licence has been suspended. We would therefore not approve any application for a new pavement Licence for this venue as it cannot be seen to be upholding the Licensing objectives.

A formal notice to remove the structure was issued on the 7th February 2022 to Ellis Cheeseman giving him 28 days to remove the structure.

Regards

Sarah Leach

Senior Highway Enforcement Officer www.brighton-hove.gov.uk

G40 Hove Town Hall

Norton Road

Hove

BN3 3BQ

REP C

Corinne Hardcastle
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 8 February 2023
Our Ref: 2023/00270/LICREP/EH
Phone: 01273 292494 / REDACTED
Email: donna.lynsdale@brighton-hove.gov.uk

CH CON ENDS 09.02.2023 VALID PCD, PS and PPN (C)

Dear Corinne Hardcastle

Licensing Act 2003

Representation in support of an application by Sussex Police seeking a review of the Premises License - 2023/00246/LAREV

Monarch Restaurant & Bar, 46-50 Kings Road, Brighton BN1 1NA

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 Monarch Restaurant & Bar, 46-50 Kings Road, Brighton BN1 1NA.

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

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

On 20 October 2021, I accompanied Mylene Hayward, Environmental Protection Officer to a meeting held at the premises to discuss the noise complaints she had received and also to go through the premises licence. This meeting was also attended by Andrew Cheesman, REDACTED and Ellis Cheesman.

On 31 October 2021, Police Licensing conducted a visit and found the premises to be breaching their premises licence. Following this visit, I received an email from Andrew Cheesman, the Designated Premises Supervisor (DPS). A copy of this email and my response can be seen attached as Appendix A.

Following a telephone call from Andrew Cheesman asking if a meeting could be arranged with Police Licensing and myself to discuss the premises Licence. On 12 November 2021, a meeting was held at John Street Police Station. A copy of an email sent to Andrew Cheesman confirming a meeting had been arranged and conformation that he would be attending can be seen attached as Appendix B.

On 2 December 2021, I received an email from Andrew Cheesman which was also sent to PC Hancox and Mark Thorogood from Police Licensing enquiring about holding a 'Dinner and Dance' at the premises. Copy of the email and responses can be seen attached as Appendix C.

On 29 November 2021, I received a phone call from Ellis Cheesman advising that they were going to start selling Shisha and could I provide any guidance. Following this call, I sent Ellis Cheesman information and guidance on selling shisha. Copies of this guidance sent can be seen attached as Appendix D and E.

On 8 July 2022 at 22.15, accompanied by Police Licensing, a visit was made to the premises. At time of this visit we spoke with Ellis Cheesman. Below are the notes I made at the time.

Visit carried out as breaching conditions allowing customers to order from the bar and stand at bar drinking.

Also, loud music.

Spoke to Ellis Cheesman - who had a lot to say on how well he is running the venue - whilst behind him they were still breaching.

Gave words of advice and advised will be monitoring.

On 18 November 2022, I sent an email to Andrew Cheesman and Ellis Cheesman regarding allowing customers to smoke inside a totally enclosed area. A copy of this email and response can be seen attached as Appendix F.

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

In the circumstances, I fully support the application of Sussex Police and consider that this is necessary to ensure that the licensing objectives of the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance are met.

Yours sincerely

REDACTED

Donna Lynsdale
Licensing Officer
Licensing Team

Appendix A – Email correspondence following breach of conditions on 31 October 2021

Appendix B – Email correspondence confirming meeting 12 November 2021

Appendix C – Email correspondence dated 2 December 2021

Appendix D – Shisha Lounges Guidance Legal Requirements

Appendix E – Guidelines for Shisha Premises

Appendix F – Email correspondence dated 18 November 2022

Appendix A – Email correspondence following breach of conditions on 31 October 2021

CH CON ENDS 09.02.2023 VALID PCD, PS and PPN (C)

-----Original Message-----

From: Andrew Cheesman REDACTED

Sent: 31 October 2021 03:00

To: Donna Lynsdale <Donna.Lynsdale@brighton-hove.gov.uk>;
Kate.Hancox@sussex.pnn.police.uk

Subject: Dancing

Hi Donna

A couple months ago I called re dancing & having a DJ, please can you confirm as Kate is here checking licence, I believed you said it was dancing was deregulated, please could you confirm.

Very sorry if I've interpreted in any way incorrectly.

Best Wishes

Andrew Cheesman
Office REDACTED
Mobile REDACTED

From: Donna Lynsdale
Sent: 02 November 2021 13:23
To: Andrew Cheesman REDACTED
Cc: Kate.Hancox@sussex.pnn.police.uk; Brighton.Licensing@sussex.pnn.police.uk
Subject: Dancing - 2021/02391/LICPRM/EH
Importance: High

Dear Andy

Thank you for your email.

When we had the conversation regarding dancing. The example you referred to was that you hold a couple times a year, afternoon parties for children with special educational needs.

However, I have been advised by Sussex Police Licensing that on Sunday 31 October 2021 at 02:35, PC Hancox and PS Lam visited your premises. At the time of their visit, you had turned one side of your restaurant into a Disco. You had a DJ playing music, customer dancing, vertical drinking.

I draw your attention to the following conditions on your premises licence:

Times the licence authorises the carrying out of licensable activities

Performance of Recorded Music - Indoors/Outdoors: Background music at an acceptable level to create an ambience in the cafe/bar.

Monday to Sunday: 00.00 - 00.00

Annex 2 – Conditions consistent with the Operating Schedule

General

2. During the hours of 01:00–09:00 each day, alcohol will be served to persons seated at tables and ancillary to a main table meal. During all other hours, substantial food shall be available at all times that alcohol is offered for sale.

Between the hours of 01:00–09:00 you should be operating as a restaurant.

3. The sale of alcohol and other beverages shall be by waiter/waitress service for consumption by persons seated at tables. There will be no vertical drinking.

Police Licensing have advised that you had high tables where customers were standing at and drinking. Also, customers on the dance floor drinking. This is considered as 'vertical drinking'.

I remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the

licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislations states that:-

- (1) A Person commits an offence if –
 - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
 - (b) he knowingly allows a licensable activity to be carried on.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Irrespective of the permission's and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are;

- o The Prevention of Crime and Disorder
- o Public Safety
- o Prevention of Public Nuisance
- o Protection of Children from Harm

Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

A copy of this email has also been sent to Police Licensing.

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

Regards

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities
Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP
T 01273 292494 | M REDACTED | donna.lynsdale@brighton-hove.gov.uk

Appendix B – Email correspondence confirming meeting 12 November 2021

CH CON ENDS 09.02.2023 VALID PCD, PS and PPN (C)

From: Donna Lynsdale
Sent: 05 November 2021 15:30
To: Andrew Cheesman REDACTED
Cc: Brighton.Licensing@sussex.pnn.police.uk
Subject: Meeting Request

Hi Andy

Following our conversation regarding a meeting with Police Licensing.

A meeting as been arranged for 12 November 2021 at 11:00 at Police Station, John Street.

Due to covid restrictions, capacity in meeting rooms this invite if for yourself as DPS and REDACTED as PLH. If REDACTED is unable to attend, you can bring Ellis in his place.

Please confirm that you will be attending and who you will be bringing with you.

Many thanks

Regards

Donna Lynsdale | Fair Trading Officer & Licensing Officer (Trading Standards & Licensing), Safer Communities
Brighton & Hove City Council, 2nd Floor, Barts House, Barts Square, BN1 1JP
T 01273 292494 | M REDACTED | donna.lynsdale@brighton-hove.gov.uk

From: Andrew Cheesman REDACTED
Sent: 08 November 2021 09:51
To: Donna Lynsdale <Donna.Lynsdale@brighton-hove.gov.uk>
Cc: Brighton.Licensing@sussex.pnn.police.uk
Subject: Re: Meeting Request

Good morning Donna

Thank you once again for all you help & assistance, Ellis & I will attend, I thank you for setting the meeting up.

Best Wishes

Andrew Cheesman
Office REDACTED
Mobile REDACTED

Appendix C – Email correspondence dated 2 December 2021

CH CON ENDS 09.02.2023 VALID PCD, PS and PPN (C)

From: Andrew Cheesman REDACTED
Sent: 03 December 2021 09:42

To: Mark.Thorogood2@sussex.pnn.police.uk
Cc: Kate.Hancox@sussex.pnn.police.uk; Donna Lynsdale <Donna.Lynsdale@brighton-hove.gov.uk>
Subject: Re: Possible Dinner & Dance at Monarch Restaurant.

Thank you Mark

Please see below

On this basis I will now go back to them.

Best Wishes

Andrew Cheesman
Office REDACTED
Mobile REDACTED

On 3 Dec 2021, at 08:38, Mark.Thorogood2@sussex.pnn.police.uk wrote:

That sounds OK just need to know what considerations you got for security, will they have the whole venue and at the end,

[Yes whole venue](#)

will you open for general public and trade back under your normal licence conditions?

[Undecided](#)

If you do re-open for general public you will need to work out how you will control the switch over as people at the event will need to leave as you will go back to your restaurant conditions and I can't see they will want to sit down and have another meal.

[Agreed, we would need to close to tidy up if we opened or not.](#)

They wont be able to stay on and carry on drinking all night.

[Understand, I wouldn't think they would want too as it's quite along night and I presume most are middle aged to elderly](#)

It could be that you have to totally close down for half hour to clear the venue and then re-open.

[We would close to clean down & restock if we reopen or not.](#)

Many Thanks

Mark.

Mark Thorogood
Police Licensing Officer

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

From: Andrew Cheesman REDACTED
Sent: 03 December 2021 08:27
To: Thorogood, Mark 33005 <Mark.Thorogood2@sussex.pnn.police.uk>
Cc: Hancox, Kate DH163 <Kate.Hancox@sussex.pnn.police.uk>;
Donna.Lynsdale@brighton-hove.gov.uk
Subject: Re: Possible Dinner & Dance at Monarch Restaurant.

Thank you Mark, as this will be a weekend day do you foresee any issues as I do not want to say yes we can do it then have an issue, as I understand so far they wish to arrive around 1900hrs called to dinner at 1945 raffle at 2145 entertainment band or DJ from 10pm carriages at 0130hrs, if they keep to this agenda will it ok?

Best wishes,

Andrew Cheesman

Mobile REDACTED
Office. REDACTED

On 3 Dec 2021, at 08:09, Mark.Thorogood2@sussex.pnn.police.uk wrote:
Good Morning,

You will need to secure the date first and then apply for your TEN with that date on it.

Many Thanks

Mark.

Mark Thorogood
Police Licensing Officer

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

From: Andrew Cheesman REDACTED
Sent: 02 December 2021 17:59
To: Thorogood, Mark 33005 <Mark.Thorogood2@sussex.pnn.police.uk>; Hancox, Kate
DH163 <Kate.Hancox@sussex.pnn.police.uk>; Donna Council Licencing Lynsdale

[<donna.lynsdale@brighton-hove.gov.uk>](mailto:donna.lynsdale@brighton-hove.gov.uk)

Subject: Fwd: Possible Dinner & Dance at Monarch Restaurant.

Hi All

Please see below,

Can we book a date in advance or will we need to secure a Tens first then give the date?

I look forward to your response.

Best Wishes

Andrew Cheesman

Office REDACTED

Mobile REDACTED

From: REDACTED REDACTED

Date: 29 November 2021 at 16:11:36 GMT

To: Andrew Cheesman REDACTED

Subject: Possible Dinner & Dance at Monarch Restaurant.

Hello Andy.

Firstly can I say how much colleagues enjoyed the ABBA evening you put on at Monarch recently.

I have been asked to contact you as Chairman of REDACTED, to see if we can arrange a dinner dance at Monarch either on a Friday or Saturday evening.?

The feed back I am getting is the place and the food is amazing I totally agree as I have eaten there myself.

I would be grateful if you could confirm we can book, so I can come back to you with possible dates and numbers.

Look forward to hearing from you.

Kind regards.

REDACTED

REDACTED

REDACTED

Telephone: REDACTED

Mobile: REDACTED

Email: REDACTED

Appendix D - Shisha Lounges Guidance Legal Requirements

Shisha Lounges

Officers from the Neighbourhood Community & Safety Officers work closely together to ensure business owners are compliant with the Health Act 2006.

You may receive visits from Food Safety Officers, Licensing Officers, Health & Safety Officers and Fair Trading/Trading Standard Officers. All officers are trained to identify non-compliances of various legislation

We work closely with Trading Standard Officers, to ensure the tobacco used is legal and therefore safe. During these enforcement/compliance visits, we may take the shisha pipes and tobacco as evidence, which is then used, in the Magistrates court to secure a conviction.

Being in control, or allowing people to smoke in an enclosed space, such as an illegal shisha bar, is an offence. You could be fined and ordered to cover the court costs of the council if found guilty.

Shisha Lounges: Business Guidance

If your business supplies shisha in water pipes to customers, you need to do so legally. Following this guide will enable you to do this but failing to comply may result in prosecution or having your pipes and shisha tobacco seized and your customers being fined.

The council and its partners will take action to ensure businesses keep to the law. It is important that users of shisha are made aware of the health issues. A misleading but commonly held belief is that smoking through a water pipe 'purifies' the smoke.

The law will affect your business in a number of ways. Below is a list of Frequently Asked Questions (FAQs) to help you understand the law.

Where can customers smoke?

Water pipes can be smoked in open air **when there is no roof or ceiling above the smoker**. They can also be smoked in some circumstances where there is a roof or ceiling, but only if at least 50 per cent of the walls of the structure are permanently open. Any opening that can be closed - for example by a door, window or shutter - is counted as closed. We can provide more advice that is detailed.

As with smoking a cigarette the smoking of shisha/water pipe is not permitted within substantially and fully enclosed public spaces or workplaces because of the Smoke Free laws. These smoking laws apply to water pipes whether or not the shisha product being smoked contains tobacco or not. Therefore, unless your business has access to a legal smoking area you will not be able to supply shisha in water pipes.

Smoking shelters

If you construct a shelter for shisha users, it may require planning permission. Please contact the Council's Planning Department ([Link?](#)) for advice prior to construction.

How is the law enforced?

Officers who identify an illegal smoking area in use may take the shisha pipes and tobacco as evidence, which is then used, in the Magistrates court to secure a conviction.

Being in control or allowing people to smoke in an enclosed space such as an illegal shisha bar is an offence, and you could be fined money and ordered to cover the costs of the council if found guilty.

What are the offences?

- **Failure to display a no smoking sign** - up to £1,000 if prosecuted and convicted by a court or £200 fixed penalty notice on whoever manages or occupies the premises.
- **Smoking in a no smoking place** - up to £200 if prosecuted and convicted or a penalty notice of £50 on the person smoking.
- **Failing to prevent smoking in a Smoke Free place** - up to £2,500 maximum fine on whoever manages or occupies the premises if prosecuted and convicted.

What can I sell?

You can only sell tobacco products that have been legally imported into the UK - anything imported illegally will be seized by Trading Standards, HMRC or the Police. The vast majority of shisha products containing tobacco are not imported legally and will not have had the required duty paid on it.

What warnings do I have to display?

Any premises selling tobacco products has to display large notices stating: "It is illegal to supply tobacco products to anyone under the age of 18." This notice should be displayed in areas where customers can receive tobacco. We can supply copies of this notice upon request.

The water pipes themselves should be labelled with the same written and picture warnings that are on cigarette packs if they are supplied with a tobacco product in them.

Who can I sell to?

No tobacco product can legally be supplied to anyone under 18 years old. Given that water pipes are normally shared, you must check the ages of the whole group and any friends who subsequently join them. It may be sensible to allow only over 18s into the premises. ³

How can I ensure the safety of employees and customers?

Supplying shisha will involve additional risks, which you should assess and control. Risk assessments must be documented where you employ five or more staff. Risks include infectious diseases, burning charcoal and spillages. Staff should be trained to control the risks and respond to incidents.

You should also take the additional risks into account when completing the Fire Risk Assessment and Emergency Plan for the premises. You can get more guidance on these requirements from the East Sussex Fire & Rescue. Fire exits should be unlocked and clearly signposted.

To minimise the transference of infection, water pipe mouthpieces and hoses should be cleaned thoroughly and disinfected between users. Disposable mouthpieces are recommended. If your staff light the pipes, they should use their own personal mouthpiece and then put a clean one onto the pipe.

Approval of a shisha bar/lounge

A shelter must comply with the 50 per cent wall rule. The premises must also have planning permission, a valid fire safety certificate and keep noise, light pollution and exposure to second hand smoke or smoke infiltration into Smoke Free areas to a minimum. A shisha premises will be allowed to operate if the Smoke Free team is satisfied that it complies with all the requirements.

What will happen if I don't follow this advice?

Non-compliant businesses can expect regular visits from the council and their partners until we are satisfied the place is compliant with the Health Act 2006

It is highly likely that the owners of non-compliant businesses will be prosecuted and if you are licensed to sell alcohol, your licence may also be at risk.

Appendix E - Guidelines for Shisha Premises

Guidelines for Shisha Premises



Is Shisha covered by the smokefree legislation?

Yes. The Smokefree (Premises & Enforcement) Regulations 2007 prohibit the use of shisha pipes in all enclosed public places and workplaces. The law prohibits the smoking of tobacco and anything that contains tobacco and any other substance. Therefore, it applies to all manufactured cigarettes, hand-rolled cigarettes, cigars, herbal cigarettes and pipes, including hookah water pipes, whether or not the particular product being smoked is tobacco or not.

Anything that can be smoked is prohibited by this legislation, not just tobacco.

What are the health facts about shisha smoking?

Using a waterpipe to smoke tobacco (or smoke from non-tobacco mixtures) is NOT A SAFE alternative to cigarette smoking. Shisha smokers are at risk of the same kind of diseases as are caused by cigarette smoking, including cancer, heart disease and respiratory disease as well as adverse effects during pregnancy. In addition, the following can be attributed to shisha smoking:

- Using a waterpipe to smoke tobacco poses a serious potential health hazard to smokers and others exposed to the smoke.
- Shisha smoke (even if the shisha mixture does not contain tobacco) contains high levels of chemicals and poisons, including carbon monoxide and heavy metals.
- Many of these chemicals are known to cause mouth and lung cancers, heart disease, respiratory and other diseases.
- Even though it has passed through water, the levels of toxins in shisha smoke can be as high or higher than in cigarette smoke.

- Shisha smokers may absorb higher concentrations of these chemicals because of higher concentrations in the smoke itself, or because they may smoke for several hours at a time and may inhale moisturized, less irritating smoke more deeply.
- In a shisha session lasting 60 minutes, a smoker can inhale as much smoke as a cigarette smoker would inhale from 100 – 200 cigarettes. Shisha and second-hand-smoke.
- Non-smokers, particularly pregnant women, children and the elderly are at risk from breathing in shisha smoke.
- Smokefree legislation was implemented to protect people from the harmful effects of second-hand-smoke in enclosed workplaces and public places. Second-hand smoke from shisha is an extremely harmful mixture of tobacco smoke (or smoke from non-tobacco mixtures) and smoke from the fuel (charcoal).

Legal Considerations

If you are considering purchasing or converting premises where shisha is to be carried out then we advise you to contact the Council, **BEFORE** you start trading or carry out any refurbishment work, to ensure that the premises meets with building, health and safety, fire, environmental, licensing, smokefree, trading standards and planning legislation. This will avoid unnecessary costs from the outset and also, we may be able to assist with the planning and design of your premises.

Under the new Smokefree (Premises & Enforcement) Regulations 2006 nearly all public places and workplaces that are enclosed or substantially enclosed must be smoke-free.

The Health and Safety at Work etc Act 1974 also places a duty on businesses to protect employees, customers and others that come onto their premises to protect them from the harmful effects of second hand-smoke.

For shisha premises both sets of legislation are equally important and have to be complied with at the proposal stage.

Definition of “enclosed premises” is as follows:

Premises will be considered to be “enclosed” if they have a ceiling or roof, and except for doors, windows or passageways are wholly enclosed, whether on a permanent or temporary basis.

Definition of “substantially enclosed” is as follows:

- If 50% of the walls or more are missing, then it is legal to smoke in the area.
- If more than 50% of the walls are present then it is illegal to smoke in the area.

When determining the area of an opening, no account can be taken of openings in which there are doors, windows or other fittings that can be opened or shut.

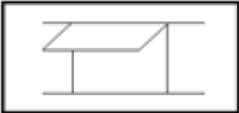
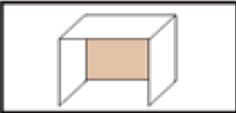
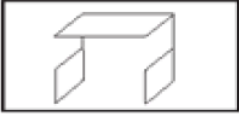
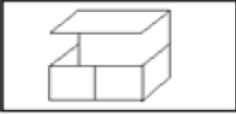
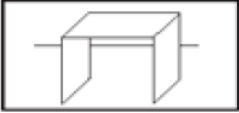


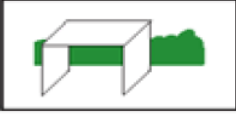
A roof includes any fixed or movable structures, such as canvas awnings.

Any area used for ventilation must not be obstructed by drapes, curtains, etc.

Tents, marquees or similar constructions will also be classified as enclosed premises if they fall within the definition (note that tent/marquee side-panels will be classed as rolled down even when they are rolled up). In general, if an opening or cover can be closed, the 50% rule will be calculated on the basis that those openings are closed.

Therefore, anyone considering starting-up a shisha business is advised to get clear and detailed advice before carrying out any refurbishment work or entering into legally binding contracts.

Smoking Areas

Acceptable	Unacceptable
	
	
	
	

The must not be "enclosed or substantially enclosed". This means an area with a ceiling or roof - except for doors, windows and passageways - that is either enclosed (permanently or temporarily); or has an opening less than half of the area of its walls. This is commonly referred to as the 50% rule. A roof includes any fixed or movable structure, such as canvas awnings. Tents and marquees etc. are also classified as enclosed premises if they fall within the above definition.

"Substantially enclosed" premises have a ceiling or roof, but any openings in the walls have a total area, which is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premises.

When determining the area of an opening, no account can be taken of openings in which doors, windows or other fittings can be opened or shut. A roof includes any fixed or moveable structure or device that is capable of covering all or part of the premises, and includes, for example, a retractable canvas awning.

In summary, a smoking area with a roof and walls where the permanent openings have a total area that is less than the total area of walls will be classified as "substantially enclosed" and will not fall within the provisions of the health legislation as a smoking shelter.

Be aware: You need to make sure that you're proposed smoking area is not "substantially enclosed" – if it is then it clearly would not comply with the smoke free regulations, and you will be wasting your time and money.

You should also be aware that siting a smoking shelter too close to walls of adjacent buildings or fences could have the effect of enclosing the structure to the point where it would become "substantially enclosed."

Main Factors

The following factors should be considered carefully to ensure your proposal or premises comply fully with all relevant legislation (not just the Smokefree legislation).

Planning/Building Control Implications

Most shisha premises will require planning permission. Premises that are compliant with the Smokefree legislation are not guaranteed to get planning permission.

Premises that have planning permission are not exempt from complying with Smokefree law. In addition, approval under the Building Regulations may be required.

Trading Standards Implications

It is illegal to sell tobacco-containing products to persons under 18 years of age and businesses need to take steps to ensure this does not happen. Refusals must be noted and be made available for inspection. Suitable signage also needs to be in place.

Tobacco containing products need to be correctly labelled.

Licensing Implications

Shisha premises constructed on licensed premises for customers and staff should be aware of restrictions within their licence, particularly involving outside areas. It is strongly advised that the Premises Licence holder looks carefully through their licence **before** using the premises for shisha smoking as there may have conditions relating to its use. You are advised to look through your license carefully and check what you are licensed to do and if you require a variation?

Access/Egress

The shisha premises must be suitable for everyone to use as stipulated in the Disability Discrimination Act 1995 requirements. The design must consider wheelchair users and therefore be safe for people to enter and leave the premises. It must also consider visual and hearing impairments, and consider the following:

- Any steps must have their edges highlighted with high visibility/contrasting Paint
- Safety and information signs should be in large print or braille (where possible)
- Signs must be positioned where everyone can read them.
- Careful consideration should also be given to how your customers and employees will enter and leave the shisha premises
- Consideration should also be given to vehicles – Have you arranged for car parking, deliveries etc.

Smokefree Areas

Measures should be taken to prevent smoke getting into smokefree areas by the provision of two sets of doors that are offset. These doors should be fitted with closures.

A minimum distance of 1.5m between shisha premises and adjacent properties or other smokefree areas must be maintained at all times to prevent second-hand smoke issues from arising.

Location Considerations

This is probably the most sensitive issue. The positioning of the shisha premises will have an effect on adjoining properties (this includes commercial premises as well as residential properties).

Location of the proposed shisha premises is extremely important to get right at the planning stage, as putting right any mistakes will be costly.

You also need to bear in mind when the premises will be open, i.e., evenings, at night, or at weekends, as this could lead to complaints of noise nuisance, car parking, antisocial behaviour etc.

Where possible shisha premises should be sited away from private housing where smoke and noise may become an environmental issue.

It is the responsibility of business operator and their staff at the premises to ensure noise from all external areas is kept to a minimum. You should display posters asking customers to keep noise to a minimum.

To avoid problems with neighbours the following advice should be considered:

- Shisha premises should be sited away from domestic premises and if possible with some form of insulation between customers and residents to help mitigate the noise.
- Speak to your neighbours and advise them what you plan to do and get their suggestions.
- Display posters advising your customers to keep noise to a minimum in external areas.

Anti-Social Behaviour

Shisha premises will attract young people during evening periods. Try and ensure your premises are monitored and covered by CCTV. This will help ensure groups do not

congregate in these areas. This will also avoid complaints to the police or the local authority by your neighbours.

Security and Lighting

You must ensure you have adequate lighting both inside and outside your premises to allow your customers to enter and leave safely, especially if your premises will be used at night. Lighting can also be a statutory nuisance. You should also think about the direction of lighting and where possible direct it away from any domestic premises.

Noise Nuisance

You must minimise (if not eliminate) noise as a result of loud music/TV's, customers entering or leaving, particularly late at night. This will prevent noise nuisance issues with adjoining premises.

Where there will be regular entertainment, e.g. music, TV's, etc., be aware that this will increase the amount of noise emanating from your premises. Provision of lobby doors predominantly used as an entrance/egress will minimise any such issues. These doors should be fitted with self-closing devices to help minimise the amount of noise that escapes when people enter or leave your premises. This also has the added effect of limiting smoke getting back into your premises.

Heating

If you wish to provide heating in your smoking area then you must fully consider all the health and safety implications. Where possible you must provide permanently fixed radiant heaters positioned so that they cannot be tampered with or pose a burning danger to those within the smoking area. It would be preferable that the heating levels can be altered (by trained employees only), so a suitable temperature can be reached. Where possible it is advised that gas heaters should not be used. These can be easily tampered with and pose an additional fire hazard. However, where there is no alternative the duty holder must complete a risk assessment in accordance with current legal requirements. Regular servicing and maintenance by a Gas Safe registered engineer will also be required.

Employees and Other Persons

Shisha businesses need to ensure that employees and any other persons, i.e. contractors, maintenance persons, local authority officers etc. that come onto the premises are not exposed to the harmful effects of second-hand-smoke. This is a requirement under the Health and Safety at Work etc. Act 1974.

To this end, businesses will need to provide suitable and sufficient risk assessments, identify controls, how safeguards are to be implemented etc.

Overall

The onus is the business operator to comply with all of the above requirements.

Appendix F – Email correspondence dated 18 November 2022

CH CON ENDS 09.02.2023 VALID PCD, PS and PPN (F)

From: Donna Lynsdale
Sent: 18 November 2022 13:14
To: Andrew Cheesman REDACTED; REDACTED; Ellis Cheesman REDACTED
Cc: Brighton.Licensing@sussex.police.uk; Pavement Licensing
<Pavement.Licensing@brighton-hove.gov.uk>; Mylene Hayward
<Mylene.Hayward@brighton-hove.gov.uk>
Subject: Monarch Restaurant & Bar, 46-50 Kings Road, Brighton BN1 1NA -
2022/03141/LICPRM/EH

Dear Andrew Cheesman

Monarch Restaurant & Bar, 46-50 Kings Road, Brighton BN1 1NA
Premises Licence Number: 1445/3/2021/04304/LAPRET

I am writing to you in your capacity as the Designated Premises Supervisor (DPS) for the above premises.

On Friday, 11 November 2022, you were visited by Sussex Police Licensing. It was noted during their visit you had customers smoking Shisha and Cigarettes/Tobacco in an enclosed area.

It was very disappointing that you were not complying. In November 2021, following a telephone conversation with Ellis, I sent guidance on Shisha and Smoking Shelters (copy of email attached). However, you clearly had not utilised or followed any of this guidance provided.

In line with Chapter 1 of Part 1 of the Health Act 2006 (smoke-free premises, places and vehicles) it is against the law to permit smoking in any area of a premises that is considered to be enclosed or substantially enclosed. The definition for enclosed and substantially enclosed are detailed in The Smoke-Free (Premises and Enforcement) Regulations 2006 (see below for extract). But, put simply, for a structure to be classified as 'outdoors' it can have:

- A roof with 50% of the walls. (If a shelter is nearer than 1.5 metres to any other walls this would classify as one of the shelter walls); or
- Have no roof and 3 -4 walls e.g. a walled courtyard with no roof. If a roof was put over it (even if the roof is temporary) it would not be compliant, the roof would have to be removed.

Please be aware that if an officer visits the above premises and finds evidence of smoking, a person found smoking is likely to be issued with a fixed penalty of £50 or if

convicted by a court, receive a fine of up to £200. Alternatively, a person who manages or controls the premises may commit the offence of **failing to prevent smoking in a smoke-free place**. In this case, a fine of up to £2500 may be imposed on whoever manages or controls the smoke free premises.

I have attached further guidance to this email.

A copy of this email has also been sent to Police Licensing and Pavement Licensing.

Please acknowledge receipt of this email and advise on actions you will be taking to address the above breaches.

Regards

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

From: Andrew Cheesman REDACTED
Sent: 18 November 2022 17:55
To: Donna Lynsdale <Donna.Lynsdale@brighton-hove.gov.uk>
Cc: REDACTED; Brighton.Licensing@sussex.police.uk; Pavement Licensing <Pavement.Licensing@brighton-hove.gov.uk>; REDACTED; REDACTED; REDACTED; REDACTED; REDACTED; REDACTED; REDACTED; REDACTED; REDACTED
Subject: Re: Monarch Restaurant & Bar, 46-50 Kings Road, Brighton BN1 1NA - 2022/03141/LICPRM/EH

Dear All

We installed some removable windows last week due to trying to stop the drug dealers leaning over the fence interfering with customers, this happens any time from 2300hrs onwards on ship street Kings Road & Middle Street through to 0600hrs the following day, this allows us to meet our council & Police requirement of a substantial boarder, all of which can be moved in parts.

As you all know by my numerous videos & images to Police & pleas for help from councillors in my area REDACTED for better lighting & street furniture etc to try to help us improve the area , for which council officers have still ignored us despite REDACTED chasing them, we have been liaising with Police Licencing for may many months taking images of dealers & their vehicles & helping attacked victims.

All off the windows are removable see pic below of 6th November without windows, the windows were installed on the 10th November.

Unfortunately I was not on duty until 2300hrs so missed Licencing visit.

I can assure you we have had well over 10 Police Licencing spot checks (8 officers in one night) visits this year with no faults found for our premises including the Shisha which we have had throughout the year, this was an oversight with the new windows put in which will not happen going forward, please bear in mind your guidance was a year ago & hands up we did not check it before installing windows.

Donna please can I request you to pop down so we can see wether we can agree going forward as after seeing your diagrams it may be difficult to do Shisha.

Councillors, I have a large bundle of evidence, video images & emails what's Apps, of our area late at night particularly 0300-0600hrs I would like to show you so we can all work together for a better seafront, as many of you know this is my 25th year on the Seafront and I've never seen it so lawless.

Police Licencing are brilliant & extremely helpful, but the Police generally are very understaffed with operation Marble finishing at 0400hrs as it did 20 years ago & it hasn't changed with the times, even with the clubs now open to 0500hrs often later in the summer & 999 is not always very responsive as my evidence will show & REDACTED also has some records off.

So in summary yes I acknowledge we FAILED with the Shisha, BUT you do need to see the bigger picture of the area on why we put the temporary windows in but in our keenest overlooked the 50/50 rule.

We now find our selves in particularly after 0300hrs a troubled area, we've added more lighting more cctv and more security & an ID scanner but with no visible help from our peers & other licence premises not reporting incidents (hiding them) we feel a bit let down.

I've worked many years with many of you with our Hospital transport, special needs Taxis, Buddies24hour / Monarch Taxi marshals, starting the safe haven project & you know I only ask for something if it's needed & at the moment the top seafront road is neglected I'm afraid & needs help to transform the seafront top road back to where we were a few years ago with no open drug dealers which in turn cause the aggressive behaviour & fights.

I'm open to any visits that we can make the area better, as REDACTED can confirm I offered my own money to help make the are more friendly including bikes racks but this has not been accepted, very disappointing.



Best wishes,

Andrew Cheesman

Mobile REDACTED
Office. REDACTED

Appendix E



