

**BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

**10.00am 27 JULY 2023**

**VIRTUAL**

**MINUTES**

**Present:** Councillor ; Hewitt, Lyons and Thomson

**Officers:**

**PART ONE**

**1 TO APPOINT A CHAIR FOR THE MEETING**

Councillor Hewitt was appointed Chair for the meeting.

**2 PROCEDURAL BUSINESS**

**2a Declaration of Substitutes**

There were none.

**2b Declarations of Interest**

Councillor Thomson declared a personal but not prejudicial interest that the premises was located in her ward.

**2c Exclusion of the Press and Public**

In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

**RESOLVED** - That the press and public be not excluded.

**3 THE COPPER ROOMS LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

**3.1** The Chair invited the Licensing Officer to introduce the report starting 7 of the Agenda.

- **The Copper Rooms Licensing Panel (Licensing Act 2003 Functions)**

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- **In attendance**
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- For the premises Rachit Mehrotra (PLH/ DPS)
- Nicholas Perkins (Solicitor)
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- Review applicant Hannah Staplehurst (Sussex Police)
- Vince Lamb (Sussex Police)
- Zoe Harmon (Sussex Police)
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- Making representation Emily Fountain (Licensing Officer)
- Shilpi Chandra (PLH's sister)
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- **Officer Presentation**
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- 3.1 The Licensing Officer summarised the details of the application, which was for a review of the Premises Licence for The Copper Rooms, 12a Regency Square & 76-78 Preston Street, Brighton, BN1 2FG. They advised that Sussex Police called for the review as the licensing objectives of the Prevention of Crime & Disorder and Public Safety had been seriously undermined due to intoxicating and threatening behaviour at the premises towards council and police officers, concerns over the management and the PLH/ DPS and high drug readings in WCs.
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- The Licensing Officer continued to advise that the police had proposed a number of changes to the licence within the application and had submitted a late amendment to the proposed conditions listed on page 67. Further, they confirmed that one representation had been received from the Licensing Team in support of the Police Review and six representations had been received from interested parties including local businesses and residents in support of the premises.
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- The Licensing Officer outlined the steps that could be taken by the Panel once all the evidence had been presented. They also highlighted that in deciding which powers to invoke, it was expected that licensing authorities should seek to establish the cause or causes of the concerns identified by the representations and take appropriate and proportionate remedial action directed at these causes.
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- The Licensing Officer highlighted that the Council's Licensing Enforcement Policy adopted the approach set out by the Home Office and DCMS to identify problem premises and the steps for first and second intervention measures and possible tough conditions. They confirmed that first intervention could be suspension with conditions (yellow card) and second intervention would look to revoke a licence (red card).
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- **Sussex Police Statement**
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- 3.2 Ms Staplehurst detailed the basis of the review, which was brought following a joint licensing inspection visit on the 5<sup>th</sup> and 6<sup>th</sup> May 2023. The Panel were advised that officers encountered high levels of intoxication including customers and the DJ and aggressive, threatening and abusive behaviour which caused fears for their

safety. Beyond this, there were breaches of conditions, high drugs readings in the toilets and concerns about the management of the premises by the DPS and licence holder.

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- Ms Staplehurst advised that she had held discussions with the license holder's solicitor and they had agreed on a proposed set of conditions, including that 12a Regency Square would be removed from the licence and that a clear 'yellow card' warning was issued given the issues identified. Ms Staplehurst confirmed the police were satisfied for the current DPS to remain in place to allow him an opportunity to make the requested changes but asked that a two-week suspension was issued given his lack of communication.
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- 3.3 Cllr Lyons queried if the police would carry out regular visits to the premises and how often they would take place.
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- 3.4 Mr Perkins advised that all the conditions were now in place and being operated and queried if there had been further issues with the premises in the months since the visit in May.
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### **Representations**

- 3.5 The Licensing Officer made representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority. They advised this was due to their concerns that the licensing objectives of the Prevention of Crime and Disorder and Prevention of Public Nuisance were not being upheld.
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- The Licensing Officer provided a summary of the history of the involvement of Council's Licensing team with the premises since an initial routine licensing inspection in September 2022 following a complaint. They advised that there had been numerous attempts to work with the DPS, but despite substantial officer interaction, including visits, advice and warnings, there had been little improvement and a complete lack of communication from the DPS to most of the correspondence.
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- The Licensing Officer highlighted their opinion that the premises was poorly run, that there had been breaches of the premises licence and that the licensing objectives were not being upheld. Further, stating that the inspection visit in May demonstrated the DPS's lack of control of the premises and its customers and despite the seriousness of the incident and a formal warning, no response had been received from the DPS on various occasions.
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- The Licensing Officer concluded that the Licensing Authority fully supported the proposed measures and new conditions but given their history of involvement with the premises and the lack of engagement and behaviour exhibited by the DPS in May, they remained concerned about Mr Mehrotra's suitability to remain the DPS. They highlighted that the decision on whether the DPS remained was for the Panel.
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- 3.6 Cllr Thomson sought clarity on the timeline of events and whether any improvement had been seen at the premises.
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- **Premises License Holder's Statement**

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- 3.7 On behalf of the licence holder and DPS, Mr Perkins stated that the requirements of the conditions were now in place, outlined the mitigating factors around the events of the 5<sup>th</sup> and 6<sup>th</sup> May and highlighted that the licence holder had taken responsibility by closing and had also closed on a number of occasions since alongside the implementation of a number of measures including CCTV upgrades. Mr Perkins thanked the police for their constructive approach and emphasised that the licence holder was apologetic and stressed as was still learning to run the business alongside some personal family issues and accepted the necessity for a 'yellow card' warning.

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- **Licensing Authority Closing Statement**

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- 3.8 The Licensing Officer reinforced their support for the review application by Sussex Police as the Licensing Team considered the proposed changes necessary to ensure the Licensing Objectives of PPN & PCD were met. They concluded by echoing their concerns about the suitability of the current DPS and asked that the Panel made a decision as to whether they remained.

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- **Decision**

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- The panel has considered this application for review contained within the report along with the representation and proposed conditions and the letters of support. The panel has listened carefully to all the submissions made at the hearing. The panel has had regard to the S182 Guidance and the Council's Statement of Licensing Policy.

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- The review is applied for by Sussex Police. The review is brought on the basis of the Prevention of Crime and Disorder and Public Safety licensing objectives. On a joint licensing inspection visit on the 5<sup>th</sup> and 6<sup>th</sup> May 2023, officers encountered high levels of intoxication including customers and the DJ, and aggressive, threatening and abusive behaviour towards them putting some of them in fear for their safety. There were also breaches of conditions and subsequent high drugs readings in the toilets of the premises. Concern was expressed about the way in which the premises were being managed by the DPS and licence holder. The police originally called for removal of the DPS, new conditions, and an eight week suspension of the licence due to the seriousness of the issues involved.

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- A Representation supporting the review has been made by the Licensing Authority. Their representation with appended documents explains a history of involvement with the premises since September 2022. There was persistent breach of conditions in particular concerning the CCTV and noise complaints. Despite warning letters and visits the DPS was generally unresponsive. The joint visit in May 2023 with the police increased their concerns about the way in which the premises was being managed and they continue to have concerns about the suitability of the DPS.

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- Six representations were received from local businesses and residents in support of the premises and the licence holder.

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- At the hearing, the police stated that they had been in communication with Nicholas Perkins, solicitor for the licence holder and that a set of conditions had been agreed as circulated. It was also agreed that 12a Regency Square would be removed from the licence. However due to a lack of response from the licence holder since the 12<sup>th</sup> July, they proposed a 2 week suspension of the licence in order to work with the licence holder and ensure the conditions were all implemented. They stressed that significant new conditions were the requirement for SIA door supervisors on Fridays and Saturdays and other stated occasions, and those relating to drugs. They were satisfied for the current DPS who is also the licence holder to remain and make the necessary changes. However, the police wished the panel to issue a clear 'yellow card' warning to mark the seriousness of the problems identified by the review. The licensing authority remained concerned about the suitability of the DPS given his lack of engagement but stated this would be a matter for the panel.
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- On behalf of the licence holder and DPS it was stated that the requirements of the conditions were now in place. There were some mitigating factors around the events of the 5<sup>th</sup> and 6<sup>th</sup> May and the licence holder had taken responsibility by closing and had also closed on a number of occasions since and a number of measures had been implemented including CCTV upgrades. The DJ had been a real problem on that occasion and they had not had one since. The police were thanked for their constructive approach. The licence holder was apologetic and stressed he was still learning about how to run the business. He had also had some personal family issues. The units in Preston Street are 2 interconnected areas parts A and B; A is in use and part B almost ready. 12a will no longer be in use and an amended plan will be produced. He accepts the necessity for a 'yellow card' warning.
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- A supporting statement was also made by the sister of the licence holder who attended the hearing and who had written one of the letters in support. She stressed that her brother had invested much in the business which was very important to him, and he would work hard to make it work and ensure that mistakes were not repeated.
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- The panel must take such statutory steps under the Licensing Act 2003 in response to the review as are appropriate to promote the licensing objectives. The panel has also considered the Council's Statement of Licensing Policy and enforcement approach and the S182 Statutory Guidance in relation to reviews and reviews arising in connection with crime.
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- The panel appreciates that there is now much common ground between the parties and that this is helpful. The panel has considered all the options open to it. The panel recognises that the licence holder has shown contrition and has taken some positive steps. In terms of conditions the panel agree to attach those final conditions which have been agreed and circulated to the licence. The panel agrees to the removal of 12a Regency Square from the scope of the licence. It is within its powers to exclude licensable activities from the scope of the licence so for the avoidance of doubt no licensable activities shall take place in respect of 12a Regency square under the auspices of the current licence. The licence holder shall produce a new plan of the premises namely 76 and 78 Preston Street to reflect this.
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- In terms of the removal of the DPS, the panel has decided not to take this step. The panel is none the less concerned that the licence holder and DPS has been slow to respond and take seriously the communications and warnings from the responsible authorities, and that it has taken this review application to make him fully engage and appreciate the seriousness of the situation. The panel understands that there are some personal circumstances but going forward it is very important that he takes seriously and responds fully to all communications from the responsible authorities. The conditions are very important and must be adhered to and the panel hopes that in line with condition 3 he will employ qualified staff to assist him. In terms of a suspension of the licence, the panel now considers that this will serve no real purpose and that there have been in effect a series of temporary closures of the premises in May and June. The police and licensing authority will make further inspection to ensure compliance with all the conditions.
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- Finally, but of utmost importance, the panel is mindful of the seriousness of the incident and issues which have led to this review and the need to ensure there is no reoccurrence. This is a first formal review intervention and so the panel is issuing a clear warning or 'yellow card'. Should a further review on the same or similar issues come before us the consequences would be extremely serious and would give rise to a presumption of revocation of the licence.
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- The meeting concluded at 12.15pm

The meeting concluded at 12.15pm

Signed

Chair

Dated this

day of