

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

10.00am 30 JANUARY 2024

VIRTUAL

DECISION LIST

Part One

3 PERSIA LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

Ward Affected: Central Hove

Licensing Panel (Licensing Act 2003 Functions) - Notification of the Determination of Panel.

Licensing Panel hearing held on Tuesday 30th January 2024 virtually via Teams in respect of the application for a variation of the premises licence for Persia, 126 Church Road, Hove BN3 2EA.

The panel has read the report, relevant representations and further papers, and listened to the submissions put forward at the hearing. The panel has also considered the council's Statement of Licensing Policy (SOLP) and the statutory guidance.

The application is for a variation of the premises licence for Persia. The variation seeks extension of the licensed area to include an upstairs dining area as shown in the plan with the application.

The premises is situated within the Special Stress Area (SSA). This is an area of special concern to the licensing authority because of relatively high levels of crime, disorder and public nuisance.

Two representations were received from Sussex Police and local residents.

We heard from the Police representative who restated the Police concerns outlined in their representation which due to some of the content had to be heard in closed session. There were concerns about the lack of cooperation in providing CCTV after a serious incident within the premises. The police did not have confidence in the licence holder and although they were unable to provide more information in respect of one of their concerns invited the panel to refuse the application.

The residents were unable to attend the hearing but the panel has read their representation and supplementary questions and answers provided.

The applicant's legal representative explained the nature of the application. The extension in area to include a further 25 to 30 covers was proposed due to excess demand. The premises were well run and in his view there was no evidence to suggest there would be negative impact on the licensing objectives if the application were granted. He urged the panel not to take account of the police submission regarding an investigation as no information was provided about this and thus no evidence to substantiate it. The previous drugs issue at the premises was resolved now. The CCTV issue was ultimately resolved too and the incident mentioned was not the fault of the licence holder and not that serious. In terms of the residents representation, an acoustic report had been submitted to show that noise would not escape from the premises or be an issue. It was acknowledged that this area was the hub of the late night economy in Hove but granting this application would not add to existing issues.

The panel was able to ask questions of the representative and the applicant and raised concerns about the language used to describe the incident linked to the CCTV request. Smokers would go outside the front of the building as currently. Conditions already on the licence would cover the new area. Planning issues were a separate consideration to licensing.

The panel has given careful consideration to this application. We can attach limited weight to the police concerns raised in their confidential representation due to their inability to provide more information. However the panel is concerned about the incident which occurred leading to the request for CCTV. This incident was dismissed by the representative on behalf of the applicant and the panel is concerned that such a dismissive attitude is not one consistent with the duty of the licence holder to uphold the licensing objectives of prevention of crime and disorder and public safety. The request from the police for the CCTV, which although eventually provided, was met with resistance and a lack of cooperation and the attitude of the licence holder to ensure this was provided in a timely fashion was not that of a responsible licence holder who should be concerned with public safety and the prevention of crime and disorder. The premises had a history of drugs issues and other breaches of conditions, which though largely resolved now still gave the panel cause for concern. Overall the panel consider that the applicant has shown a lack of regard for the importance of the licensing objectives and conditions as evidenced by the CCTV dealings and attitude towards the incident. Given these concerns and the evident police resistance, the panel cannot be confident that the licensing objectives would be promoted by granting this increase in the licensed area of the premises. In all the circumstances therefore, the panel considers that it is appropriate for the promotion of the licensing objectives to refuse the variation application.

The minutes of the panel will be available on the Council's website under the rubric 'Council and Democracy'.

Appeal Rights

(Section 181 and schedule 5 of the Licensing Act 2003)

The applicant may appeal against the decision to refuse the variation.

All appeals must be made to Magistrates' Court, Edward Street, Brighton, within 21 days of notification of this decision letter. A fee is payable upon lodging an appeal.

a) FIELD_TITLE