

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

1. Premises details:

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

**Black Horse
112 Church Street**

Post town: **Brighton**

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

2. Premises licence details:

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

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

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

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

(Please tick the box to confirm)

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

[Please read guidance note 2]

An expedited review is sought by Sussex Police following an incident of serious disorder inside the rear garden of the premises on Thursday 12th January 2023 at [REDACTED]. During the incident, a fight broke out [REDACTED]

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

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

[REDACTED]
[REDACTED]
[REDACTED]

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

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

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

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

.....

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

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

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

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

01/08/2022

Ladies Toilets

Left Toilets Seat – **Cocaine 5.13**

Left Toilet Roll Holder – Zero (0)

Right Cubicle Toilet Seat – Cocaine 2.12

Right Toilet Roll Holder – Zero (0)

Male Toilets

Window Shelf - Cocaine 1.58

Hand Dryer – **Cocaine 4.81**

Toilet Roll Holder – Cocaine 2.11

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

Bar Area

Bar Top - Cocaine 2.80

High round table by toilets – Zero (0)

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

12/10/2022

Ladies Toilets

Right Toilet Seat - Cocaine 1.78

Right Toilet Roll Holder - Zero (0)

Left Toilet Roll Holder - **Cocaine 4.46**

Left Toilet Seat - **Cocaine 5.25**

Hand Dryer – Zero (0)

Male Toilets

Toilet Roll Holder - **Cocaine 5.62**

Hand Dryer - **Cocaine 4.10**

Frame In Toilet - **Cocaine 6.17**

Window Shelf - **Cocaine 5.68**

15/11/2022

Ladies Toilets

Sink - Zero (0)

Hand Dryer - Zero (0)

Cubicle 2 Ridge - Zero (0)

Cubicle 2 Toilet Roll Holder - Zero (0)

Cubicle 1 Sanitary Bin - Zero (0)

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

Male Toilets

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Signature of applicant:

Date: **18th January 2023**

Capacity: **Superintendent Rachel Carr**

Contact details for matters concerning this application:

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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.