

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.

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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]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED] [REDACTED].

Ellis Cheesman

[REDACTED]
[REDACTED]
[REDACTED]

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

[REDACTED]
[REDACTED]
[REDACTED]

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

[REDACTED]
[REDACTED]

[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.

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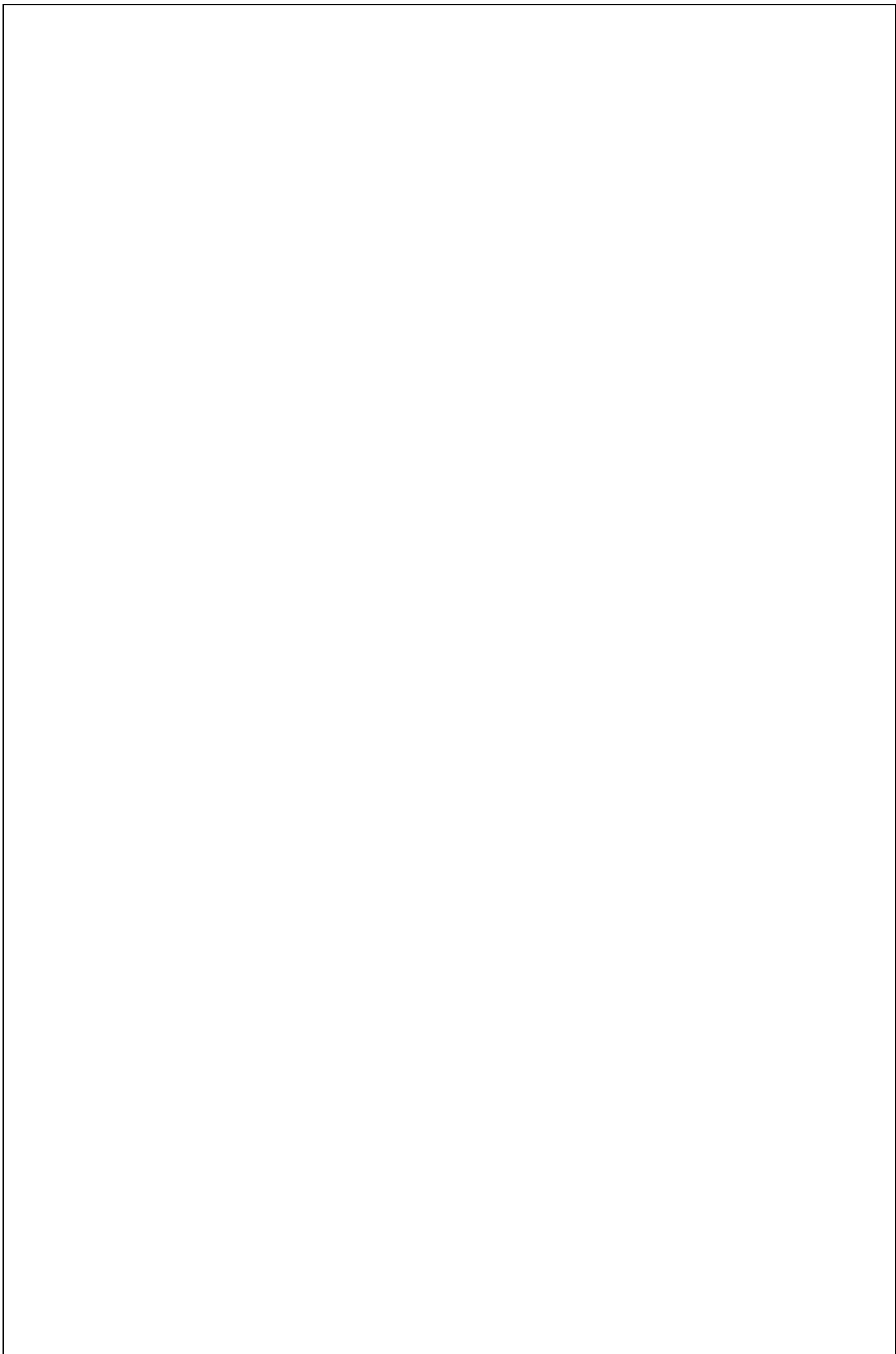
Sussex Police contend that a suspension of the Premises Licence is both necessary and proportionate and request that the Licensing Committee seriously consider taking this course of action as an interim step. Sussex Police will make submissions to request a longer period of suspension, a raft of new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

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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.