

Application for the review of a premises licence under the Licensing Act 2003

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 this 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.

You may wish to keep a copy of the completed form for your records.

I Chief Supt Justin BURTENSHAW, Brighton & Hove Divisional Commander, Sussex Police on behalf of Sussex Police Chief Constable Jo SHINER

Apply for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Copper Rooms, 12a Regency Square & 76-78 Preston Street	
Post town Brighton	Post code (if known) BN1 2FG

Name of premises licence holder or club holding club premises certificate (if known) Rachit MEHROTRA
--

Number of premises licence or club premises certificate (if known) 1445/3/2022/00663/LAPRET

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sussex Police, Licensing, John Street, Brighton, East Sussex, BN2 0LA.
Telephone number (if any) 01273 404 535 - Ext 550809
E-mail address (optional) brighton.licensing@sussex.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

A review is being sought by Sussex Police following concerning intoxicated and threatening behaviour at the premises towards BHCC and Police licensing officers and concern over the management and the Premises Licence Holder/ Designated Premises Supervisor Rachit MEHROTRA.

Lastly the premises has high drug readings in the male and female toilets.

Sussex Police would therefore contend that the licensing objectives:- For the prevention of crime and disorder and Public Safety has been undermined.

Please provide as much information as possible to support the application
(please read guidance note 3)

Friday 5th May 2023

On the evening of Friday 5th May 2023, Police Licensing were conducting joint licensing visits with two Brighton and Hove City council licensing officers. PC Bernascone was not in police uniform, but he had his warrant card and all of the officers present, had their relevant IDs on display on a lanyard.

On this evening we visited multiple premises across the city.

At 23:55 on Friday 5th May 2023, we walked down Preston Street to conduct a licence check at Copper Rooms. This was requested by one of the BHCC licensing officers due to concerns about the premises and the fact that breach letters had been issued previously.

When we arrived, we were met by a male outside Copper Rooms inviting us inside the premises for a drink. We declined his offer, and he went back inside the premises exclaiming "Oh no you look official". At the time we assumed he was a promoter for Copper Rooms.

On the outside of the premises, we saw a white board which read "free wine with every cocktail". This sign was handwritten in black pen.

Saturday 6th May 2023

On entry into the premises at 00:00 on Saturday 6th May 2023, PC Andre BERNASCONE met the Designated Premises Supervisor (DPS) Rachit MEHROTRA who was behind the bar. Rachit was advised that we were carrying out a licensing check, and although he knew PC Bernascone and the Council Licensing officers from previous checks, he was advised that both Police and Council were in attendance.

The two BHCC licensing officers and Police Licensing officer Hannah Staplehurst were introduced and began to move around the premises to conduct the licence check. Please see Appendix 1 which contains the premises licence Part A. It was minutes later when Police Licensing officer Hannah Staplehurst fell down a small step inside the premises as it was dark and poorly lit, and she was unable to see it, or the small handwritten note attached to the wall.

The premises appeared to be in an unfinished state. There were signs of building work especially behind the DJ booth and the areas behind the bar were untidy and cluttered. Most of the signs in the premises were on small handwritten pieces of paper and were not very clear or visible.

Inside the premises there was a DJ playing extremely loud music and only a few customers (approx. 8) inside the premises. There was a young female member of bar staff serving drinks.

It became apparent to both the Police and Council that Rachit was intoxicated and when he was asked if had been drinking, he said that he had, but only one. We then noticed that several of the customers around the premises were extremely intoxicated.

Whilst trying to complete the licence check Police Licensing officer Hannah Staplehurst was spoken to by the DJ who asked if we were there because of the noise.

Hannah Staplehurst directed the DJ to the BHCC licensing officers as noise is a council remit, and she was from the police. After their conversation with the DJ, the BHCC licensing officers reported to the police licensing team that the DJ was drunk.

Continuing to complete the licence check, the CCTV system was checked and although appeared to be in working order it took Rachit a while to operate it and had to be assisted by PC Bernascone.

Rachit was then asked for the Incident and refusals book. He disappeared up the stairs to what is believed to be residential accommodation to look for it.

Whilst waiting for Rachit to return, it was noted that a page of Part A of the licence was on display and not Part B

Rachit then reappeared, walked past all the licensing officers and towards the bar. He was then found crouched behind the bar with a pen and the refusals book. He was asked if he was adding entries and he initially replied yes, but when questioned further he denied this. The books were checked and showed 2 refusals and 1 incident recorded in the same pen and very poorly written, which was possibly due to his level of intoxication. Please see Appendix 2 for photos of the refusals book. There was a female who was standing by the bar with an exceedingly full glass of wine. She was so intoxicated that she could hardly stand and was slurring her words badly. When Rachit was asked about this female, he stated that it was the DJ's wife, and seemed to deem this as an appropriate explanation for her level of intoxication.

Rachit stated that the young female bar staff would have served the drunk female. When questioned about any documented training, none could be seen.

Hannah Staplehurst and the other officers noticed that the young female member of bar staff appeared very apprehensive and nervous and wasn't saying much, but when she was speaking, she was spoken over very quickly by the customers. Hannah Staplehurst spoke to her as she had concerns over her safety in the premises.

Hannah Staplehurst was so concerned that she gave the young female her contact details and asked if she wanted to leave with us. She thanked us but said she was ok and would get a taxi.

During the visit several of the customers were making constant negative comments towards the officers about the licence check, which started to make Police Licensing Officer Hannah Staplehurst feel unsettled.

One customer sitting by the door swore at the officers and PC Bernascone spoke to him about his language and behaviour. He also showed his police ID to the male which was noticed by some of the other customers.

After this the atmosphere deteriorated, especially after the DJ approached the officers in a forceful manner whilst shouting 'No one told me the fucking police were here' and forcibly instructed us to leave, whilst threatening to throw us out himself. PC Bernascone tried calmly to communicate with the male DJ whilst he was being aggressive. The DJ also stated that 'Of course there are drunk people, it's a fucking bar'.

Whilst shouting. The DJ got right into the face of PC Bernascone, his behaviour and the fact that others in the bar had now appeared and were also now shouting at the officers "to get out, to fucking get out" and 'It's a bar we're allowed to be drunk, go home!' made him believe that they were at serious risk of immediate harm if they did not leave.

PC Bernascone directed the other officer to leave with the BHCC licensing officers, to remove them from the threat of serious harm and possible imminent assault, but they were initially blocked by some of the customers who were now standing close to the licensing officers and surrounding us telling them to "Fucking leave". When they moved towards the exit, the licensing officers discovered that the inside handle of the main entrance door was broken on the inside. Despite this they managed to open the door and left the premises with the customers still shouting verbal abuse at them from inside.

PC Bernascone called for uniformed officers on his police radio to attend due to his concerns over the premises and the safety of the other people inside due to the levels of intoxication and the aggressive threatening behaviour.

Once outside, one of the males from the bar approached them and apologised for his actions. He said he lived locally and stated that he had serious concerns over the premises especially with the safety of women.

Officers working on Operation Marble (The Policing Operation for the Night-time Economy) attended within a minute and PC Bernascone returned with them to the Copper Rooms.

Once Uniformed Officers were inside a few of the customers left quickly. Rachit was spoken to and the Sergeant, who was in charge also told Rachit that he believed him to be drunk, as well as the DJ and he should not be operating a licensed premises.

The young female member of bar staff was checked on due to the concerns over her safety, and she immediately booked an uber and left whilst the officers were in the premises.

Further concerns arose while the Police Officers spoke with Rachit, when asked how the levels of intoxication was allowed to get this bad, his response was "I am not responsible for the behaviour of my customers."

Again, when asked about the intoxication of the DJ, Rachit stated "The DJ wasn't his staff" but then admitted to officers that he had paid him.

Whilst officers were trying to have conversations with others inside the premises, the highly intoxicated female was shouting expletive words and names at the officers.

Once all customers and the DJ had left, a conversation was had with the DPS. PC Bernascone explained to him the serious concern of the disorder that had occurred in the premises that evening. Words of advice were given but it was felt this was not taken seriously as the DPS response remained that "other persons behaviour is not his responsibility"

However, the premises was closed, all customers had left the premises, shortly followed by the Uniformed Officers who expressed their concern to Police licensing officer Hannah Staplehurst regarding the DPS.

Police Licensing officer Hannah Staplehurst had been removed from the premises for her safety, along with the 2 BHCC licensing officers. It should be noted that they locked themselves in the plain police car to avoid any further confrontation from the intoxicated customers as they were leaving, out of fear.

Tuesday 9th May 2023

PC Bernascone emailed a detailed CCTV request to the DPS. An USB stick was delivered to the Police Station later this day with further email communication. However there were issues with the CCTV received as it is not for the time requested and is a number of video files of still images from two camera's instead of footage at the required time showing our visit from all the camera's available.

Alongside the USB, a handwritten letter of apology was received by Police Licensing.

Wednesday 10th May 2023

Due to the breach of the CCTV and the requested CCTV had not been received today, a breach letter was issued to the DPS – Please see Appendix 3.

Tactical Enforcement officers visited the premise and carried out drug swaps. However due to only have minimal swaps they were only able to get 1 reading for each location.

The results show

Female toilet - cocaine 5.64

Male toilet - cocaine 5.75

Table near to front bar - cocaine 1.23

Behind front bar - cocaine 1.26

DJ Booth - cocaine 1.41

Main bar - reading 1 - cocaine 1.53 second wipe - cocaine 1.08

Guidance on drug reading results:

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.***

This clearly shows that there is a drug concern in both the male and female toilets.

Thursday 11th May 2023

Police Sergeant (PS) Vince Lam returned to work following Mutual aid support in London, he crimed the incident that occurred at the premises on the 5-6th May 2023 as a Public Order- s.4A- cause intentional harrassment, alarm and distress.

PS Lam contacted the DPS to obtain details of the DJ which were provided, and he then contacted the DJ to invite him to the police station for a voluntary interview the next day.

Friday 12th May 2023

The DJ attended the police station, he was interviewed under caution for the public order offence and following his remorse and apology to the licensing officers (victims), a community resolution disposal was authorised as necessary and proportionate to the circumstances of the incident. The DJ accepted the CR, apology made, and crime report closed. Please see Appendix 4 – Redacted copy of the Community Resolution ticket.

Later that afternoon a meeting was held with the DPS to discuss what had been allowed to occur inside the licenced premises for which he is responsible for. Sgt LAM, PC BERNASCONI, Licensing officer Hannah STAPLEHURST attended this meeting.

We were joined by a second male, Tony BLOOM about 20 minutes into the meeting. Sgt Lam and PC Bernascone informed Rachit of why this meeting had been called and discussed the disorder that occurred on the 5th- 6th May 2023 at his premises.

We then informed the DPS that following the incident and high drugs that Sussex Police would be calling a review and where open and honest about what Sussex Police would be asking for at the review.

In summary, on the 5th May 2023 a Licensing check of Copper Rooms, 76-78 Preston Street, very quickly became aggressive and the fear of harm to ourselves, the two female BHCC Licensing officers and a young female member of staff became overwhelming. There are high drug readings in the female and male toilets Sussex Police have sought this review to ensure appropriate measures are put in place to ensure the premises is run in accordance with the licensing objectives. Therefore, Sussex Police would like to propose the following changes to the licence under a yellow card offence.

1. Remove 12a Regency Square from the licence.
2. Removal of the Designated Premises Supervisor.
3. Consideration for new conditions to be added – please see Appendix 5 for the Sussex Police full proposal.
4. A formal Yellow card be issued.
5. Suspension of the licence for not less than eight weeks.

Sussex Police consider a suspension of this licence to be appropriate, allowing the premises to benefit from a 'reset' and the Premises Licence Holder sufficient time to achieve the following:-

1. To employ a new Designated Premises Supervisor.
2. To ensure any new conditions added by the licensing panel be adhered too.
3. To ensure full and adequate training is given to ensure no person who is highly intoxicated is served.
4. To ensure a full licence check can be completed before reopening to ensure all conditions are adhered to, ensuring once the premises reopens that members of the licensing authority, any responsible authority or any member of the public are safe.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application: N/A

If you have made representations before relating to this premises please state what they were and when you made them

N/A

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature (on behalf of the applicant)



T/ Insp M.Redbourn

Date 31/05/2023.

Capacity: Operations, Planning and Licensing Inspector.
Force Licensing & Public Safety Manager on behalf of Chief Superintendent,
Divisional Commander, Brighton & Hove Division

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

T/Insp M.Redbourn
Sussex Police
Licensing
John Street

Post town

Brighton

Post Code

BN2 0LA

Telephone number (if any) 01273 404 535 Ext 550809
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) brighton.licensing@sussex.police.uk

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

