

**APPENDIX C12 (APPENDIX 11)**

Premises Licence Holder (PLH)

Date: 17<sup>th</sup> May 2023

Our Ref: **1445/3/2022/00663/LAPRET**

Phone:

e-mail:

Dear PLH

**Licensing Act 2003 – Warning Letter**

**Re: The Copper Rooms 12a Regency Square & 76-78 Preston Street Brighton BN1 2FG**

**Premises Licence Number 1445/3/2022/00663/LAPRET**

This letter constitutes a **formal warning**. I am writing to you in your capacity as the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) for the above premises.

I visited your premises on Friday, 5 May 2023 at approximately 23.55, accompanied by my colleague Donna Lynsdale, and PC Bernascone and Hannah Staplehurst from Police Licensing to carry out a licence inspection, due to continued noise complaints and concerns about how the premises was operating when customers were present.

Below are our findings and details of breaches of your premises licence:

All licensed premises are issued with a premises licence. This consists of Part A and Part B and sets out all the licensable activities that may take place at these premises.

The holder of the licence must ensure that Part B of the licence, or a certified copy of it, is prominently displayed at the premises. Part A of the licence (with conditions) must be available on request by licensing officers from the council or Sussex Police.

**A page of Part A of your Premises Licence was on display, all pages of Part A should be kept in a safe place. You should have all three pages of Part B on display.**

**Mandatory conditions**

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

**(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;**

There was a handwritten sign on a white board outside the premises that said: 'free wine with every cocktail' The high levels of intoxication of customers and aggressive behaviour witnessed by police and council officers are a strong indication that this promotion is irresponsible and breached the above condition causing licensing objectives to be undermined.

#### **General**

1. Staff will be trained to provide a good service but not to allow under-age drinking or unacceptable behaviour in a non-confrontational manner.

You had one member of staff on duty who had only started that day. You advised verbal training had been given, but nothing documented. You also advised that this member of staff had served a person at the bar who was extremely intoxicated. The behaviour of the DJ and some customers was totally unacceptable and confrontational. The DJ shouted and swore in PC Bernascone's face other customers were shouting at us to leave. One customer shouted at us repeatedly 'It's a bar we're allowed to be drunk, go home!'

#### **For the Prevention of Crime and Disorder:**

1. No access will be allowed to customers who are already intoxicated or whose behaviour is unacceptable.

Again, there was a customer at the bar who was extremely intoxicated with a full glass of wine. You appeared to be intoxicated when asked you said you had, had only one drink. The DJ was also intoxicated and their behaviour towards officers was extremely challenging and aggressive. At least two other customers were intoxicated shouting at us and telling us to leave.

#### **For the Prevention of Public Nuisance:**

1. Noise levels will be checked by the management to ensure that there is no disturbance to surrounding residents.

The visit was carried out as a result of continued noise complaints. The DJ was playing extremely loud music, he approached us and said that he would turn it down. When asked how the music noise is managed the DJ said that they 'ask the neighbours if it's too loud'. I have advised in writing on at least two previous occasions 29<sup>th</sup> September 2022 and the 11 January 2023 as well as verbally that you complete regular noise checks. I have yet to see these being completed unfortunately we had to leave the premises on the 5<sup>th</sup> May due to safety concerns so I was unable check you were completing these.

#### **For the Protection of Children from Harm:**

1. Bar staff will ask any persons attempting to buy alcohol who appear to be under 18 will to provide satisfactory photographic identification to prove their age.

2. The RDF (Grays) bar will operate an age policy of over 21s after 19.00 hrs and 18 yrs and over before 19.00hrs.

You were asked by PC Bernascone for your incident and refusals book, which you admitted you had been trying to fill out while we were there, although you later denied this. There were only two entries they were not very legible but appear to be for no ID on 26<sup>th</sup> and 28<sup>th</sup> April. The 26<sup>th</sup> April was a Wednesday I note that you previously advised me you were only open at weekends.

I could only see one Challenge 25 poster at the smaller bar the larger bar had none at all.

The situation in the premises then deteriorated the DJ was increasingly aggressive towards PC Bernascone along with a number of customers shouting all clearly intoxicated so much so that we had to leave to ensure our safety. Therefore we could not complete a full inspection.

I originally inspected your premises on 15<sup>th</sup> September 2022 as a result of noise complaints and followed this up with an email on 29<sup>th</sup> September advising the actions you needed to take. Two further visits to check your CCTV was compliant on 6<sup>th</sup> October and 7<sup>th</sup> January resulted in a warning letter and final warning letter being sent. Another visit on the 9<sup>th</sup> March 2023 at 22.30 took place as we were still receiving noise complaints advice was given.

It is extremely concerning that after a significant number of previous visits and advice, that on Friday 5<sup>th</sup> May even though we were unable to complete the inspection that there were still a significant number of breaches of your licence.

Furthermore on Tuesday the 9<sup>th</sup> May I made a referral to East Sussex Fire and Rescue Service ESFRS as I had concerns for public safety, you had customers in a premises that was in some parts still a building site and when we tried to leave the main door would not open from the inside.

I would like to remind you that it is an offence under S141 of the Licensing Act 2003 to sell alcohol to a person who is drunk;

- (1) A person to whom subsection (2) applies commits an offence if, on relevant premises, he knowingly—
  - (a) sells or attempts to sell alcohol to a person who is drunk, or
  - (b) allows alcohol to be sold to such a person.
- (4) A person guilty of an offence under this section is liable on summary

I also remind you that non-compliance with conditions constitutes a breach of the Premises Licence issued under the above legislation. Please ensure that all conditions on the licence are adhered to. It is an offence under the Licensing Act 2003, S136(1) and (4) to carry on unauthorised licensable activities. The legislation states that: -

- (1) A Person commits an offence if –
  - (a) he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or
  - (b) he knowingly allows a licensable activity to be carried on.
- (4) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or to both.

Irrespective of the permissions and restrictions attached to any premises licence, all licensed premises are required to operate with regard to the 4 licensing objectives, which are:

- o The Prevention of Crime and Disorder
- o Public Safety
- o Prevention of Public Nuisance
- o Protection of Children from Harm

This letter constitutes a **formal warning**. Please be aware that any enforcement action is taken in line with our Licensing Enforcement Policy. You are also reminded that at any stage, following the grant of a premises licence, a responsible authority, such as the Police, Environmental Health, or an interested party such as a resident living in the vicinity of the premises, may ask the Licensing Authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.

A copy of this letter has also been sent to Police Licensing.

Please acknowledge receipt of this letter and advise on actions you will be taking to address the above breaches.

Yours sincerely  
**REDACTED**

Emily Fountain  
Licensing Officer  
Licensing Team