

APPENDIX F

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Date: 31st July 2023
Our Ref: JW1/MM
Phone: REDACTED
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By email and post

Dear Mr Perkins,

Re: Molly Malones 57 West Street, Brighton, BN1 2RA
Ref: Variation premises licence application 2023/02214/LAPREV

As you are aware the Licensing Authority and Sussex Police have both made representations against this application. We have considered your submission as to the reasons for the application and removal of specified conditions. We acknowledge that communication between the venue and Sussex Police has been consistent relating to any incidents or issues e.g. CCTV breakdown since the premises reopened in 2022. While we do not accept many of the other assertions made in your submission, in a spirit of co-operation and partnership working we write to explore possible scope for compromise. We believe it would be helpful to look at all the proposed amendments individually.

Conditions proposed to be removed and comments relating to each:

- 1. From midnight each day the premises shall operate as a dedicated and bona fides (non-DJ) live music venue and/or associated staged cabaret space. The sale of alcohol shall be ancillary to the provision of and / or presentation of live music and/or cabaret events. At these premises live music will not include DJ presentations. For the avoidance of doubt the sale of alcohol shall end at the conclusion of the programmed live music and/or cabaret entertainment. Save in genuinely exceptional circumstances (for example, but not limited to, a failure of performer/s to attend) of which there can be no more than 21 occasions per calendar year. A record of each exemption and the reason for it shall be retained at the premises and shall be available for inspection by the licensing authority and the police on request.*

It is noted that this was an important condition in the Appeal negotiations and was widely discussed in correspondence relating to the Review. It speaks to the character of Molly Malones as a live music venue rather than a purely late night alcohol led premises and was something which you yourselves put forward in your evidence for the appeal.

Live music venues are recognised in the council's licensing policy and there is an active Live Music Venue Trust group within Brighton & Hove. You have said you put on 16 acts per week and there is consistent messaging and advertising on the pub's website and social media around live music every night but specifically Friday & Saturday from 8pm – 4am.

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Your client says that the condition is too inflexible. To enable Molly Malones to continue to uphold its standing as a live music venue we would be willing to offer some amendment and flexibility to the condition but would be opposed to its removal per se. A suggested amendment could be:

- 1. From midnight-Thursday to Saturday (inclusive) the premises shall operate as a dedicated and bona fides (non-DJ) live music venue and/or associated staged cabaret space. The sale of alcohol shall be ancillary to the provision of and / or presentation of live music and/or cabaret events. At these premises live music will not include DJ presentations. For the avoidance of doubt the sale of alcohol shall end at the conclusion of the programmed live music and/or cabaret entertainment. Save in genuinely exceptional circumstances (for example, but not limited to, a failure of performer/s to attend) of which there can be no more than 21 occasions per calendar year. A record of each exemption and the reason for it shall be retained at the premises and shall be available for inspection by the licensing authority and the police on request.*

Regarding the ID Scanner and last entry time:

- 5. The premises shall install a recognised electronic identification scanning system for customers entering the premises. The system shall be operated from 22:00 and all persons who appear to be under 30 entering the premises will be scanned. The system should have the ability to share alerts with other venues using similar ID scanning equipment, identify the hologram of an ID and read both Passports and IDcards, including PASS cards. The system should be able to conduct tests to determine if a document is genuine or counterfeit. The system must be compliant with the Information Commissioner's good practice guidance for ID scanning in clubs and bars.*

Entry to customers who appear to be under the age of 30, without ID, shall be risk assessed and admitted to the venue on the discretion of the door entry team on duty. The name, date of birth, of these customers shall be recorded and a photographic image obtained. This information shall be made available to the police or licensing authority on request.

- 6. The premises will adopt and operate a daily last entry time of 2:30am.*

We regard condition 5 as a critical safeguarding tool and hugely important. The importance of an ID Scanner both as a crime prevention tool to prevent underage as well as an investigative tool should a suspect or victim need to be identified is key.

Police have visited the premises and spoken to the staff and managers who are very positive about the ID Scanner and its uses. It is illustrated within the emails provided by yourselves that it has been used in the investigation of crime (REF 20). There is no evidence that it creates queues and frustrations and customers on West Street are largely accepting and prepared for ID checks. The majority of late-night venues on West Street have an ID Scanner and the benefits have been consistently proven as a tool to ensure public safety and to prevent crime & disorder.

It is important also to note that the agreement to the ID scanner was one of the checks and balances put in place to allow Molly Malones to retain their late night hours until 04:00. The incident that resulted in the Section 53a Review took place at 04:14 following the premises

closing and so an argument was made for the hours of operation to be reduced. As a compromise to ensure Molly Malones could continue as a live music venue until 04:00, an ID scanner and a last entry time were proposed and agreed to provide an extra level of protection for the public and indeed staff members at the premises.

The last entry time was agreed taking into account concerns raised during the appeal and is comparable to other venues on West Street. The intention was to ensure that Molly Malones customers were safely inside the venue and reduce the risk of already intoxicated persons looking for a last place to go earlier into the morning. The example given within your submission of customers needing to leave to ensure a friend got to a taxi safely is acknowledged and in the spirit of compromise we can put forward the following proposed amendment:

6. *The premises will adopt and operate a daily last entry time of 2.30 am. There shall be no new customers entering the premises after this time but re-entry by existing bona fide customers who have left the premises temporarily for up to 30 minutes prior shall be permitted. (SIA Door staff are expected to monitor this.)*

Safeguarding training condition:

7. *Within 21 days of reopening all premises management staff are required to attend an external safeguarding course. New premises management staff are required to attend an external safeguarding course within 6 weeks of commencing their work duties. All other staff are required to complete internal safeguarding training before commencing work duties as part of their induction. Internal refresher training, for all staff, to be undertaken at regular intervals of no more than six months. Copies of the external training attendance and refresher training records shall be retained at the premises and shall be available to the Police or Licensing Authority upon request.*

Neither the Local Authority nor Sussex Police have an issue with amendment of the training condition. We would hope to see copies of the internal training manual relating to the safeguarding policy and what has been written/included within it.

We hope that you will give these proposals serious consideration. If an agreement can be reached a hearing may not be necessary and will enable Molly Malones to operate on these terms from an earlier date. If you feel a meeting would be useful this could be arranged with all parties present.

We look forward to hearing from you at the earliest opportunity.

Yours sincerely,

REDACTED TEXT

Jim Whitelegg
Regulatory Services Manager (Licensing & Trading Standard)

Cc by email

Corinne Hardcastle, Licensing Officer (Licensing Authority)
Claire Abdelkader, Police Licensing Officer, Sussex Police (Responsible Authority)
Donna Lynsdale, BHCC Licensing Officer/Fair Trading Officer (Responsible Authority)

