

# Licensing Panel (Licensing Act 2003 Functions)

Date: **1 September 2025**

Time: **10.30am**

Venue **Virtual**

Members: **Councillors:** Helliwell, Parrott and Thomson

Contact: **Francis Mitchell**  
Democratic Services Officer  
01273 294183  
Francis.Mitchell@brighton-hove.gov.uk

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# AGENDA

## PART ONE

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<i>Contact Officer:</i>	<i>Corinne Hardcastle</i>	<i>Tel: 0127329</i>
<i>Ward Affected:</i>	<i>Hollingdean &amp; Fiveways</i>	

Date of Publication – Thursday 28 August 2025
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### **FURTHER INFORMATION**

For further details and general enquiries about this meeting contact Francis Mitchell, (01273 294183, email [Francis.Mitchell@brighton-hove.gov.uk](mailto:Francis.Mitchell@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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Dear Emily

Thank you for your email. I recently met Jon briefly while reading the notice in his window, during which he made some of the suggestions outlined in your email.

I have addressed these points in red and have also referred to REDACTED — the immediate neighbour closest to REDACTED. For context, I have attached the existing planning consent (with officer's report) for REDACTED. The REDACTED is excluded, as reflected noise from its frontage is rarely an issue.

I must raise serious concern regarding the apparent breach of the planning conditions imposed in 2021. Lost & Found has consistently operated as a functioning bar with entertainment, rather than the "sampling establishment" described in its original consent. This represents a clear departure from the approved use, and there has been no consultation with neighbouring residents about this change.

While I am not automatically opposed to extending the licence, the current and ongoing disregard for the original planning restrictions undermines confidence in the responsible management of any extended permissions. The noise impact on nearby residents is already significant, and I have included recorded examples below as evidence.

**Further information:**

The following video clips REDACTED recorded on Saturday, 9 August 2025, at approximately 22:45. The recordings were prompted by a noise complaint from my wife, who had retired to bed. I cannot confirm whether the event in question was an authorised or "regulated" function; however, music remained audible beyond 23:00.

- REDACTED Crowd gathered outside Lost & Found, with the entrance door partially open. Filmed from a distance to protect individual identities.
- REDACTED Demonstrates the level of reflected noise reaching REDACTED at street level.
- REDACTED – Recorded outside REDACTED at street level.
- REDACTED - Recorded outside REDACTED at street level.

From experience, the reflected noise inside our REDACTED is significantly greater than these recordings suggest, likely due to the geometry and elevation of the buildings. Once aware of the noise, it becomes intrusive and difficult to ignore.

While some music is audible, the predominant disturbance is from amplified voices in the outside area. This type of noise can be more pervasive than music and is difficult to control without appropriate operational measures. Louder music was heard after the recordings were made which even though presumably the door was closed, still becomes intrusive within REDACTED

According to the current premises licence, "sampling" of alcoholic beverages should cease at 22:00 on Saturdays. Although the footage does not clearly capture this, alcoholic drinks were present on tables, and the interior was busy. This suggests on-site consumption was continuing beyond licensed sampling hours.

At approximately 00:15, I walked past the premises. A “private party” notice was displayed on the door. The interior remained busy, music was playing, and alcoholic drinks were being consumed. The only person outside appeared to be a staff member collecting glasses from tables, one of which had been overturned — presumably to prevent use. The noise REDACTED eventually stopped just prior to 01:00.

It seems odd that despite this conversation concerning licence extension, it was quite clear that none of the suggestions REDACTED were put into practise to create a neighbourly good will demonstration.

These observations raise concerns of:

1. **Potential breach of licence conditions** relating to permitted hours and the nature of alcohol consumption.
2. **Change of operational use** from the “sampling establishment” described in the original consent to a bar with entertainment.
3. **Noise nuisance** affecting nearby residential properties, particularly outside the permitted hours.

I request that Brighton & Hove City Council confirm whether this event was authorised under the existing licence and that changes to the conditions of use have been made. If not, what enforcement action will be taken to address these breaches, let alone give consent for extended licencing hours?

Kind regards

REDACTED

**From:** Emily Fountain <[Emily.Fountain@brighton-hove.gov.uk](mailto:Emily.Fountain@brighton-hove.gov.uk)>

**Sent:** 08 August 2025 16:00

**To:** REDACTED

**Cc:** EHL Licensing <[EHL.Licensing@brighton-hove.gov.uk](mailto:EHL.Licensing@brighton-hove.gov.uk)>

**Subject:** REPRESENTATION - Lost + Found Beer Cafe, 298 Ditchling Road, Brighton, BN1 6JG - 2025/05614/LAPREV

**Importance:** High

Good afternoon

I am the licensing officer for this application. Following your representation to this application the applicant has offered some additional conditions to be added to the licence should it be granted for your consideration.

Please see below.

Once you have had a chance to consider these conditions, please can you let me know if they alleviate your concerns and you wish to withdraw your representation. Or alternatively that they do not and that still want your representation to stand.

Any questions please let me know.

**From attached LF Planning Permission Officer Report:**

Note the reference to 'sampling of alcoholic beverages'

2 No customers shall remain on the premises outside the hours of 09.00 to 22.00 Monday to Friday and 9.00 to 23.00 on Saturdays and 09.00 to 22.00 on Sundays, Bank and Public Holidays. No activity within the site shall take place between the hours of 23.30 and 06.30 daily.

**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

3 No sampling of alcoholic beverages shall be carried out on the premises except between the hours of 09:00 and 21:00 on Mondays to Fridays, between 09.00 and 22:00 on Saturdays and between 09.00 and 21.00 on Sundays and Public Holidays.

**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

The following has clearly been disregarded, with the main activity clearly being drinking on / near the premises resulting in noise and disturbance as previously commented:

6 The sampling of alcohol on the premises shall be incidental to the main use of the site for retail purposes.

**Reason:** To prevent noise, nuisance, disturbance and public disorder, to protect the amenities of the occupants of residential accommodation within the development and within the vicinity of the site and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.

I think the following concern has been shown to be correct:

**Sussex Police: No objection**

Sussex Police strongly encourage direct consultation from the applicant with themselves regarding the proposed activities. There are concerns about the long opening hours, particularly to 10pm and 11pm in the evening, disturbing the neighbouring residents. It is suggested that more reasonable hours should be conditioned. The comments also include advice relating to the installation of CCTV, alarms, and security measures which the applicant may find of use.

**Impact on Amenity (quote):**

The current operation of the premises is inconsistent with the use originally presented by the applicant. The request to extend licensing hours further evidences that the venue is now functioning as a bar with entertainment, including licensed tables on the pavement thoroughfare. Has Brighton Council formally reviewed this material change of use and assessed its impact on neighbouring residents? What specific actions will the Council take address and regulate this change as described?:



As I stated in my earlier email, it would seem that the use of the premises has changed from a retail space offering sampling, to a fully-fledged bar offering regulated entertainment on a regular basis.

**From attached 300 Ditch Road Planning Approval:**



Their immediate neighbour complies with this condition (most of the time) so why should LF be able to operate differently? I have also enquired at the REDACTED when they withdraw the outside seating areas usage and have been told this is around 9pm.

In regards to the 2 representations our client has said to ease their concerns he would be happy to offer the extra additional conditions below

1. After 21:30 apart from normal entrance and egress all external windows and doors shall be kept shut at all times when regulated entertainment is being provided. **Please consider 21:00 at all times. REDACTED confirmed that air conditioning is available.**
2. The external drinking areas should close and be cleared by 2230hrs. **Please consider 21:00 similar to REDACTED.**
3. That no outside area shall be used after 22:30hrs with the exception to those that leave to smoke

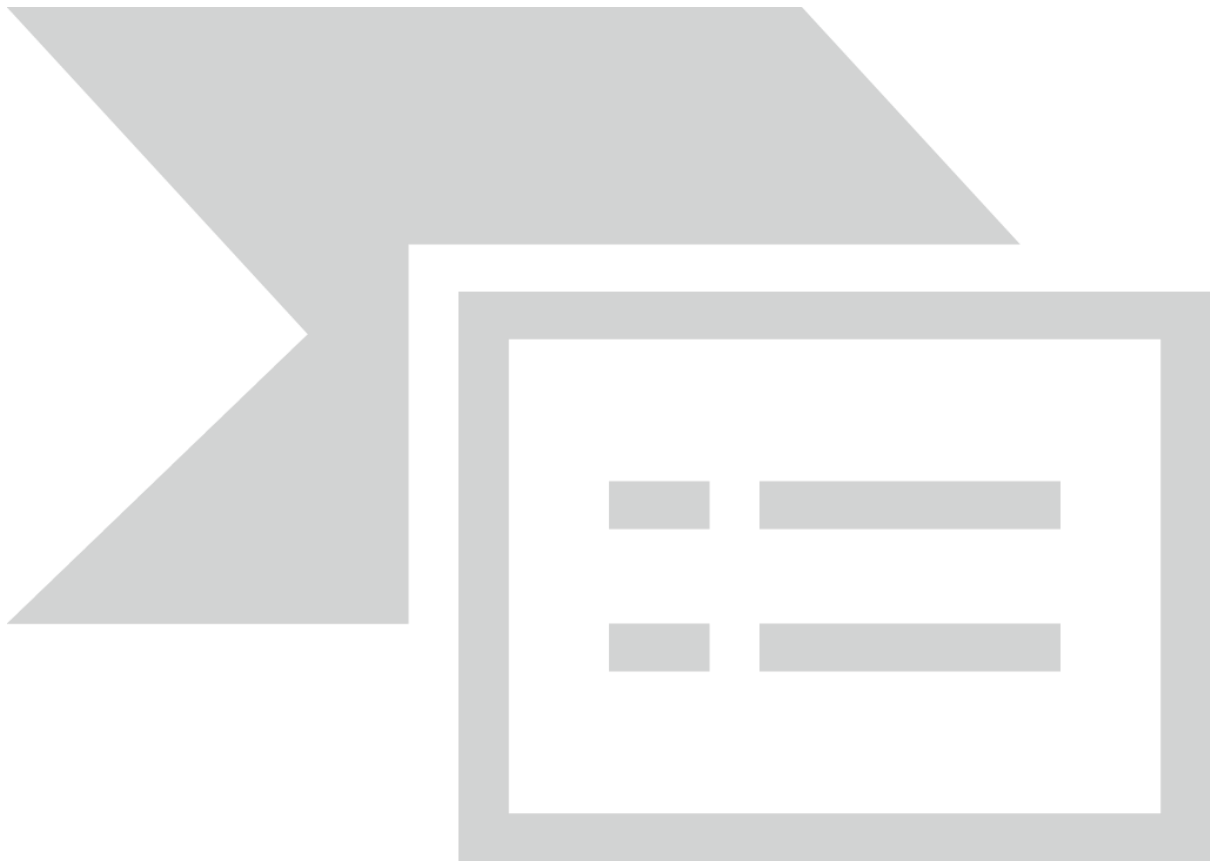


4. Any outside seating and tables should be rendered unusable after closing time. **Please consider 21:00 rather than closing time.**
  5. That if a Pubwatch scheme exists in respect of the local area, the licensee / management will join and participate in the Pubwatch scheme. **Checking the Pubwatch website, no such scheme exists in Brighton.**
  6. A telephone number for the premises, or a responsible member of staff on duty, shall be displayed so that it is visible from the public highway. **Thank you.**
  7. That a dispersal policy shall be devised and enforced by the venue at all times the venue is open. The policy shall assist with patrons leaving the premises in an orderly and safe manner. A copy of the dispersal policy shall be accessible at the premises at all times that the premises are in operation. The policy should include (but not necessarily be limited to) the following:
    - I. Details as to how customer / staff egress at the premises shall be managed to minimise causing nuisance.
    - II. Details of public transport in the vicinity and how customers will be advised in respect of it.
    - III. Details of the management of taxis to and from the premises.
    - IV. Details of the management of any 'winding down' period at the premises.
    - V. Details of the use of security and stewarding in respect of managing customer dispersal from the premises.
    - VI. Details of any cloakroom facility at the premises and how it is managed.
    - VII. Details of road safety in respect of customers leaving the premises.
    - VIII. Details of the management of ejections from the premises.
    - IX. Details as to how any physical altercations at the premises are to be managed
    - X. Details of how refuse / waste in the local vicinity arising through the operation of the premises will be cleared up (e.g. flyer clean up, post event clean up)
- This is commendable, but why should a primarily retail premises be treated as if it were a central Brighton pub/bar? Its purpose should be to sell products for off-site consumption, with only limited on-site sampling. How much stock is, in practice, actually taken away for consumption elsewhere?**
8. All relevant staff employed at the premises shall be trained in the latest version of the dispersal policy. Details of such training, including the printed name(s) of the trainee(s) and the date(s) that the training was given, shall be recorded in the staff training logs at the premises. If the dispersal policy is a paper document then the signature of the trainees shall

also be included. The dispersal policy shall be made immediately available to responsible authority officers on request

9. Alcoholic drinks sold for consumption in the external area of the premises shall be to persons seated only. **How will this be policed? We have often seen crowds outside the frontage and not seated? Usually Monday - Wednesday the seats have not been placed on the pavement.**
10. The premises licence holder shall ensure that a calibrated sound level meter is used to monitor and record noise levels during all periods of regulated entertainment. Measurements shall be taken at regular intervals (at least once every hour). Records of the measurements, including date, time, location, and decibel levels (dB LAeq), shall be kept for a minimum of 12 months and made available to authorised officers of the Licensing Authority or Environmental Health upon request. **Again this is commendable thank you. However what about when there is no entertainment and outside drinkers?**
11. If noise levels measured during regulated entertainment are too loud, the premises licence holder or a responsible person shall take immediate steps to reduce the volume of the entertainment or otherwise mitigate the noise. These steps may include reducing amplification levels, adjusting speaker orientation, closing doors or windows, or ceasing the entertainment temporarily. All such incidents and actions taken shall be recorded in a log and retained for a minimum of 12 months for inspection by authorised officers. **Who will determine the appropriate level of noise to prevent the current issue in REDACTED**

**The positioning of the tables below completely obscures the natural pathway. I understand that it was Brighton & Hove Council instruction where the tables should be placed. The following photograph taken 10/8/25 shows how they have been placed. If bicycles are placed in the racks, as you can see pedestrian access would be very limited indeed. From what REDACTED described to me, I believe these have been incorrectly placed.**



Kind regards

**Emily Fountain** | Licensing Officer, Regulatory Services | Brighton & Hove City Council

2<sup>nd</sup> Floor, Barts House, Barts Square, BN1 1JP

[emily.fountain@brighton-hove.gov.uk](mailto:emily.fountain@brighton-hove.gov.uk)

**Rep A** – Further REPRESENTATION NOTIFICATION - Lost + Found Beer Cafe, 298 Ditchling Road, Brighton, BN1 6JG - 2025/05614/LAPREV

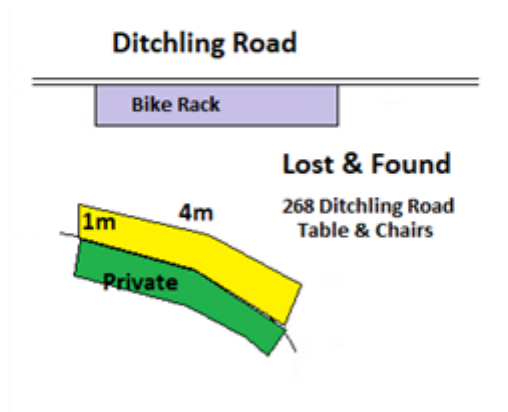
Please see the pavement licence plan for Lost + Found below. The yellow part is subject to the pavement licence; the green part is private land belonging to the premises. The blue text below describes the area and timings:

‘In total your table & chair area covers area of 4m<sup>2</sup>. This is made up of an area of 1m x 4m on the footway next to your planters. The timings for your pavement licence are 14.00 - 21.00 hours seven days a week.’



## Licensed Area Diagram

Permission has been granted under your Pavement Licence to place tables and chairs (and associated items) on the public highway as indicated below:



Highway Enforcement

Brighton & Hove City Council

[pavement.licensing@brighton-hove.gov.uk](mailto:pavement.licensing@brighton-hove.gov.uk)

Our further comments:

1. Please note that the licence end time is currently 21:00. REDACTED shows the tables and chairs in use on the pavement (yellow section) at 22:44.
2. We have previously suggested in my representation that there should be a condition prohibiting drinking outside after 21:00, not realising that the pavement licence already stipulated this. Coincidentally this is roughly the time that REDACTED and REDACTED withdraw outside seating. To be effective, this would also need to include the private green area shown above, with tables and chairs withdrawn from both sections.
3. All doors and windows should also remain closed after 21:00 except for egress as air conditioning is available.

We hope that these measures would be sufficient to prevent the extreme reflected noise currently experienced when the tables are in use late evening.

REDACTED

26/8/25



