

Licensing Panel (Licensing Act 2003 Functions)

Date: **5 January 2021**

Time: **10.00am**

Venue **Virtual – MS Teams**

Members: **Councillors:, O'Quinn, Simson and Fowler**

Contact: **Thomas Bald**
Democratic Services Officer
thomas.bald@brighton-hove.gov.uk

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AGENDA

1 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

2 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the Licensing Committee may attend, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

3 ROCKWATER LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Report of the Executive Director for Neighbourhoods, Communities, and Housing (Copy Attached)

Contact Officer: Corinne Hardcastle
Ward Affected: Westbourne

Tel: 0127329

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Date of Publication - Monday, 28 December 2020

Licensing Panel (Licensing Act 2003 Functions)

Agenda Item

Brighton & Hove City Council

Subject:	Application for a Variation of a Premises Licence under the Licensing Act 2003		
Premises:	Rockwater Kingsway Hove East Sussex BN3 4FA		
Applicant:	Rockwater Group Ltd		
Date of Meeting:	5 January 2021		
Report of:	Executive Director Neighbourhoods, Communities & Housing		
Contact Officer:	Name:	Mark Savage-Brookes	Tel: (01273) 292100
	Email:	mark.savage-brookes@brighton-hove.gov.uk	
Ward(s) affected:	Westbourne		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Rockwater.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for Rockwater.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a Variation of a Premises Licence under the Licensing Act 2003. The application proposes to:

“Remove condition 6 on Annex 2 of the premises licence which reads:

“The temporary huts shaded in green on the attached plan shall only be used for licensable activities until 14 December 2020”.

And to add the condition:

“The huts shaded in green on the attached plan will have a terminal hour for the sale of alcohol of 22.00 hours”.

If this application is granted, it will enable the huts to be used for licensable activities (i.e. the sale of alcohol) on a permanent basis. This application has been discussed with the police and follows the grant of a minor variation (which was not objected to by either the police or environmental health) which extended the use of the huts for licensable activities from 31 October to 14 December 2020.”

3.2 Part M (operating schedule) of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B.

3.3 Summary table of existing and proposed activities

	Existing	Proposed
Live music	Every Day 11:00 – 03:00	No change
Recorded Music	Every Day 11:00 – 03:00	No change
Performance of Dance	Every Day 11:00 – 03:00	No change
Anything of a similar description within e, f, or g	Every Day 11:00 – 03:00	No change
Late Night Refreshment	Every Day 23:00 – 03:00	No change
Supply of Alcohol	Every Day 11:00 – 03:00	No change
Hours premises are open to public	Every Day 11:00 – 03:00	No change
Conditions removed as a consequence of the proposed Variation	Remove: Condition 6 on Annex 2 which currently reads: “The temporary huts shaded in green on the attached plan shall only be used for licensable activities until 14 December 2020.” Replace with: “The huts shaded in green on the attached plan will have a terminal hour for the sale of alcohol of 22.00 hours.”	

3.4 The existing premises licence is attached at Appendix C

3.5 The premises does not fall in the Cumulative Impact Area or the Special Stress Area.

Representations received

3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

3.7 Seventeen representations were received. Sixteen of these were made with concerns about the application and were received from local residents and a Resident Association.

One representation was received supporting the application. This was received from a Ward Councillor.

3.8 Representations received had concerns relating to Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance.

3.9 Full details of the representations are attached at Appendix D. A map detailing the location of the premises is attached at Appendix E.

4. COMMENTARY ON THE LICENSING POLICY

4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

1. Introduction

1.1 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. The licensing authority is Brighton & Hove City Council. The purpose of this statement is to promote the licensing objectives and set out a general approach to making licensing decisions. The discretion of the licensing authority in relation to applications under the act is only engaged if 'relevant representations' are made by other persons or responsible authorities. This policy will inform the approach to be taken when deciding applications and imposing conditions when relevant representations are received. It is also intended as a guide for applicants as to what to include in their operating schedules, always recognising that if no representations are received, the application must be granted. The licensing authority must carry out its functions with a view to promoting the licensing objectives and this policy is framed around those objectives. Each application will be given individual consideration on its merit. The scope of this policy covers the following:

- Retail sales of alcohol;
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

1.2 The licensing objectives are: -

- (a) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) Protection of children from harm.

1.3 Scope

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations; i.e. the premises and its vicinity. Each application will be given individual consideration on its merit. Nothing in this policy shall undermine the right of any individual to apply under the terms of the act for a variety of permissions and to have any such application considered on its individual merits. Similarly, nothing in this policy shall override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the act.

4 Prevention of Crime and Disorder

- 4.1.1 The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.
- 4.1.2 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- 4.1.3 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 4.1.4 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

4.3 Care, control and supervision of premises

- 4.3.1 The Licensing authority supports the Business Crime Reduction Partnership and other approved schemes. Where appropriate, premises licence holders should be members of the BCRP for the deterrence to violent crime that such membership provides. The BCRP NightSafe radio scheme is normally expected as an operational requirement for city centre bars, clubs and pubs and is an example of good practice in achieving the aim of reducing crime and disorder and improving public safety. Well managed pub-watch schemes provide information exchange between the premises licence holders and responsible authorities that reduce and

deter violent crime and disorder. The council will support a responsible licensing scheme.

- 4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours' restrictions.
- 4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.
- 4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industries Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. The Licensing Strategy Group has sought to define the standards and operating guidance for such mobile units, which will be in need of regular review. This policy endorses the use of units following such guidance and standards in appropriate circumstances. A copy can be found on the licensing pages of the council's website.
- 4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

5 Public Safety

- 5.1 The following details and measures are intended to address the need for the protection of public safety which may be associated with licensed premises and certificated club premises.
- 5.1.1 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any

application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

5.1.3 Conditions may be imposed in accordance with operating schedules to protect public safety including where justified:

- (a) provision of closed-circuit television and panic buttons.
- (b) use of shatterproof drinking vessels; bottles requiring use of toughened glass or plastic should normally be required unless applicants can show exceptional reasons.
- (c) use of door supervisors, licensed by the Security Industry Authority.
- (d) requirement of a minimum of a licensed door supervisor for every 100 customers in nightclubs and large city centre pubs or as indicated by risk assessment.
- (e) occupant capacity conditions will be applied where appropriate.
- (f) the provision of designated and suitably trained first aiders.

5.1.4 Where appropriate, licence holders or their authorised representatives will submit event safety plans and operating manuals, attend Event Planning Teams or Safety Advisory Groups and similar meetings prior to large events and shall be part of Event Liaison Teams during such events. Due regard shall be had to relevant guidance and publications including, for example: HSE approved code of practice for events.

6 Prevention of Public Nuisance

6.1 The following details and measures are intended to address the need for the prevention of public nuisance which may be associated with licensed premises and certificated club premises.

6.1.1 In determining applications for new and varied licences, regard will be had to the location of premises, the type and construction of the building and the likelihood of nuisance and disturbance to the amenity of nearby residents by reason of noise from within the premises, as a result of people entering or leaving the premises or from individuals or groups of customers gathered outside (e.g. in order to smoke).

6.1.5 In determining applications for new licences or extensions in hours or terminal hours of licensed premises, regard will be had to late night public transport availability and location of taxi ranks to aid dispersal of customers.

6.1.6 Reasonable controls are available to all premises operators to minimise the impact of noise from customers outside. The council's Environmental Health Department has issued guidance on a number of steps that can be taken in this respect which are endorsed by this policy (see 6.2 below).

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas. Having reviewed the contents of the premises licence you may find it necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for

rapid police response and alert other venues where customers and staff are endangered.

- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

6.2.2 Licensed premises should normally display prominent, legible signs at exits reminding customers to leave in a quiet, peaceful, orderly manner.

8 Integration of Strategies

8.1 The licensing authority shall secure the proper integration of this policy with local crime prevention, planning policy, transport, tourism and cultural strategies by: -

- Liaising and consulting with the Sussex Police, Community Safety Forum, Sustainability Commission representatives and following the guidance in community safety and crime and disorder strategy
- Liaising and consulting with Public and Alcohol Programme Board
- Liaising and consulting with the East Sussex Fire & Rescue Service
- Liaising and consulting with the Local Strategic Partnership, Safety Advisory Group (Emergency Planning) and Equalities and Social Justice Consultation Forum
- Liaising and consulting with the Planning authority
- Liaising and consulting with the Highways authority
- Liaising and consulting with local business and business associations. Having regard to any future documents issued relating to the Private Security Industry Act 2001, for example liaison or information sharing protocols
- Liaising and consulting with the Trading Standards Team, for example with regard to test purchasing codes of practice

8.2 In line with statutory requirements and the Council's Inclusion Policy, the Licensing Authority shall have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and positive relations between persons of diverse backgrounds, for example communities of interest such as: lesbian, gay, bisexual and transgender people; disabled people; racial and ethnic groups; religious and faith groups.

8.3 This policy supports the aims of the tourism strategy, recognising the benefits for the tourism economy of creating a safer and more attractive city centre and improving competitiveness with other European cities. The Licensing Committee should receive any reports relevant to the needs of the local tourist economy and the cultural strategy for the area to ensure that it considers these matters.

8.4 The Licensing Committee should receive relevant information relating to the employment situation of the area and the need for new investment and employment where appropriate.

- 8.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.
- 8.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Licensing Act 2003 provides for fees to be payable to the licensing authority in respect of the discharge of their functions. The fee levels are set centrally at a level to allow licensing authorities to fully recover the costs of administration, inspection and enforcement of the regime.

Finance Officer Consulted Michael Bentley

Date: 10/12/20

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The licensing authority must have regard to its statement of licensing policy and the guidance issued by the Secretary of State in carrying out its functions.

Lawyer Consulted: Rebecca Sidell

Date: 14/12/20

Equalities Implications:

- 5.3 Diversity is valued and strong, safe communities are vital to future prosperity. Licensing policy aims to protect children from harm including sale and supply of alcohol to children.

Sustainability Implications:

- 5.4 Licensing policy aims to prevent public nuisance and develop culture of live music, dancing and theatre.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Part M (operating schedule) of the Application
2. Appendix B – Plan of Premises
3. Appendix C – Part A of Premises Licence
4. Appendix D – Representations
5. Appendix E – Map of Area
6. Appendix F – Photos of Premises
7. Appendix G – Written Submissions

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018.

Public Health Framework for assessing Alcohol Licensing. Annual Report – Ward. 5th edition. Public Health Intelligence. January 2019

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2016, revised January 2019.

APPENDIX A

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

All existing conditions and restrictions (save for the one we are seeking to remove) attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

b) The prevention of crime and disorder

All existing conditions and restrictions (save for the one we are seeking to remove) attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

c) Public safety

All existing conditions and restrictions (save for the one we are seeking to remove) attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

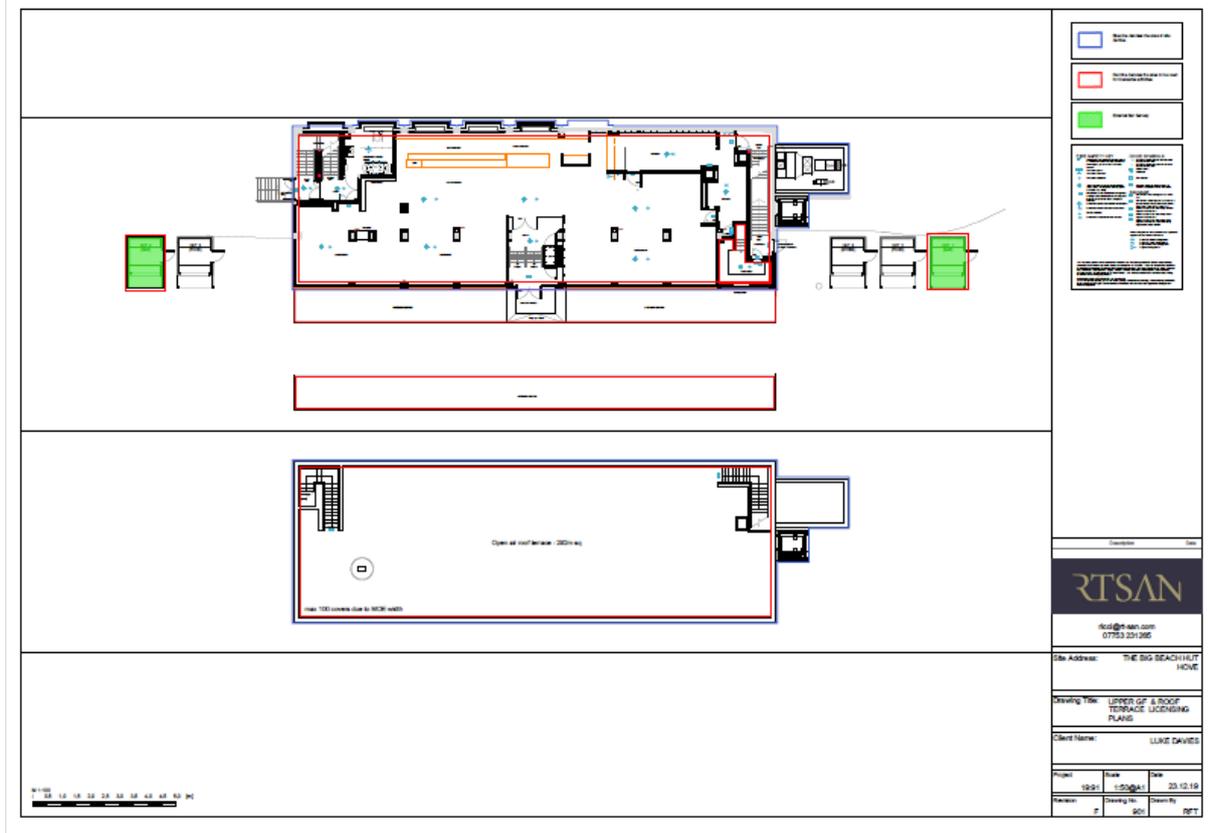
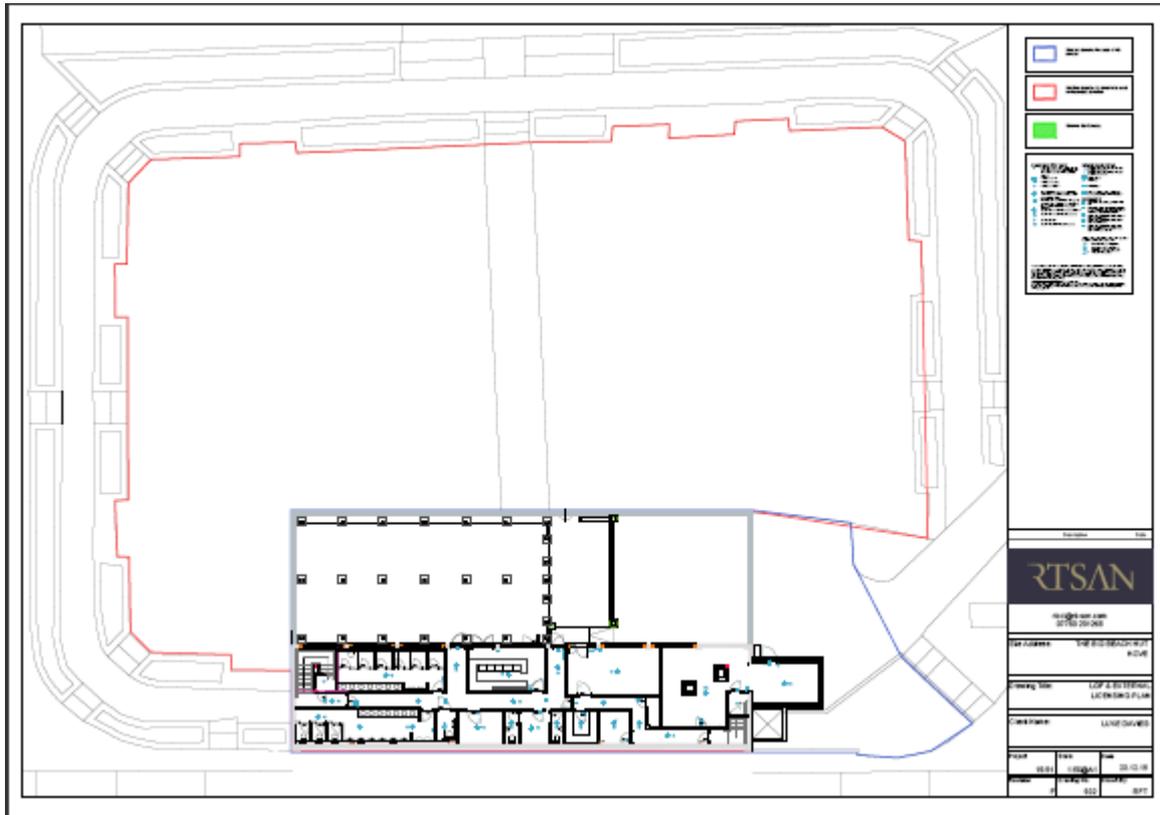
d) The prevention of public nuisance

All existing conditions and restrictions (save for the one we are seeking to remove) attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

e) The protection of children from harm

All existing conditions and restrictions (save for the one we are seeking to remove) attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

APPENDIX B



Premises Licence
Brighton and Hove City Council

Premises Licence Number

1445/3/2020/03364/LAPRMV

Part I – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Rockwater
Kingsway
Hove
East Sussex
BN3 4FA

Telephone number 01273 091166

Where the licence is time limited the dates - The temporary huts shaded in green on the attached plan shall only be used for licensable activities until **14 December 2020** (refer to Annex 2 Condition 6)

Licensable activities authorised by the licence

Performance of Live Music
Performance of Recorded Music
Performance of Dance
Anything of a similar description to live music, recorded music and performance of dance
Late Night Refreshment
Sale by Retail of Alcohol

Times the licence authorises the carrying out of licensable activities

Performance of Live Music

Every Day 11:00 - 03:00

Performance of Recorded Music

Every Day 11:00 - 03:00

Performance of Dance

Every Day 11:00 - 03:00

Anything of a similar description to live music, recorded music and performance of dance

Every Day 11:00 - 03:00

Late Night Refreshment

Every Day 23:00 - 03:00

Sale by Retail of Alcohol

Every Day 11:00 - 03:00

The opening hours of the premises

Every Day 11:00 - 03:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Rockwater Group Ltd
42 Bruton Place
London
W1J 6PA

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 11814588

Name and address of designated premises supervisor where the premises licence authorises for the supply of alcohol

Edmund Leo Raymond Wilson
REDACTED TEXT

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

REDACTED TEXT

Annex I - Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under the premises licence
 - a) at a time when there is no designated premises supervisor in respect of the premises, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
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-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (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;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
6. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 —

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979:
- (b) “permitted price” is the price found by applying the formula—

$$P=D+(D\times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

S 21; mandatory condition: door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001: or
 - b) Be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
 - a) In respect of premises within paragraph 8 (3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films): or
 - b) In respect of premises in relation to:
 - I. Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence) or
 - II. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
 - a) “Security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for purposes of that Act, (see Section 3(2) of that Act) and
 - b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the Operating Schedule

General

1. No regulated entertainment activity of live or recorded music will be played from 01:00 a.m. on a day to day basis, except for at pre-booked private functions at which music and dancing will be allowed.
2. Substantial food shall be available at all times that alcohol is offered for sale on a day to day basis except on pre booked private celebratory functions where a food offer must be included.
3. The roof terrace to be closed at 11 p.m. unless fully enclosed.
4. All other outside areas to be closed to patrons at 11 p.m. save for smokers who will not be permitted to carry out drinking vessels.

5. Any off sale of alcohol sold in an open container for consumption off the premises must not be served in a glass vessel.
6. The temporary huts shaded in green on the attached plan shall only be used for licensable activities until 14 December 2020.

For the Prevention of Crime and Disorder

7.
 - (a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times when the premises licence is in operation.
 - (b) The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.
 - (c) CCTV footage will be stored for a minimum of 31 days.
 - (d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.
 - (e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.
 - (f) Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police.
 - (g) Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable.
 - (h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.
8. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

9. At Private functions or multiple functions of more than 100 patrons, SIA trained and licensed door supervisors shall be employed on a ratio of 1:100 with a minimum of two (2) on duty from 20:00 and until the last customer has left the premises and the outside area have been dispersed of customers.
10. SIA licensed door supervisors shall be employed on any other occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.
11. A documented risk assessment must be written by the Designated Premises Supervisor and agreed by Sussex Police, which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. It will include a written assessment demonstrating what considerations have been made for both normal day to day activities and any special events or functions which may arise during the year. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request.
12. A written crowd management procedure/dispersal policy shall be designed and implemented to ensure that there is a wind down period prior to the premises closure and customers are advised accordingly. It will be shared with Sussex Police.
13. The premises will become a member of the Business Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and night time economy.

For Public Safety: None

For the Prevention of Public Nuisance

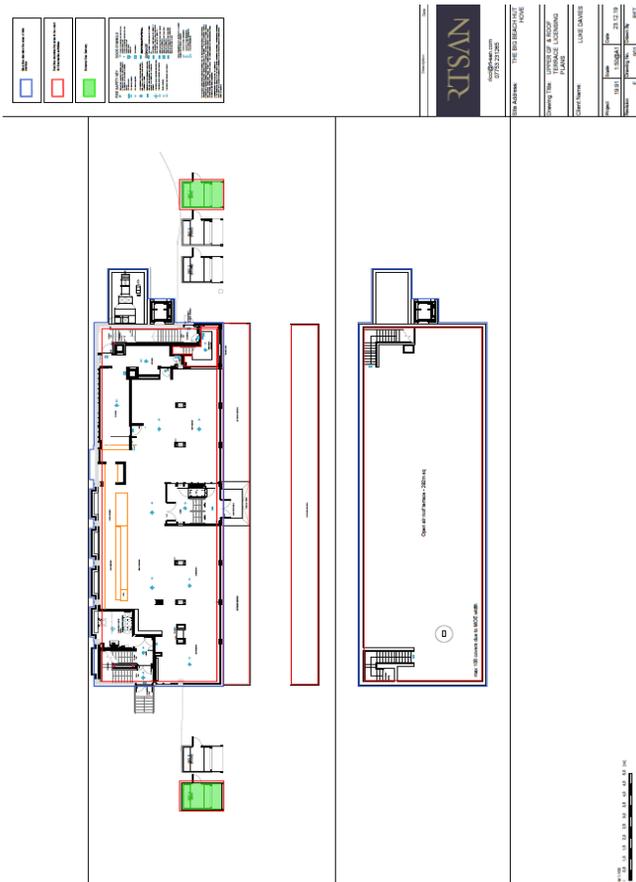
14. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

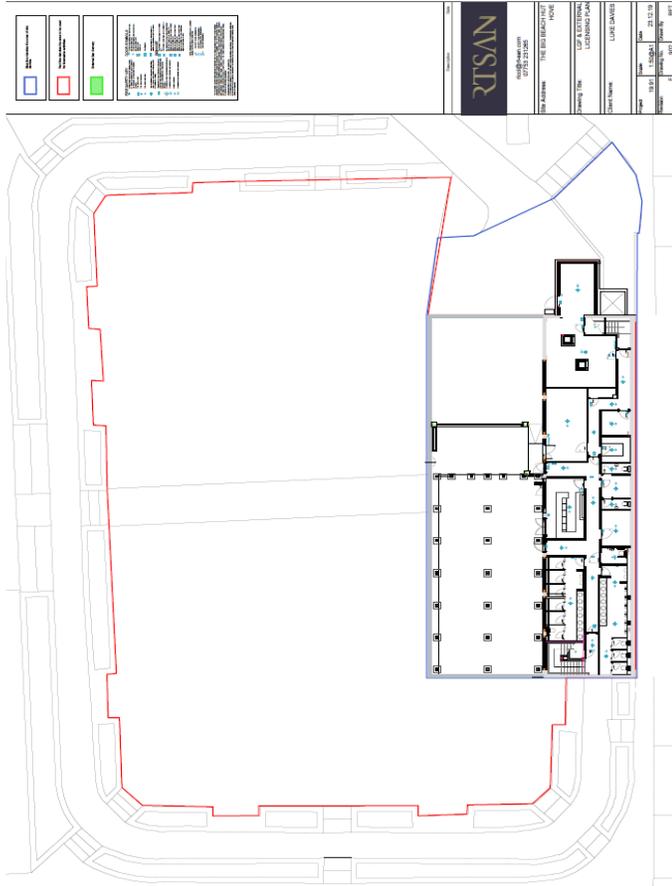
For the Protection of Children from Harm

17. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.
18. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
19.
 - (a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
 - the lawful selling of age restricted products;
 - refusing the sale of alcohol to a person who is drunk; and
 - refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues.
 - (b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
 - (c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

Annex 3 – Conditions attached after a hearing by the licensing authority - N/A

Annex 4 – Plans





APPENDIX D

Representations

From: REDACTED TEXT

Sent: 02 December 2020 13:08

To: REDACTED TEXT

Cc: EHL Safety <EHL.Safety@brighton-hove.gov.uk>

Subject: Beach Hut Hove Limited t/a Rockwater, Kingsway, Hove, East Sussex BN3 4FA Licence - I445/3/2020/03689/LAPREV – Application for Variation

MSB CON ENDS 04.12.20 VALID PPN (A)

Beach Hut Hove Limited t/a Rockwater, Kingsway, Hove, East Sussex BN3 4FA Licence - I445/3/2020/03689/LAPREV – Application for Variation

To whom it may concern,

We have lived on REDACTED TEXT, approximately REDACTED TEXT from the new Rockwater development. We would like to object to the above application. The license will grant the applicant a permanent license to sell alcohol from Beach Shacks. Our understanding is that the Beach shacks were only to be used on a temporary basis for the sale of alcohol and do not have permanent planning permission. We are a member of the REDACTED TEXT, the operator had not consulted with the WRRRA or local residents in advance of this further application to make permanent the use of the beach shacks.

The basis of our objection is that the granting of the application is inconsistent with the licensing objectives, in particular in relation to the prevention of crime and disorder; public safety and the prevention of public nuisance. We live in a quiet residential neighbourhood, and noise from customers leaving the premises from 10pm onwards already causes noise disturbance. We have tolerated this until now but feel that enough is enough and the ability to sell alcohol from the outside shacks should now end. In addition, selling alcohol from the shacks has, in recent days caused a huge amount of nuisance on the sea front in Hove and any continued use of these shacks will only exacerbate the issue. A recent report in the Argus highlighted that the owners were “overwhelmed” by the crowds on the sea front and that the residents has lost faith in the operator being able to provide a safe and secure facility.

<https://www.theargus.co.uk/news/18910761.coronavirus-social-distancing-concerns-rockwater-hove/>

Can you please confirm receipt of our objection?

Yours sincerely,

REDACTED TEXT

REDACTED TEXT

From: REDACTED TEXT

Sent: 01 December 2020 18:03

To: REDACTED TEXT

Subject: Rockwater

MSB CON ENDS 04.12.20 VALID PPN (B)

Dear Mark,

I can see that Rockwater have applied to remove condition 6 on Annex 2 to effectively have the beach huts permanently licensed.

“This is a Variation Application to remove condition 6 on Annex 2 of the premises licence which reads, The temporary huts shaded in green on the attached plan shall only be used for licensable activities until 14 December 2020. And to add the condition, The huts shaded in green on the attached plan will have a terminal hour for the sale of alcohol of 22.00 hours. If this application is granted, it will enable the huts to be used for licensable activities, i.e. the sale of alcohol, on a permanent basis. This application has been discussed with the police and follows the grant of a minor variation, which was not objected to by either the police or environmental health, which extended the use of the huts for licensable activities from 31 October to 14 December 2020”

I don't understand the need for this once the building opens. The beach huts are causing a nuisance for many residents. On Sunday 29th November the beach huts were serving drinks causing huge groups of people queuing and then standing around on the walk way. I saw several less able people in wheel chairs/ using walking sticks unable to navigate the walkway to get past the crowds of people which were not being moved on by Rockwater. There was also absolutely no social distancing happening. Not to mention the additional rubbish that is now on the beach, lots of discarded plastic cups which are not being cleared away.

I personally feel that the huts should not be licensed. They were meant to be temporary and there should be no need for them to be open when the main building is operating. The added noise and rubbish is really not acceptable.

Many thanks

REDACTED TEXT

From: REDACTED TEXT

Sent: 02 December 2020 22:03

To: REDACTED TEXT

Subject: Re: Beach Hut Hove Limited t/a Rockwater, Kingsway, Hove, BN34FA. Licence 1445/3/2020/03689 LAPREV application for variation

MSB CON ENDS 04.122.20 VALID PCD & PNN (C)

Dear Sir

Re: Beach Hut Hove Limited t/a Rockwater, Kingsway, Hove, BN34FA. Licence 1445/3/2020/03689

We are writing regarding the Variation Application to the licence on the above property to enable the huts to be used for licensable activities, i.e. the sale of alcohol, on a permanent basis.

We welcome the ongoing improvements to the Rockwater but are concerned that the expansion onto the beach, the promenade, the public space behind the Rockwater and surrounding area is starting to take over. We therefore object to the application to make the sale of alcohol permanent from the Beach Shacks.

We are REDACTED TEXT and have lived here for 10 and 20 years respectively and have never seen this section of the beach so busy.

The Shacks are positioned on the promenade and patrons queuing to be served and standing in groups drinking by the Shacks are making it very difficult to gain access onto the beach or for people trying to walk along the promenade. This is especially difficult for the elderly, disabled, people with buggies or wheel chairs where drinkers are oblivious to people trying to walk past. This obviously exacerbated with the covid restrictions.

Due to the nature of the outdoor Shacks there is no limit to the number of patrons and this is of cause for concern where so many people can be drinking in one area and the potential for antisocial behaviour. As a local resident this increase in capacity will also mean that at night our sleep will be disrupted as the customers leave the Rockwater from 10pm onwards, to head up to New Church Road to travel home. We experienced this through the summer but a higher capacity of people being served once the Rockwater building is open as well as the Shacks would mean that the disruption to our sleep would increase.

We are also very concerned that the licensee has not shown responsibility in the sale of alcohol through this second lock down. Over the weekend of 28th and 29th November the covid restrictions stated that the public were only allowed to exercise outdoors with 1 other person. The area outside the Rockwater both on the promenade and the beach was absolutely packed with large groups of people who had very clearly bought drinks at the Shacks. Whilst we appreciate that selling alcohol to 'take away' was permitted, customers standing outside the premises drinking in large groups was not and the licensee continued to serve all weekend without putting any measures in place or to simply act responsibly and stop serving alcohol.

There has been no consultation with the very local residents regarding this or previous licence applications to understand the concerns of the people who live close by to the Rockwater.

Many thanks for taking our views into consideration. Please could you acknowledge receipt of our email.

REDACTED TEXT

From: REDACTED TEXT

Sent: 03 December 2020 08:50

To: REDACTED TEXT

Subject: Planning application 1445/3/2020/03689/LAPREV - Beach Hut Shacks

MSB CON ENDS 04.12.20 VALID PPN (D)

Hello,

I would like to state my objection to the application for variation on the beach shacks by Rockwater.

I live on REDACTED TEXT and have been very excited to see a new development at the REDACTED TEXT I love a good time and a drink and have enjoyed living here as part of this wonderful community for almost 10 years. Despite the messages being sent out by the owners of this development (which I think shows very poor taste), we are all decent people and we should be allowed to state our opinion without fear of being bullied.

The original plans seems reasonable and appropriate for the venue. But it appears that this keeps on creeping. Firstly, a third floor (retractable roof) giving enormous additional capacity all year round, then the iglus appeared with no apparent application on council land where my neighbours take their children to play, and now the shacks which were meant to be temporary to be serving alcohol all year round until 10pm. I wonder what will be next, if they keep on getting permission for more and more add-ons.

Already, the promenade is difficult to walk down and I have witnessed a couple of occasions where it has become quite tense with people trying to pass each other. During the summer there were so many people down there, clearly not from Hove, and the atmosphere completely changed from a family friendly environment that we have all enjoyed living in for many years. We had to walk through long queues of people who were drunk and it felt a bit menacing at times. There were also days where people from London (we spoke to them), literally double parked on our street with no concern for the locals. One person actually asked my friend how much the parking fines were and he said that didn't bother him so he'd just park on the double yellow.

As it is, many people on our street are anxious about the noise and drunken footfall that the restaurant alone is going to create, with the additional alcohol being served all day to people on the beach and the congestion this will cause on the promenade, it is going to be quite unpleasant.

So, I object to this application on safety, noise, nuisance and scope-creep.

All the best,

REDACTED TEXT

From: REDACTED TEXT

Sent: 03 December 2020 09:04

To: REDACTED TEXT

Subject: Rockwater – Western Lanes, Kingsway, Hove, BN3 4AF - Representation to application for Non Minor Variation

MSB CON ENDS 04.12.20 VALID PCD & PNN (E)

Dear Sir

**Rockwater – Western Lanes, Kingsway, Hove, BN3 4AF
Representation to application for Non Minor Variation
Licence - 1445/3/2020/03689/LAPREV
Licensing Act 2003**

This email is sent on behalf of Walsingham Road Residents Association (**WRRRA**) and would be grateful if you could accept this as their representation to the above application.

Walsingham Road is across the Kingsway from the premises.

As you will be aware, WRRRA lodged a representation to an earlier application for a minor variation to the premises licence. We understand that the applicants are now seeking to make the temporary arrangement – for the use of the external shacks – a permanent one.

The grounds of the representation are that the granting of the application would be inconsistent with, and will negatively impact upon, the licensing objectives in so far as they relate to:

- prevention of crime and disorder;
- public safety; and
- the prevention of public nuisance.

Whilst my clients will expand upon the detail of the representation at the hearing in due course a brief summary is set out below:

- The residents are already subject to noise disturbance from customers leaving the premises.
- Selling alcohol from the shacks has, in recent days caused a huge amount of nuisance and disorder on the sea front in Hove and any continued use of these shacks will only exacerbate the issue
- A recent report in the [Argus](#) highlighted that the owners were, in their own reported words, “overwhelmed” by the crowds on the sea front
- In light of recent issues at the premises, and in particular last weekend, the WRRRA has concerns that there has been, and will continue to be, a lack of COVID compliance

All of the above is without prejudice to my clients right to raise further evidence in support of their representation at the hearing.

WRRRA wish to make it clear (and repeat a comment made when the representation was made to the minor variation application) that they are not “anti-licensed premises” and are supportive of well operate premises that do not impact on their residential amenity and/or the more general atmosphere in this part of Hove.

We would add that at the time of lodging the representation to the minor variation, the WRRRA indicated that they had unfortunately not been contacted, or consulted, by the applicants prior to the lodging of the application. The WRRRA invited the applicants to meet and engage with the local residents. It is therefore even more regrettable now, given the passage of time, that Rockwater has continued to fail to engage with the local residents whose lives are being impacted upon by the

operation of these premises. In fact to the contrary, we understand that Rockwater has launched an on line petition which, amongst other things, sets about making a personal attack on one of the members of the WRRRA

WRRRA repeat their invitation to meet with Rockwater and discuss the on-going issues at the premises should the operators so wish. We are happy to facilitate this meeting on behalf of WRRRA.

We would be grateful if you could please acknowledge receipt and confirm when the hearing of this application will take place.

We look forward to hearing from you.

Best wishes

REDACTED TEXT

From: REDACTED TEXT

Sent: 03 December 2020 12:10

To: REDACTED TEXT

Subject: Re: Beach Hut Hove Limited t/a Rockwater, Kingsway, Hove, East Sussex BN3 4FA Licence - 1445/3/2020/03689/LAPREV – Application for Variation

MSB CON ENDS 04.12.20 VALID PCD, PPN & PS (F)

Dear Sir/Madam

Re: Beach Hut Hove Limited t/a Rockwater, Kingsway, Hove, East Sussex BN3 4FA Licence - 1445/3/2020/03689/LAPREV – Application for Variation

I have been a resident of REDACTED TEXT for 18 years and REDACTED TEXT from Rockwater.

I object to the above application, to make the temporary beach shacks permanent, because they are inconsistent with licensing objectives COVID public safety, prevention of crime & disorder, public nuisance, for the following reasons:

- 1) Covid public safety: when the temporary beach huts are serving alcohol, food & drink they create queues that cannot be Covid controlled.
- 2) Public access to the promenade: the above queues block access to the promenade for pedestrian and disabled users.
- 3) The beach hut bars are in addition to Rockwater's internal bars, increasing the venue's capacity to a limitless number, with seafront drinkers creating potential for anti-social behaviour.
- 4) The premises license "Risk assessment & Crowd management" (license condition:11&12) are defective when pedestrians and customers of beach huts are force funnelled through the narrowed promenade in front of Rockwater and in between the patio areas.
- 5) With no night public transport nearby there is likely to be disturbance to local streets when the beach hut bars close as customers walk up nearby streets to transport links home.

Please also note, the Regulation 25 Notice currently displayed on the premises is misleading as it includes the wrong website address for anyone wishing to view the register and records of applications.

The website address it advertises is:

www.brightonhove.gov.uk/licensing

The correct address is:

<https://licensingregister.brighton-hove.gov.uk/licences>

Please acknowledge receipt of this objection.

Regards

REDACTED TEXT

From: REDACTED TEXT
Sent: 03 December 2020 14:32
To: REDACTED TEXT
Subject: Rock water application for variation

MSB CON ENDS 04.12.20 VALID PPN & PS (G)

Subject - 1445/3/2020/03689/LAPREV – Application for Variation

I live at REDACTED TEXT and I would like to object to the application for the beach shacks to become permanent with an alcohol license on a number of grounds:

- Safety – already people cannot get past the crowds that form down there and it has become quite unpleasant on a number of occasions with walkers trying to get through
- Parking – in the summer people were parking on yellow lines and double parking on our street with no care for the locality.
- Noise – there will be drunk people walking up and down our road day and night throughout the summer months – we are a family community that enjoys peace and safety.
- What next? – They have already added onto the original plan with a new third floor, a huge ground floor extension, the iglus and the huts. What will they do next? [The owner said to another neighbour that he has permission to take over the tennis courts].
- I have REDACTED TEXT and night time noise such as shouting / loud swearing/fights scare and upset them, with an outdoor alcohol licence literally REDACTED TEXT, this will inevitably return. I say return as REDACTED TEXT had this same problem with the view bar which was very very distressing .

Yours,

REDACTED TEXT

From: REDACTED TEXT

Sent: 03 December 2020 16:30

To: REDACTED TEXT

Subject: Beach Hut Hove Limited t/a Rockwater, Kingsway, Hove, East Sussex BN3 4FA Licence - 1445/3/2020/03689/LAPREV – Application for Variation

MSB CON ENDS 04.12.20 VALID PS (H)

Dear Sir or Madam

I am a REDACTED TEXT resident and have lived REDACTED TEXT from Rockwater for REDACTED TEXT. Whilst I like the concept of what they are doing I am concerned about the proposal to make the beach shacks permanent as I think customers using them block the access to the promenade and cause health and safety issues. The number of drinkers also pose antisocial issues to a relatively quiet and residential area. Last weekend was a nightmare to navigate the promenade and no effort was made by the management to control the crowds of people queueing, waiting and drinking. People were unable to pass through what is a public area.

The shacks were a temporary measure to allow the owner to operate whilst he was doing up the venue. Now that the venue is almost complete there seems to be no further need to shacks which impede the ability to walk along the promenade and form a bottle-neck at this, now highly busy, venue.

Can you also let me know how the igloos were able to be constructed on, what I believed to be, council owned land?

Kind regards
REDACTED TEXT

From: REDACTED TEXT
Sent: 03 December 2020 22:15
To: REDACTED TEXT
Subject: Licence 1445/3/2020/03689/LAPREV

MSB CON ENDS 04.12.20 VALID PCD, PPN & PS (I)

Dear Sir

Re: Beach Hut Hove Limited t/a Rockwater, Kingsway, Hove, East Sussex BN3 4FA Licence - 1445/3/2020/03689/LAPREV – Application for Variation

I am a REDACTED TEXT and live REDACTED TEXT away from Rockwater. I have lived here REDACTED TEXT.

I would like to specify that I am not in principle objecting to having well-run community-aware private hospitality premises REDACTED TEXT provided they are operating in keeping with this quiet residential area, contained within appropriate time and spatial boundaries by the terms of their licence.

However, I would like to object to the above application, to make the temporary beach shacks permanent, because they are inconsistent with licensing objectives, particularly with relation to the prevention of crime & disorder, public safety, and the prevention of public nuisance.

This is for the following reasons:

1. Potential anti-social issues. The shacks are positioned on an open beach, with no designated area within which drinks must be consumed, and the number of customers being served from the shacks is limitless. When the venue's internal bars open as well, the sheer number of drinkers poses potential antisocial issues.

2. Accessibility to green and blue amenities for local (not tourists) full-time (not mere visitors) residents. People drinking outside the shacks last weekend blocked public access to the promenade, especially for those with disabilities who were unable to circumnavigate the crowds. The continued use of the shacks will only make this issue worse.

The overcrowding on this narrow part of the promenade, the expansion of the premises on the promenade together with the shacks on the promenade and the "occupation" of the green lawn behind the venue has been an issue right from the opening. It has made it impossible for me and my family to walk safely to the beach REDACTED TEXT on many occasions. For my family safety, especially during this Covid-era I have felt obliged to abandon the beach REDACTED TEXT and go further afield. The "natural" space provided by the beach and the maintained promenade and nearby lawns offers an essential space for the physical and mental wellbeing of REDACTED TEXT.

3. Safety and overcrowding. I have had to ask REDACTED TEXT to keep away from the beach as we found that from the opening crowds drinking outside the shacks have not been COVID compliant. I have not observed any attempt from the owners to limit access and control crowds. This has been distressing. If the owners are unable to manage existing customers outside the shacks, how will they manage the additional numbers when the rest of the venue opens?

4. Noise disturbance. We have observed a higher footfall in REDACTED TEXT in the evening in a street which is traditionally purely residential. There is a much increased potential for noise disturbance from customers leaving the shacks from 10pm and travelling up nearby streets trying to get night transport home. This will be a particular problem in any sunny week-ends during the year and even more so during the summer.

I would be grateful if you could please acknowledge receipt and confirm when the hearing of this application will take place.

Kind regards,
REDACTED TEXT

From: REDACTED TEXT

Sent: 02 December 2020 14:57

To: REDACTED TEXT

Subject: Beach Hut Hove Limited t/a Rockwater, Kingsway, Hove, East Sussex BN3 4FA Licence - 1445/3/2020/03689/LAPREV – Application for Variation

MSB CON ENDS 04.12.20 VALID PCD, PPN & PS (J)

Dear Mark,

Re: Beach Hut Hove Limited t/a Rockwater, Kingsway, Hove, East Sussex BN3 4FA Licence - 1445/3/2020/03689/LAPREV – Application for Variation

I am a resident of REDACTED TEXT and live approximately REDACTED TEXT from Rockwater. I have lived here for REDACTED TEXT.

I would like to object to the above application, to make the temporary beach shacks permanent, because they are inconsistent with licensing objectives, particularly with relation to the prevention of crime & disorder, public safety, and the prevention of public nuisance. This is for the following reasons:

- positioned as they are on an open beach, with no designated area within which drinks must be consumed, the number of customers being served from the shacks is limitless. When the venue's internal bars open as well, the sheer number of drinkers poses potential antisocial issues.
- people drinking outside the shacks last weekend blocked public access to the promenade, especially for those with disabilities who were unable to circumnavigate the crowds. The continued use of the shacks will only make this issue worse.
- crowds drinking outside the shacks are not COVID compliant
- a recent report in the Argus highlighted that the owners were "overwhelmed" by the crowds on the seafront:
<https://www.theargus.co.uk/news/18910761.coronavirus-social-distancing-concerns-rockwater-hove/?ref=eb>
If the owners are unable to manage existing customers outside the shacks, how will they manage the additional numbers when the rest of the venue opens?
- potential for noise disturbance from customers leaving the shacks from 10pm and travelling up nearby streets trying to get night transport home.

I would be happy to expand on the above issues if this application is listed for a hearing.

Please can you confirm receipt of my objection?

Many thanks

REDACTED TEXT

From: REDACTED TEXT

Sent: 04 December 2020 14:11

To: REDACTED TEXT

Cc: REDACTED TEXT

Subject: Beach Hut Hove Ltd t/a Rockwater, Kingsway, Hove. East Sussex. BN3 4FA LICENCE-1445/3/2020/03689/LAPREV- Application for variation

MSB CON ENDS 04.12.20 VALID PCD, PPN & PS (K)

Dear Mark

I am writing to **object** to the above extension of the licence for Rockwater Beach Huts

I have found it very difficult to find where to object as the advertised information that has been posted on the premises is incorrect and very misleading. To be honest most of the information on social media has also been quite misleading as well.

I live in REDACTED TEXT to the venue and have done for nearly 20 years.

I am aware the beach huts were a temporary measure during the Covid pandemic but they have already caused a significant amount of disruption to the beachfront making it ALMOST impossible most of the time to safely pass the venue due to large groups of people whether it is early morning or later in the evening (completely in breach of Covid restrictions). The venue seems to have taken over the whole of the promenade in that area and also beach area in front of the venue which is not their private property. The igloos as well (although also temporary) are also using public land plays on by local resident.

At the weekend I witnessed a disabled person not being able to pass and also several older residents who were overwhelmed and looked quite frightened by the mass gatherings.

The venue and staff have also AT NO POINT tried to control this until it was raised on social media by local groups. Last weekend there must have been in excess of 300 people drinking large amounts of alcohol for most of the day. Friday/ Saturday and Sunday. There was lots of plastic glasses dumped on the beach with no responsibility from the venue that I saw to clear the rubbish. Now the venue will be opening its indoor bar area there is NO need for these temporary shacks to remain open and the antisocial behaviour / subsequent crime in the local area is likely to increase. In the warmer weather / summer the sheer capacity and number of people will dramatically increase and cause a significant disruption.

REDACTED TEXT as you know if directly opposite the venue and although not frequent (due to limited opening hours at present) I have been disturbed on 3 occasions over the last few weeks by drunk people walking up our road. When the venue opens as a bigger concern with longer hours, after Covid restrictions are lifted this poses a real concern to me and I am sure other neighbours, and I have actually considered moving house if this becomes the case.

I do hope you will consider my concerns and the impact on the local community. I think that the renovation of the venue has been well done but this is a residential area (originally described as a community hub- which I do welcome) and not a late night drinking venue/ bar.

Kind regards

REDACTED TEXT

REDACTED TEXT

Sent: 04 December 2020 19:04

To: REDACTED TEXT

Subject: Representation: Licence 1445/3/2020/03689/LAPREV

MSB CON ENDS 04.12.20 VALID PS (L)

Dear Mr Savage

Ref: Beach Hut Hove t/a Rockwater, Kingsway, Hove, BN3 4FA. Licence 1445/3/2020/03689/LAPREV
- Application for variation

Further to my prior representation that detailed concerns about the minor variation application for the Rockwater venue, I am writing to make representation to the current application.

For clarity I support and welcome the Rockwater development. This support is based on the development and operation of Rockwater within its original building footprint, and for the Shacks during their temporary use during the summer months to enable the operator to generate revenues whilst construction work was being undertaken. As a REDACTED TEXT in the REDACTED TEXT I look forward to visiting the Rockwater restaurant.

However I would like to make an objection to the above application that seeks to change the temporary licence for the beach shacks into a permanent one, i understand that this would be counter to licensing objectives in relation to public safety and the prevention of noise and nuisance.

Public Safety. I am concerned by the impact that the Shacks are having on the seafront and promenade. As reported in the Argus significant crowds surround the Shacks and Rockwater, and the operator was "overwhelmed" As a REDACTED TEXT I have observed that this is not a one-off event. The promenade in front of Rockwater is very narrow and a pinch point for those using the promenade to walk or run, and enjoy the seafront. It is impossible to walk through this area without having to ask people that are queuing for the shacks or drinking alcohol from the shacks to move, i have witnessed many elderly people and those with assisted needs turn around as they have been unable to pass through safely. At this time of COVID-19 the amount of people in the area is very concerning.

Noise and Nuisance. I am concerned by the noise and nuisance that may be created by the outside venue and in particular from the igloo village. If the shacks and igloo village remain the number of those being served alcohol in an outside setting will be significantly increased than if they were being served by the restaurant.

I am very concerned by the igloo village not only for the potential for noise and nuisance, but also for the precedent it sets. I do not support the council allowing a commercial operator, taking over green space, intended for local residents use, and turning into a commercial enterprise where alcohol is being sold and consumed. This area of Hove is a residential area. I object to Brighton & Hove council's decision to remove green space for the use of the local community and allow an operator to turn it into a plastic igloo village. This is not in keeping with the council's stated green credentials, and when green spaces are crucial for our environment and well being during COVID-19.

As a point of note, the notice posted at Rockwater regarding the licence application includes an incorrect URL for the council. The URL on the notice is

www.brightonhove.gov.uk/licensing which points to a web address that does not exist. For

this reason it is very difficult for an objector to find where to email a representation, and this is exacerbated by the fact the council offices are closed for customer services.

I would be happy to expand on my concerns at any hearing regarding the application.

Kind regards,

REDACTED TEXT

From: REDACTED TEXT

Sent: 04 December 2020 19:22

To: REDACTED TEXT

Cc: REDACTED TEXT

Subject: Beach Hut Hove Limited t/a Rock water, Kingsway, Hove, East Sussex BN3 4FA
Licence - I445/3/2020/03689/LAPREV – Application for Variation

MSB CON ENDS 04.12.20 VALID PS (M)

Dear Mr Savage

My name is REDACTED TEXT and I am a resident from REDACTED TEXT from Rock Water. I have happily lived REDACTED TEXT for 22 years.

I absolutely support Rockwater's new restaurant, but I am writing to make representation and request that a permanent extension for use of the shacks is not granted. The shacks were a great idea for their business during the summer lockdown & locals fully supported them, however I do not feel they should remain after the main Restaurant & Bar opens in December. The granting of the application would be inconsistent with the licensing objectives, mainly noise & nuisance & prevention of crime & disorder on the seafront.

It is now impossible to enjoy the promenade due to so many customers gathering. All the more concerning during this pandemic. Due to the pinch point on the narrow pathway it has become difficult for walkers & joggers to navigate through this part of the Rockwater seafront. I have also seen wheelchair users & senior people needing to turn back.

Despite their best efforts & security staff, Rockwater recently acknowledged they themselves became overwhelmed by the crowds who came to use the shacks. With no enforced drinking zone for the shacks, the numbers for promenade drinkers will continue to rise.

Additionally, it's sad that we lost our public garden. Surely we need to protect all green spaces, with their biodiversity as the priority, instead of providing more spaces to serve alcohol. The loss of the public garden to plastic igloos & plastic grass does not feel in keeping with the green credentials of our city.

I wish Rockwater much success with its restaurant but would love our council to also listen to the concerns of residents and locals who love to use this part of the seafront. I believe, with proper consideration there is room for this business to thrive and for locals to continue to enjoy our much loved local amenity.

Thank you for your time in reading this and I would be grateful if you could acknowledge receipt of this.

Kind regards

REDACTED TEXT

From: REDACTED TEXT

Sent: 04 December 2020 23:56

To: REDACTED TEXT

Cc: REDACTED TEXT

Subject: Beach Hut Hove Ltd t/a Rockwater, Kingsway, Hove, East Sussex BN3 4FA Licence - 1445/3/2020/03689/LAPREV - Application for Variation

MSB CON ENDS 04.12.20 VALID PS (N)

Dear Mark

Re: Beach Hut Hove Ltd t/a Rockwater, Kingsway, Hove, East Sussex BN3 4FA Licence - 1445/3/2020/03689/LAPREV - Application for Variation

I've lived on REDACTED TEXT from Rockwater since 2002. I've lived through the plot's many guises - some rowdier than others, but somehow it always felt contained.

I loved Rockwater's arrival on our REDACTED TEXT and I really hope it's a success, it was so needed and such an amazing location begging for something great like this, but I'm extremely worried about it's continual growth from the original permitted plan. The latest being the application to have the beach shacks positioned permanently.

I've loved having the beach shacks over the summer, but they were meant to be temporary, just until the main building opened. I don't know why they need to be there once the bar in the main building is open. It makes me anxious about the impact of so many more drinkers on the beach and promenade which has now become a bottle neck.

Last weekend, people were gathered drinking outside the shacks completely and blocked the promenade. Obviously this resulted in social distancing and safety issues. The Argus reported that RW did all they could to alleviate this situation, but that clearly didn't work and they were overwhelmed - this does not fill me with confidence going forward, RW have been there long enough now to know that they needed better protocols in place to deal with such a situation.

Finally I would like it noted that the residents, who have voiced their worries and concerns about how the RW plans have mushroomed since they had their original planning application allowed, are now under attack - who would have thought in Brighton that free-speech would attract such hate and threat.

Thank you for registering my concerns.

REDACTED TEXT

From: REDACTED TEXT
Sent: 04 December 2020 23:59
To: REDACTED TEXT
Cc: REDACTED TEXT
Subject: Beach Hut Hove Ltd t/a Rockwater, Kingsway, Hove, East Sussex
BN3 4FA Licence - 1445/3/2020/03689/LAPREV - Application for Variation

MSB CON ENDS 04.12.20 VALID PS (O)

Hi Mark

I love the idea of Rockwater being on our REDACTED TEXT, but I don't like the way their presence has attracted a large volume of drinkers who block the easy passage along the promenade. This looks be turning into a bigger thing than was proposed. I strongly object to the [roposal.

Sincerely
REDACTED TEXT

From: REDACTED TEXT
Sent: 04 December 2020 22:27
To: REDACTED TEXT
Subject: Objection to Rockwater expansion

MSB CON ENDS 04.12.20 VALID PPN (P)

Dear Mark Savage

I have written to you in the past.

I live in REDACTED TEXT to the Rockwater venue. The noise from summer venue noise has been very noisy, even during the day, on a Saturday afternoon. So the concerns about NOISE and PUBLIC NUISANCE are very real.

There seems to be very little consideration given to those who live on the REDACTED TEXT of this venue, which is hugely expanding in size and capacity. Daytime noise has already been a concern. Furthermore, night time intrusion of noise directly from this be our, as well as from revellers leaving the venue at unsocial times is a huge concern for me. I work as a frontline REDACTED TEXT, and I have a REDACTED TEXT who also needs rest to function.

Therefore, I strongly object to the license application for the shacks, as the venue cannot control the anti social behaviour from the associated crowds, who spill onto directly neighbouring areas. This will be on addition the the significant increase in CAPACITY that the Rockwater will have, as it has already added an extra floor, and now possibly a second floor, In the form of a roof terrace.

Respect for the peace of the local community, and our ability to live a peaceful life and have rest is vital. While a venue is good for the community, it should not be done at the expense of the loss of quality of life for those who live in close proximity.

Please consider this as a heartfelt plea for my need for rest and the ability to have a peaceful family life.

REDACTED TEXT

Supporting Representation

From: REDACTED TEXT

Sent: 04 December 2020 16:11

To: REDACTED TEXT

Subject: Rockwater license application

MSB CON ENDS 04.12.20 VALID PCD & PPN (S1)

Dear REDACTED TEXT,

Rockwater falls within my ward of Westbourne. As ward councillor, I have kept an eye on the development and the operation of the business. I am really impressed with the community engagement displayed by the venue and its management. The owner and managers discussed their plans from the outset with the local community, the MP, and ward councillors, and responded positively to suggestions around improvements, including security and crowd management.

I have met with some of the local objectors, as well as with supporters. The fears voiced are around late night noise, anti social behaviour and crowd dispersal, however, I am not aware of any particular disturbances during the temporary license period. Where additional security was needed, this was brought to site quickly. Supporters of the venue have told me that they have been waiting for years for this venue to be developed, and that it has already become an asset to our local community.

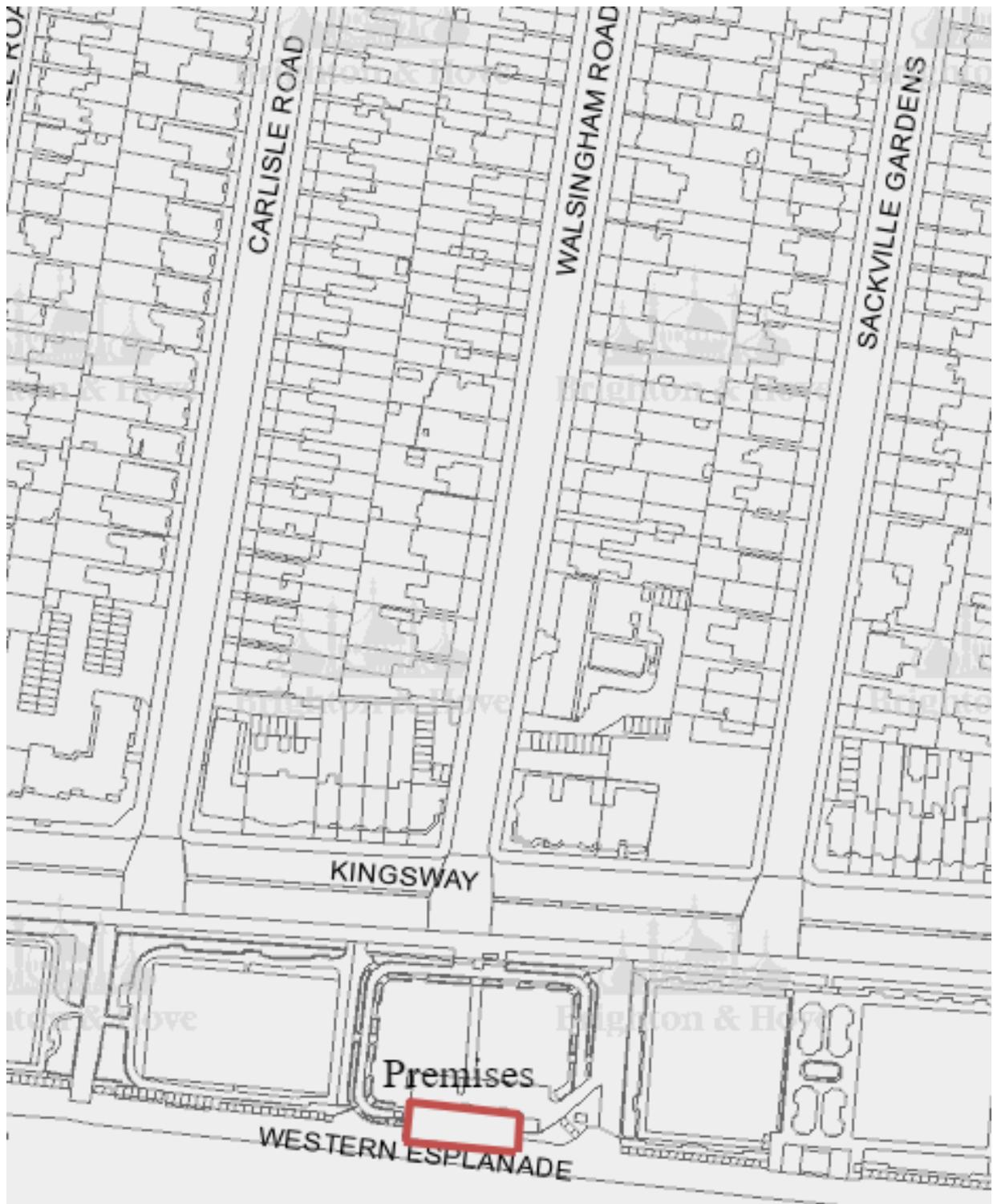
The venue creates a “buzz” on what was a really neglected and forgotten part of our western seafront.

I am certain that the engagement with the local community will continue, and, in the unlikely event that any problems arise, that these can be resolved in communication with ward councillors and residents.

I fully support this application, and am happy to speak in favour at the licensing panel hearing.

Best wishes,
REDACTED TEXT

APPENDIX E



APPENDIX 1 – PHOTOGRAPHS OF THE MAIN PREMISES AND FOOD AND DRINK MENU

ROCKWATER

Hove

ROCKWATER BREAKFAST

SERVED 7.30AM UNTIL 12PM DAILY

Traditional £11

Free range pork sausage, dry cured back bacon, baked tomato, house baked beans, flat mushroom, organic eggs & toast

Vegetarian £10

House bubble & squeak, fried local haloumi, baked tomato, house baked beans, flat mushroom, eggs & toast

Vegan £10

House bubble & squeak, avocado, baked tomato, house baked beans, flat mushroom, tofu & toast

Homemade Granola £5

Homemade granola topped with toasted seeds and nuts, berries, Coconut yoghurt or fat free natural yoghurt.

Organic Eggs Benedict £8

Two poached eggs, English breakfast muffin, Smoked ham, house hollandaise sauce & fresh herbs

Exchange the ham for avocado or cured salmon £1.50

CHOOSE FROM COBURN AND BAKERS FRESH CHEWY WHITE OR BROWN TOAST, RYE BREAD TOAST OR GLUTEN FREE TOAST WITH YOUR BREAKFAST

BREAKFAST SANDWICHES

CHOOSE FROM COBURN AND BAKERS FRESH CHEWY WHITE OR BROWN BREAD, RYE OR GLUTEN FREE BREAD,

With the following fillings: £6

- Dry cured back bacon
- Free range pork sausage
- Mushroom and organic egg
- Scrambled local tofu and avocado

SHARING BOARDS

Cured Meat & Cheese £18

Rebels Brighton salami, saki cured pork coppa, beersticks, charcoal cheddar & Sussex brie and a stilton pork pie, grilled warm sourdough.

Meze £16

Smorls Brighton houmous, falafel, cashew cheese, sauté mushrooms seaweed tapioca & crispy kale, grilled warm sourdough.

KEY TO ICONS: Vegetarian Vegan

ROCKWATER SNACKS

Garlic & Rosemary Olives £4

Noscellara olives, garlic, rosemary & olive oil

Bread Board & Butters £5

Selection of Coburn and Baker's breads & flavoured butters

Falafels & Smorls Original Houmous £5

The famous Brighton institution

A TASTE OF ROCKWATER

SERVED FROM 12PM DAILY

Truffled Chicken Terrine £8

Pear chutney, dressed leaves, crushed pistachio & toasted sourdough.

Brighton Gin, Dill & Juniper Cured Salmon £9

Yuzu gel, crème fraiche, mustard frills & capers.

Roast Heritage Squash & Mulled Spice Soup £7

Sourdough bread, cultured butter or virgin rapeseed oil

Baby Kale & Little Gem Caesar Salad £7/£12

Garlic croutons, cashew dressing & capers.

Chilli, Garlic & Sesame Fried Squid £8

Chilli, toasted garlic, sesame glaze & seaweed mayo.

Rockwater Fish & Chips £7/13

Beer battered cod, signature chips, mushy peas & tartar

The Rockwater Fish Pie £14

Cheese topped mash tarragon cream and greens

Mixed Bean Bourguignon £12

Mixed bean stew, mash & roast root veg

Half Rotisserie Fosse Meadow Chicken £15

Signature chips, jus and house salad

Wagyu Burger £14

British wagyu beef burger & saint giles cheese, signature chips. On toasted brioche

Grilled 8oz Dry Aged Rump Steak £16

Signature Chips and house salad

Banoffee Pie In A Jar £7

Salted caramel, banana, date biscuit & coconut cream

Bitter Chocolate Delice £8

Pistachio crumb, sour cherry & cocoa gelato

Whipped New York Cheesecake £8

Oat granola, Brighton gin & lemon curd V

Local Cheese Selection £10

A selection of three local cheese, pickled walnut, damson jelly & oat crackers

Gelato Gusto Ice Creams & Sorbets £2

Please ask for today's flavours

FESTIVE MENU

TWO COURSES £25 THREE COURSES £30 INCLUDING COFFEE

Truffled Chicken Terrine

Pear & date chutney, dressed leaves, & toasted sourdough

Brighton Gin, Dill & Juniper Cured Salmon

Yuzu gel, crème fraiche, mustard frills & capers

Roast Heritage Squash & Mulled Spice Soup

Sourdough bread, cultured butter or virgin rapeseed oil

Roast Free Range British Turkey

Roast potatoes, honey glazed sprouts and carrots, stuffing wrapped in bacon, Yorkshire pudding & thyme gravy.

Root Vegetable and Chestnut Roast

Roast potatoes, honey glazed sprouts and carrots, stuffing & gravy.

The Rockwater Fish Pie

Cheese topped mash tarragon cream & winter greens.

Bitter Chocolate Delice

Pistachio crumb, sour cherry & cocoa gelato.

Banoffee Pie in a Jar

Salted caramel, banana, date biscuit & coconut cream.

Crumble topped homemade mince pie

Christmas pudding ice cream, Cranberry gel.

HANDMADE PIZZAS

Somerset Mozzarella & Tomato £8

Somerset fior di latte mozzarella, tomato & basil

Proper British Pepperoni £12

British beef & pork pepperoni, mozzarella & oregano

Wild Mushroom & Truffle £14

Sauteed wild mushrooms, black truffle, vegan mozzarella & fresh thyme.

SIDES

Signature Chips £3

Seaweed sea salt skin on chips

Old Sussex Cheddar & Parsley Mash £4

Vegetarian parmesan & parsley buttered mash

Coconut Fried Winter Greens £4

Winter greens fried in coconut oil & coconut.

Agave Roasted Root Veg £4

Carrot, celeriac & sweet potato in agave nectar.











APPENDIX 2 – PHOTOGRAPHS OF THE SHACKS









ROCKWATER
Tariff

1000	1500
2000	2500
3000	3500
4000	4500
5000	5500
6000	6500
7000	7500
8000	8500
9000	9500
10000	10500
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84000	84500
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86000	86500
87000	87500
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99000	99500
100000	100500





ROCKWATER

IGLOO VILLAGE

LUNCH 'TIL LATE

Almighty Vegan Hot Dog £7
served with ketchup, mustard
& crispy onions.

Almighty Krakauer Hot Dog £7
served with ketchup, mustard
& crispy onions.

Tagine of South Downs lamb £8
Lemon & herb cous cous

Cauliflower & cashew biryani £8
coconut sambal (vg)

Soup of the day £3.50

Artisan So-Sage Roll (vg) £3

Moroccan Spiced Falafels (vg) £6
& hummus

Sundried tomato stew £8
feta, halloumi, peas & new
potatoes

SOMETHING SWEET

American Fudge Brownie £2.90

Chocolate Fudge Crunch £2.90

Hannah's Cupcakes £2.90
Vanilla, Salted Caramel
or Chocolate

MARSHFIELD FARM ICE CREAM

Single Scoop Waffle Cone £2.50

Double Scoop Waffle Cone £3.75

add a flake .50p
chocolate sprinkle cone .80p

WINTER WARMERS

Vanilla Spiced Chai Latte £3

Gingerbread Vanilla Chai £3.50

Hot Chocolate £3
33% cocoa Zuma Chocolate

Coconut 'Bounty' Hot Choc (vg) £3

'Nutella' Hot Choc £3.50
whipped cream

The Gingerbread Man £3.50
whipped cream

Aperol Igloo Spritz £6.50

Warm mulled apple cider £4

Spiced Cut Rum & hot apple cider £6

Chocolate Orange £5
Cointreau & Zuma Hot Choc

Hazelnut spiked Chocolate £5
Frangelico & Zuma Hot Choc

Irish Cream Hot Chocolate £5
Baileys & Zuma Hot Choc

ROCKWATER

IGLOO VILLAGE

DRINK

	125ml	175ml	BTL	
White				Draught
Trebbiano Garganega, Ponte Pietra, Italy	£3.80	£5.15	£19	Rockwater Craft Lager (vg) £2.50 / £4.50
Pinot Grigio, Ca'di Alte, Italy	£4.70	£6.35	£23.50	Unbarred Casual Pale £2.75 / £5.20
Rose				Orchard Cider (vg) £2.50 / £4.50
Alpha Zeta, Veneto, Italy	£4.30	£5.85	£21.50	9Pint Mini Keg £36
Red				UnBarred Brewery cans from £4
Monastrell, Molino Loco, Murcia, Spain	£3.80	£5.15	£19	Pistonhead 'Flat Tire' 05% abv £4
Sparkling				Spirits
Rialto Prosecco Frizzante, Veneto, Italy	£5		£22	Pimm's & Lemonade £5
Cansecco 200ml Bianco / Rose	£7			Aperol Spritz £7.50
Taittinger Brut Reserve			£50	Brighton Gin & Tonic £5 single / £7.50 double
Stopham Estate Sussex Sparkling			£40	Bar Snacks
				Pork Scratchings £2.50
				Marinated Olives £2.50
				Crisps .80p

WINTER WARMERS

Vanilla Spiced Chai Latte £3	Aperol Igloo Spritz £6.50
Gingerbread Vanilla Chai £3.50	Warm mulled apple cider £4
Hot Chocolate £3 33% cocoa Zuma Chocolate	Spiced Cut Rum & hot apple cider £6
Coconut 'Bounty' Hot Choc (vg) £3	Chocolate Orange £5 Cointreau & Zuma Hot Choc
'Nutella' Hot Choc £3.50 whipped cream	Hazelnut spiked Chocolate £5 Frangelico & Zuma Hot Choc
The Gingerbread Man £3.50 whipped cream	Irish Cream Hot Chocolate £5 Baileys & Zuma Hot Choc

All wines by the glass are available as a 125ml measure.

In accordance with 1985 weights and measures act, spirits are served in quantities of 25ml or multiples thereof.

Draught lager and cider are available as a half pint or full pint.

APPENDIX 4 – DECKED TERRACE



APPENDIX 5 – CHRISTMAS DAY LAST YEAR



ROCKWATER



Rockwater

Kingsway

Hove

East Sussex

BN3 4FA

SUMMMARY OF APPLICANT'S SUBMISSIONS

For Hearing 5 January 2021

Introduction

1. Rockwater Group Limited (the "Applicant") is a new venture which acquired what was then known as The Venue (formerly the View), Kingsway, Hove, East Sussex BN3 4FA (the "Main Premises") in October 2019. In recent months it has been transformed from what was a semi-derelict former nightclub into, what is hoped will be, Hove's premier café, bar and restaurant venue. At the time of writing finishing touches are being applied and, subject to Covid-19 regulations, the Main Premises is set to open before the end of the year to the delight of thousands of its supporters. Photographs of the Main Premises and indicative food and drink menus are at **annex 1**.
2. Adjacent to the Main Premises, on the seafront, are six small shacks (the "Shacks") (see **annex 2**) which sell hot and cold food, teas, coffees and ice cream with two of them also selling alcoholic drinks. Indicative food and drink menus of the Shacks are at **annex 3**. Customers purchasing food or drink either take it away or sit on a decked terrace (see a picture at **annex 4**).
3. Originally designed to be temporary whilst the Main Premises was being constructed, the Shacks have proved to be popular with locals and tourists alike and hence been an invaluable source of revenue given the delays in construction of the Main Premises due to Covid-19 and material shortages. Given their success, the Applicant will operate the Shacks on a permanent basis as

they will appeal to customers fresh off the beach who do not feel comfortable entering the relative formality of the Main Premises.

This Application

4. The use of the Shacks for the sale of alcohol has been permitted by the premises licence but only until 14 December 2020, albeit this permission has been extended by way of Temporary Event Notices until the Licensing Sub-Committee hearing. The premises licence previously permitted the use of the Shacks until 31 October 2020, but this was extended by way of minor variation to coincide with, what was hoped to be, the opening of the Main Premises.
5. Therefore, the application simply asks to make, what was a temporary permission, permanent, albeit with a terminal hour of 10 p.m. Please note that no application has been made to amend the use of the Main Premises, simply the Shacks.

Representations

6. The Applicant was pleased, but not surprised, that there were **no objecting representations from any of the statutory authorities**. However, objecting representations have been received from local residents and the Walsingham Road Residents Association (“WRRRA”), with a positive representation from Councillor Carmen Appich.
7. The issues raised, together with the Applicant’s comments, are as follows:
 - a) Comments on the Main Premises

The Applicant was heartened to read so many positive comments in respect of development of the Main Premises itself. Indeed, the scheme is overwhelming popular and has backing from residents throughout Brighton & Hove. However, as this application only concerns use of the Shacks, the Applicant is not proposing to comment further on these, or address comments made in respect of the igloos or any part of the Main Premises which are not relevant to this application.

However, where the Main Premises is relevant is in relation to licence conditions. Whilst the operation of the Shacks is a relatively low-key and simple affair, sale of alcohol from them is governed by conditions which were in place to cover what was previously a nightclub with a 5 a.m. terminal hour. Hence 19 conditions apply including the likes of:

- i. Any off sale of alcohol sold in an open container for consumption off the premises must not be served in a glass vessel. Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the entrance to the premises. The system shall be on and recording at all times when the premises licence is in operation. The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times. CCTV footage will be stored for a minimum of 31 days. The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy. Subject to GDPR guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk (or other electronic portable device acceptable to Sussex Police) for the police without difficulty or delay and without charge to Sussex Police. Any breakdown or system failure will be notified to the police immediately & remedied as soon as practicable. In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

- ii. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by the DPS (or a person with delegated authority) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence. Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.

- iii. SIA licensed door supervisors shall be employed on any other occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Centre Events e.g. Pride. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.
- iv. A documented risk assessment must be written by the Designated Premises Supervisor and agreed by Sussex Police, which identifies the activities undertaken at the premises and the controls necessary to promote the licensing objectives. It will include a written assessment demonstrating what considerations have been made for both normal day to day activities and any special events or functions which may arise during the year. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request.
- v. A written crowd management procedure/dispersal policy shall be designed and implemented to ensure that there is a wind down period prior to the premises closure and customers are advised accordingly. It will be shared with Sussex Police.
- vi. The premises will become a member of the Business Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and night time economy.
- vii. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- viii. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

- ix. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- x. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, official Photographic Identity Cards issued by EU states bearing a hologram or ultraviolet feature, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram. The list of recommended forms of ID may be amended or revised with the prior written agreement of Sussex Police, the Licensing Authority and Trading Standards without the need to amend the licence or conditions attaching to it.
- xi. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
- xii. The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:
- the lawful selling of age restricted products;
 - refusing the sale of alcohol to a person who is drunk; and
 - refusing the sale of alcohol for consumption off the premises to people who may have alcohol dependency issues. Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented. All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

b) Proximity of the Shacks to Walsingham Road

All the representations, bar one, have been made from residents living on Walsingham Road. They cite the proximity of the Shacks to their homes (with distances of 50 and 100 metres being referenced) when raising the issue of public nuisance. However, these distances should be put into context. The Shacks are located on the seafront itself facing out to sea. In between the Shacks and any residential addresses is approximately 50 metres of green space and a four-lane busy road with an additional parking spaces on each side. Not only does this create a noise barrier so that activity on the beach cannot be heard, but also a considerable physical barrier to customers leaving the area. Walsingham Road is not a main cut through to access public transport and, unless patrons live on Walsingham Road or on nearby roads to the North, there is no reason to walk down it. It should be noted that there are no representations from those living on Kingsway, nor Sackville Gardens and only one from a resident of Carlisle Road, all of which are a similar distance from the Shacks.

c) Large crowds, Drunkenness and Unruly behaviour

The beach adjacent to the Shacks has always been busy throughout the year. For example, please see at **annex 5** a picture taken on Christmas Day last year. However, 2020 has been an exceptional year. Tired of the lockdown and grateful for good weather, people flocked to the coast and green spaces across the country. Brighton & Hove's beach was no exception and, regrettably, some people drank too much and caused a nuisance. However, the Applicant does not accept that the Shacks either caused, or exacerbated, such behaviour. Those frequenting the beach (which runs for miles) were seen carrying alcohol either brought from home or purchased in any number of supermarkets or off-licences in Brighton & Hove. Yes, those on the beach could purchase alcohol from the Shacks (at significantly higher prices per unit than any off-licence) but this was only part of an offer which included hot and cold food, soft drinks and ice cream. Furthermore, the Shacks had their own temporary toilets and are located adjacent to permanent public toilets, thus avoiding patrons of the Shacks going to the toilet either on the beach or nearby streets – a common problem in other parts of Hove.

No evidence has been presented linking allocations of public nuisance or crime and disorder to the Shacks. The Shacks have been the victim of mistaken identity over the Summer as noise from the bowls club brought complaints. Furthermore, the references to an article in the Argus newspaper stating the applicant was 'overwhelmed' by the numbers on the beach

in late November should be put into context. What was meant by this comment was that the numbers of people on the beach was very surprising, not that the Shacks were causing public nuisance or crime and disorder. For the record, the Applicant had door supervisors to ensure that beachgoers did not congregate near the Shacks and service was suspended for a time to ensure good order. As an abundance of caution, additional door supervisors were employed during the following two weekends despite inclement weather.

If allowing the Shacks to sell alcohol on a permanent basis was a genuine concern there would be representations from the 'independent experts', namely the police, environmental health and the licensing authority itself. There are not. Yet, in order to be a 'good neighbour' and to allay fears, the Applicant is happy to proffer the following condition:

“On any days the Shacks have been used, a door supervisor will be employed from at least 10 p.m. to 7 a.m. the following morning to assist with dispersal and to patrol the immediate vicinity of the premises”.

d) Breaches of Covid-19 Regulations

The Applicant strongly rejects any accusations that it has breached Covid-19 Regulations. It has robust measures in place which have been considered by the statutory authorities. It can only be responsible for patrons on the decking and adjacent to the Shacks. Regrettable though it is, the concerns raised of large groups congregating on the beach are not unique to Hove. At business times, the Shacks have security which at least ensures that social distancing is maintained in the immediate vicinity of the Shacks. In any event, we all hope that when people flock to the beach in large numbers again Covid-19 will on the wane as the vaccination programme bears fruit.

e) The Shacks no longer being needed once the Main Premises opens

Whilst need or demand are not relevant when determining a licensing application, once the Main Premises opens, as cited above, the Applicant considers that patrons will still want to

purchase alcohol from the Shacks for either takeaway or consumption on the decked area, especially if they are in beachwear. Nevertheless, once the hospitality industry is hopefully back to normal at some point next year, demand on the Shacks will decrease significantly.

f) Blocking of footpaths

Due to Covid-19 restrictions coastal footpaths across the county have been busy. Any customers waiting to be served at the Shacks join a socially distanced and supervised queue. The recent removal of storage boxes and a fence has also removed any fear of bottlenecks forming.

g) Consultation

As explained by Councillor Carmen Appich, the Applicant has engaged with local residents and the WRRRA repeatedly since acquiring the Main Premises. Furthermore, the Applicant was aware that residents of Walsingham Road were made aware of the variation application by officers of Brighton & Hove City Council (the "Council") in good time during the consultation period. This is, of course, in addition to following the standard advertising requirements prescribed by regulation.

Nevertheless, the Applicant is happy to have further discussions with either the legal representative of WRRRA, Mr Ewen Macgregor, representatives of WRRRA or any local resident. However, given the cold weather and the need for social distancing, the Applicant suggests that this is either done via email, telephone or by using one of the many video call platforms. If this is of interest, please can they contact the writer, Niall McCann, at niall.m@joelsonlaw.com.

h) Parking

The Applicant is aware that, when the beach is busy illegal parking is a nuisance. However, this has been an historic issue and one which is covered by other legislation.

Licensing Policy of the Council (the “Policy”)

8. Before lodging the applicant, the Policy was closely considered. Crucially, the Shacks are not located in a Special Policy Area, hence there is not rebuttable presumption that the application should be refused. Furthermore, the Policy states that the Council ‘supports entrepreneurial activity’, which this is and the Applicant adheres to the Council’s stated policies.

Conclusion

9. The Applicant has invested heavily in both the Main Premises and the Shacks during what has been a very difficult time for the hospitality industry. Whilst a relevant argument Pre-Covid, the consideration of economic factors is now even more important. The Applicant wishes to remind the licensing sub-committee of the case of *R (o/a/o Hope and Glory Public House Ltd) v City of Westminster Magistrates’ Court and Others* [2011] EWCA Civ 31, and the observation of Toulson LJ that:

*“Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, **the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand**, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on.”*

10. Nevertheless, the Applicant is acutely conscious that financial imperative means nothing unless the licensing objectives can be upheld. Given the incredibly onerous conditions already on the premises licence, the additional condition proffered and the strong management team in place, the Applicant submits that this will be case if the application is granted.
11. The licensing sub-committee is respectfully invited to grant this application.

NIALL McCANN

Consultant Solicitor, Joelson

21 December 2020

