

Licensing Panel (Licensing Act 2003 Functions)

<u>Date:</u> **29 April 2021**

Time: **10.00am**

<u>Venue</u> **Virtual**

Members: Councillors: Deane, Fowler and Simson

Contact: Shaun Hughes

Democratic Services Officer

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PART ONE Page No.

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.

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THE SHELTER HALL LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Dean Love Tel: 01273 295347 Ward Affected: Regency

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

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject: Application for a Variation of a Premises Licence

under the Licensing Act 2003

Premises: The Shelter Hall

152 - 154 Kings Road Arches

Brighton BN1 1NB

Applicant: Sessions Market Limited

Date of Meeting: 29 April 2021

Report of: Executive Director of Housing, Neighbourhoods &

Communities

Contact Officer: Name: Sarah Cornell Tel: (01273) 295801

Email: sarah.cornell@brighton-hove.gov.uk

Ward(s) affected: Regency

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 The Shelter Hall.

2. RECOMMENDATIONS:

2.1 That the Panel determine an application for a Variation of a Premises Licence under the Licensing Act 2003 for The Shelter Hall.

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 vary the existing premises licence so as to:

Part A) Regularise changes to the premises layout as shown on the plans appended to the application.

Part B) Amend existing licence conditions in accordance with the operating schedule of amended conditions appended to the application and summarised as follows:

- Condition 2 amend to allow either hot or cold food to be available during the last hour of trade, reduce the minimum number of kitchens open in the last hour from 3 to 2 and remove references to areas not labelled on the proposed layout plans.
- Condition 4 (a) applicable to ground floor remove the requirement for 20 maintained covers on high poseur tables and allow standing at private prebooked functions or events.

- Condition 4 (b) applicable to terrace vary the requirement for external furniture to be fixed to the ground so that tables and chairs can be secured and rendered unusable when not in use.
- Condition 20 replace the restriction on the use of glassware on the ground floor terrace with a requirement that the premises licence holder risk assesses and supervises the use of glassware on the ground floor terrace.
- 3.2 Part M of the application (operating schedule) and supporting documentation is detailed at Appendix A and the proposed plan is attached at Appendix B.
- 3.3 Summary table of existing and proposed activities

	Existing	Proposed
Films	08:00 - 23:30 indoors	As existing - no change
	Every day	
Live music	08:00 - 23:30 indoors	As existing - no change
	Every day	
Recorded Music	08:00 - 23:30 indoors	As existing - no change
	Every day	
Performance of Dance	08:00 - 23:30 indoors	As existing - no change
	Every day	
Anything of a similar	08:00 - 23:30 indoors	As existing - no change
description within e, f	Every day	
or g		
Late Night	23:00 - 23:30 indoors	As existing - no change
Refreshment	Every day	
Supply of Alcohol	23:00 - 23:30	As existing - no change
	on the premises	
	Every day	
Hours premises are	7:00 to 00:00	As existing - no change
open to public	Every day	

Conditions amended as a consequence of the proposed Variation

Condition 2 – amend to allow either hot or cold food to be available during the last hour of trade, reduce the minimum number of kitchens open in the last hour from 3 to 2 and remove references to areas not labelled on the proposed layout plans.

Condition 4 (a) applicable to ground floor – remove the requirement for 20 maintained covers on high poseur tables and allow standing at private prebooked functions or events.

Condition 4 (b) applicable to terrace – vary the requirement for external furniture to be fixed to the ground so that tables and chairs can be secured and rendered unusable when not in use.

Condition 20 – replace the restriction on the use of glassware on the ground floor terrace with a requirement that the premises licence holder risk assesses and supervises the use of glassware on the ground floor terrace.

- **3.4** Existing licence attached at Appendix C.
- 3.5 Cumulative Impact. The premises falls within the Cumulative Impact Area ("The Area") (see paragraphs 3.1 3.1.10).

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** Eight objecting representations were received. Five supporting representations were received. They were received from local residents, local businesses, Sussex Police and The Licensing Authority.
- 3.8 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact, Public Safety, Prevention of Public Nuisance, Protection of Children from Harm.
- **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. This policy takes effect from the 4th February 2021. 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) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

1.3 Scope

1.3.1 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.

3 Special Policies and Initiatives

3.1 Cumulative impact

3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be

confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for the market to decide and can, in some circumstances, be a matter for planning consideration; need therefore, does not form part of this licensing policy statement.

- 3.1.2 **Special Policy -** Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 3.1.3 The licensing authority, after careful consideration, has determined that the concentration of licensed premises in an area of the city centre is causing problems of crime and disorder and public nuisance, and that therefore an approach to 'Cumulative Impact' is necessary as part of its statement of licensing policy. The first Special Policy incorporating a Cumulative Impact Zone (CIZ) and Special Stress Areas (SSA's) was adopted in March 2008. Since that date, the licensing authority has kept the CIZ and SSA's under review. On 15 December 2011 Full Council resolved to expand the CIZ and the special stress area, covering 1.5% of the administrative area of Brighton & Hove City Council. On 20th November 2014 Licensing Committee resolved to confirm the current CIZ and SSA as defined in the current Statement of Licensing Policy. On the 29th November 2018 Licensing Committee resolved to expand the SSA into Central Hove. It is now proposed to expand the SSA into Preston Road and Beaconsfield Road. The licensing authority has published a Cumulative Impact Assessment which can be found at Appendix E.
- 3.1.4 This special policy will refer to a Cumulative Impact Zone ("the CIZ") in the Brighton city centre, a detailed plan of which is shown below.



Cumulative Impact Zone, January 2021

Brighton & Hove Public Health Intelligence, 2021
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- 3.1.5 The Cumulative Impact Zone comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Air Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Lower Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.
- 3.1.6 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.
- 3.1.7 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.
- 3.1.8 The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.
- 3.1.9 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well-qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.
- 3.1.10 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

3.3 The Matrix Approach

The Licensing Authority will support:

- 3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports mixed use venues encouraging a wider age balance.
- 3.3.2 A "matrix" approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

Matrix approach for licensing decisions in a Statement of Licensing Policy (times relates to licensable activities)

	Cumulative Impact Area	Special Stress Area	Other Areas
Restaurant	Yes (midnight)	Yes (midnight)	Yes (midnight)
Café	Yes (10 pm)	Yes (10 pm)	Yes (10 pm)
Late Night Takeaways	No	Yes (midnight)	Yes (midnight)
Night Club	No	No	No
Pub	No	Yes (11pm)	Yes (midnight)
Non-alcohol lead (e.g. Theatre)	Yes (favourable)	Yes (favourable)	Yes (favourable)
Off-licence	No	No	Yes (Up to 11pm but if in densely residential area may be earlier – see note 7 below)
Members Club (club premises certificate)	Yes (<100 capacity) (11pm)	Yes (<100 capacity) (11pm)	Yes

Notes on matrix

Subject to the following notes, the policy, as represented in the matrix, will be strictly adhered to:

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).
- 6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.
- 7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website www.brighton-hove.gov.uk/licensingact.
- 8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.
- 9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.
- 10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal

hour of no later than 10 pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

- 3.3.3 **Cafes** the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.
 - The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
 - Substantial food shall be available at all times. The licensing authority shall judge each case on its own merits but as a general rule, a bowl of crisps, nuts, or olives does not constitute substantial food.
- 3.3.3 **Restaurants** the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following restaurant condition.
 - Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.
 - Restaurants with outside service the licensing authority will also consider applications from restaurants that request to serve alcohol to areas adjacent to or immediately outside their premises. In addition to the above conditions for cafes, the licensing authority will require evidence that the applicants have an agreement with the local authority to use the area as defined on a plan provided. The following condition may also apply:
 - The sale and supply of alcohol for consumption off the premises shall be restricted to an area licensed by the Local Authority for use of the public highway as shown on the plan deposited and such area shall be defined by a physical barrier acceptable to the licensing authority.

4 Prevention of Crime and Disorder

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.

4.1.1 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.

- 4.1.2 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.
- 4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.1.4 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

4.2 Sussex Police

- 4.2.1 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.
- 4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing (brighton.licensing@sussex.pnn.police.uk) .This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.
- 4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.
- 4.2.4 Sussex Police have continuing concerns that, despite staff training in agerestricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further

sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

- 4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.
- 4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.
- 4.2.7 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

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 Industry 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. This policy endorses the use of units following such quidance and standards in appropriate circumstances.
- 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.
- 4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B).

5 Public Safety

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.

- 5.1.2 Normally in the city centre, pubs and clubs will be expected to operate using polycarbonate or toughened/shatterproof glass.
- 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.

6 Prevention of Public Nuisance

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 (eg in order to smoke).
- 6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.
- 6.1.3 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.
- 6.1.4 Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.
- 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.

7 Protection of Children from Harm

The following details and measures are intended to address the need for the protection of children from harm; this includes emotional and physical harm which may be associated with licensed premises and certificated club premises (for example the exposure too early to strong language and sexual expletives, eg in the context of film exhibitions or where adult entertainment is provided). It is intended that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions (unless the 2003 Act itself imposes such conditions or there are good reasons to restrict entry or to exclude children completely).

- 7.1.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (eg passport, photo driving licence or pass card).
- 7.1.2 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.
- 7.1.3 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:
 - a) Police should exercise powers (Confiscation of Alcohol (Young Persons) Act

- 1997) to remove alcohol from young people on the street
- b) Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
- c) Further take-up of proof of age schemes will be promoted
- d) In-house, mystery shopper type schemes operated by local businesses will be supported
- e) Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked
- 7.1.4 The licensing authority will not seek to require that access to any premises is given to children at all times under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:
 - where there have been convictions for serving alcohol to minors or with a reputation for underage drinking.
 - with a known association with drug taking or dealing.
 - where there is a strong element of gambling on the premises.
 - where entertainment of an adult or sexual nature is commonly provided.
 - where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present.
- age limitations (below 18).
- limitations or exclusions when certain activities are taking place.
- requirements for an accompanying adult.
- full exclusion of people under 18.
- 7.1.5 Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases where such certificates have not been granted, the licensing authority. The licensing authority does not intend to adopt its own system of film classification. The licensing authority's procedures for dealing with unclassified films are appended at Appendix C.
- 7.1.6 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security Industry Authority (door supervisors) should be employed for every 100 children but will be subject to advice within the Event Safety Guide. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. For exclusively under 18 events reference should be

made to police guidelines (available from the Police Licensing Unit, Brighton tel. 101).

- 7.1.7 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police and BCRP undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.
- 7.1.8 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

8 Integration of Strategies

- 8.1.1 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
- 8.1.2 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.
- 8.1.3 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.
- 8.1.4 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.
- 8.1.5 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.

8.1.6 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.

8.3 Enforcement

- 8.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.
- 8.3.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:
 - Community Safety & Crime Reduction Strategy
 - Drugs and alcohol strategies local alcohol harm reduction strategy
 - Objectives of the Security Industry Authority
 - The Anti-Social Behaviour Act 2003/ASBPC Act 2014
 - The Health Act 2006
 - The Violent Crime Reduction Act 2006
 - Policing and Crime Act 2009

10 Live Music, Dancing & Theatre

- 10.1.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.
- 10.1.2 The Licensing Committee represents the general interests of a community in determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. All members of the

Licensing Committee will be trained on Licensing Act 2003 and S182 Guidance. The Licensing authority is aware of the need to avoid measures which deter live music, dancing and theatre - such as imposing indirect costs out of proportion to the income of the licence holder and to the risks presented. Only appropriate, proportionate and reasonable licensing conditions should impose any restrictions on such events.

10.1.3 The licensing committee will support the cultural zones, outdoor eating areas, food led operations, community pubs, live entertainment and protect living conditions in mixed use areas.

APPENDIX A – Licensing Best Practice Measures

Best Practice Measures to be included for consideration, in particular in SSA: Matters that would normally be expected in operating schedules:

- the adoption of a policy (e.g. Challenge 25) with acceptable proof of ID as per existing Statement of Licensing Policy
- all off sales to be made in sealed containers for consumption away from the premises
- a smoking policy which includes an assessment of noise and litter created by premises users
- the use of plastic or polycarbonate drinking vessels and containers, especially in outside areas or after specified hours
- a policy in relation to searching customers and for drugs, weapons, seized or lost and found property
- use of a refusals book for registering attempts to buy alcohol by under-age persons or refusals to those intoxicated
- the installation of a digital CCTV system by liaison with, and to a standard approved by, Sussex Police
- policies for dispersal of customers which may include signage regarding taxi services' telephone numbers and advice to respect neighbours and minimize noise

Items to which positive consideration would be given:

- membership of Business Crime Reduction Partnership, Pubwatch, Neighbourhood Watch or similar schemes
- use of 'Night Safe' radio system or similar accredited scheme
- regular training and reminders for staff in respect of licensing legislation, policies and procedures; records of which should be properly recorded and available for inspection
- records of regular checks of all parts of the premises in relation to druguse
- systems in place to ensure details of barred clients are exchanged with other operators
- giving an agreed minimum notice of special events (screening of major sports events, birthday parties, adult entertainment, etc.) to relevant authorities and use of appropriate additional measures at such events

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences
- Signage on premises should set out legal duties
- Voluntary restriction of high strength alcohol operating schedules may be used to limit high ABV beers and ciders
- Staff training in addition to personal licence holders training, staff must be adequately trained for duties
- Challenge 25 would be the norm, particularly in the off licence trade
- Signage proxy sale deterrence

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.

Date: 20/04/21

Finance Officer Consulted Michael Bentley

Legal Implications:

- 5.2 The licensing authority must act to promote the four licensing objectives which are:
 - •The prevention of crime and disorder
 - Public safety
 - •The prevention of public nuisance
 - •The 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: 20/04/21

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) and supporting documentation of the Application
- 2. Appendix B Proposed Plan of Premises
- 3. Appendix C Part A of Premises Licence
- 4. Appendix D Representations (both supporting and objecting)
- 5. Appendix E Map of area

Documents in Members' Rooms

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

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

Background Documents

Brighton & Hove City Council, Licensing Act 2003: Statement of Licensing Policy 2021.

APPENDIX A OPERATING SCHEDULE OF CONDITIONS AND OPERATIONAL MANAGEMENT PLAN

M
Describe any additi
result of thepropos

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)
Please see appended documents to address all four licensing objectives:-
- Operating schedule of conditions; - Operational Management Plan; and - Shelter Hall Overview
b) The prevention of crime and disorder
See a) above
c) Public safety
See a) above
d) The prevention of public nuisance

See a) above	
e) The protection of children from harm	
See a) above	

THE SHELTER HALL 152 – 154 KINGS ROAD ARCHES BRIGHTON BN1 1NB APPLICATION TO VARY PREMISES LICENCE 1445/3/2020/03145/LAPREV PROPOSED CHANGES TO LICENCE CONDITIONS

Proposed changes highlighted in red with proposed deletions in strike through text:

CONDITION 2

2. The Premises will at all time remain "food led" but alcohol sales shall be permitted as follows:

Substantial hot food will be available from not less than 2 3 of the 7 kitchen serveries until not more than 60 minutes before the projected time for the cessation of alcohol sales and there will be at least 1 kitchen service available until not less than 30 minutes before the cessation of alcohol sales.

Excluded from this is when an exclusive pre booked invitation only party or event is taking place within the Private Dining or Function room shaded orange on the submitted plans or within the first floor area. This exclusion will only apply to the area (room/s) that have been reserved for the particular party/event. The Licensee will provide not less than 10 days

written notice of their intention to hold such an event to the Licensing Authority and to Sussex Police - such notice to specify the area to be used for such private party or event, the date, timings and the nature of such party or event, alcohol sales being limited to within such specified area only.

CONDITION 4

4.

In the internal ground floor area edged red provided:

- a) There shall be tables and not less than 200 seats available except for during pre-booked private functions or events organised in accordance with condition 2 together with not less than 20 covers on high "poseur" tables.
- b) There will be in addition to bar staff not less than 2 staff patrolling this area.
- c) When the windows in the Rotunda are open the external terrace area whether or not it is in use will be defined save for the entrance by a portable barrier.

In the first floor and balcony area edged blue provided:

- a) The area shall be supervised at all times by not less than one member of staff.
- b) The Servery bar will be open and staffed when such servery bar is not in use it will be locked closed so that it cannot be accessed by members of the Public.
- c) As to the balconies there will on each be not less than one table and two chairs.
- d) Save where this area shall be in use for an exclusive pre-booked invitation only party or event and subject to the giving of the written notice specified above, there shall be no less than 65 seats in addition to the tables and chairs on the balcony's, maintained in this area being a combination of chairs at tables and sofas.

Upon the external terrace area edged green provided.

- a) When in use the area shall be defined save for the entrance by a portable barrier.
- b) Tables and seating for not less than 100 customers will be provided which shall be either secured and rendered unusable to the floor or removed to secure storage when not in use.
- c) Sale of alcohol will be permitted only from the internal bars as shown on the deposited plans or by waiter/waitress service.
- d) There will be no vertical drinking.
- e) A portable waiter station shall be staffed on the terrace to facilitate the clearing of glasses and the supervision of this area.

In the designated Function Room or in the Private Dining Room shaded orange shaded yellow provided that at all times this area is in use it is supervised by at least one member of

staff.

CONDITION 20

20. All alcohol sold for consumption outside on the front terrace area will be served in cans or shatter proof receptacles - Staff will patrol the terrace area to ensure that alcohol sold inside the premises in glass containers is not taken outside the designated terrace area. Alcohol sales within the premises will be permitted in glass containers subject to the Licensee's risk assessment. When such assessment requires it sales within the premises will also be in cans or shatterproof containers only.



Shelter Hall Brighton





Operational Management Plan

CONTENTS

- 1. Introduction to Sessions Market
- 2. Shelter Hall
- 3. Corporate Social Responsibility
- 4. Management & Staffing
- 5. Noise Control
- 6. Security
- 7. Smoking Policy
- 8. Responsible Sale of Alcohol & Customer Welfare
- 9. Dispersal Policy
- 10. Closing Procedure



1 Introduction to Sessions Market

Revitalising High Streets

1.1 Sessions develops unique cultural hubs in urban centres with an emphasis on architectural and environmental sensitivity. We aim to immerse our venues in the fabric of their local community, collaborating with surrounding producers, creators and artists to help each other thrive collectively.

Developing Local Talent

1.2 Our food halls are incubators for food brands to develop from their point of conception, perfecting their operating models, and developing their brand equity. Sessions provides a state-of-the-art kitchen for food entrepreneurs to test and run an enterprise in a prime location to a targeted audience.



2 Shelter Hall

- 2.1 Shelter Hall is an ethically-driven immersive food market concept which brings together the best of the Brighton under one roof. Our food market is a microcosm of the local community, epitomising the ethos and vibrancy of Brighton, creating a cultural heartbeat of Brighton society on the seafront.
- 2.2 We are the local, ethical and independent choice that champions sustainable regeneration and taste.
- 2.3 Shelter Hall is designed by We Like Today in the spirit of Brighton, its community and what they feel. As a historic building we celebrate the famed architecture of Brighton, echo it in the design and respect the integrity of its history by naming the market 'Shelter Hall'.
- 2.4 Shelter Hall is a seafront destination where guests can spend an entire day, rather than a location to grab a quick bite offering an open beachfront market hall and terrace, sea view balcony and market.



3 Corporate Social Responsibility

- 3.1 Our business is centred around:
 - 3.1.1 Ethically driven practices and food concepts
 - 3.1.2 Locally sourced ingredients, with as many sourced from Sussex producers as possible
 - 3.1.3 Sustainable building, supplies and servicing
 - 3.1.4 Community focussed
 - 3.1.5 Brighton centric, thoughtful and values driven
 - 3.1.6 Promoting the use of recycled materials our floor is made from 98% recycled materials
 - 3.1.7 Eliminating single-use packaging and plastics by using melanime plates & cutlery.
- 3.2 Shelter Hall provides a low cost and accessible platform for fledgling food entrepreneurs to showcase their products without the capital expenditure required to open a bricks and mortar site.
- 3.3 We actively engage, promote and participate in the following Brighton schemes and initiatives:
 - 3.3.1 Circular Brighton & Hove (CBH) Shelter Hall is serving as a case study for Circular Brighton & Hove (CBH) a network supporting the transition to a circular economy in the greater Brighton region
 - 3.3.2 Brighton Beach Patrol
 - 3.3.3 Brighton Beach Clean
 - 3.3.4 Brighton Business Crime Reduction Partnership
 - 3.3.5 NightSafe radio scheme



4 Management & Staffing

- 4.1 We strive towards the highest possible standards of training, with particular focus on food hygiene; health & safety; the Licensing Act 2003; general compliance and business management. In addition, we employ high levels of staff headed by a general manager to cover all aspects of the Shelter Hall's operation as a licensed premises trading in the Brighton Cumulative Impact Zone.
- 4.2 On busier trading days, for example on Thursday, Friday and Saturday the staff and security levels are increased in order to ensure customers are supervised in a safe environment with no adverse impact to the local area.
- 4.3 The general manager is appointed as the designated community contact. Local residents and the responsible authorities have an open line of communication with the general manager to discuss any issues affecting the local area.
- 4.4 Staff will continue to be reminded of their duties under the Licensing Act 2003 to promote the Licensing Objectives: the Prevention of Public Nuisance; the Prevention of Crime & Disorder; Public Safety; and the Protection of Children From Harm.
- 4.5 Additional controls include:
- 4.6 Extensive employee induction and on-going refresher training, covering inter alia:
 - 4.6.1 The responsible supply of alcohol
 - 4.6.2 Age verification
 - 4.6.3 Customer welfare
 - 4.6.4 Responsibilities in the local area and towards local residents
 - 4.6.5 Customer care and hospitality
 - 4.6.6 Complaint handling
 - 4.6.7 Food Hygiene & Safety
 - 4.6.8 Health & Safety
 - 4.6.9 Fire Safety
 - 4.6.10 Team working skills and regular team meetings
 - 4.6.11 Obligations under the Licensing Act 2003
- 4.7 Operational procedures to prevent any sources of nuisance or crime in the local area, covering inter alia:
 - 4.7.1 Responsible management of customers in and outside Shelter Hall
 - 4.7.2 Controlled management of the arrival of customers
 - 4.7.3 Preventing loitering or any disturbance whatsoever outside Shelter Hall
 - 4.7.4 Controlling and supervising customer smoking



- 4.7.5 Litter and waste refuse
- 4.7.6 Dispersal (see dispersal policy below)
- 4.8 Sympathetic servicing of the Shelter Hall, including consolidated servicing and deliveries.



5 Noise Control

- 5.1 There are no noise sensitive premises, for example residential accommodation, located in the immediate vicinity of Shelter Hall. Notwithstanding, we are mindful of the risk of noise associated with Shelter Hall's operation that could potentially cause a nuisance to local people. We risk assess and consider potential noise sources from plant & equipment; music; and customer noise as they arrive, visit and leave the Shelter Hall.
- 5.2 Our entertainment, including live music performances, is played at appropriate times and at modest volumes. In doing so we can contribute to Brighton's cultural offer responsibly and without causing any disturbance to the local community.



- 5.3 Our customer base, purpose of visit and operational hours means it is unlikely that our customers will contribute to anti-social behaviour when either inside or outside Shelter Hall. This type of behaviour will not be tolerated under any circumstances in any event.
- 5.4 Our dispersal policy promotes a quick, quiet and controlled departure of customers, particularly during more sensitive times in the evening. This controls any potential noise sources associated with customer dispersal.



6 Security

- 6.1 We will work in partnership with the Police, Licensing Authority and Brighton Beach Patrol.
- 6.2 SIA registered supervisors are employed in accordance with licence conditions and based upon an ongoing security risk assessment.
- 6.3 A comprehensive CCTV is installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05). Recordings are kept for the minimum 31 days and readily available to the Police on request.
- 6.4 Our staff are trained to be vigilant for thefts.
- 6.5 Additional security risks, for example terrorism, will continue to be assessed and appropriate procedures implemented accordingly.



7 Smoking Policy

- 7.1 Our Smoking Area is located on the exterior terrace.
- 7.2 The Smoking Area is managed to ensure customers smoking outside:
 - 7.2.1 behave responsibly;
 - 7.2.2 do not obstruct the highway;
 - 7.2.3 do not drop smoking related litter; and
 - 7.2.4 do not cause a nuisance.
- 7.3 Ashtrays and bins are provided in the Smoking Area. Smoking related litter will be regularly collected.



8 Responsible Sale of Alcohol & Customer Welfare

- 8.1 The responsible supply of alcohol is vital to ensure the safety and wellbeing of our customers, general members of the public and all persons working at Shelter Hall.
- 8.2 It is an offence to sell or allow the sale of alcohol to persons who are drunk or under 18. All members of the Shelter Hall team must read, understand and agree to comply with the contents of our responsible sale of alcohol procedures.

Age Verification

- 8.3 Shelter Hall operates a "Challenge 25" age verification policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove they are aged 18 or over.
- 8.4 The recommended forms of ID that are 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.
- 8.5 Signage advertising the "Challenge 25" policy is displayed in prominent locations in Shelter Hall.

Training

- 8.6 Our staff received the following documented induction and refresher training:
 - 8.6.1 Challenge 25
 - 8.6.2 The sale of age restricted products
 - 8.6.3 Refusing the sale of alcohol to underage persons
 - 8.6.4 Refusing the sale of alcohol to persons who are intoxicated
 - 8.6.5 Refusing the sale of alcohol to persons who may have alcohol dependency issues

Recognising a person who is intoxicated

- 8.7 Staff are trained to recognise the following symptoms that are common indicators that a person may be intoxicated:
 - 8.7.1 Reddened or glazed eyes
 - 8.7.2 Poor coordination, for example unsteadiness
 - 8.7.3 Slurred speech
 - 8.7.4 Inability to respond appropriately to clearly stated questions or requests



8.7.5 Smell of alcohol on the breath

8.8 If a customer demonstrates any of the above symptoms, or if there is any doubt whatsoever about customer intoxication, the alcohol must not be supplied.

Responsible Sale of Alcohol Safeguards

- 8.9 Shelter Hall does not sell cheap price alcohol.
- 8.10 Staff do not receive any commission from alcohol sold.
- 8.11 Staff actively discourage customers from excessive or rapid consumption of alcohol.
- 8.12 Alcoholic drinks are served in standard drinks measures.
- 8.13 Customers are made aware that small measures are available in accordance with the Premises Licence mandatory conditions; these are show in the menus and/or being informed by staff when ordering their drinks:
 - 8.13.1 Beer or cider half a pint.
 - 8.13.2 Gin, rum, vodka and whisky: 25 ml.
 - 8.13.3 Still wine in a glass: 125 ml.
- 8.14 Free tap water is available on request. Staff shall actively offer drinking water to customers.
- 8.15 No alcohol is dispensed directly by one person into the mouth of another.
- 8.16 Alcohol will not be served to a person that appears to be intoxicated.
- 8.17 Staff will report to management any customers that appear to be intoxicated. Water and soft drinks will be offered to these customers.
- 8.18 Intoxicated patrons will be asked to leave the premises providing it is safe to do so.
- 8.19 Any refusal of alcohol will be written on a refusal book. In case of any issue raised due to refusal will be written in the incident book.
- 8.20 We will always promote sensible attitude to drinking.



Customer Welfare

- 8.21 Ensuring the responsible sale of alcohol promotes a safe and enjoyable environment for customers. Staff must be mindful that excessive alcohol consumption leading to intoxication compromises customer welfare. Alcohol must not be supplied to customers that are intoxicated.
- 8.22 Staff and performers are expected to be familiar with indicative behaviour of intoxication (see above) and take appropriate action when required.

Safe Departure of Customers

- 8.23 Customers who appear intoxicated must not be rushed out of Shelter Hall. They should be offered soft drinks before making their journey home.
- 8.24 We encourage safe transport options in accordance with our dispersal policy to ensure customers make their journey home safely.

Responsible Sale of Alcohol for Consumption off the Premises

- 8.25 The Council and Police have identified concerns arising from the sale of alcohol for consumption off the premises in Brighton. These concerns include:
 - 8.25.1 Street drinking
 - 8.25.2 Proxy purchasing
 - 8.25.3 Dispersal issues
 - 8.25.4 Pre-loading
 - 8.25.5 Excessive drinking
- 8.26 We must be mindful of these local issues. It is vital that our responsible sale of alcohol procedures are upheld to ensure that Shelter Hall does not contribute to the existing problems identified in Brighton.

Refusals Log

8.27 Details of all refused deliveries of alcohol should be recorded in a log, as follows:

DATE	TIME	STAFF NAME	CUSTOMER	DETAILS	(IF	REASON FOR REFUSAL
			KNOWN) OR TABLE NUMBER			

Logs should be regularly checked and signed by a manager to ensure that all members of staff are using them.



9 Dispersal Policy

- 9.1 A significant proportion of persons visiting Shelter Hall are anticipated to be:
 - 9.1.1 Local residents;
 - 9.1.2 Persons working locally;
 - 9.1.3 Shoppers visiting the various retail offerings in Brighton;
 - 9.1.4 Tourists.
- 9.2 These persons will already be in the area in any event and are expected to make their journey home via their established transport links. This dispersal policy seeks to ensure a controlled, quick and quiet dispersal of persons already in the areas (as categorised above) and new persons that may be visiting Brighton specifically for Shelter Hall.
- 9.3 By implementing this dispersal policy, we seek to promote a professional and responsible management of customers as they leave to ensure they make their journey home safely and without any adverse impact on local residents.

Entrances and Exits

- 9.4 Access to Shelter Hall is via entrances at ground floor level situated at Kings Road Arches. The primary point of entry and exit is via the East and West Corridors. Entrances and exits are monitored by staff. Supervision of the entry and exit points is increased during busier trading periods.
- 9.5 At peak periods, additional staff and SIA supervisors are employed to assist with the quiet dispersal of customers.

Transport

9.6 Customers are expected to arrive and depart by various modes of transport. Shelter Hall is very well serviced by public transport links, as set out below. Staff are familiar with the transport links so they can advise customers where required.

9.7 <u>Rail</u>

9.7.1 The proposed hours of operation fall within the scheduled timetables for trains operating out of Brighton Train Station.



9.7.2 Brighton Train Station is approximately 20-25 minutes walk from Shelter Hall.

9.8 Cycle

- 9.8.1 Shelter Hall promotes the use of cycles, providing it is safe to do so. Staff will be vigilant for any persons attempting to cycle who may be intoxicated.
- 9.8.2 We allow customers to bring their bicycles into Shelter Hall.

9.9 <u>Taxi</u>

- 9.9.1 Licensed taxis are readily available right through the day and night in the area.
- 9.9.2 Other forms of app-based taxis may also be used by customers. Customers can wait inside Shelter Hall until their taxi has arrived to ensure a quick and quiet exit.

9.10 Bus

- 9.10.1 Shelter Hall is well serviced by public buses. The closest bus stop is located on Ship Street and is serviced by bus route 77.
- 9.10.2 Other bus stops within easy walking distance, including 25, 26, 48 and N25 which go to a variety of destinations throughout Brighton.
- 9.10.3 Staff are familiar with the local bus services and will advise customers accordingly.



10 Closing Procedure

- 10.1 Management controls are implemented to ensure that the closing procedure of Shelter Hall has no adverse impact on the local community and promotes the Licensing Objectives. The procedures will facilitate a quick and quiet closure of Shelter Hall.
- 10.2 Management controls will include:
 - 10.2.1 Politely reminding customers of the operating hours ahead of the closure times.
 - 10.2.2 Phased closure of the bar and food stands ahead of the closure time.
 - 10.2.3 Ensuring all customers are off the premises by the authorised closing times. There are no exceptions to this rule whatsoever.
 - 10.2.4 A prompt clean and clear up of Shelter Hall and surrounding area as soon as possible after closure.
 - 10.2.5 Employees/traders must leave Shelter Hall quickly and quietly, at all times following the Dispersal Policy set out above.
 - 10.2.6 Employees/traders are not permitted to loiter outside Shelter Hall or smoke in the vicinity after closing.





SHELTER HALL VISION

- Shelter Hall is an ethically-driven, immersive Food Market concept which brings together the best of the city under one roof.
- Our Food Market is a microcosm of the local community, epitomising the ethos and vibrancy of Brighton. Creating a cultural heartbeat of Brighton society on the Seafront.
- We are the local, ethical and independent choice that champions sustainable regeneration and taste.



SHELTER HALL ENVIRONMENT

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Shelter Hall is designed by We Like Today in the spirit of Brighton, its community and what they feel. As a historic building we will celebrate the famed architecture of Brighton, echo it in the design and respect the integrity of its history by naming the market 'Shelter Hall'

BEAUTIFUL | SUSTAINABLE | LOCAL | EXPERIENTIAL | RESPECTFUL

This is not a brand, it's a historic and iconic building that needs to house a diversity of communities that celebrate the city it lives in and worships the environment it is blessed with.

Shelter Hall is a seafront destination where guests can spend an entire day, rather than a location to grab a quick bite offering an open beach front market hall and terrace, sea view balcony and market overlooking mezzanine and private hire room with round window view.



SHELTER HALL PEOPLE

Shelter Hall intends to enrich the lives of all in Brighton, our partners, our teams, our guest and our communities.

We are inviting food and drink partners that celebrate our vision to join our journey.

We will attract young locals, new families, established Britonians, keen foodies alongside business, corporate and culture seeking individuals.

FOODIE | SOCIAL | ENGAGING | CONSCIOUS THINKING

Shelter Hall will always be showcasing the best of emerging local artists and celebrate them through the food and events.

We will curate a constant schedule of pop-up events and exhibitions with a focus on showcasing Brighton and Sussex acumen, talent, creativity.



SHELTER HALL FOOD & DRINK

INDEPENDENT | QUALITY | DELICIOUS | INSPIRING | SEASONAL

EXCITING | EXPERIENTIAL | PROVENANCE

Shelter Hall will showcase and celebrate Brighton as the culinary capital of the South by hosting, profiling and nurturing Sussex wide operators.

6 Partner Kitchens - Chef Driven

Showcasing an array of amazing local chefs and restaurants serving their best dishes and new creations. Celebrating the best of local ingredients and creative cooking.

1 Incubator development Kitchen – Concept Driven

Innovative creative space run by Sessions culinary team offering the opportunity for upcoming chefs to test new concepts. A place for chefs to learn from the best and practice their art alongside pop-up concepts and food focused experiences. This is the place to spot new upcoming talent...

Sessions Bars – The Best Beverages

Offering a defined drinks selection that compliments the carefully curated food. Mixology developed cocktails, local craft beer, wines and fizz.



SHELTER HALL MAKERS MARKET

Shelter Hall will promote local artisans with a monthly makers market and online retail offering

We aim to support local businesses and add another layer to the Shelter Hall user experience, reinforcing the brand as Brighton-୍ଷ୍ର centric, thoughtful and values-driven.

In addition to sourcing food, drink and art products from local producers, we will also work with our chef partners to develop a retail offering and implement the fulfilment and delivery framework.

CRAFT | LOCAL | EMERGING TALENT

The online market will encourage local consumers to support the community of Brighton producers, but will also allow visitors from other parts of the country to continue to enjoy the best of Brighton from their homes.



SHELTER HALL SUSTAINABILITY

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ENVIRONMENTAL | RESPONSIBLE | REUSABLE

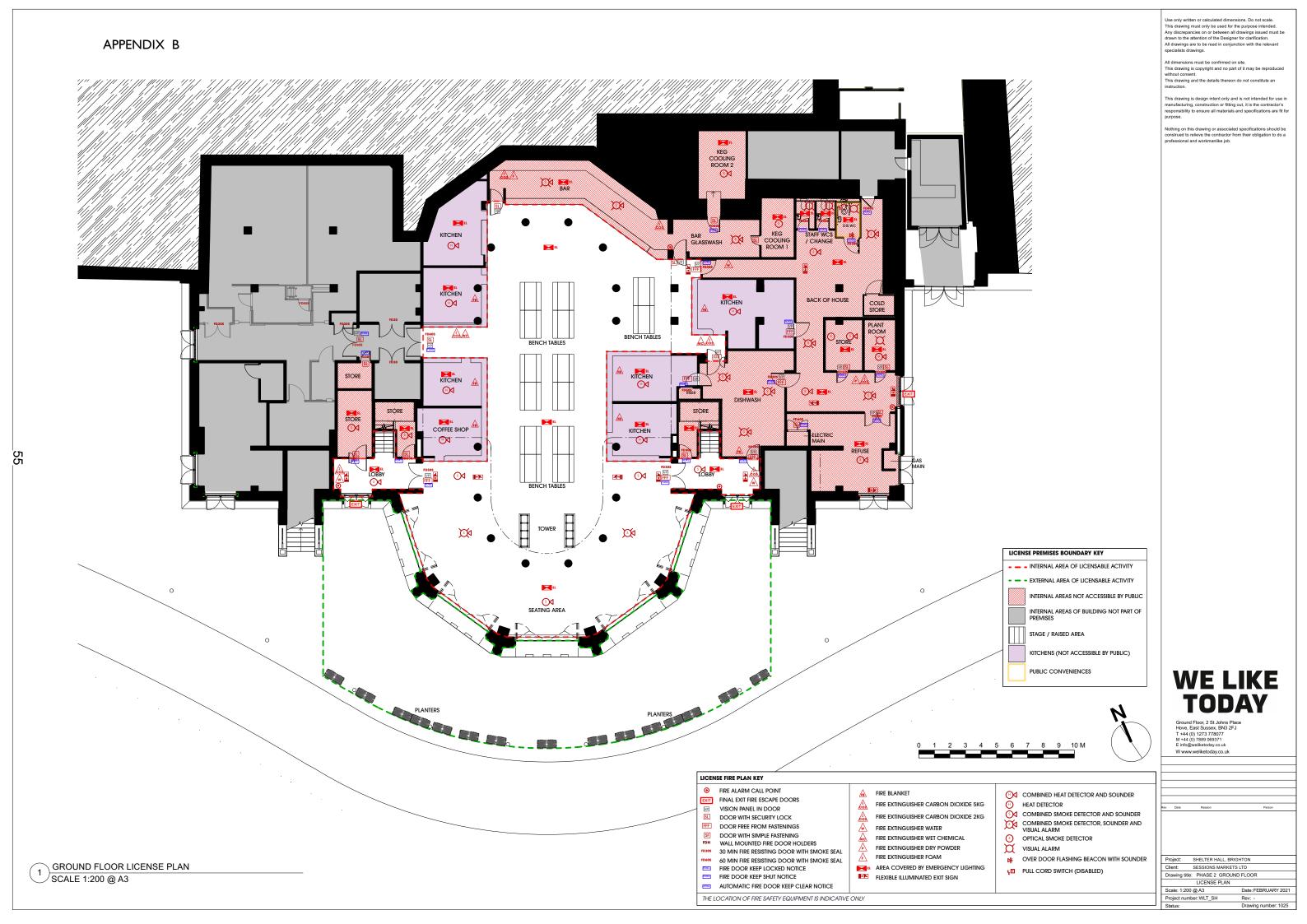
We are committed to supporting local sustainability initiatives.

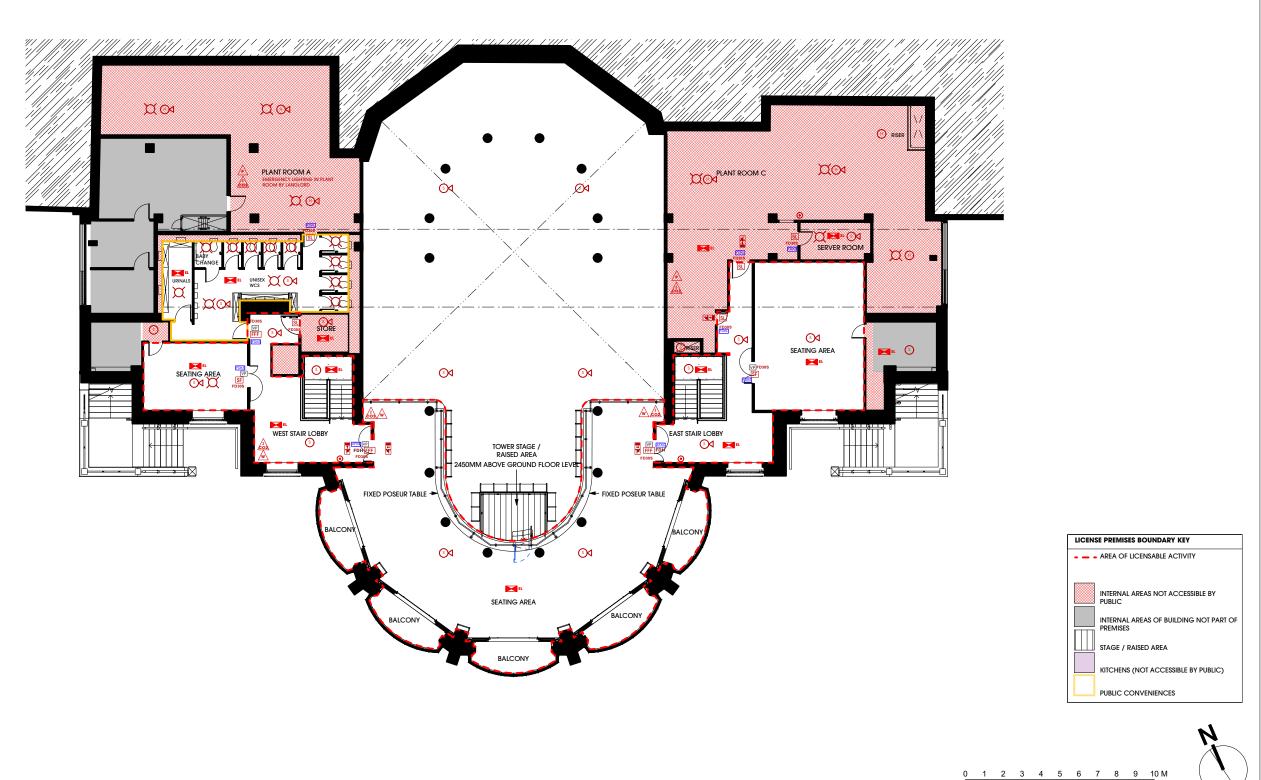
All vendors are encouraged to source ingredients from Sussex producers where possible. Our flooring is made from 98% recycled materials and during our Shelter Hall Raw summer pop-up we used vegware packaging. In the future, we will be using melanime plates and cutlery, eliminating single-use packaging.

Shelter Hall is serving as a case study for Circular Brighton & Hove (CBH) – a network supporting the transition to a circular economy in the greater Brighton region.









Use only written or calculated dimensions. Do not scale. This drawing must only be used for the purpose intended. Any discrepancies on or between all drawings issued must be drawn to the attention of the Designer for clarification. All drawings are to be read in conjunction with the relevant specialists drawings.

All dimensions must be confirmed on site.
This drawing is copyright and no part of it may be reproduced without consent.
This drawing and the details thereon do not constitute an

This drawing is design intent only and is not intended for use in manufacturing, construction or fitting out, it is the contractor's responsibility to ensure all materials and specifications are fit for purpose.

Nothing on this drawing or associated specifications should be construed to relieve the contractor from their obligation to do a professional and workmanlike job.

WE LIKE TODAY

Ground Floor, 2 St Johns Place Hove, East Sussex, BN3 2FJ T +44 (0) 1273 778077 M +44 (0) 7889 069371 E info@weliketoday.co.uk W www.weliketoday.co.uk

A. 02.03.21. boundary line.

LICENSE FIRE PLAN KEY FIRE ALARM CALL POINT FIRE BLANKET COMBINED HEAT DETECTOR AND SOUNDER EXIT FINAL EXIT FIRE ESCAPE DOORS FIRE EXTINGUISHER CARBON DIOXIDE 5KG (HEAT DETECTOR VISION PANEL IN DOOR
DOOR WITH SECURITY LOCK FIRE EXTINGUISHER CARBON DIOXIDE 2KG DOOR FREE FROM FASTENINGS

FIRE EXTINGUISHER WATER

FIRE EXTINGUISHER FOAM

FLEXIBLE ILLUMINATED EXIT SIGN

FIRE EXTINGUISHER WET CHEMICAL

** AREA COVERED BY EMERGENCY LIGHTING

FIRE EXTINGUISHER DRY POWDER

DOOR WITH SIMPLE FASTENING

WALL MOUNTED FIRE DOOR HOLE

WALL MOUNTED FIRE DOOR HOLE

TO SEE THE SEE T

FIRE DOOR KEEP LOCKED NOTICE

FIRE DOOR KEEP SHUT NOTICE

WALL MOUNTED FIRE DOOR HOLDERS

AUTOMATIC FIRE DOOR KEEP CLEAR NOTICE

FD30S 30 MIN FIRE RESISTING DOOR WITH SMOKE SEAL

60 MIN FIRE RESISTING DOOR WITH SMOKE SEAL

THE LOCATION OF FIRE SAFETY EQUIPMENT IS INDICATIVE ONLY

COMBINED SMOKE DETECTOR AND SOUNDER COMBINED SMOKE DETECTOR, SOUNDER AND VISUAL ALARM

OPTICAL SMOKE DETECTOR

VISUAL ALARM OVER DOOR FLASHING BEACON WITH SOUNDER

PULL CORD SWITCH (DISABLED)

Project: SHELTER HALL, BRIGHTON SESSIONS MARKETS LTD Drawing title: PHASE 2 MEZZANINE FLOOR

LICENSE PLAN Scale: 1:200 @ A3

Drawing number: 1026

MEZZANINE FLOOR LICENSE PLAN

1 SCALE 1:200 @ A3



APPENDIX C

Schedule 12 Part A

Regulation 33, 34

Premises Licence Brighton and Hove City Council

Premises Licence Number

1445/3/2020/03145/LAPREV

Part I - Premises Details

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

The Shelter Hall 152 - 154 Kings Road Arches Brighton BNI INB

Telephone number

Where the licence is time limited the dates

Minor Variation granted 09.07.20:- Up to and including 30th September 2020 or sooner if COVID19 social distancing requirements are removed by the Government, **off sales of alcohol** will be permitted when it forms part of a substantial food order. Off sales of alcohol to be supplied directly to the customer in person from the premises and no delivery. No off sale drinks are to be served and or supplied in glassware.

Note: This condition is superseded by the Business and Planning Act 2020 all the time it is in force.

Licensable activities authorised by the licence

Performance of Dance

Exhibition of a Film

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

Performance of Live Music

Performance of Recorded Music

Late Night Refreshment

Sale by Retail of Alcohol

Licence issued: 09.11.2020 1/17

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Times the licence authorises the carrying out of licensable activities

Performance of Dance

Every Day 08:00 - 23:30 Indoors

Exhibition of a Film

Every Day 08:00 - 23:30 Indoors

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

Every Day 08:00 - 23:30 Indoors - recorded music/performance of dance

Anything of a similar description to live music

Every Day 08:00 - 23:30 Both - Live music

Performance of Live Music

Every Day 08:00 - 23:30 Both

Performance of Recorded Music

Every Day 08:00 - 23:30 Indoors

Late Night Refreshment

Every Day 23:00 - 23:30 Indoors

Sale by Retail of Alcohol

Every Day 08:00 - 23:30 On premises

The opening hours of the premises

Every Day 07:00 - 00:00

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

Alcohol is supplied for consumption on the Premises.

Licence issued: 09.11.2020 2/17



Part 2

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

Sessions Market Limited 168 Church Road Hove BN3 2DL

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

Registered Business Number 11788160

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

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

Licence issued: 09.11.2020 3/17



Annex I - Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

- I. 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. (I) 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;

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- (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. (I) 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;

Licence issued: 09.11.2020 5/17



- (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

- I. 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 I
 - (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—

$$P=D+(DxV)$$

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;

Licence issued: 09.11.2020 6/17



- (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 20; mandatory condition: exhibition of films

- I. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- 2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
- 3. Where
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

Licence issued: 09.11.2020 7/17



4. In this section –

"children" means any person aged under 18; and "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

S 21; mandatory condition: door supervision

- I. 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.

Licence issued: 09.11.2020 8/17



Annex 2 - Conditions consistent with the Operating Schedule

General

4.

- I. Minor Variation granted 09.07.20:- Up to and including 30th September 2020 or sooner if COVID19 social distancing requirements are removed by the Government, off sales of alcohol will be permitted when it forms part of a substantial food order. Off sales of alcohol to be supplied directly to the customer in person from the premises and no delivery. No off sale drinks are to be served and or supplied in glassware.
 - Note: This condition is superseded by the Business and Planning Act 2020 all the time it is in force.
- Ia. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.
- 2. The Premises will at all time remain "food led" but alcohol sales shall be permitted as follows:
 - Substantial hot food will be available from not less than 3 of the 7 kitchen serveries until not more than 60 minutes before the projected time for the cessation of alcohol sales and there will be at least 1 kitchen service available until not less than 30 minutes before the cessation of alcohol sales.

Excluded from this is when an exclusive pre booked invitation only party or event is taking place within the Private Dining or Function room shaded orange on the submitted plans or within the first floor area. This exclusion will only apply to the area (room/s) that have been reserved for the particular party/event. The Licensee will provide not less than 10 days written notice of their intention to hold such an event to the Licensing Authority and to Sussex Police – such notice to specify the area to be used for such private party or event, the date, timings and the nature of such party or event, alcohol sales being limited to within such specified area only.

- 3. There shall be no admission to the Premises within 30 minutes of the projected time for cessation of alcohol sales.
 - In the internal ground floor area edged red provided.
 - a) There shall be tables and not less than 200 seats available together with not less than 20 covers on high "poseur" tables.
 - b) There will be in addition to bar staff not less than 2 staff patrolling this area.

Licence issued: 09.11.2020 9/17



- c) When the windows in the Rotunda are open the external terrace area whether or not it is in use will be defined save for the entrance by a portable barrier.
- In the first floor and balcony area edged blue provided:
- a) The area shall be supervised at all times by not less than one member of staff.
- b) The Servery bar will be open and staffed when such servery bar is not in use it will be locked closed so that it cannot be accessed by members of the Public.
- c) As to the balconies there will on each be not less than one table and two chairs.
- d) Save where this area shall be in use for an exclusive pre-booked invitation only party or event and subject to the giving of the written notice specified above, there shall be no less than 65 seats in addition to the tables and chairs on the balcony's, maintained in this area being a combination of chairs at tables and sofas.
- Upon the external terrace area edged green provided.
- a) When in use the area shall be defined save for the entrance by a portable barrier.
- b) Tables and seating for not less than 100 customers will be provided which shall be either secured to the floor or removed to secure storage when not in use.
- c) Sale of alcohol will be permitted only from the internal bars as shown on the deposited plans or by waiter/waitress service.
- d) There will be no vertical drinking.
- e) A portable waiter station shall be staffed on the terrace to facilitate the clearing of glasses and the supervision of this area.
- In the designated Function Room or in the Private Dining Room shaded orange shaded yellow provided that at all times this area is in use it is supervised by at least one member of staff.
- 5. Any person managing or supervising staff in the sale of alcohol or other licensable activity in the absence of the DPS shall be the holder of a personal licence obtained from a nationally recognised body.



6. All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Training shall be recorded in documentary form and those records will be available for inspection at the request at all reasonable times by an authorised officer from a relevant responsible authority. The records will be retained for at least 12 months.

For the Prevention of Crime and Disorder:

- 7. SIA door supervisors shall operate as follows: From 19:00hrs each day the premises are open until 20 minutes after the premises close at a ratio of 2 for the first 100 customers and thereafter 1 more for each additional 100 customers.
- 7a. Condition 7, above, under Annex 2 For the Prevention of Crime and Disorder, will read as follows during the period of time that COVID-19 Government Social Distancing guidelines are in place which restricts the venues capacity and only whilst the premises trades within either or both the ground floor and terrace area:

SIA registered door supervisors shall operate from 19:00hrs on Friday, Saturday & Sunday, Christmas Eve, New Year's Eve, Halloween and on a Thursday when the following day is Good Friday until 20 minutes after the premises close at a ratio of 2 for the first 100 customers and thereafter 1 more for each additional 100 customers.

And:

From 19:00hrs until close, when SIA is not a requirement on the licence and the premises is open to the public, a member of staff will act as a meet and greet and have radio contact with the duty manager. The duty manager will be in possession of the BCRP radio which will be switched on and monitored.

- 8. At all other times, SIA licensed door supervisors shall be employed 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.
- 9. When SIA door supervisors are being utilised under the said Risk Assessment or as required by Sussex Police this will be at a ratio of 2 for the first 100 customers and thereafter 1 more for each additional 100 customers though start time will be as per the risk assessment.



- 10. Records shall be maintained at the premises containing the full name, date of birth and home address of every door supervisor. The record shall include all times and dates when a door supervisor is employed. Also, if employed through an agency, name and address of agency will also be recorded against the entry.
- 11. At all times the premises is open to the public, the management will contract the back-up services of an approved mobile support unit (MSU) 24 hours a day, with a minimum of 2 SIA registered Door Supervisors operating from it. A copy of the MSU contract will be retained at the premises and made available for immediate inspection upon request by Sussex Police or Council Officials. The MSU will be accredited by the Brighton Business Crime Reduction Partnership (BCRP) or other similar organisation approved by Sussex Police should the BCRP not be in existence.
- 12. (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 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.

Licence issued: 09.11.2020 12/17



- (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.
- 13. The management and premises will have an absolute zero tolerance policy in respect of drugs, with notices advising customers of this clearly displayed at the entrance. Any illegal drugs seized will be documented as required by the Police and stored in a secure "drugs box", and periodically the management will request the Police to come and remove all such drugs for destruction.
- 14. In the event a person is found on the premises actively or believed to be dealing in drugs, Police will be called and if practicable and safe to do so, the individual detained until Police arrival.
- 15. 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.
- 16. 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 12 months.

For the Prevention of Public Nuisance:

- 17. Any amplified sound will be at such a level so as not to be heard at residential properties in the vicinity.
- 18. The Licensee's staff will regularly patrol the area outside the premises to control litter emanating from the Premises and to encourage customers not to congregate outside the premises and shall actively monitor the area outside the premises to ensure that customers do not gather there whether smoking or not so as to cause a nuisance to local residents.
- 19. No alcohol shall be taken from the premises for consumption outside save upon the outside terrace/seating area.



20. All alcohol sold for consumption outside on the front terrace area will be served in cans or shatter-proof receptacles – staff will patrol the terrace area to ensure that alcohol sold inside the premises in glass is not taken outside. Alcohol sales within the premises will be permitted in glass subject to the Licensee's risk assessment. When such assessment requires it sales within the premises will also be in cans or shatterproof only.

Public Safety

21. At no time shall the number of persons in the premises, including staff, or any part thereof exceed the numbers specified by the Licensees professional fire risk assessment or as may otherwise be agreed with the fire officer from time to time.

For the Protection of Children from Harm

- 22. 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.
- 23. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.
- 24. (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:
 - Challenge 25 policy
 - The lawful selling of age restricted products
 - Refusing the sale of alcohol to a person who is drunk
 - 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. The records will be retained for at least 12 months and shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.
- 25. No person under 18 shall be allowed in the premises after 22:00hrs on any day unless accompanied by an adult.

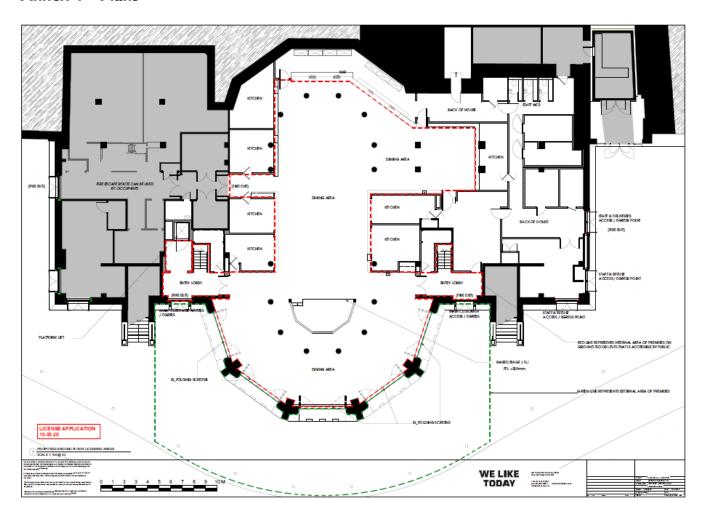
Annex 3 – Conditions attached after a hearing by the licensing authority on 11th June 2020:

1. The number of temporary pop up bars in the internal ground floor area will not exceed 2 at any one time and they must be placed a minimum of 2 metres away from the front windows.

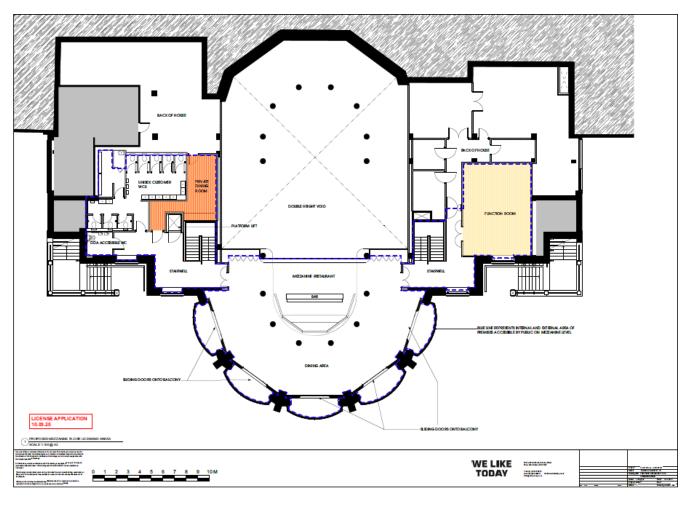
The following additional wording was added to condition 2 bullet point 1 by the panel: 'and there will be at least 1 kitchen service available until not less than 30 minutes before the cessation of alcohol sales'.



Annex 4 - Plans







Licence issued: 09.11.2020

APPENDIX D

From: REDACTED TEXT Sent: 29 March 2021 13:34

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

Subject: Fw: Ref the propoal to vary Licence - 1445/3/2021/00540/LAPREV

SC CON ENDS 01.04.21 VALID PCD, PPN, PS and PCH (A)

Sorry could we add to the bottom of this application that we feel that if approved this variation could impact on all four of the licensing directives namely:-

The prevention of crime and disorder; Public safety; The prevention of public nuisance; and The protection of children from harm

The venue has a huge capacity and operating such a large venue as a bar as proposed would impact adversely on all 4 licensing objectives,

Kind Regards,

REDACTED TEXT

From: REDACTED TEXT Sent: 29 March 2021 12:27

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

Subject: Ref the propoal to vary Licence - 1445/3/2021/00540/LAPREV

Dear sir,

REDACTED TEXT located close to the Shelter Hall would like to object to the submitted variation to vary the existing premises licence.

The objections are based on the fact that the following provisions within the variation namely:-

- I) Changes to premises layout
- 2) Reduction in number of kitchens open in the last hour and the removal of the need for hot food provision
- 3) Removal of 20 'maintained' i.e. waiter service tables (note this is a significant amount of tables 80 covers) and the request to allow standing at pre booked functions or events

are all designed to move the venue away from being a 'food led' establishment to a drink led establishment. Permitting vertical drinking at this establishment moves totally away from the premise that this is a 'food hall' i.e restaurant with alcohol acompanying food. The removal of tables and premitting standing is obviously to encourage vertical drinking. I understand that the premises plans to have 'pre booked events' nightly. A pre-booked event is not a private party, it could just be the advertisement of entertainment, therfore by

default this variation turns the venue into a bar. Obviously the premises is in a Cumulative Impact area and we would suggest that this application moves the premises into

the definition of a pub and as such according to the matrix approach in the Brighton and Hove licensing plan for licensing applications should be refused. This premises is meant to be a food hall / restaurant and as such:-

Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.

This provision deals directly with what the food hall claim to be - that is a restaurant. This variation moves them totally away again from that style of operation.

We would be grateful if you could email a copy of the existing licensing plan and the proposed licensing plan before the 1st April in order that we can provide more detail to our objection if required,

Thanks,

Kind Regards,

Police Station

John Street

Brighton

BN2 0LA

REDACTED TEXT

Email: REDACTED TEXT

30th March 2021

The Licensing Technical Support Officers
Environmental Health, Brighton & Hove City Council
Bartholomew House, Bartholomew Square
Brighton, East Sussex
BN1 IJP

SC CON ENDS 01.04.21 VALID PCD & CIZ (B)

Dear **REDACTED TEXT**,

RE: APPLICATION TO VARY PREMISES LICENCE FOR SESSIONS, SHELTER HALL, 152-154 KINGS ROAD ARCHES, BRIGHTON, EAST SUSSEX, BNI INB UNDER THE LICENSING ACT 2003. 1445/3/2021/00540/LAPREV.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above variation application on the grounds that it will undermine the Licensing Objective of the prevention of crime and disorder. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy and Public Health Framework for Assessing Alcohol Licensing.

The application seeks to amend a number of conditions of which Sussex Police agreed to in the spring of 2020 when the original premises licence was applied for. Although the original application was against policy, we did not raise a representation against it as we felt the conditions being offered went some way to ensure the premises was food led rather than being more alcohol driven which comes with risks.

Under the Public Health Framework for Assessing Alcohol Licensing, Regency ward of which this premises falls under is 2nd highest out of 21 wards for Police recorded alcohol related incidents. Top is the neighboring ward of St Peters and North Laine. We feel that should this application be granted, the premises is moving towards or could become more of a drinking venue. As the Public Health report shows, this is a concern due to the high number of alcohol related incidents occurring within the area.

The alterations under Annex 2 being applied for and our concerns are as follows:

Condition number 2:

- Remove the word "Hot" of which we have no objection to as they are not requesting to remove the word substantial. An expectation of what is substantial though should be discussed at a hearing.
- Reduce the number of kitchens being open from 3 to 2 until not more than 60 minutes before the projected time for cessation of alcohol sales.

The more kitchens open the more choice there is for customers and the likelihood of them purchasing food. The premises agent has stated during the consultation period that this condition is placing a burden on some of the food traders. To us this shows that as the evening progresses the venue is becoming more of an alcohol led operation.

• Excluded from the kitchen condition above is when the first floor and its function rooms are being used for private events. They wish to remove the wording of "first floor and function rooms" which mean that the whole premises could be used for private functions.

This is a large venue and if granted, all areas could be used for functions with no requirement for any of the kitchens being open. The venue could become more of an event space and hold multiple events at once or one large one.

Condition number 4 (a) Internal Ground Floor:

• Remove the need to have seating for up to 200 persons when there is a pre boked private functions or event.

As mentioned above, with the removal of this condition we could see the venue becoming more of an event space with no need for kitchens being open and would also permit vertical drinking.

Removal of poseur tables.

We agreed this condition to compromise as originally some vertical drinking was requested. It was pointed out that persons standing would find it hard to hold a drink in one hand and food in the other and be able to eat it. So to show they would be food led it was agreed to address this by placing poseur tables for at least 20 covers.

As there is not a "no vertical drinking" condition in this area, removing the tables would increase space and in turn capacity of people able to stand and drink. With no tables, the option to eat as well would be less attractive.

Condition number 4 (b) External Area

• We have no objection to this alteration as the tables will still be rendered unusable and secured when closed.

Condition number 20

• Permit glass within the outside area.

The outside area can accommodate around 100 persons as advised during the original application process in 2020. Any reasonable person would expect the need to reduce the use of glass in such a busy area of the sea front. We run the risk of broken glass going unnoticed and causing personal injury to persons including children and pets. Customers could leave the premises with unfinished drinks without staff noticing and take them on the beach again becoming an injury risk if broken. They can also be used as weapons if violence breaks out.

We appreciate there has been an impact on business due to COVID-19 and worked with many venues throughout Brighton & Hove to assist where we can and this includes here at Sessions. We agreed last summer to allow off sales of alcohol for a limited period which has now been superseded by the Business & Planning Bill. We also agreed a reduction in SIA requirements all the time social distancing is in place. These changes have been agreed as we acknowledge that reduced risk comes with the reduced capacity during these current times.

Sessions opened the ground floor and terrace after the first lockdown in 2020. They have yet to trade within "normal" times nor trade with the first floor in operation as well. As they have not traded under maximum capacity we do not feel it would be responsible to reduce conditions on the licence. Had these conditions been offered when the original licence was consulted on, we would have submitted a representation against them, just as we are now. We feel these changes would allow for the premises to be run more as a bar than a food led outlet. Although this might not be the intention of the current operators, the capacity and location means everything needs to be in place to ensure this does not occur by way of tight conditions.

The location of the premises is within the Cumulative Impact Area as set out within the Brighton & Hove Statement of Licensing Policy 2021. A new or variation applicant for a bar within this area is not supported. A café style is only supported until 22:00hrs.

Sussex Police believe that by granting this variation application it will add to negative impact within an area saturated with licensed premises and the challenges this brings for emergency services. Additionally we do not believe that the applicant has offered any reasoning why the application would be an exception to policy or why it should be departed from. Therefore, Sussex Police invite the Licensing Authority to seriously consider refusing this application.

Yours sincerely,

REDACTED TEXT

Licensing Lead

Local Policing Support Team

Sussex Police

From: REDACTED TEXT Sent: 30 March 2021 10:54

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

Subject: Ref the propoal to vary Licence - 1445/3/2021/00540/LAPREV

SC CON ENDS 01.04.21 VALID PCD, PPN, PS and PCH (C)

Dear sir,

REDACTED TEXT located close to the Shelter Hall would like to object to the submitted variation to vary the existing premises licence.

On application of my **REDACTED TEXT** my solicitor was advised by both the council and the police that a bar license would not be issued due to **REDACTED TEXT** being in the cumulative impact zone.

I was also advised in person by Brighton Council at a meeting held in Hove town hall that an objection would be made by Brighton council should I apply for anything more than a restaurant license for **REDACTED TEXT**

The objections are based on the fact that the following provisions within the variation namely:-

- 1) Changes to premises layout
- 2) Reduction in number of kitchens open in the last hour and the removal of the need for hot food provision
- 3) Removal of 20 'maintained' i.e. waiter service tables (note this is a significant amount of tables 80 covers) and the request to allow standing at pre booked functions or events. All these measures are designed to move the venue away from being a 'food led' establishment to a drink led establishment. Permitting vertical drinking at this establishment moves totally away from the premise that this is a 'food hall' i.e restaurant with alcohol accompanying food. The removal of tables and permitting standing is obviously to encourage vertical drinking.

I understand that the premises plans to have 'pre booked events' nightly. A pre-booked event is not a private party, it could just be the advertisement of entertainment, therefore by default this variation turns the venue into a bar.

Obviously the premises is in a Cumulative Impact area and we would suggest that this application moves the premises into :-

the definition of a pub and as such according to the matrix approach in the Brighton and Hove licensing plan for licensing applications should be refused. This premises is meant to be a food hall / restaurant and as such:-

Intoxicating liquor shall not be supplied or sold on the premises otherwise than to
persons taking table meals there and for the consumption by such a person as an
ancillary to their meal. There will be no vertical drinking.

This provision deals directly with what the food hall claim to be - that is a restaurant. This variation moves them totally away again from that style of operation.

Further bar provision in this area of the beach would impact adversely on all four licensing objectives:-

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

This area has suffered from a high level of anti social behaviour in the past both day and night times and another bar operation would exacerbate this.

Having a bar venue that closes at I Ipm would create a wave of people at this time trying to access other venues and the associated tensions that would create.

The establishment of a vertical drinking bar operation at the Shelter Hall exposes children to further risk as it removes a family led, food led establishment from the seafront. Additionally, leaving only 2 kitchens open for the last hour and only having to serve cold food further moves emphasis of the premises to a bar operation and the clientele that it will attract. We also notice that the premises crammed their terrace with tables in the last year with no social distancing and they were full of drinkers, few were dining again indicating the direction of the business.

During the summer a van was parked on the terrace serving Prosecco, I have been told multiple times by the council that this would not be allowed at **REDACTED TEXT**

A DJ was playing in the front doors most summer nights and customers were seen dancing on the terrace, again not condusive to food hall, more a drinking led establishment. This site is huge and ran as a bar, as proposed, will hugely impact on the licensing objectives in the area,

It is clear that the idea of shelter hall and its initial business proposal was created to gain an restaurant alcohol license and once that had been acquired the venue would slowly turn into a bar in an area of Brighton where so many have been refused licenses or variations of their licenses.

Kind regards

From: REDACTED TEXT Sent: 30 March 2021 12:08

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

Subject: Ref the propoal to vary Licence - 1445/3/2021/00540/LAPREV Shelter Hall

SC CON ENDS 01.04.21 VALID PCD, PPN, PS and PCH (D)

REDACTED TEXT

Dear sir

I am the **REDACTED TEXT**, a venue in close proximity to Shelter Hall and I would like to object to the submitted variation to vary the existing premises licence. I have been involved in managing seafront venues for many years and have genuine concerns with regards to the proposed changes.

My objections are based on the fact that the following provisions within the variation namely:-

- 1) Changes to premises layout
- 2) Reduction in number of kitchens open in the last hour and the removal of the need for hot food provision
- 3) Removal of 20 'maintained' waiter poseur service tables. This is a huge amount of tables to be removed, this is double the amount of tables inside the whole of **REDACTED TEXT**

Then comes the request to allow 'standing' at pre booked functions or events. This should read vertical drinking. All these measures are designed to move the venue away from being a 'food led' establishment to a drink led establishment. The premises have 'pre booked events' nightly in the form of 'entertainment'. They have DI's playing in the entrance which is hardly befitting for a family, food led environment. Everything about this variation is contrary to the Brighton and Hove licensing plan. This is an extremely generous license already enabling alcohol to be purchased without food (which for a restaurant premises is very dubious anyway). The site is in a Cumulative Impact area and as such the variation should be automatically refused.

I have witnessed an increase in anti social behaviour in this area over recent years. As a venue, **REDACTED TEXT** have spent a great deal of time (through liason with police licensing and the council), money and resource to counter these issues with great success, but I feel a bar operation of such magnitude would have negative ramifications, not only for us, but every small business in close proximity to Shelter Hall. Promoting a safe, family friendly environment is paramount to our operation and every other business along the beach front. Having a bar venue of that size close at 23:00 directly onto Brighton seafront would mean many people spilling out into surrounding businesses potentially causing tension and stressful scenarios and impacting on licensing directives. I also believe that it would have a negative environmental impact on the beach itself with regards to litter etc.

Shelter hall asking for only 2 kitchens to remain open for the final hour of trading suggests with only cold food suggests a direct move to a bar style operation. Last Summer the majority of the kitchens were closed by 8pm. Last summer I witnessed an entire outside terrace drinking with only one table enjoying a meal. With the DIs playing dance music onto the terrace, it was painfully obvious how they were seeking to operate. This was not a one

off occurrence. It was the normal operating practice. The tables were packed tightly together and looked almost impossible to serve food to due to the limited gaps between them. It appears this year they are seeking to get even more tables on there as they have been building very small benches, enabling them to cram in more groups of drinkers. The cold food suggestion isn't credible and is obviously a mask to allow them to retail alcohol.

This style of operation, the operators lack of beach front experience and the proposed licence changes will directly impact adversely on all four licensing objectives:-

- I)The prevention of crime and disorder;
- 2) Public safety
- 3) The prevention of public nuisance;
- 4) The protection of children from harm

If you need more information please do not hesitate to contact me,

REDACTED TEXT

Licensing Authority Date: 29 March 2021

Brighton & Hove City Council
Bartholomew House
Bartholomew Square

Our Ref: REDACTED TEXT
Phone: REDACTED TEXT

Brighton BNI IJP

e-mail: **REDACTED TEXT**

Dear REDACTED TEXT

Licensing Act 2003
Shelter Hall, 152 - 154 Kings Road Arches, Brighton

SC CON ENDS 01.04.21 VALID PCD, PPN and CIZ (E)

I wish to make a representation against the variation application for The Shelter Hall, 152 - 154 Kings Road Arches, Brighton. The application is to make changes to the premises layout and amend existing licence conditions in accordance with the operating schedule. The applicant has summarized the proposals as follows:

- Condition 2 amend to allow either hot or cold food to be available during the last hour of trade, reduce the minimum number of kitchens open in the last hour from 3 to 2 and remove references to areas not labelled on the proposed layout plans.
- Condition 4 (a) applicable to ground floor remove the requirement for 20 maintained covers on high poseur tables and allow standing at private pre-booked functions or events.
- Condition 4 (b) applicable to terrace vary the requirement for external furniture to be fixed to the ground so that tables and chairs can be secured and rendered unusable when not in use.
- Condition 20 replace the restriction on the use of glassware on the ground floor terrace with a requirement that the premises licence holder risk assesses and supervises the use of glassware on the ground floor terrace.

This representation is made on the grounds of the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance and having regard for the Councils Statement of Licensing Policy (SoLP). My concerns mainly relate to the amendments to conditions 2 and 4 regarding the reduction in kitchens and allow standing at private prebooked functions or events and the applicant is also looking to increase this area for private events/functions. To me this is moving away from the original concept of a food led, seated venue.

This premises falls within the Licensing Authority's Cumulative Impact area which was adopted to give greater power to control the number of licensed premises within the city centre. The special policy was set up because the Licensing Authority determined that the concentration of licensed premises and the subsequent numbers of people drawn into the city centre is causing exceptional problems of crime and disorder and public nuisance. The effect of special policy is that applications for new premises licences should normally be refused following relevant representations. This presumption of refusal can be rebutted by the applicant if they

can show that their application will have no negative cumulative impact on licensing objectives including prevention of crime and disorder and public nuisance.

The SoLP includes a Matrix approach for licensing decisions with provisions for a terminal hour for all classes of licensed premises in a particular area. The Matrix Model recognises the diverse operation and different risks presented by different classes of licensed premises. It provides a vision of what the Licensing Authority would like to see within its area and gives an indication of likelihood of success or otherwise to investors and local businesses making applications.

When considering whether representations should be submitted, the Licensing Team have regard to the 'Public Health Framework for assessing Alcohol Licensing' – January 2019 document. The premises sits within the Regency electoral ward.

The document states that the Regency ward is recorded as the worst ward out of 21 for All violence against the person and All injury violence, The 2nd worse out of 21 wards for Police recorded alcohol related incidents, Alcohol suspected ambulance call outs and A&E attendances with a record of alcohol.

We make this representation to uphold our Statement of Licensing policy. The Policy is predicated on too much alcohol being available and applications for new premises licences will be refused unless the applicant can demonstrate exceptional circumstances. It is up to the applicant to demonstrate this and satisfy a Licensing Panel that they will not impact negatively on the CIZ.

We wholly support that each application should be considered on its own merits, and also recognise that this premises is relatively new and has not had the chance to operate for long due to Covid. The applicant did pre-consult with us but we are still of the opinion that this variation application should be considered and determined by a Licensing Sub-Committee Panel.

Yours sincerely,

REDACTED TEXT

Licensing Officer

From: REDACTED TEXT Sent: 01 April 2021 13:00

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

Subject: Shelter Hall - Representation

SC CON ENDS 01.04.21 VALID CIZ (F)

Dear Sirs,

We are instructed to act on behalf of **REDACTED TEXT** who wish to object to the application to vary the existing premises licence for Shelter Hall. Although **REDACTED TEXT** is a **REDACTED TEXT** with other premises in the city of Brighton & Hove this representation does not arise on the basis of need. This representation relates solely to the Cumulative Impact Zone (CIZ) a policy to be overridden only in exceptional circumstances. This is a policy which both existing operators and applicants are required to adhere to and so we ask the Licensing Authority to apply consistency to the applicability of both the CIZ and the Matrix approach when considering the application and the promotion of the licensing objectives.

REDACTED TEXT has a unique insight into the creation of the Shelter Hall as **REDACTED TEXT** by Brighton & Hove City Council to take the **REDACTED TEXT**. Following the presentation of initial proposals to the Council, the feedback was that the preferred operation would be a food hall as opposed to a bias towards entertainment and evening trade which was not desirable given the licensing profile of the seafront. As a result, **REDACTED TEXT** withdrew from the running, and the contract was awarded to a non-locally based operator with experience of food retail at scale, something we suspect they are executing very well. However, it would be disappointing if the proposition **REDACTED TEXT** originally pitched becomes a reality when it was clear this was not part of the criteria used in the selection process.

This is a large scale venue and this application is likely to add to the cumulative impact given the significant number of licensed premises already concentrated in the area and the change in style and characteristic that vertical drinking as sought will permit.

Should you require any further information in relation to this representation, please do not hesitate to contact me.

Kind regards

From: REDACTED TEXT Sent: 01 April 2021 13:03

To: EHL Safety <EHL.Safety@brighton-hove.gov.uk> **Subject:** Licence - 1445/3/2021/00540/LAPREV

SC CON ENDS 01.04.21 VALID PCD, PPN, PS & PCH (G)

Applicant details:

Licence - 1445/3/2021/00540/LAPREV

Premises: The Shelter Hall

Applicant name: Sessions Market Limited

Address: Shelter Hall 152 - 154 Kings Road Arches Brighton BNI INB

Date submitted: 4th March 2021 28 day consultation period Closes 1st April 2021

Details of the variation:

To vary the existing premises licence so as to Part A Regularise changes to the premises layout as shown on the plans appended to the application. Part B Amend existing licence conditions in accordance with the operating schedule of amended conditions appended to the application and summarised as follows Condition 2 amend to allow either hot or cold food to be available during the last hour of trade, reduce the minimum number of kitchens open in the last hour from 3 to 2 and remove references to areas not labelled on the proposed layout plans. Condition 4a applicable to ground floor remove the requirement for 20 maintained covers on high poseur tables and allow standing at private pre-booked functions or events. Condition 4b applicable to terrace to vary the requirement for external furniture to be fixed to the ground so that tables and chairs can be secured and rendered unusable when not in use. Condition 20 replace the restriction on the use of glassware on the ground floor terrace with a requirement that the premises licence holder risk assesses and supervises

Authority details:

Email: ehl.safety@brighton-hove.gov.uk<mailto:ehl.safety@brighton-hove.gov.uk>

Telephone: (01273) 294429

Fax: (01273) 292196

Environmental Health and Licensing Bartholomew Square Brighton BN1 IPF

Representation from:

REDACTED TEXT

Representation:

Dear Sir/Madam

On behalf of **REDACTED TEXT**, I wish to object to the submitted variation to vary the existing premises licence for Shelter Hall. My **REDACTED TEXT** is located very close to Shelter Hall and I am concerned about additional vertical drinking being added to the nearby area.

Shelter Hall lies within the Cumulative Impact Zone and the variations sought to the licence are an attempt to erode the food led requirement and the spirit of the licence that was granted to, what I understand, is a restaurant operation. The variations sought will allow vertical drinking at the premises and remove restrictions in relation to the provision of food which were agreed when the original licence was granted. The conditions currently in place are reasonable and proportionate for a genuine restaurant operation, giving operational flexibly where appropriate for private functions. It appears that the owners of the Shelter Hall are seeking to move away from the assurances given when the licence was granted, towards a bar operation.

I object to the variations sought which would, in my view, change the style of operation and effectively create a standing bar area. The impact of vertical drinking is widely acknowledged in licensing terms and the proposed changes could undermine the four licensing objectives, most particularly the prevention of crime and disorder, public nuisance and public safety. The existing licenced premises near Shelter Hall effectively manage the vertical drinking on their premises, but there is a risk that drinkers leaving Shelter Hall at its terminal hour may seek to gain entry to other premises and impact the maintenance of the licensing objectives. It is difficult to imagine that there can be no negative impact on the nearby area if additional vertical drinking is permitted.

This application, if granted, would avoid the imposition of not only the Licensing Policy but also the Matrix approach. My particular objections are:

- * Changes to premises layout
- * Reduction in number of kitchens open in the last hour and the removal of the need for hot food provision (which negates the need for late night refreshment as a licensable activity).
- * Removal of 20 'maintained' i.e. waiter service tables and the request to allow standing at pre booked functions or events. All these measures are designed to move the venue away from being a 'food led' establishment to a drink led establishment. Permitting vertical drinking at this establishment moves away from the premise that this is a 'food hall' i.e restaurant with alcohol accompanying food. The removal of tables and permitting standing is obviously to encourage vertical drinking and effectively create a standing bar area.

Any area being used for private events should be subject to the same conditions as those relating to the Private Function Room:

Excluded from this is when an exclusive pre booked invitation only party or event is taking place within the Private Dining or Function room shaded orange on the submitted plans or within the first floor area. This exclusion will only apply to the area (room/s) that have been reserved for the particular party/event. The Licensee will provide not less than 10 days written notice of their intention to hold such an event to the Licensing Authority and to Sussex Police - such notice to specify the area to be used for such private party or event, the date, timings and the nature of such party or event, alcohol sales being limited to within such specified area only.

I would suggest that a more suitable condition to be imposed on the licence as per Licensing Policy could be:

* Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.

This condition avoids any ambiguity as to the operation of Shelter Hall and future commitment to a food hall dining experience.

Kind regards

REDACTED TEXT

From: REDACTED TEXT Sent: 01 April 2021 13:08

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

Subject: Representation regarding application to vary licence 1445/3/2021/00540/LAPREV

SC CON ENDS 01.04.21 VALID PCD, PPN, PS & PCH (H)

Dear sir/madam.

Please see my representation as below.

Representation from:

REDACTED TEXT

Representation:

Dear Sir/Madam

On behalf of **REDACTED TEXT**, I wish to object to the submitted variation to vary the existing premises licence for Shelter Hall. **REDACTED TEXT** is located very close to Shelter Hall and I am concerned about additional vertical drinking being added to the nearby area.

Shelter Hall lies within the Cumulative Impact Zone and the variations sought to the licence are an attempt to erode the food led requirement and the spirit of the licence that was granted to, what I understand, is a restaurant operation. The variations sought will allow vertical drinking at the premises and remove restrictions in relation to the provision of food which were agreed when the original licence was granted. The conditions currently in place are reasonable and proportionate for a genuine restaurant operation, giving operational flexibly where appropriate for private functions. It appears that the owners of the Shelter Hall are seeking to move away from the assurances given when the licence was granted, towards a bar operation.

I object to the variations sought which would, in my view, change the style of operation and effectively create a standing bar area. The impact of vertical drinking is widely acknowledged in licensing terms and the proposed changes could undermine the four licensing objectives, most particularly the prevention of crime and disorder, public nuisance and public safety. The existing licenced premises near Shelter Hall effectively manage the vertical drinking on their premises, but there is a risk that drinkers leaving Shelter Hall at its terminal hour may seek to gain entry to other premises and impact the maintenance of the licensing objectives. It is difficult to imagine that there can be no negative impact on the nearby area if additional vertical drinking is permitted.

This application, if granted, would avoid the imposition of not only the Licensing Policy but also the Matrix approach. My particular objections are:

- Changes to premises layout
- Reduction in number of kitchens open in the last hour and the removal of the need for hot food provision (which negates the need for late night refreshment as a licensable activity).
- Removal of 20 'maintained' i.e. waiter service tables and the request to allow standing at pre booked functions or events. All these measures are designed to move the venue away from being a 'food led' establishment to a drink led establishment. Permitting vertical drinking at this establishment moves away from the premise that this is a 'food hall' i.e restaurant with alcohol accompanying food. The removal of tables and permitting standing is obviously to encourage vertical drinking and effectively create a standing bar area.

Any area being used for private events should be subject to the same conditions as those relating to the Private Function Room:

Excluded from this is when an exclusive pre booked invitation only party or event is taking place within the Private Dining or Function room shaded orange on the submitted plans or within the first floor area. This exclusion will only apply to the area (room/s) that have been reserved for the particular party/event. The Licensee will provide not less than 10 days written notice of their intention to hold such an event to the Licensing Authority and to Sussex Police - such notice to specify the area to be used for such private party or event, the date, timings and the nature of such party or event, alcohol sales being limited to within such specified area only.

I would suggest that a more suitable condition to be imposed on the licence as per Licensing Policy could be:

• Intoxicating liquor shall not be supplied or sold on the premises otherwise than to persons taking table meals there and for the consumption by such a person as an ancillary to their meal. There will be no vertical drinking.

This condition avoids any ambiguity as to the operation of Shelter Hall and future commitment to a food hall dining experience.

Kind regards

From: **REDACTED TEXT**Sent: 31 March 2021 07:49

To: EHL Safety < EHL.Safety@brighton-hove.gov.uk > Subject: Fwd: Shelter Hall Premises Licence Variation

SC CON ENDS 01.04.21 VALID PCD & PPN (S1)

Hi

I fully support the request to the licence variation.

The Shelter Hall is a great addition to the sea front - a place to grab a coffee/late breakfast or lunch after life saving on a Saturday and an alternative place to meet friends for food and drink, either on a day off or weekend. The different choices of food make it easy when out with fussy eaters or children.

Obviously it has been affected by CoVID - building works delayed and decor different from first planned. Also having to shut with imposed lockdowns must of been hard when a business has just opened.

I do not see an issue with the use of glassware on the terrace, it will make no difference to anyone, apart from the people using it. It's so much nicer to drink from glasses.

The area is sectioned off and can not see why it will increase crime in the area. People will not be able to wander off with the glasses or with their drinks - it will be no different from someone drinking inside other premises nearby. Noise levels will remain the same.

I do hope you agree to the change they have requested.

Kind regards

From: REDACTED TEXT Sent: 31 March 2021 08:37

To: EHL Safety < <u>EHL.Safety@brighton-hove.gov.uk</u>> **Subject:** Shelter Hall Premises Licence Variation

SC CON ENDS 01.04.21 VALID PCH (S2)

I've been to the Shelter Hall several times since it opened in 2020. It's a great space with an original concept for our great city Brighton and Hove. Every time I have been I've found the staff and environment to be well managed and friendly. It's a great asset to our community and a space that all ages can enjoy. We've been there as a family during the day for lunch or coffee and then in the evening with friends.

It's location and it's laid back offering is a great attraction.

REDACTED TEXT

From: **REDACTED TEXT**Sent: 31 March 2021 08:21

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

Subject: Shelter Hall Licence variation

SC CON ENDS 01.04.21 VALID PCD (S3)

To Whom it may concern

As one of the owners at **REDACTED TEXT** I have no objection to the license variation at the Shelter hall.

I believe that it will bring a different type of customer to the area rather than the usual crowd who want to drink excess amounts of beer on a hot sunny day. There are too many venues who are allowed to sell beer in plastic cups, offsite which is not sustainable. The bad behaviour from excess drinking puts customers and locals off from visiting this section of the beach during sunny days and the summer months. I believe use of glass within the boundary of the Hall will allow the businesses to police the behaviour of their customers in a much more responsible manner, in accorodance to their license. Also during Covid I have seen the use of plastics increase and I believe we need to get back to the use of non plastic and non recyclable takeaway products as soon as possible.

The shelter hall will hopefully be more food led and a big draw to this area of the beach for customers who would like to enjoy eating alfresco on the beach with family and friends.

I have met the management team from the Shelter Hall. I believe they will act responsibly and be a force for good in the area. They have consistently kept us as one of their neighbours in the loop with plans and it is a breeze of fresh air on the seafront as to be honest.

Yours faithfully

By email ehl.safety@brighton-hove.gov.uk

SC CON ENDS 01.04.21 VALID PCD, PPN, PS and PCH (S4)

Dear Sirs,

Shelter Hall Premises Licence Variation

We write in support of the above application.

REDACTED TEXT has been trading in Brighton and Hove for over 11 years. We have **REDACTED TEXT** sites, a **REDACTED TEXT** on the front in Hove and a **REDACTED TEXT** in The Lanes. We are delighted to be opening **REDACTED TEXT**

We became interested in becoming involved after speaking to the Food Director, Ms Olivia Reid. We knew Ms Reid's reputation through the local Restaurant Association and informally in the industry. Ms Reid has an excellent professional reputation and we were impressed with the team that Sessions Market Limited has put together to set up and run Shelter Hall.

Shelter Hall is an innovative concept for Brighton and will enhance the thriving independent food scene. The operators have the long term and importantly a year round interest in the beach side operation. The management team is tasked to provide a quality food concept that operates for locals as well as visitors year round rather than just for the busy months of the year. It is this focus that convinced us to become involved.

Shelter Hall operated last summer with pop up spaces due to the pandemic. There was no negative impact on the beach front. The new permanent site will be a significant improvement and will provide a year round quality independent food offering. The Shelter Hall experience supports the licencing objectives. The quality operation, staffing and food focused set up promotes the prevention of crime and disorder, the prevention of public nuisance, promotes public safety and the protection of children from harm. Furthermore, allowing glass to be used in external seating areas enhances the quality and food focused nature of the operation.

Please do not hesitate to contact us if you wish to discuss anything further.

Regards

From: REDACTED TEXT Sent: 01 April 2021 20:37

To: EHL Safety < <u>EHL.Safety@brighton-hove.gov.uk</u>> **Subject:** "Shelter Hall Premises Licence Variation"

SC CON ENDS 01.04.21 VALID PCD (S5)

I noticed the premises licence variation for Shelter Hall this week when enjoying a seafront walk. I think the developments and announcements about what the team behind Shelter Hall are doing is remarkable and i fully support the licence alteration requests, Shelter Hall is a great addition to the sea front - **REDACTED TEXT** does lifesaving on a Saturday near it and this offer a great safe place to meet for coffee and food. Most importantly is offers an alternative place to meet friends for food and drink, either on a day off or weekend and is a stark contrast to the uncontrollable mess that is the **REDACTED TEXT** nearby and many of the pubs that serve cheap beer in plastic cups without any care or consideration to the area.

The eclectic mix of food and drink offer (actually i notice they are mainly promoting their food on social media as its the key concept) is going to be a huge attraction for a diverse demographic of residents and visitors. I notice they are also doing a recovery strategy for new developing concept chefs - a full kitchen for them to access and be paid to deliver - that's amazing!. Very little on the seafront attracts me or any of my friends and family currently. To be honest much of what's on offer encourages us all to bring our own food and drink to the seafront. I would much rather see them use glassware on the terrace, not plastic!!It's so much nicer to drink from glassware especially if it's a higher value product.

The area is controlled by them and security (i noticed that on their licence). I think allowing a venue to offer a quality experience is key to improving the seafront and much of what has happened historically on it. Please approve and support this application on behalf of the residents and parents of Brighton who want to see a better calibre of offer.

Kind Regards,

APPENDIX E

