

Licensing Panel (Licensing Act 2003 Functions)

Date: **3 October 2022**

Time: **10.00am**

Venue **G91 – Hove Town Hall / Microsoft Teams**

Members: **Councillors: Knight, Simson and Theobald**

Contact: **Thomas Bald**
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AGENDA

WELCOME & INTRODUCTIONS

1 PROCEDURAL BUSINESS

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(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.

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2 TO APPOINT A CHAIR FOR THE MEETING

3 THE HIPPODROME AND HIPPODROME HOUSE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS) 7 - 58

Contact Officer: Corinne Hardcastle
Ward Affected: Regency

Tel: 0127329

Date of Publication - Friday, 23 September 2022

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	The Hippodrome and Hippodrome House 52 - 58 Middle Street Brighton BN1 1AL		
Applicant:	52-58 Middle Street Brighton Limited		
Date of Meeting:	3 October 2022		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Corinne Hardcastle	Tel: (01273) 292100
	Email:	corinne.hardcastle@brighton-hove.gov.uk	
Ward(s) affected:	Regency		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for The Hippodrome and Hippodrome House.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for The Hippodrome and Hippodrome House.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

3.1 The application is for a New Premises Licence under the Licensing Act 2003 and proposes a complete entertainment venue with an accompanying Apart-Hotel. It will provide a complete range of entertainment and facilities for drinking and eating as well as the hotel accommodation. Additionally, it will have a proprietary Club intended for use by private members and Arts clubs and is a predominantly seated area. Then a more public area on the front of Middle Street, The Foyer Bar which brings activity to the long frontage of the building.

It is intended the premises will be open daily until midnight but on up to 18 occasions a year possibly later when special entertainments are arranged in conjunction with the authorities. With the hotel residents being provided with service 24 hours a day.

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

3.3 Summary table of proposed activities

	Proposed
Plays	Every Day 12:00 – 23:30 Indoors
Films	Every Day 12:00 – 23:30 Indoors
Indoor sporting Events	Every Day 09:00 – 00:00
Boxing or Wrestling	Monday to Saturday 09:00 – 00:00 Indoors
Live Music	Every Day 09:00 – 00:00 Indoors New Year's Eve into new Year's Day until 02:00 During any of the approved additional 18 events a year until 02:00
Recorded Music	Every Day 09:00 – 00:00 Indoors New Year's Eve into new Year's Day until 02:00 During any of the approved additional 18 events a year until 02:00
Performance of Dance	Every Day 09:00 – 00:00 Indoors New Year's Eve into new Year's Day until 02:00 During any of the approved additional 18 events a year until 02:00
Anything of a Similar Description to Live music, Recorded Music or Performance of Dance	Every Day 09:00 – 00:00 Indoors New Year's Eve into new Year's Day until 02:00 During any of the approved additional 18 events a year until 02:00
Late Night Refreshment	Every Day 23:00 – 00:00 Indoors New Year's Eve into new Year's Day until 02:00 During any of the approved additional 18 events a year until 02:00 Hotel Residents in their part of the premises at any time.
Supply of Alcohol	Every Day 10:00 – 23:30 On and Off the premises New Year's Eve into new Year's Day until 02:00 During any of the approved additional 18 events a year until 02:00 Hotel Residents in their part of the premises at any time.
Hours premises open to public	Every Day 09:00 – 00:00 New Year's Eve into new Year's Day until 02:30 During any of the approved additional 18 events a year until 02:30

3.4 Cumulative Impact. The premises falls within the Cumulative Impact Area (“The Area”) (see paragraphs 3.1 – 3.1.10).

Representations received

- 3.5 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.6 4 representations were received, 3 opposing and 1 in support. They were received from a Resident, a Residents' Association, Sussex Police and The Licensing Authority.
- 3.7 Representations received had concerns relating to Prevention of Crime and Disorder, Cumulative Impact, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm.
- 3.8 Full details of the representations and agreed conditions with Sussex Police are attached at Appendix C. A map detailing the location of the premises is attached at Appendix D.

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

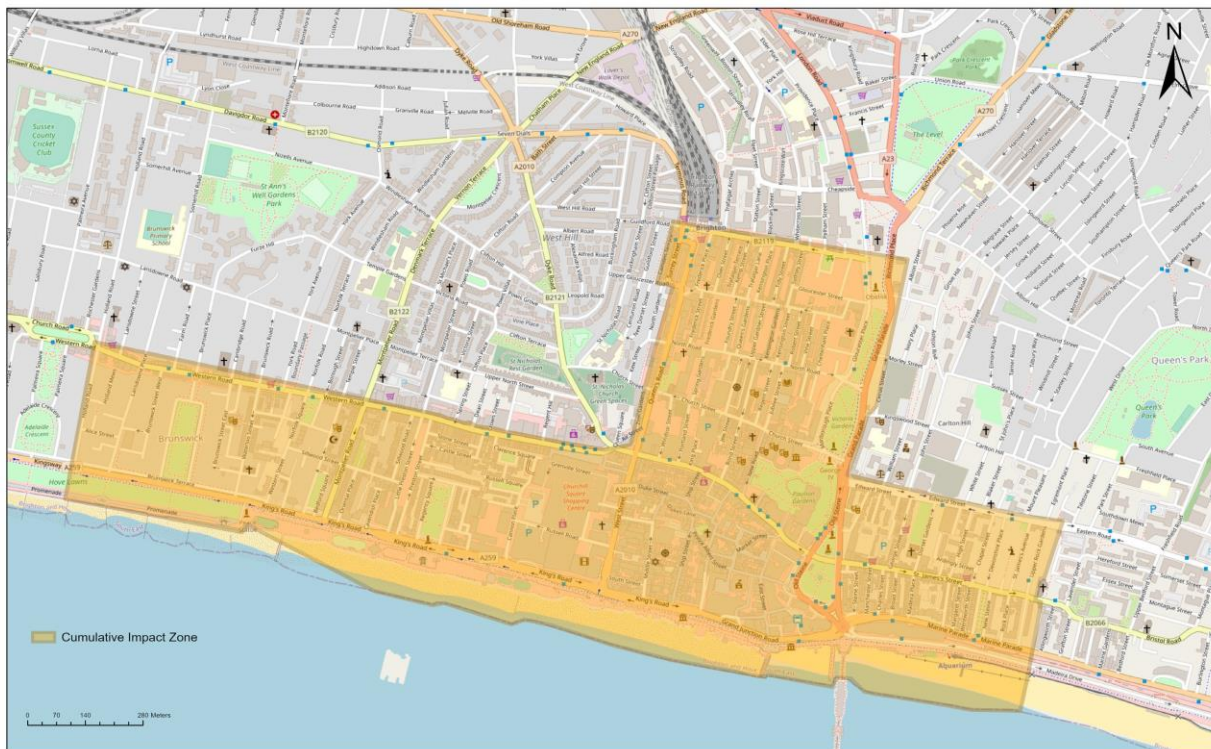
3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial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



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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 10pm. 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.

3.5 Off licences

In recent years there has been a noticeable shift towards more people buying alcohol from shops and drinking at home prior to going into premises such as pubs and clubs. The council is concerned that alcohol loading from off-licence sales is a significant problem in the city and adversely affects the licensing objectives as it gives rise to problems of drunkenness, disorderly behaviour and a higher risk of alcohol sales to children. Representations from the police, local residents and the director of public health at licensing panel hearings have testified to these problems and Information published in the Public Health Framework for assessing alcohol licensing presents a ward by ward analysis of crime and disorder and health data which is relevant in this respect.

3.5.1 The special policy on cumulative impact and the special stress areas apply to off licences as explained in the matrix approach at 3.3. But in general, where applications are made for new premises or variations to existing licences, and where the police or others make representations against the grant of a further licence for off sales, the council will give specific consideration to restricting the number, type, and the hours of premises selling alcohol exclusively for consumption off the premises. Decisions will be grounded in the Public Health Framework for assessing alcohol licensing. The council will want to be assured that the operating schedule of premises, and their overall management, training and levels of staffing, are appropriate to ensure that the licensing objectives are promoted in what may be challenging circumstances. Retail outlets and stores where the provision of fresh produce is the principal product sold maybe considered more favourably.

3.5.2 The Licensing Authority encourage off licences to join the Council led “Sensible on Strength” scheme to reduce the availability of cheap super strength beers and ciders. Off licences voluntarily sign up not to sell cheap super-strength beers and ciders over 6% ABV and operate good practice measures (see 3.5.3) for which they receive an accreditation as a responsible retailer.

3.5.3 Areas of best practice that may be included in an Operating Schedule include

- the installation of a digital CCTV system by liaison with, and to a standard approved by Sussex Police
- Challenge 25 policy
- Refusals system

- Documented staff training including underage sales, drunkenness and proxy sales
- Voluntary restriction of high strength alcohol - operating schedules may be used to limit high ABV beers and ciders
- BCRP membership (or other accredited scheme)
- No sale of single cans
- Displays should not be located at the entrance/exit points or near checks out

3.5.4 The Licensing Authority and Sussex Police have specific concerns around the delivery of alcohol off the premises due to issues around the end location of delivery, age verification checks (Challenge 25), the increased possibility of the alcohol coming into the CIZ and SSA from other areas, as well as the personal safety of drivers when having to refuse a delivery at the end destination.

3.5.5 Alcohol delivery poses a unique set of challenges as it often transfers the final age verification to a person who has no responsibility in relation to the Premises Licence which authorised the sale of alcohol. A premises licence holder needs to be satisfied that their drivers or the delivery drivers of the third party company they chose to use, have received regular and comprehensive training in age verification and identifying persons who have consumed too much alcohol.

3.5.6 Evidence has shown that customers have previously used landmarks/businesses not related to them as addresses for delivery so that alcohol could be consumed in open spaces/parks. The risk being that this may lead to increased crime and disorder including anti-social behaviour and criminal damage, as well as the possibility that underage persons can gain access to alcohol. Concerns have also been raised about the delivery of alcohol to known street drinking hotspots. Therefore, a condition requiring all deliveries to be to a verifiable residential or business address and a face to face ID verification is vital in mitigating some of this risk.

3.5.7 While the Licensing Authority and Sussex Police recognise this is a growing area of business, new or variation applications to include the delivery of alcohol off the premises will be subject to increased scrutiny. Suggested conditions for the provision of an alcohol delivery service can be found at Appendix A. These are not exhaustive and each application will be considered on its own merits.

3.6 Street drinking

3.6.1 The Licensing Authority will have regard to areas highlighted by Sussex Police that are at risk from alcohol related anti-social behaviour. The nature of these areas can be fluid/seasonal and so updated maps and data will be produced regularly to ensure the information is current. These hot spot areas are considered high risk for street drinkers and the Licensing Authority will have regard to prevention of crime and disorder by virtue of street drinking and anti-social behaviour when considering applications in this area.

3.9 Promoters and irresponsible drinks promotions

3.9.1 The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove Cumulative Impact Zone regularly hire promoters to sell nights at their

venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers-by who throw them on the floor and irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self-generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.

3.9.2 The Licensing Authority expect licensed premises to develop staff policy and training on recognising signs of drunkenness and vulnerability, for example, offering drinking water and tips for refusing customers who appear drunk. And discourage company policies that promote bonuses and sales incentives for selling alcohol. Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Licensing Guidance states happy hours should not be designed to encourage individuals to drink excessively or rapidly.

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 age-restricted 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 guidance 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.

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

6 Prevention of Public Nuisance

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). The licensing authority recognises the Director of Children's Services as being competent to advise on matters relating to the protection of children from harm.

Applicants shall copy their applications to the Director of Children's Services in its capacity as the responsible authority. Copies should be sent care of the Police.

The "What to do" booklet is a national one and can be accessed at:
www.brightonandhovelscb.org.uk/wp-content/uploads/What-to-do-if-a-child-is-being-abused.pdf

Probably also worth getting him to put in that if you are concerned about a child locally to contact the Multi-Agency Safeguarding Hub (MASH) on 01273 290400, or you can contact Sussex Police on 101. If they think a child is in immediate danger to dial 999.

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 drug use
- 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.

Finance Officer Consulted Michael Bentley

Date: 23/09/22

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: 23/09/2022

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 of the Application (operating schedule)
2. Appendix B – Plans of Premises
3. Appendix C – Representations and Agreed Conditions with Sussex Police
4. Appendix D – 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 – January 2022.

Background Documents

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

Appendix A

M

Describe the steps you intend to take to promote the four licensing objectives:

a) **General – all four licensing objectives (b, c, d and e)** (please read guidance note 10)

1, Conditions are in recognition of the CIZ and proportionate control of the premises and audiences leaving.

2, All Staff training will be extensive and listed and signed off as having been completed, records will be kept and available for inspection by the Licensing Authorities and police.

3, Last entry for all events will be listed but never later than 23.00 hrs.

4, The outside areas are shown as part of the premises and sales to those areas will be restricted as listed. Off Sales will only occur on any special event where for example there is a promotion of alcohol drinks in sealed containers to be sold and taken away by customers there will be a restriction of no later than 23.00hrs.

5, Residents in the hotel will have the facilities of the whole premises available to them especially for food and drink but outside of the listed permitted hours they will still have available in their own rooms the use of a Mini Bar for alcohol at all times.

6, The proprietary club facilities are only for signed up Club Members who have therefore been approved and provided ID to the Premises Licence Holder and whilst they are in that part of premises they are subject to being seated with waiter/waitress service of food and drink and no permitted vertical drinking, the outside area will be closed by 2300 hrs.

7, The Middle Street front premises will have an inside area and will be open to the public during the normal licensing hours. The street licensed part of the premises will be subject to being seated with waiter/waitress service of food and drink and no permitted vertical drinking, the outside area will be closed by 2300 hrs.

Part of its purpose is to promote the premises and allow public to enter it and view through glass the inside entertainments area Auditorium. It will not provide direct entry to it that will still be required through the Middle Street entrance which will be monitored at all times. There will be no regulated entertainment performed in this area.

b) The prevention of crime and disorder

- 8 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.

q) Any breakdown or system failure will be notified to the police immediately and remedied as soon as practicable.

h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

9 a) 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 intervals of no more than four (4) weeks.

b) The logbook 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.

c) Any refusals made for alcohol service e.g., underage, will be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty-four (24) months. Door supervisors will be employed at the premises from 21:00 hours when the it open, at a minimum of one door supervisor for every 100 customers or part thereof. Door supervisors will remain on duty until the premises has closed to the public, licensable activity has ceased and the venue is completely clear of patrons.

10 SIA licensed door supervisors shall be employed on any other occasion when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 7 days in advance. Further, as part of this written risk assessment the premises licence holder will consult with Sussex Police and take into consideration their advice regarding the following: public holidays, when seasonal variations are taking place and other city wide events e.g. Pride. This written risk assessment will be reviewed every 12 months or sooner should the need arise and a copy shall be retained at the premises.

11 a, There will be a written search policy in place for when door supervisors are on duty with the number of searches to be carried out set on a risk assessment basis. Drugs or weapons taken from customers will be stored securely and documented using a clear bagging and numbering system and this documentation will be provided to Police when drugs are collected for destruction.

b, Individuals found to have drugs or weapons in their possession will be banned from the premises.

c, Regular checks of the toilets will be conducted, and recorded whenever an incident or trace of drugs is detected (either in electronic or written form), to discourage/interrupt drug taking and also identify persons who may have become vulnerable or incapacitated through alcohol or drugs.

12, At the end of the night a written crowd management procedure/dispersal policy shall be designed and implemented to ensure that there is a wind down period prior to the premises closure and customers are

advised accordingly. This will be agreed with Sussex Police to prevent groups gathering, engaging in altercations and persons remaining in the vicinity of the premises.

13, The premises will become a member of the Business Crime Reduction Partnership or similar scheme approved by the Licensing Authority. The scheme must operate, subject to local coverage, radios and additionally an exclusion/banning scheme of named individuals within both the day and night time economy.

14, At all times the premises is open to the public, the management will contract the back up services of a mobile support unit (MSU) that has operational capacity 24 hours a day. 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.

15, While details of all events will be publicly available by advertising there will be up to 18 events a year which will have extended hours up until 02.00 for licensable activities and for each of these at least 2 months in advance there will be a Management Plan submitted to Licensing Authority and the police for their approval, they will all be ticket controlled events.

16, No under 18's for late night or possibly other special entertainment as previously advertised when the tickets become available for sale.

c) Public safety

17, All admission to the premises will be controlled by stewards and if required SIA registered door supervisors including in some events pre-sold tickets. And where appropriate clickers will be used to control and identify numbers on the premises apart from the hotel occupation.

18, At the end of any event finishing after 23:00 or with a attendance of more than 300 persons, a written crowd management procedure/dispersal policy shall be designed and implemented. This will include that egress will be via the Ship Street entrance with no exit of customers via Middle Street after 23:00 as well as the use of SIA door supervisors. This will be agreed with Sussex Police to prevent groups gathering, engaging in altercations and persons remaining in the vicinity of the premises which may cause noise/nuisance.

d) The prevention of public nuisance

- 19, No outside drinking on Middle Street Highways licensed area or the premises outside after 23.00
- 20, No outside entertainment of any kind.
- 21, An approved noise management plan will be in use at all times and the manager on duty will be fully responsible for ensuring that doors and windows are closed at and after 2300 hrs. An acoustic report is also available.
- 22, A transport plan will also be made available

e) The protection of children from harm

23 a, 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.

b, Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.

c, The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:

- ❖ The lawful selling of age restricted products
- ❖ Refusing the sale of alcohol to a person who is drunk

d, 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.

e, All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

24 There will be No late admissions after 23.00hrs and no admissions at any time to controlled entertainment which could be considered unsuitable

Checklist:

Please tick to indicate agreement

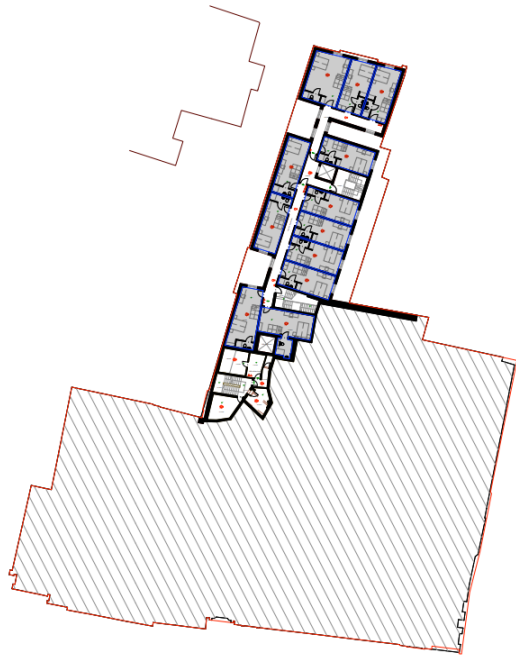
- KEY**
- areas for the sale of alcohol for consumption on the premises, provision of late night refreshments and night-time entertainment
 - area 1 - auditorium
 - area 2 - foyer bar
 - area 3 - members club
 - area 4 - outdoor pavement areas
 - area 5 - hotel rooms
 - Means of Escape

- SECURITY KEY**
- CCTV dome camera
 - CCTV dome camera - 15m cable to location with 1m cable length
 - Perimeter Sensor
 - door door fitting detector sensor
 - Disabled alarm system indicator panel
 - Intruder Alarm Key Pad

NOTES

- 1. Drawn Fire Systems are indicated only. Fire & security systems are to be installed in accordance with the fire strategy.
- 2. Refer to the fire strategy to check coverage of emergency lighting.

- FIRE SYSTEMS KEY**
- Smoke detector
 - Smoke detector in ceiling void
 - Smoke detector with integral sounder
 - Heat detector
 - Heat detector with integral sounder
 - Smoke detector with integral sounder and manual alarm device
 - Interface unit
 - Fire alarm panel
 - Break Glass Unit - fixed with anti-ramp cover
 - DDA Alarm
 - Spill-over hood in suspended ceiling
 - LED emergency luminaire
 - Recessed emergency running man sign (retro-reflective)
 - EXT-CO2 - 2kg CO2 Fire Suppressor
 - EXTRA - 4kg Foam Fire Suppressor
 - FB2 - 1.2 X 1.2m Fire Beacon



1. Drawings are subject to the approval of the Architect. Drawings should be used for the construction of the building only. The Architect does not accept any liability for the construction of the building.

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Date	Issue	Issue	Issue
15/11/2023	Issue 1	Issue 1	Issue 1
15/11/2023	Issue 2	Issue 2	Issue 2
15/11/2023	Issue 3	Issue 3	Issue 3
15/11/2023	Issue 4	Issue 4	Issue 4
15/11/2023	Issue 5	Issue 5	Issue 5
15/11/2023	Issue 6	Issue 6	Issue 6
15/11/2023	Issue 7	Issue 7	Issue 7
15/11/2023	Issue 8	Issue 8	Issue 8
15/11/2023	Issue 9	Issue 9	Issue 9
15/11/2023	Issue 10	Issue 10	Issue 10

Client: MATSIM PROPERTIES

Project: THE HOPKOCHE MEZzanine Floor (Hotel West Floor) Licensure Plan

Drawing: MEZZANINE FLOOR (HOTEL WEST FLOOR) LICENSURE PLAN

Date: 15/11/2023

Issue: 01

Scale: 1:200

Author: [Name]

Checker: [Name]

Approver: [Name]

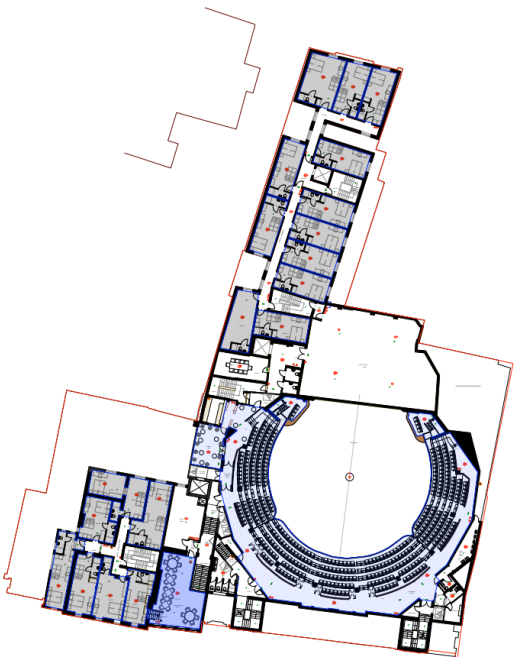
- KEY**
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 - area 1 - auditorium
 - area 2 - foyer bar
 - area 3 - members club
 - area 4 - outdoor pavement areas
 - area 5 - hotel rooms
 - Means of Escape

- SECURITY KEY**
- CCTV dome camera
 - CCTV dome camera - 15m cable to location with 1m cable length
 - Perimeter Sensor
 - door door fitting detector sensor
 - Disabled alarm system indicator panel
 - Intruder Alarm Key Pad

NOTES

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 - Interface unit
 - Fire alarm panel
 - Break Glass Unit - fixed with anti-ramp cover
 - DDA Alarm
 - Spill-over hood in suspended ceiling
 - LED emergency luminaire
 - Recessed emergency running man sign (retro-reflective)
 - EXT-CO2 - 2kg CO2 Fire Suppressor
 - EXTRA - 4kg Foam Fire Suppressor
 - FB2 - 1.2 X 1.2m Fire Beacon



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15/11/2023	Issue 9	Issue 9	Issue 9
15/11/2023	Issue 10	Issue 10	Issue 10

Client: MATSIM PROPERTIES

Project: THE HOPKOCHE MEZzanine Floor (Hotel West Floor) Licensure Plan

Drawing: MEZZANINE FLOOR (HOTEL WEST FLOOR) LICENSURE PLAN

Date: 15/11/2023

Issue: 01

Scale: 1:200

Author: [Name]

Checker: [Name]

Approver: [Name]

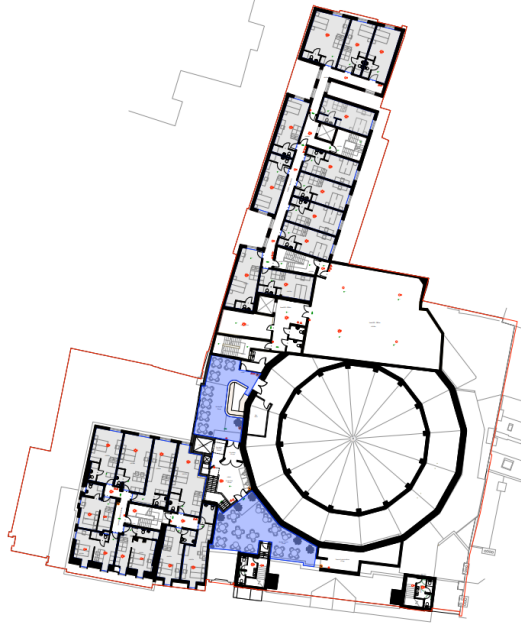
- area 1 - auditorium
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- area 3 - members club
- area 4 - outdoor pavement areas
- area 5 - hotel rooms
- MCE Means of Escape

- SECURITY KEY**
- CCTV camera
requires 15m Cat 6 data cable to location with 1m spare length
 - Mains power
 - door alarm (beeping/beeping sounder)
 - Disabled alarm system indicator panel
 - Intruder Alarm Key Pad

NOTES
 1. Design Fire Systems are reference only. Fire & Smoke systems to be designed in accordance with BS 5839:1.

NOTES
 1. Refer to check coverage of emergency lighting.

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 - Smoke detector with integral sounder and visual alarm device
 - Interface unit
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 - Break Glass Unit - fixed with anti-camper cover
 - DDA Alarm
 - Sprinkler head in suspended ceiling
 - LED emergency luminaires
 - Ratemanaged emergency lighting (non self-luminous)
 - EXT-CO2 - 2kg CO2 Fire Extinguisher
 - EXT-A - 4kg Aqueous Film Forming Extinguisher
 - RFD - 1.2 x 1.2m Fire Beacon



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1. Copyright

2. Description of Design and Planning

3. Design

4. Page 02/02

5. Revision

No.	Date	Description	By

6. Client

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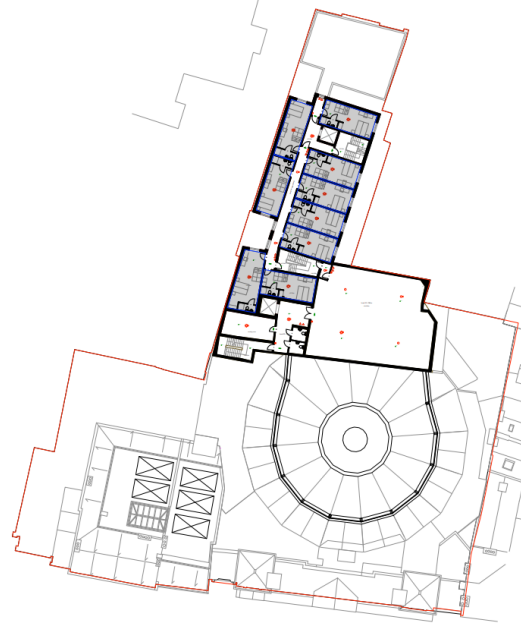
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No.	Date	Description	By

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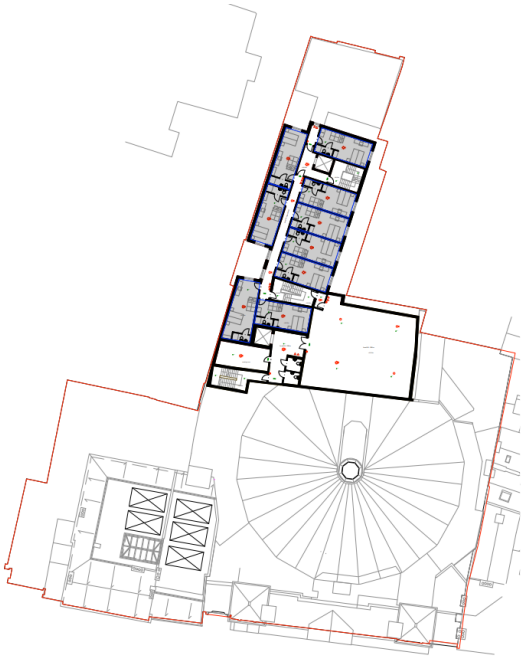
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- area 3 - members club
- area 4 - outdoor pavement areas
- area 5 - hotel rooms
- Means of Escape

- SECURITY KEY**
- CCTV dome camera
 - alarm - this C.A. & data cable to location with 100m length
 - Placement Sensor
 - over door falling beacon sounder
 - Disabled alarm system indicator panel
 - Intercom Alarm Key Pad
- NOTES**
- Drawn Fire Spikes are indicated only. Fire & alarm systems to be designed to BS 5839-1:2002 (L1).
 - Refer to check coverage of emergency lighting.

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 - Fire alarm panel
 - Break Glass Unit - fixed with anti-camper cover
 - COA Alarm
 - Speaker horn in suspended ceiling
 - LED emergency luminaires
 - Fluorescent emergency running man sign (maintained)
 - EXT100 - 3kg CO2 Fire Extinguisher
 - EXT70 - 6L Foam Fire Extinguisher
 - MS1 - 1.2 x 1.2m Fire Blanket



or part shall remain with the Architect in accordance with the Copyright Act.

It is a condition of this contract that the Architect shall retain the right to use the drawings for the purposes of the contract and to use the drawings for the purposes of the contract and to use the drawings for the purposes of the contract.

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Client: MATHS PROPERTIES

Project: THE HARBORCROFT MEDIA STREET BRIGHTON BN1 1AL

Drawing: HOTEL 17TH FLOOR LIFELINE PLAN

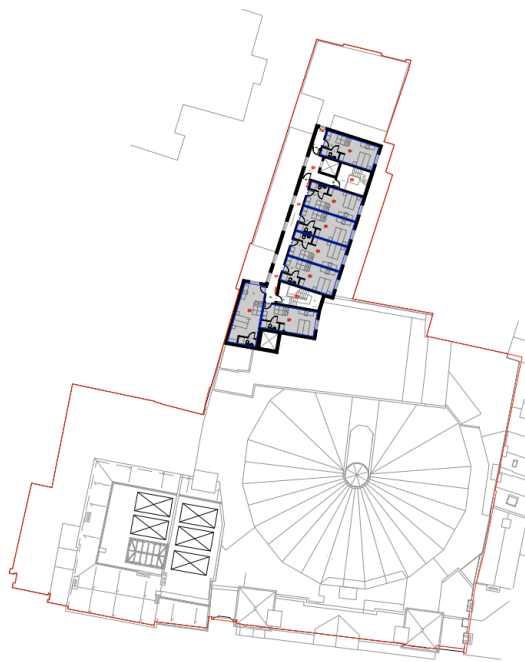
Drawn	Date	Scale
SA	NOVEMBER 2023	1:100 @ A3

Job No.	Draw No.	Rev.

- area 3 - members club
- area 4 - outdoor pavement areas
- area 5 - hotel rooms
- Means of Escape

- SECURITY KEY**
- CCTV dome camera
 - alarm - this C.A. & data cable to location with 100m length
 - Placement Sensor
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Client: MATHS PROPERTIES

Project: THE HARBORCROFT MEDIA STREET BRIGHTON BN1 1AL

Drawing: HOTEL 16TH FLOOR LIFELINE PLAN

Drawn	Date	Scale
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Job No.	Draw No.	Rev.

Appendix C

Corinne Hardcastle
Licensing Authority
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 23 August 2022
Our Ref: ELG/2022/02379/LICREP/EH
Phone: Emma Grant
e-mail: Emma.grant@brighton-hove.gov.uk

CH CON ENDS 09.09.2022 VALID PPN, PCD, CIZ (A)

Dear Mrs Hardcastle

Licensing Act 2003, 2022/02862/LAPREN The Hippodrome, 52-58 Middle Street, Brighton.

I wish to make a representation against a new application for the Hippodrome, 52-58 Middle Street, Brighton. The application is for a premises licence for the sale of alcohol from 10:00 – 23:30 (on and off sales), Plays and Films 12:00 – 23:30, Live music / Recorded Music / Indoor sports events / Boxing / Wrestling 09:00 – 24:00 and Late night refreshment 23:00 – 24:00. For 18 events a year the proposal is to open until 02:00 and there will be 24 hour service to the hotel guests.

The grounds for the representation are that while this is a unique proposal which includes live music, dancing and theatre, arts and cultural events which the Statement of Licensing Policy (SoLP) supports, it is contrary to the SoLP in that the premises falls within the cumulative impact area, and there is the potential for the licensing objectives of prevention of crime & disorder and public nuisance to be undermined.

The SoLP recognises the importance and value of the night-time economy as part of the city's cultural and tourism offer, which is crucial in the ongoing economic success of the city, as well as providing a safe and diverse environment for both residents and visitors to enjoy. However, the Council also recognises the impact the night-time economy can have on people's safety, health and wellbeing. The Council's licensing authority has created special policies, including Cumulative Impact and the Matrix Approach and Night-time Economy Safeguarding Initiatives, designed to restrict the amount of licensable premises in the city centre and promote good practices to minimise the adverse impact of alcohol-use.

The Licensing Authority's Cumulative Impact area (CIA) 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 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. The special policy is not absolute and this presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact and that there are exception circumstances to depart from the special policy.

The Council's SoLP also 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.

This proposal does not fit easily into the categories in the Matrix Model as it includes entertainment facilities, food and drinking facilities, hotel accommodation, a private members club, arts club and bar.

The proposal includes off sales which is not supported in the matrix in the CIZ however the application states that :- Off Sales will only occur on any special event where for example there is a promotion of alcohol drinks in sealed containers to be sold and taken away by customers there will be a restriction of no later than 23.00hrs.

The applicants have consulted with the authorities and proposed conditions to promote the licensing objectives and this development is therefore generally welcomed by the authorities.

The policy does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

When considering whether representations should be submitted, the Licensing Team have regard to the 'Public Health Framework for assessing Alcohol Licensing' – January 2022 document. The premises sits within the Regency electoral ward. The document states that Regency ward is recorded as the worst ward out of 21 for All violence against the person and All injury violence. alcohol suspected ambulance call outs and 2nd worse for Police recorded alcohol related incidents.

The Licensing Team therefore makes this representation to uphold the council's Statement of Licensing Policy and we wish to bring the application to the attention of the panel so that they can consider the application in its entirety and decide whether it constitutes exceptional circumstances to depart from the policy.

Yours sincerely,

Emma Grant,
Licensing Officer



Sussex Police

Serving Sussex

www.sussex.police.uk

Brighton & Hove Licensing Unit

Police Station
John Street
Brighton
BN2 0LA

Tel: 01273 404535 ext 550828

Email: brighton.licensing@sussex.police.uk

6th September 2022

The Licensing Technical Support
Officers Environmental Health,
Brighton & Hove City Council
Bartholomew House,
Bartholomew Square Brighton,
East Sussex
BN11JP

CH CON ENDS 09.09.2022 VALID PPN, PS, PCH, PCD & CIZ (B)

Dear Corinne Hardcastle,

**RE: APPLICATION FOR A NEW PREMISES LICENCE FOR THE HIPPODROME AND
HIPPODROME HOUSE, 52-58 MIDDLE STREET, BRIGHTON, EAST SUSSEX, BN11AL
UNDER THE LICENSING ACT 2003. 1445/3/2022/02862/LAPREN.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder, public safety, prevention

of public nuisance and the protection of children from harm. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (revised January 2021).

This is a proposed new licence for a historic venue on Middle Street which falls within the City's Cumulative Impact Area (CIA). The application features a multi-use complex and apart-hotel, part of which falls outside the framework of the decision making matrix on page 18 of the current Brighton & Hove City Council Statement of Licensing Policy.

The applicant seeks the following hours and licensable activities:

Plays; Films;

Everyday: 12:00 – 23:30

Indoor Sporting Events; Boxing or Wrestling entertainments;

Everyday: 09:00 – 24:00

Live Music; Recorded Music; Performances of Dance; Anything of a Similar Description

Everyday: 09:00 – 24:00

Seasonal Variations - New Years Eve into New Years Day at 02:00

Non standard timings - 'During any of the approved additional 18 events a year until 02.00'

Late night refreshment (Indoors)

Everyday: 23:00 – 24:00

'Hot food and drink will be available throughout all opening times'

Seasonal Variations - New Years Eve into New Years Day at 02:00

Non standard timings - 'During any of the approved additional 18 events a year until 02.00'

Supply of alcohol (On and Off sales)

Everyday: 10:00 – 23:30

Seasonal Variations - New Years Eve into New Years Day at 02:00

Non standard timings - 'During any of the approved additional 18 events a year until 02.00'

To Hotel Residents in their part of the premises at any time'

Opening hours

Everyday: 09:00 – 24:00

Seasonal Variations - New Years Eve into New Years Day at 02:30

Non standard timings - 'During any of the approved additional 18 events a year until 02.00'

The applicant has consulted closely with Sussex Police following submission of a draft application. A number of amendments have now been incorporated into the final licence application submitted to the Licensing Authority. Additionally, numerous conditions have been offered by the applicant that limit how the building can be used.

Paragraph 3.3 of the Brighton and Hove City Council 2021 Statement of Licensing Policy sets out the 'matrix' approach to licensing decisions in the City. While it is acknowledged that alcohol will be, in the main, secondary to the majority of the licensable activity, this application does not sit neatly within the matrix approach and therefore requires additional scrutiny by a Licensing Panel.

Notes on the matrix at 3.3.2 of the BHCC SoLP state that, '*3) Departure from the matrix policy is expected only in exceptional circumstances*'. The applicant has proffered measures within the application to promote the four Licensing Objections including:

- Limiting the proposed hours to midnight for licensable activity throughout the week, with the sale of alcohol ceasing at 23:30.

- Hot food and drink will be available throughout all opening times.

- Providing seated waiter/waitress service conditions in appropriate areas, including to the front on Middle Street.

- Limiting off sales to only during a special event, in sealed containers and finishing at 23:00.

- Crime prevention and detection measures such as CCTV throughout and written search and dispersal policies

- SIA risk assessment in place and MSU provision at all times the premises is open to the public.

- Membership of the Business Crime Reduction Partnership (BCRP)

- Reduction of proposed special event days from 20 to 18 (1-2 a month).
 - For each of the 18 special events a year (where licensable activity hours are extended until 02:00), a Management Plan will be submitted to Licensing Authority and the police for their approval, at least 2 months in advance.
 - All 18 special events will all be ticket controlled events.
 - No under 18's will be permitted for late night (or possibly other special entertainment) events.

- For any event finishing after 23:00, egress will be via the Ship Street entrance with no exit of customers via Middle Street after 23:00.
- A noise management plan.
- No outside entertainment of any kind.
- Last admission time of 23:00.

Under the circumstances Sussex Police consider this Application could meet the 'exceptional circumstances' criteria and that the sale of alcohol will be largely ancillary to the purpose of the business, that of a restored entertainment offering in the City.

It is the view of Sussex Police that, should the Committee be minded to grant this application, there are measures in place to minimise the potential negative cumulative effect on the area. By applying the numerous conditions contained within the Operating Schedule as well as consideration being given to any discussion at the hearing, it is highly likely that the risk of any negative cumulative impact will be mitigated and controlled.

Therefore Sussex Police invites the Licensing Committee to consider this application on its merits and make a determination accordingly.

Yours sincerely,

Insp Michelle Palmer-Harris
Ops Planning and Events (inc. Licensing) Inspector
Brighton & Hove Division
Sussex Police

CH CON ENDS 09.09.2022 VALID PPN, PCD (C)



Name & address of premises subject to application.

THE HIPPODROME
52-58 MIDDLE STREET BRIGHTON LTD.
THE HIPPODROME AND HIPPODROME HOUSE
52-58 MIDDLE ST.
BRIGHTON
BN1 1AL

1445/3 | 2022 | 02862 CAPREN

Your name & address (residence or business).

Redacted Text

Note: Whether or not your representation can be considered depends upon whether your residence or business is likely to be directly affected by disorder and disturbance occurring or potentially occurring on the premises or immediately outside the premises.

Please state the substance of your representation within one (or more) of the following categories (representations outside these categories cannot be considered).

<p>The Prevention of Crime & Disorder THE OLD TOWN ALCOHOL EXPERIENCES CRIME AND PARTICULARLY DISORDER DUE TO ALCOHOL AND ITS EFFECTS. WE ASK RESPECTFULLY, AS WE ARE IN A CUMULATIVE IMPACT ZONE, THAT THE IMPLICATIONS OF GRANTING THIS NEW LICENCE ARE GIVEN THOROUGH CONSIDERATION. THANKS</p>
<p>Public Safety</p>
<p>The Prevention of Public Nuisance WE ARE ASKING THAT THIS LICENCE NEEDS TO BE GRANTED, DESPITE BEING IN A CIZ, TO MAKE THE WHOLE PROPOSING PROPOSE RETENTION PRACTICABLE, BUT WE WOULD LIKE TO REMIND THE COMMITTEE THAT THIS PART OF THE OLD TOWN ALCOHOL EXPERIENCES A TREMENDOUS VOLUME OF PUBLIC NUISANCE, WHETHER THAT BE NOISE, VIBRATION, VOMITING,</p>
<p>The Protection of Children from harm. LITTERING, DRUG USE OR GRAFFITI. WE ALSO ASK THAT RESTRICTIONS BE INCLUDED TO DISALLOW BY ANY EXTENSIONS TO THIS LICENCE IN THE FUTURE SHOULD THE OWNERS OR BUSINESS MODEL CHANGE. THANK YOU.</p>

Signed Redacted Text

Date: 08.09.22

Name: Redacted Text

Please note:

1. Electronically transmitted representations must be confirmed in writing and signed within 5 working days.
2. Representations are in the public domain. Copies are sent to the applicants to allow discussions and with the notice of hearing. They are also included in Licensing Panel papers. Hearings are public.

CH CON ENDS 09.09.2022 VALID PPN (S1)

From: Redacted >

Sent: 31 August 2022 16:25

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

Subject: 1445/3/2022/02862/LAPREN THE HIPPODROME - BRIGHTON. 51 and 52-58
Middle Street . BN1 1AL

Dear Licensing Department,

I wish to comment on the above licensing application .

I fully support the granting of a license for the restoration of this lovely old theatre. This development will also include an apart hotel, cafe and rooftop bar. Looking at the operating times I really do not think that there would be any late night noise problems. This is centrally located in Brighton with practically no residential buildings. As there will be an hotel on the site it will be in the owners interests to keep noise and disturbance to a minimum so as not to disturb their guests. This development is a welcome addition to Brighton as it provides a cultural as well as an entertainment centre rather than a noisy pub or junk food outlet of which there are so many in the area. Litter will not be a problem as I presume food will be served on site in the cafe/restaurant and not as take - aways.

I do hope the committee will look on this application favourably and grant the license.

Best wishes
Redacted

CONDITIONS AGREED WITH SUSSEX POLICE

General

1. Conditions are in recognition of the CIZ and proportionate control of the premises and audiences leaving.
2. All Staff training will be extensive, documented and signed off as having been completed, records will be kept and available for inspection by the Licensing Authorities and police.
3. Last entry for all events will be listed but never later than 23.00hrs.
4. The outside areas are shown as part of the premises and sales to those areas will be restricted as listed. Off Sales will only occur on any special event where for example there is a promotion of alcohol drinks in sealed containers to be sold and taken away by customers there will be a restriction of no later than 23.00hrs.
5. Residents in the hotel will have the facilities of the whole premises available to them especially for food and drink but outside of the listed permitted hours they will still have available in their own rooms the use of a Mini Bar for alcohol at all times.
6. The proprietary club facilities are only for signed up Club Members who have therefore been approved and provided ID to the Premises Licence Holder and whilst they are in that part of premises they are subject to being seated with waiter/waitress service of food and drink and no permitted vertical drinking.
7. The Middle Street front premises will have an inside area and will be open to the public during the normal licensing hours. The street licensed part of the premises will be subject to being seated with waiter/waitress service of food and drink and no permitted vertical drinking.
8. The Middle Street foyer bar/entrance area (inside) will have seating and tables maintained at all times, with a minimum of 50 covers.
9. Entrance to the Auditorium will only be permitted through the Middle Street main entrance, not via the Foyer Bar (Middle Street). This will be monitored at all times. There will be no regulated entertainment performed in the Foyer Bar at any time.
10. Vertical alcohol sales will only be available in the auditorium when entertainment/performance/live events/conferences/exhibitions are taking place. At all other times alcohol sales will be seated.

11. A monthly diary of events will be provided to Sussex Police and Brighton & Hove City Council licensing dept.
12. All outside areas/terraces (within and without the premises) will be closed to customers at 23:00pm.
13. The outside trading area to the front of the premises (Middle Street) will be fully cleared of all moveable street furniture when closed at 23:00pm.
14. All outside areas shall be monitored and regularly cleared of glasses and bottles.
15. At least one personal licence holder will be on site from 21:00 when the premises is open to the public for licensable activity.

Prevention of Crime & Disorder

16. 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 and remedied as soon as practicable.
- h) In the event of the CCTV system hard drive being seized as evidence as part of a criminal investigation by Sussex Police or for any other reason, the premises

will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

17. a) 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 intervals of no more than four (4) weeks.

b) The logbook 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.

c) Any refusals made for alcohol service e.g., underage, will be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty-four (24) months.
18. Door supervisors will be employed at the premises:
 - a) from 21:00 hours when the auditorium is open and an event is taking place, at a minimum of one door supervisor for every 100 customers or part thereof. Door supervisors will remain on duty until the premises has closed to the public, licensable activity has ceased and the venue is completely clear of patrons.
 - b) on any other occasion when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 7 days in advance. Further, as part of this written risk assessment the premises licence holder will consult with Sussex Police and take into consideration their advice regarding the following: public holidays, when seasonal variations are taking place and other city wide events e.g. Pride. This written risk assessment will be reviewed every 12 months or sooner should the need arise and a copy shall be retained at the premises.
19. There will be a written risk assessment document and management plan in place. It will document what considerations have been made by the licence holder regarding any additional special events which may arise in the city during the year as well as points a) – e) below. This document shall be immediately available for inspection by the Police and the Licensing Authority, upon request.
 - a) A search policy for when door supervisors are on duty with the number of searches to be carried out set on a risk assessment basis depending on nature of event, expected audience etc.
 - b) Regular checks of the toilets will be conducted, and recorded whenever an incident or trace of drugs is detected (either in electronic or written form), to discourage/interrupt drug taking and also identify persons who may have become vulnerable or incapacitated through alcohol or drugs.

- c) At the end of the night a crowd management procedure/dispersal policy shall be designed and implemented to ensure that there is a wind down period prior to the premises closure and customers are advised accordingly. This will aim to prevent groups gathering, engaging in altercations and persons remaining in the vicinity of the premises.
 - d) An assessment regarding the use of glass both within the premises and in the outside areas. The assessment will identify all licensable activities undertaken at the premises and the controls necessary to promote the licensing objectives. The risk assessment will include when polycarbonate or plastic/disposal drinking vessels will be employed if such a requirement is identified by the licence holder or requested by Sussex Police.
 - e) Any events (including but not limited to E-sports, tournaments, conferences, exhibitions) where all ages can attend will have a section within the document detailing how alcohol sales will be managed with consideration given to under 18s. This may include consideration around wristbands identifying under/over 18s, a vulnerability policy and a terminal hour which under 18s have to leave the premises.
20. Any drugs or weapons taken from customers will be stored securely and documented using a clear bagging and numbering system and this documentation will be provided to Police when drugs are collected for destruction.
 21. Individuals found to have drugs or weapons in their possession will be banned from the premises.
 22. 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.
 23. At all times the premises is open to the public, the management will contract the back up services of a mobile support unit (MSU) that has operational capacity 24 hours a day. 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.
 24. While details of all events will be publicly available by advertising there will be up to 18 events a year which will have extended hours up until 02.00 for licensable activities and for each of these at least 2 months in advance there will be a Management Plan submitted to Licensing Authority and the police for their approval, they will all be ticket controlled events.
 25. No under 18's for late night or possibly other special entertainment as previously advertised when the tickets become available for sale.

Public safety

26. All admission to the premises will be controlled by stewards and if required SIA registered door supervisors including in some events pre-sold tickets. And where appropriate clickers will be used to control and identify numbers on the premises apart from the hotel occupation.
27. At the end of any event finishing after 23:00 or with a attendance of more than 300 persons, a written crowd management procedure/dispersal policy shall be designed and implemented. This will include that egress will be via the Ship Street entrance with no exit of customers via Middle Street after 23:00 as well as the use of SIA door supervisors. This will be agreed with Sussex Police to prevent groups gathering, engaging in altercations and persons remaining in the vicinity of the premises which may cause noise/nuisance.

Prevention of Public Nuisance

28. No outside drinking on Middle Street Highways licensed area or the premises outside after 23.00
29. No outside entertainment of any kind.
30. An approved noise management plan will be in use at all times and the manager on duty will be fully responsible for ensuring that doors and windows are closed at and after 2300 hrs. An acoustic report is also available.
31. A transport plan will also be made available

Protection of Children from Harm

32. 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.
33. Signage advertising the 'Challenge 25' policy will be displayed in prominent locations in the premises.
34. a) The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive induction training. This training will take place prior to the selling of such products:

- ❖ The lawful selling of age restricted products
- ❖ Refusing the sale of alcohol to a person who is drunk

b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.

c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

35. There will be no late admissions after 23.00hrs and no admissions at any time to controlled entertainment which could be considered unsuitable

Appendix E

