

# Licensing Panel (Licensing Act 2003 Functions)

Date: **5 December 2022**

Time: **10.00am**

Venue **Virtual**

Members: **John, Simson, Pissaridou**

Contact: **Thomas Bald**  
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# AGENDA

## 1 TO APPOINT A CHAIR FOR THE MEETING

### WELCOME & INTRODUCTIONS

## 2 PROCEDURAL BUSINESS

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

(b) **Declarations of Interest:**

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

In each case, you need to declare

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

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

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

## 3 BRIGHTON DOME CAFÉ & RESTAURANT LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Corinne Hardcastle  
Ward Affected: St Peter's & North Laine

Tel: 0127329

Date of Publication - Friday, 25 November 2022

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# Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

<b>Subject:</b>	<b>Application for a New Premises Licence under the Licensing Act 2003</b>		
<b>Premises:</b>	<b>Brighton Dome Café &amp; Restaurant Church Street Brighton BN1 1UE</b>		
<b>Applicant:</b>	<b>Lucky Bean Ltd</b>		
<b>Date of Meeting:</b>	<b>5 December 2022</b>		
<b>Report of:</b>	<b>Executive Director of Housing, Neighbourhoods &amp; Communities</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sarah Cornell</b>	<b>Tel: (01273) 295801.</b>
	<b>Email:</b>	<b>Sarah.cornell@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>St. Peter's And North Laine</b>		

## 1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Brighton Dome Café & Restaurant.

## 2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Brighton Dome Café & Restaurant.

## 3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

- 3.1 The application is for a New Premises Licence under the Licensing Act 2003. The application proposes

Café and restaurant within the Brighton Dome. The application proposes licensable activities in internal and external areas with updated model conditions to ensure the promotion of the licensing objectives. The Brighton Dome already benefits from a late premise licence meaning the proposals will not result in any addition to cumulative impact.

- 3.2 Section 18 (Operating Schedule) of the application is detailed at Appendix A and the plan of the premises is attached at Appendix B

### 3.3 Summary table of proposed activities

	<b>Proposed</b>
<b>Late Night Refreshment</b>	Every Day 23:00 – 00:00 Indoors Plus: From the end of permitted hours on News Year Eve to the start of permitted hours on New Years Day.
<b>Supply of Alcohol</b>	Every Day 10:00 – 00:00 (On and Off The Premises) Plus: From the end of permitted hours on News Year Eve to the start of permitted hours on New Years Day.
<b>Hours premises are open to public</b>	Every Day 09:00 – 00:30 Plus: From the end of permitted hours on News Year Eve to the start of permitted hours on New Years Day.

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

#### **Representations received**

- 3.4** Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.5** 20 representations were received, two opposing and 18 in support. The two opposing were received from Sussex Police and the Licensing Authority and the 18 supporting were received from local residents and local businesses.
- 3.6** 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
- 3.7** Full details of the representations 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

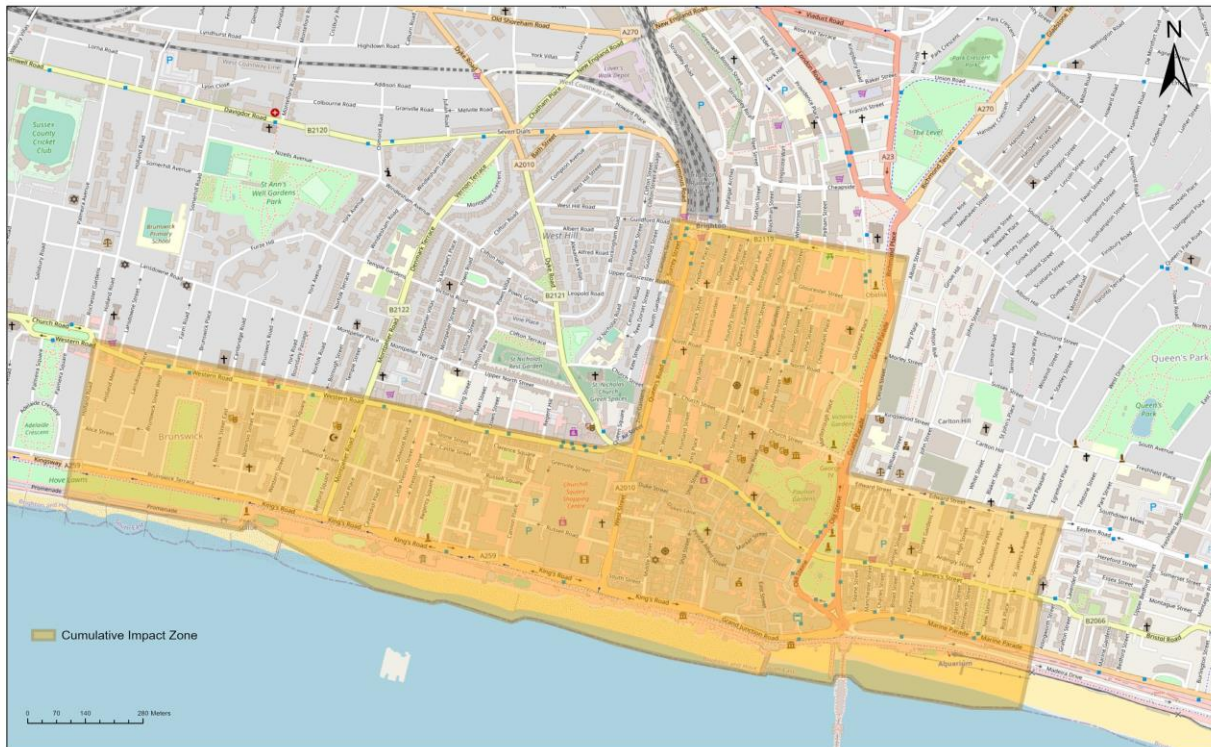
3.1.1 The licensing authority may receive representations from either a responsible authority or other persons that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. This should not, however, be confused with 'need' which relates more to the commercial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



Brighton & Hove Public Health Intelligence, 2021  
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3.1.5 The Cumulative Impact Zone comprises the area bounded by and including: the north side of Western Road, Brighton from its intersection with the west side of Holland Road to the junction with the west side of Dyke Road at its eastern end; from there, north-east to the junction of the north side of Air Street with the west side of Queens Road and then northward to the north-west corner of Surrey Street junction with Queens Road; thence along the north side of Trafalgar Street eastwards to its junction with York Place and continuing south-east across to Grand Parade, then south to the junction of Edward Street; along the north side of Edward Street to the east side of its junction with Egremont Place and southward along the eastern sides of Upper Rock Gardens and Lower Rock Gardens; southward to the mean water mark and following the mean water line westward to a point due south of the west boundary of Holland Road; northward to that point and along the west side of Holland Road to its northwest boundary and then diagonally across Western Road to its intersection with the west side of Holland Road.

3.1.6 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences or club premises certificates within the area, or variations which are likely to add to the existing Cumulative Impact will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.

3.1.7 This special policy also applies to all new premises licences and club premises certificates, for example pubs, restaurants and take-away establishments. Off licences also come within this policy as they can contribute to problems of street drinking, proxy purchasing, dispersal issues, preloading and excessive drinking and related disorder.

3.1.8 The presumption of refusal does not relieve responsible authorities or other persons of the need to make a relevant representation. If there are no representations, the licensing authority must grant the application in terms consistent with the operating schedule submitted.

3.1.9 Furthermore, this special policy is not absolute. Upon receipt of a relevant representation, the licensing authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its special policy in the light of the individual circumstances of the case. If an application is unlikely to add to the cumulative impact of the area, it may be granted. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant, theatre or live music venue (where alcohol is not the primary activity) may be considered exceptional circumstances. The fact that a premises will be/is exceptionally well managed with a well-qualified applicant, or that there are no residential premises nearby, will not be considered exceptional.

3.1.10 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that conditions would be ineffective in preventing the problems involved.

### **3.3 The Matrix Approach**

#### **The Licensing Authority will support:**

3.3.1 Diversity of premises: ensures that there is a mix of the different types of licensed premises and attracts a more diverse range of customers from different age groups, different communities and with different attitudes to alcohol consumption. It gives potential for positively changing the ambience of the city or an area of it. This will have a positive effect in reducing people's fear of crime and in increasing the number of evening visitors to the city centre. The Community Safety Strategy recognises that too many single uses in a confined area and patrons turning out onto the streets at the same time may create opportunities for violent crime and public disorder and therefore supports mixed use venues encouraging a wider age balance.

3.3.2 A "matrix" approach to licensing decisions has been adopted and is set out below. It provides a framework of what the licensing authority would like to see within its area and gives an indication of the likelihood of success or otherwise to investor and businesses making applications.

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

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

3.5.4 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](mailto: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.

## **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).

6.1.5 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.

7.1.7 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

## **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: 23/11/22*

### 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: 22/11/2022*

### 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 – Section 18 (Operating Schedule)
2. Appendix B – Plan of Premises
3. Appendix C – Representations
4. Appendix D – Map of area
5. Appendix E - Supporting information from the applicant

**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

### Section 18 of 21

#### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

1. Authorised staff employed by Sussex Police in the role of licensing officer shall have the right of access to the licensed premises during hours of operation for the purpose of inspection of the premises and premises records in order to ensure the promotion of the licensing objectives.

2. The sale and supply of alcohol will be served by waiter/waitress service to persons seated at tables. There will be no vertical drinking.

3. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

4. Off sales of alcohol are only permitted until 23:00:

a. when it forms part of a substantial food delivery order and is ancillary to this delivery order. Deliveries only permitted to a private or work address; or

b. to seated persons in an area appropriately authorised for the use of tables and chairs on the highway and where the supply of alcohol is by waiter or waitress service only.

b) The prevention of crime and disorder

5. CCTV:

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

*Continued from previous page...*

for any other reason, the premises will be expected to install a replacement hard drive or a temporary replacement drive as soon as practicable.

6. Incident reporting:

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 least once a week.

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.

c) Public safety

None

d) The prevention of public nuisance

7. Provide signage at all exits and outdoor area used for smoking by staff and patrons "Please respect the needs of local residents, including leaving quickly and quietly; do not disturb the neighbours"

e) The protection of children from harm

8. 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.

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

10. 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:

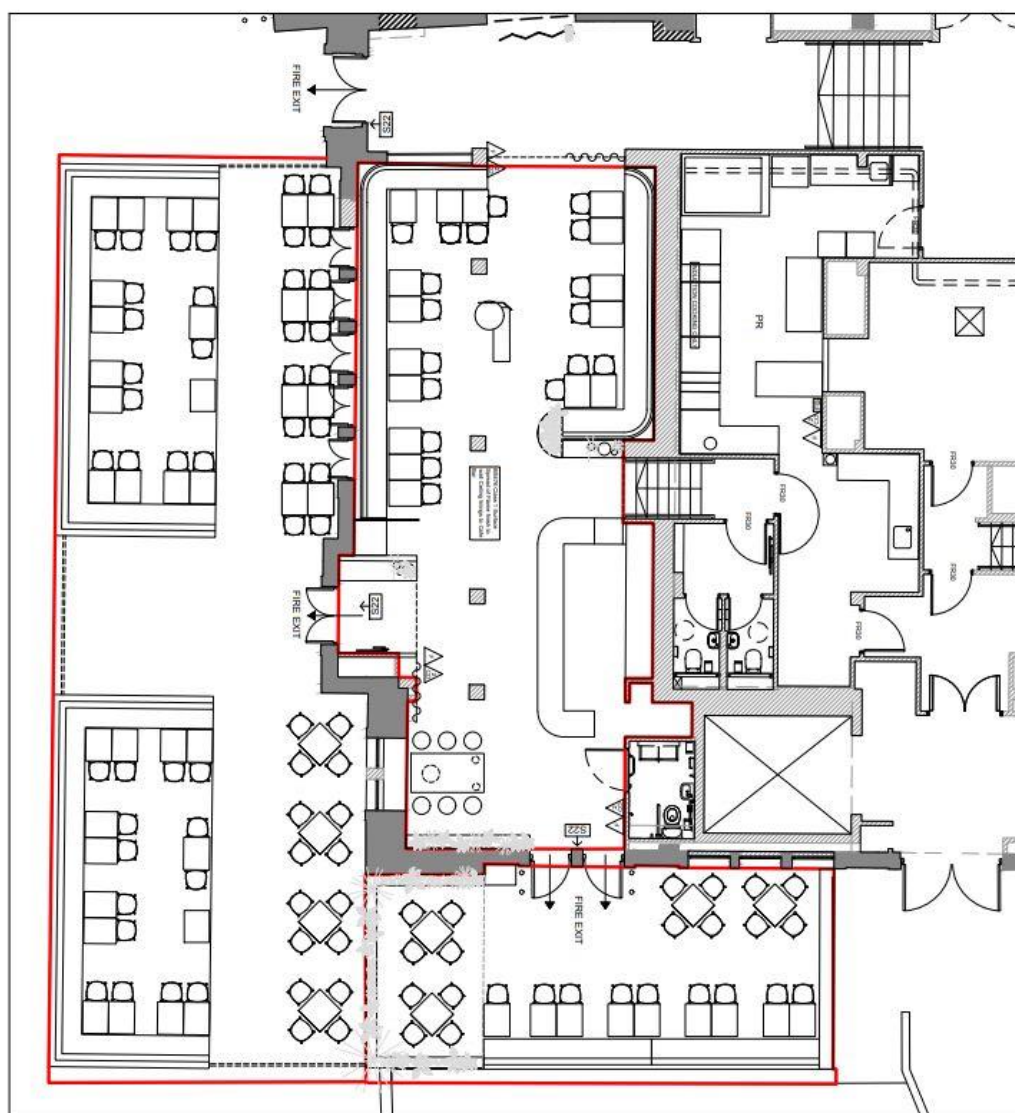
a. The lawful selling of age restricted products

b. Refusing the sale of alcohol to a person who is drunk

11. 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.

12. 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.

## Appendix B



## NOTES

- ## NOTES
1. THESE DRAWINGS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ADVERTISEMENTS AND SPECIFICATIONS COVERED BY THE SPECIFICATIONS.
  2. THE CONTRACTOR IS TO BE RESPONSIBLE FOR ALL DIMENSIONS & FOR THE CORRECT SETTING OUT OF THE WORK ON SITE.
  3. DO NOT SCALE FROM THIS DRAWING.

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			Author's Office
<b>DRAWING STATUS</b>			
<b>DESIGN INTENT</b>			

**Studio C102**  
architecture & design

Redcoaster Brighton Dome

### Proposed Plan

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BS

PL-002





## Appendix C

### REP A

John Street

Brighton

BN2 0LA

Tel: 01273 404535 – ext. 550826

Email:

brighton.licensing@sussex.police.uk

Date: 04<sup>th</sup> November 2022

The Licensing Technical Support Officers  
Environmental Health, Brighton & Hove City Council  
Bartholomew House, Bartholomew Square  
Brighton, East Sussex  
BN1 1JP

### **SC CON ENDS 07.11.2022 VALID PCD & CIZ (A)**

Dear Sarah Cornell,

**RE: PREMISES LICENCE APPLICATION FOR BRIGHTON DOME CAFÉ & RESTAURANT, CHURCH STREET, BRIGHTON, EAST SUSSEX, BN1 1UE UNDER THE LICENSING ACT 2003. 1445/3/2022/03520/LAPREN.**

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the above licence application on the grounds of the prevention of crime and disorder. We also refer to the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy (SoLP) and the January 2022 Public Health Framework for Assessing Alcohol Licensing.

This is an application for a new premises licence in the name of Brighton Dome Café & Restaurant, Church Road, Brighton, BN1 1UE.

The application is to permit the following under café style conditions (see BHCC SoLP 3.3.3):

#### Late night refreshments – indoors

Monday – Sunday 23:00 - 00:00

#### Sale of alcohol – on and off sales

Monday – Sunday 10:00 - 00:00

#### Opening hours

Monday – Sunday 09:00 - 00:30

Additionally, there is a request for a seasonal variation to permit permissions to trade from the end of New Year's Eve through to start of New Year's Day.

Within the 2021 Brighton & Hove City Council (BHCC) Statement of Licensing Policy, this premises is within the Cumulative Impact Area. The policy which is generated using data from various agencies including Police is one we fully support, and it recognises that the location has a significant number of licensed premises concentrated in one area and the potential impact this has upon the licensing objectives.

Applications for new or varied premises licenses within this area which are likely to add to existing cumulative impact will be refused following relevant representations. This can be rebutted by the applicant if they can show that their application will have no negative cumulative impact. On reading the application we do not feel exceptional circumstances have been put forward by the applicant to justify departing from the policy.

When considering the application, we refer to the matrix within the Statement of Licensing Policy which sets out the expectations for new and varied applications for the City.

### **Cumulative Impact Area**

**Restaurant** Yes (midnight) / **Cafe** Yes (10.00pm) / **Pub** No / **Off-licence** No

Reviewing the Public Health Framework report for assessing alcohol licensing January 2022 edition, St Peters & North Laine ward, of which this location is within, is ranked highest out of 21 wards for police recorded alcohol related incidents. The area is also ranked 2<sup>nd</sup> highest for alcohol suspected ambulance call outs. North Lanes has a significantly high number of licensed premises, in the region of 80 including restaurants, cafes, pubs and off licences. The area also has a large residential population as well as general retail and office space.

The night-time economy in Brighton & Hove can at times be challenging for all the emergency services. Within Brighton & Hove we are unique in that we have a high number of licensed venues all of which are in very close proximity to each other. Due to the risks associated with intoxication, the city has several initiatives that support Police and other emergency services in safeguarding the public such as Beach Patrol, Safe Space, Good Night Owls and Street Pastors. Most of these organisations and persons involved with them are volunteers and operate in their spare time. The fact these services exist goes some way to prove the negative impact alcohol has.

As mentioned above the application has been submitted under café style conditions in that alcohol consumed on site does not need to be with a table meal. This means that as long as food is available the premises will be able to sale alcohol on its own and so operate more as a bar. As we are aware the premises will have a kitchen on site if the application was within policy for a café and so trading until 22:00hrs Sussex Police would be able to support the application. This is the same if they had applied under restaurant conditions in that all sales of alcohol are ancillary to person's taking a table meal. This would be with a terminal hour of midnight.

We feel as the evening goes on more and more people would be attending to consume alcohol on its own resulting in the venue operating more as a bar. With alcohol related crime and disorder with the locality this is concern to us. Looking at incidents that Sussex Police have dealt with within a 0.15-mile radius of the proposed venue between 28<sup>th</sup> Oct 2021 and 27<sup>th</sup> Oct 2022 amongst other incidents we have dealt with 370 were for violent crime, 281 anti-social behaviour, 117 criminal

damage and 112 public order. Although not all of these are occurring within current premises within the locality, as we have seen from the Public Health Framework a high number of incidents dealt with by Police are alcohol related within this area. By increasing the availability of alcohol, we believe this could further add to these issues. By reducing hours or imposing the need to eat will assist with mitigating this risk. The applicant has not offered any additional crime prevention conditions such as SIA security on the door and a security mobile support unit nor joining the Brighton & Hove Business Crime Reduction Partnership (BCRP).

The area has numerous café style operations with applicants granted in recent times falling within policy. We do not believe that this application should be treated any differently to previous ones granted and nor do we believe that exceptional circumstances have been given to depart from the policy.

For seasonal adjustments we would prefer for this to be applied for by way of a Temporary Event Notice (TEN). New Years Eve is a very busy time for emergency services and by having these types of extensions under a TEN gives us the opportunity to review this notice based on current demands and issues.

Especially since COVID-19 we are aware that people's habits have changed, and more and more are enjoying having meals delivered to consume at home. Recently we have agreed with several venues that off sales is permitted when it forms part of a substantial food order which has been offered within this application. What does need to be considered though is how the collection of these orders will work. Church and New Road is very busy with high footfall. Due to increased outside seating areas at venues this has limited space further. Having vehicles such as cars and mopeds pulling up could cause congestion and a hazard to pedestrians.

Taking in to account our comments along with the Statement of Licensing policy and Public Health framework report, Sussex Police are seeking to have this application refused under its current form. Our preference would be to bring it in line with policy be that as a café or restaurant style with the relevant operating hours and conditions applied.

Yours sincerely,

Redacted

Inspector Michelle Palmer-Harris

Licensing – Brighton & Hove Division

Sussex Police

**REP B**

Ms Cornell

Date: 7 November 2022

Licensing Authority

Our Ref: 2022/02880/LICREP/EH

Brighton & Hove City Council

Phone: 01273 292494

Bartholomew House

e-mail: [donna.lynsdale@brighton-hove.gov.uk](mailto:donna.lynsdale@brighton-hove.gov.uk)

Bartholomew Square

Brighton

BN11JP

Dear Ms Cornell

**SC CON ENDS 07.11.2022 VALID** PCD, PPN & CIZ **(B)**

**Licensing Act 2003**

**Representation to the application for a new Premises Licence - 2022/03520/LAPREN Brighton Dome Café & Restaurant, Church Street, Brighton BN11UE**

I write to make a representation on behalf of the Council's Licensing Team, in their capacity as a responsible authority, in relation to the above application for a new Premises Licence submitted by Lucky Bean Ltd.

This representation is made as the Licensing Team have concerns that the application could have a negative impact on the licensing objectives of Prevention of Crime and Disorder and Public Nuisance. I also refer to the Special Policy on Cumulative Impact (SPCI) contained within the Council's Statement of Licensing Policy (SoLP).

This premises falls within the Licensing Authority's Cumulative Impact Area (CIZ), which was adopted to give greater power to control the number of licensed premises within the city's centre. The SPCI was introduced 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 the SPCI is that applications for new premises licences, which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. The applicant can rebut this presumption of refusal if they can show that their application will have no negative cumulative impact on licensing objectives, including prevention of crime and disorder and public nuisance.

Guidance issued under S182 of the Licensing Act 2003 (April 2018) states in paragraph 8.41 that in completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. The guidance goes on to say in paragraph 8.43 that applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, Cumulative Impact Zone (CIZ)), applicants are also expected to demonstrate an understanding of how the policy impacts on their application, any measures they will take to mitigate the impact, and why they consider the application should be an exception to the policy.

On looking at the application form, particularly section 16 (licensing objectives), although the applicant has acknowledged that the premises would be located within the CIZ area. They have not demonstrated exceptional circumstances to depart from our policy or how they will not add to the existing cumulative impact of the area.

The Licensing Authority will always consider the circumstances of each case and whether there are exceptional circumstances to justify departing from its SPCI in the light of the individual circumstances of the case.

The Council's Statement of Licensing Policy 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.

In regard to the Matrix policy, I can again not see any offered exceptional circumstances for departing from the Matrix policy, where it clearly indicates that a 'Café' until 22:00 hours and 'off-sales' in the CIZ is a 'No' within the Cumulative Impact Area. The Licensing Team contend that the Matrix policy relates to both new and variation applications. Again, the Matrix policy can be departed from where exceptional circumstances are demonstrated, but the applicant has failed to address this.

As well as being located in the Cumulative Impact Area, the premises is situated in the electoral ward of St. Peter's and North Laine Ward. According to our Public Health Framework report for Assessing Alcohol Licensing also includes 'crime and disorder data', within this ward. St. Peter's and North Laine Ward is ranked (out of 21 wards) worst for 'criminal damage', 'police recorded alcohol related incidents' and second worst for 'all injury violence', 'all violence against the person', 'non-injury assault', and 'sexual offences'. Which further highlights the impact that licensed premises in the area can have on crime and disorder and public nuisance.

The Licensing Team make this representation to uphold our Statement of Licensing Policy. The SPCI is predicated on too much alcohol being available and, as previously stated, applications for new premises licences will be refused unless the applicant can demonstrate exceptional circumstances. The onus is on the applicant to demonstrate this, and we would invite them to explain their exceptional circumstance to the Panel,

so that the Panel can decide whether they are satisfied that this application will not impact negatively on the CIZ.

Yours sincerely

Donna Lynsdale

Licensing Officer Licensing Team

**S1**

**From:** Redacted

**Sent:** 25 October 2022 16:42

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

**Subject:** reference: 1445/3/2022/03520/LAPREN

**SC CON ENDS 07.11.2022 VALID PCD (S1)**

To whom it may concern,

I am writing about the licence application for the cafe opposite Redacted

I just wanted to write to say that as a small business on the street we are in full support of the licence application.

We feel it is important to help the business succeed.

It's been a building site for so long and we would love to see it busy and open late, I believe the more business we have on New Road that opens into the evening will act as a deterrent to unwanted behaviour of the street drinkers by self-policing with more people using businesses in the area, therefore changing the nature of the street somewhat.

We cannot wait for the new venue to be fully open and believe the cafe licence would help support the new look Dome development.

Best wishes

Redacted

S2

**From:** Redacted

**Sent:** 26 October 2022 13:04

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

**Subject:** RE: License application

**SC CON ENDS 07.11.2022 VALID PCD, PPN & PCH (S2)**

I believe that the license application will fulfil the following licensing objectives as follows:

The prevention of crime & disorder

As a co-founder member of the Redacted I can testify to the fact that Redacted has made an incredible contribution to the safety of residents and businesses in the area around her business, Red Roaster. Redacted has led the initiative to bring local businesses together to tackle both the appearance, and the safety of St James. This has included anti-graffiti initiatives, better and target led communication with Sussex Police, identification and improvements to "hot spots" for crime, and many more initiatives. Redacted does not just run her businesses in isolation, but takes a direct and proactive approach to lifting up the communities in which they operate.

The prevention of public nuisance

I know that Redacted runs a very professional operation and would be an operator that would not allow over-intoxication and/or anti-social behaviour from clients. Brighton has many "dive bars", this would not be one of those. The clientele and the operation of the business will, I have no doubt, positively impact on instances of public nuisance in the proximity

Protection of children from harm

Again, I know that at Redacted other venues they take a clear and thorough approach to ensuring no under age alcohol sales. I would expect the same

I do think it worth also saying that Redacted and her team are, in my mind, the "good guys" when it comes to operating licensed premises. Giving them the ability and flexibility to create a sustainable business in this new location will have significant benefits for the community in which it operates

Please do say if you have any further questions, or I need to provide any additional information

Many thanks

Redacted

**S3**

**From:** Redacted

**Sent:** 25 October 2022 15:38

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

**Subject:** In Support of Red Roaster License Application Reference: 1445/3/2022/03520/LAPREN

**SC CON ENDS 07.11.2022 VALID PPN, PCD & PS (S3)**

Hi,

The street has a lot of social issues and so a smart cafe with a permanent staff outside will deter crime and nuisance .

The Police and Council do little to reduce the public nuisance so this issue seems to be left to the businesses to sort out, a smart café with permanent staff would cover at least 3 of your objectives as listed below:

*The prevention of crime & disorder*

*The prevention of public nuisance*

*Public Safety*

Is there any more information you will need?

Many thanks

Redacted



**S4**

**From:** Redacted

**Sent:** 01 November 2022 08:17

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

**Subject:** License support Redroaster

**SC CON ENDS 07.11.2022 VALID PCD (S4)**

Dear Sir or Madam,

We wish to add our support to the Redroaster License Application 1445/3/2022/03520/LAPREN

Redacted, as a business operator in Redacted, having a well managed, licensed venue from reputable Brighton based operators will be great for the new Road area to deter the social issues, crime and disorder which are so prevalent, and to attract more people to the area.

Kind Regards

Redacted

S5

**From:** Redacted

**Sent:** 01 November 2022 10:06

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

**Subject:** APPLICATION 1445/3/2022/03520 LAPREN Brighton Dome Cafe and Restaurant

**SC CON ENDS 07.11.2022 VALID CIZ, PCD & PPN (S5)**

Dear Sir, please find attached a letter of support for the above application,

Dear Sir,

**BRIGHTON DOME CAFÉ & RESTAURANT : APPLICATION 1445/3/2022/03520 LAPREN**

I write to offer our support to the licensing application recently submitted by Lucky Bean Ltd in relation to the grant of a premises licence for the Brighton Dome Café and Restaurant.

The refurbishment of the historic Corn Exchange and Studio Theatre is coming into its final stages and the new catering offer planned to be operated by Lucky Bean Ltd, will play a significant role in welcoming people back to these public spaces.

The restaurant is a crucial part of our new visitor experience, and central to an ongoing commercial strategy that seeks to secure the long-term future of these historic venues for continued public use. Alongside other commercial activity, it will help Brighton Dome & Brighton Festival (BDBF) continue to provide high quality artistic experiences and learning and engagement opportunities for local people and visitors to the city.

Ahead of selecting Lucky Bean Ltd to become our catering partner, BDBF ran an extensive open search and showed over 15 operators the site. Detailed proposals were received from 8 operators and Lucky Bean was finally chosen from a shortlist of 3, who had to attend multiple interviews and provide significant detail on proposals ahead of the final decision. Out of all interested parties, Lucky Bean (trading here as Red Roaster) was able to demonstrate their commitment to delivering a quality, well run operation, which would add value to our existing and forthcoming events programme, in line with our values of customer service and sustainability. With a commitment to local sourcing and employing local people, including providing training opportunities for young adults with learning disabilities, Lucky Bean can evidence a strong track record of operating well managed sites in busy locations in the city, which underpins this application.

Located next to our Welcome Area, the restaurant forms part of our refreshed offer to visitors and residents to come in, engage with the venue and will act as a window into the artistic activities and events on offer. The new restaurant/cafe space occupying the area previously used as the Studio Theatre Bar will thereby enable BDBF to connect with audiences, the local community, and

visitors to the city in ways which were not previously possible. The new catering facility will enhance the unique cultural offering available in the heart of the city, acting as a positive alternative to the proliferation of bars and pubs in the location and attracting a diverse range of users to the area.

Yours faithfully,

Redacted

S6

**From:** Redacted

**Sent:** 01 November 2022 17:41

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

**Subject:** Application Ref: 1445/3/2022/03520/LAPRE

**SC CON ENDS 07.11.2022 VALID** CIZ, PPN & PCD (S6)

Re - application ref 1445/3/2022/03520/LAPRE

Dear council,

I'm writing in support of the above application, for this restaurant business to serve alcohol on their new premises. As a keen and frequent visitor of both the Dome and Theatre Royal, I feel the street needs a Brighton-based quality restaurant for theatre and town goers like me.

At the moment there are plenty of national/international chains and the other independent options are usually full, or not great quality.

It would be so nice to eat and drink out, knowing I'm also supporting a local business. From frequenting their other restaurants, I know they prioritise running an ethical business regarding local suppliers and the environment.

The owners have shown dedication to improving the neighbourhood they are situated in. I'm aware that the owners are very active members of the Kempton Project charity. They could do similar good if they're granted a licence in this street.

Although the area concerned is central and extremely touristy, there are a lot of street drinkers and drug users that can be seen along the benches there. Establishing local business there, like this restaurant, who's owners are proud and caring about their neighbourhoods, should help to improve the highly visible problems of this street.

A nice restaurant is also much needed there to offset the amount of pubs in the vicinity. A restaurant will help to elevate and diversify the pubby-vibe the area has currently and make it feel more like a theatre district.

They are well-trusted and have been steadily growing over the decades, despite all the recent challenges faced by this industry. This will be the perfect, reliably decent place to meet friends in town before watching live entertainment.

Kind regards

Redacted

**S7**

**From:** Redacted

**Sent:** 01 November 2022 19:19

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

**Subject:** Re: Application ref 1445/3/2022/03520/LAPRE

**SC CON ENDS 07.11.2022 VALID PPN & PCD (S7)**

I base my support on the fact that the applicant is a local 23 year old business with very strong sustainability and a history of responsible operation. There are quite a lot of social issues on the street and I believe that a respectable venue such as the applicants will put off many of the loiterers outside the Pavilion Gardens and thus aid the prevention of public nuisance, crime and disorder. There are lots of nice businesses in the area which will benefit from the addition of the applicants business which will help to change the nature of the area.

Many thanks

Redacted

**S8**

**From:** Redacted

**Sent:** 02 November 2022 16:57

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

**Subject:** Support to the Redroaster License Application 1445/3/2022/03520/LAPREN

**SC CON ENDS 07.11.2022 VALID PCD (S8)**

Dear Sir or Madam,

I am emailing with regards to the License Application for Redroaster 1445/3/2022/03520/LAPREN

As an event organiser in Central Brighton and having experience with working with the business on many occasions, I feel that Redroaster would be a great addition to the area. Their work ethic and values are of a high standard across all of their restaurants. Having a well respected local operator such as Redroaster on New Road would also drive new custom to the area as well as help prevent social issues which the area is custom to.

Please do not hesitate in contacting me if further references are required

Best

Redacted

**S9**

**From:** Redacted

**Sent:** 03 November 2022 08:25

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

**Subject:** Application ref 1445/3/2022/03520/LAPRE

**SC CON ENDS 07.11.2022 VALID PPN & PCD (S9)**

Application ref 1445/3/2022/03520/LAPRE

Hi

I have a Redacted and am happy to give my support to RedRoaster having a full licence to serve alcohol.

We are opposite the Redacted and Redacted Redroaster will be.

The fact that Redacted and other establishments are long term residents in this area, means it maintains a strong community feel with less anti-social behaviour.

I could only see Redroaster and the way they wish to run their business, with a full licence, as a benefit and improvement to this.

Kind regards

Redacted

**S10**

**From:** Redacted

**Sent:** 02 November 2022 19:53

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

**Subject:** Redroaster License Application

**SC CON ENDS 07.11.2022 VALID PPN & PCD (S10)**

Dear Sir or Madam,

I wish to add my support to the Redroaster License Application 1445/3/2022/03520/LAPREN

As a resident of the Redacted, Redroaster will be a valuable asset to the area and having a responsible licensed venue will be good to attract people to the area and to prevent social issues which are prevalent around New Road. Having a reputable operator there will prevent nuisance and noise, and be good for other businesses and residents in the area.

Thank You

Redacted

**S11**

From: Redacted

Sent: 03 November 2022 09:02

To: EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>

Subject: Support to the Redroaster License Application 1445/3/2022/03520/LAPREN

**SC CON ENDS 07.11.2022 VALID PPN & PCD (S11)**

Dear Sir/Madam,

I wish to add my support to the Redroaster License Application 1445/3/2022/03520/LAPREN

As an established team member of one of Brighton's best known independent businesses and a keen contributor to the Lanes community in general, I wholeheartedly believe that having a well managed, licensed venue from reputable Brighton based operators will be extremely beneficial to the New Road area. The area needs a new lease of life, and an environment like Redroaster will likely deter the obvious crime and disorderly conduct that is so rife there.

Yours Sincerely,

Redacted



**S12**

**From:** Redacted

**Sent:** 06 November 2022 21:15

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

**Subject:** Licence application 1445/3/2022/03520/LAPREN

**SC CON ENDS 07.11.2022 VALID PCD (S12)**

Dear Sir or Madam,

I wish to add support to the Redroaster License Application 1445/3/2022/03520/LAPREN

As a business operator in Brighton, having a well managed, licensed venue from reputable Brighton based operators will be great for the New Road area to deter the social issues and crime and disorder which are so prevalent, and to attract more people to the area.

I have ran business in Brighton for over 10 years and know of the success that redroaster have brought to the city and would love to see them expand.

Redacted

**S13**

**From:** Redacted

**Sent:** 06 November 2022 21:13

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

**Subject:** support: Redroaster License Application 1445/3/2022/03520/LAPREN

**SC CON ENDS 07.11.2022 VALID PCD & PPN (S13)**

Dear Sir or Madam,

We wish to add our support to the Redroaster License Application 1445/3/2022/03520/LAPREN

As a local Business manager of 13 years, I believe the New Road area will directly benefit from Red Roasters contributions to re-imagine a beautiful area sadly suffering from crime, disorder and other social issues.

I believe the New Road Red Roaster will be a well managed, licensed venue from reputable Brighton based operators.

Many thanks,

Redacted

**S14**

**From:** Redacted  
**Sent:** 06 November 2022 19:18  
**To:** EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>  
**Cc:** Redacted  
**Subject:** To whom it might concern

**SC CON ENDS 07.11.2022 VALID PCD (S14)**

**ref 1445/3/2022/03520/LAPRE**

Dear Sirs,

I would like to support Redroaster application for Full Licence.

As a catering operator myself - I've so much admiration for Redacted. They run ethical and beautiful venues across our city. Not to mention their drinks and food are excellent.

Having Redroaster at the Dome makes perfect sense. In my opinion it's essential that such a historical and popular venue features independent and well respected local business which Redroaster is.

I've been working with Redacted for last 8 years and I can say with confidence that she run very professional operation and would not allow anti-social or alcohol overindulged behaviour at her premises. As we there's no shortage of pubs and bars in the neighbourhood but if I'm honest with you I have no desire to sip on mostly low quality & overpriced cocktail in crowded venues. I believe Redacted venue at Brighton Dome will stand out not only with quality of drinks and food but also as also way more classy and grown up place. I can just imagine it would be just a spot I would like to go to for a bite to eat and a drink on the warm evening or before the show!

Redacted

**S15**

**From:** Redacted

**Sent:** 07 November 2022 13:50

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

**Subject:** Re: 1445/3/2022/03520/LAPREN

**SC CON ENDS 07.11.2022 VALID PCD & PPN (S15)**

Hello and thank you for your reply.

To clarify, my experience of the applicant organisation and team mean that I am confident that they will work to achieve all four licensing objectives. The fact that the premises will be fully staffed at all times should have a positive effect in preventing any public nuisance as well as crime and disorder. In my experience the management team takes a responsible and professional approach to all their interactions with staff, suppliers, and the visiting public. I would add that their experience managing highly regarded premises at the bottom of St James' street and on the seafront further support their application.

I do hope you are able to take my supporting information into account.

It would be wonderful to see a positive addition to this area of Brighton.

Kind regards,

Redacted

**S16**

**From:** Redacted

**Sent:** 07 November 2022 16:47

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

**Subject:** Re: The Dome cafe bar/restaurant

**SC CON ENDS 07.11.2022 VALID PPN & PCD (S16)**

- By populating the Road with a new well-run business, a higher pedestrian flow and a modern well presented building, you will at the same time eliminate the street people/rough sleepers who are a disgrace to the area and Brighton in general. It is a great shame some form of homeless charity is not able to address this position as genuinely all traders and residents feel sorry for them, but it is not an environment for certain people in society to even walk the street now.
- Unfortunately, the prevention of public nuisance will be assisted with this new business, but the problem will no doubt move to another area.
- Public safety will no doubt be improved as above.
- The restaurant will be family friendly and have a synergy with the operations at The Dome.

We fully support the application.

Redacted

**S17**

**From:** Redacted

**Sent:** 05 November 2022 13:27

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

**Subject:** Re: Licence Application for Redroaster.

**SC CON ENDS 07.11.2022 VALID PPN & PCD (S17)**

Dear Sir or Madam,

We wish to add our support to the Red Roaster License Application 1445/3/2022/03520/LAPREN

As a retail operator in the vicinity of New Road, Redroaster will be a valuable asset to the area and having a responsible licensed venue will be good to prevent crime and disorder and other social issues which are prevalent around the area whilst bringing together the community.

Regards

Redacted

**S18**

From: Redacted

Sent: 08 November 2022 18:37 (originally submitted 04 November 2022)

To: EHL Safety <[EHL.Safety@brighton-hove.gov.uk](mailto:EHL.Safety@brighton-hove.gov.uk)>

Subject: Licence application ref 1445/3/2022/03520/LAPRE

**SC CON ENDS 07.11.2022 VALID PPN & PCD (S18)**

I am writing to support Red Roaster's license application for the Dome, on the grounds that their presence there will add to the prevention of public nuisance in the theatre district of Brighton. It's my belief that the more quality providers of alcohol on the premises, and the increased volume of public that they will attract to a full entertainment experience, will also add to the feeling of safety in the area. There are currently too many opportunities for people to drink on those pedestrianised streets nearby and further footfall will only enhance a collective feeling of safety and community.

As a long time personal friend to Redacted, I have watched her build her businesses in Brighton, with integrity and focus on community support. She has not only lifted the beachfront and St James street area of Kemptown with her beautiful and responsibly run restaurants, but I know that she has supported the work of her fellow business owners - I have seen her interest in other businesses at first hand over the seventeen years I have known her.

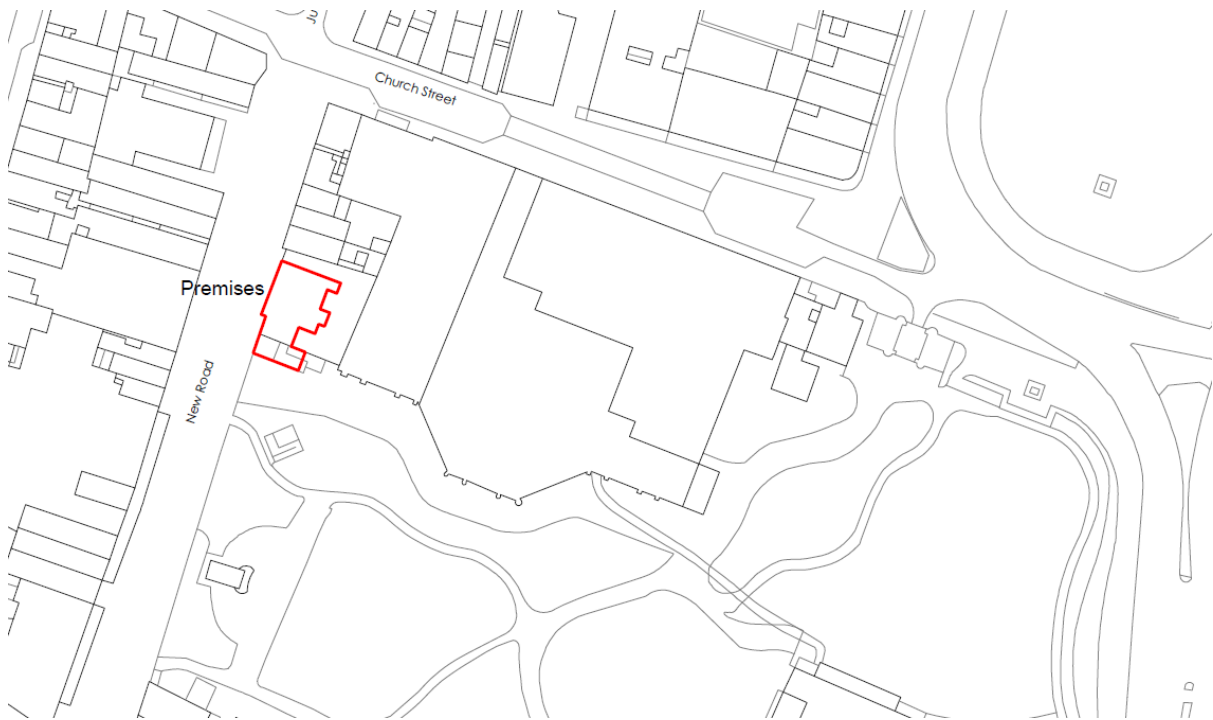
I believe that her involvement in provision of any alcoholic offering for the Dome would be undertaken with the utmost sense of responsibility. My daughter has worked at one of her restaurants and can vouch for this being the case. I believe that Red Roaster would be an invaluable asset to the environment in and around the Dome area.

Yours sincerely,  
Redacted





## Appendix D





## **Appendix E**

### **APPLICATION FOR A PREMISES LICENCE**

#### **BRIGHTON DOME CAFÉ AND RESTAURANT CHURCH STREET BRIGHTON BN1 1UE**

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#### **APPLICANT'S SUBMISSIONS**

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##### **Background**

1. The Applicant is entering into a 10 year lease with the Brighton Dome to operate a café and restaurant within the Brighton Dome building. The lease is conditional on a satisfactory premises licence being granted to the Applicant. The Superior Landlord of the lease agreement is Brighton & Hove City Council.
2. The Brighton Dome is currently undergoing long-term refurbishment works in partnership with Brighton and Hove City Council, as part of the future vision to reaffirm the Royal Pavilion Estate as a key cultural destination.
3. The proposed café and restaurant will enhance the food and beverage offer at the Brighton Dome and provide a valuable income stream to the registered charity via rental payments under the lease.
4. The application premises is already covered by the existing Brighton Dome premises licence reference 1445/3/2018/00637. This premises licence authorises a range of licensable activities, including the supply of alcohol, until 3.00 am seven days a week.
5. Rather than operate under the existing 3.00 am licence, the Applicant has applied for a standalone premises licence covering its proposed demise with reduced hours and up-to-date schedule of licence conditions. The proposal would result in a more appropriately and comprehensively conditioned premises licence, which more clearly distinguishes the

appropriate parties supplying licensable activities on-site, being the Brighton Dome in its demise and the Applicant in the new café and restaurant area.

### **The Applicant**

6. The directors of the Applicant are husband and wife, Mr Michael Palmer and Mrs Diana Palmer.

7. Mr and Mrs Palmer operate two popular existing and complaint-free licensed premises in Brighton. These premises are respected by the local community and have a proven track record of promoting the Licensing Objectives.

8. The premises include the Red Roaster Café & Lucky Khao restaurant on St James Street, as well as Lucky Beach on the seafront. In addition, Mr and Mrs Palmer import, roast, pack and sell fairtrade and organic coffee from single origin small farms via their coffee roaster in Kemptown.

9. The cafes have won national awards, most notably for sustainability, including the Most Sustainable Restaurant in the UK, and for their support of global farmers. The businesses support an area in Rwanda for its farmers and their families building infrastructure such as a school for 600 and health post for 900, amongst other initiatives. In Brighton they focus support on young adults with learning disabilities providing employment for 18 people alongside the charity Team Domenica<sup>1</sup>.

10. They play a significant role in the local community, being the founder members of the St James Business Alliance (over 100 small businesses in St James St area), active members of the Brighton & Hove Business Chamber, members of the Tourism Alliance and of the Brighton Restaurants Association.

11. Mr and Mrs Palmer are respected and trusted operators in Brighton, which has been recognised by the Brighton Dome when agreeing to select them as tenants for their new café and restaurant. They are experienced and committed to the best practice measures set out in Appendix A of the Statement of Licensing Policy (the “Policy”).

1 Redacted

3

### **Consultation & Representations**

12. The Applicant is grateful to the Licensing Authority and Police for their time during preapplication consultation and engagement during the statutory consultation period.

13. Following the statutory consultation period, there are no objections from local businesses, local residents or local stakeholders. Only the Licensing Authority and Police have lodged representations, primarily focusing on the Policy.

14. The application has attracted 18 representations in support. The supporters confirm the Applicant’s standing in the Brighton community and welcome the Applicant’s proposals.

### **Statement of Licensing Policy**

15. The premises is located in the Cumulative Impact Zone.

16. The Policy correctly seeks to address existing “*problems of crime and disorder and public nuisance*”<sup>2</sup> in the Brighton City Centre. The Policy creates a rebuttable presumption to refuse premises licence applications that are likely to add to cumulative impact in the City Centre<sup>3</sup>. The Applicant submits that the type of premises proposed, together with numerous controls safeguarded by enforceable conditions and stringent lease provisions, mean that the premises is not the type of venue likely to add to crime and disorder, public nuisance or contribute to negative cumulative impact in the City Centre.

17. In these circumstances, paragraph 3.1.9 of the Policy recognises that an application can be granted, particularly as it does not fall into the category of high-risk premises, such as *large nightclubs* or *high-capacity public houses*. Instead, the proposal is for a modest café and restaurant closely associated with an important theatre and arts venue.

18. Furthermore, the application is not introducing new licensed footprint into the City Centre. The premises is already covered by the wider 3.00 am Brighton Dome premises licence. As a result, there is effectively no addition to cumulative impact.

2 Paragraph 3.1.3 of the Policy

3 Paragraph 3.1.6 of the Policy

4

#### **Policy Exceptions**

19. As a result of the foregoing, the Applicant submits that the proposals constitute an exception to Policy, as follows:

a. The premises is already licensed until 3am. There will be no increase in licensed area in the City Centre. The Applicant is proposing reduced hours and comprehensive updated model conditions to apply to a specific area of a premises which already benefits from a flexible 3.00 am licence. The proposal will therefore result in a reduction in cumulative impact.

b. The premises has the key characteristics of premises recognised in paragraph 3.3.3 of the Policy matrix as premises unlikely to add to cumulative impact. With reference to the matrix, the premises will operate as a hybrid café and restaurant alongside the Brighton Dome. The Applicant seeks some flexibility on the usual strict restaurant condition requirement because:

i. it is not a restriction currently imposed on the main Brighton Dome premises licence, which covers the application premises; and

ii. it would, for example, prohibit theatre goers visiting the premises for a glass of wine before or after a show, which is an integral part of the joint venture business plan between the Applicant and the Brighton Dome. The primary purpose of a visit would still be to enjoy substantial food on the premises. Occasional drinks sold in these circumstances in a well-managed environment without a full table meal is unlikely to add to cumulative impact.

c. By enhancing the overall services that the Brighton Dome has to offer, together with the financial contributions to the Brighton Dome by way of rental income, the proposal directly benefits Brighton's culture, tourism and arts. This Policy objective is recognised in paragraphs 1.7 and 1.8 of the Policy. In addition, these types of community and area-wide benefits brought about by a new premises are recognised in the Policy as possible

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exceptional circumstances<sup>4</sup>. The applicant's corporate social responsibility activities, locally and in Rwanda, are also compliant with these possible Policy exceptions.

d. As well as the comprehensive updated premises licence conditions, the Applicant's lease with the Brighton Dome and Superior Landlord (Brighton & Hove City Council) sets out further controls and safeguards, including:

i. An all day dining operation which welcomes a wide range of people and delivers a distinctive visitor experience

ii. A sustainable business with an understanding of the Brighton Marketplace which can creatively engage with the events programme and celebrate the heritage of the Brighton Dome

iii. Independent operator and not a chain

iv. Sustainability with local staff and local sourcing

v. Team training opportunities

vi. Price point discounts for staff and members

The enforceable lease provisions provide Brighton & Hove City Council with an added layer of control to ensure the premises is operated as a dining facility with the highest possible standards of management and contributes positively to the City Centre and wider Brighton community.

### **Summary**

20. The Applicant has demonstrated that the proposals will not add to cumulative impact in the Brighton City Centre and that the specific proposals constitute exceptional circumstances.

21. The Applicant is an extremely experienced, well respected and professional Brighton operator that can be trusted to promote the Licensing Objectives and contribute positively to the local area, as well as the Brighton Dome project.

4 Matrix note 5, page 19 of the Policy

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22. The Applicant's partnership with the Brighton Dome constitutes an integral part to the wider project and will help to safeguard the long-term charitable objectives of the Brighton Dome by providing an attractive food and beverage offer and significant income stream.

23. The application has received wide-ranging support from the local community. There are no objections from the local community citing specific concerns about the proposals. The primary concerns relate to Policy alone, which has been comprehensively addressed.

24. The Applicant invites the Licensing Sub-Committee to grant the application accordingly. In doing so, the Licensing Sub-Committee can signal their support to a partnership between a popular longstanding Brighton operator and one of Brighton's most important cultural venues, which will help to secure the council's future vision to reaffirm the Royal Pavilion Estate as a key



cultural destination.

**Thomas & Thomas Partners LLP**

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