

Licensing Panel (Licensing Act 2003 Functions)

Date: 4 January 2024

Time: 10.00am

Venue Virtual

Members: **Councillors:** Czolak, Daniel and Cattell

Contact: Niall Breen
Democratic Services Officer

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AGENDA

1 TO APPOINT A CHAIR FOR THE MEETING

2 NOWHERE MAN CAFÉ LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

7 - 62

Contact Officer: Corinne Hardcastle
Ward Affected: Regency

Tel: 0127329

WELCOME & INTRODUCTIONS

3 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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Date of Publication – Thursday 21st December 2023

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Licensing Panel (Licensing Act 2003 Functions)

Brighton & Hove City Council

Subject:	Application for a New Premises Licence under the Licensing Act 2003		
Premises:	Nowhere Man Café 53 Upper North Street Brighton BN1 3FH		
Applicant:	Nowhere Man Limited		
Date of Meeting:	4th January 2024		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Emily Fountain	Tel: (01273) 292143
	Email:	Emily.fountain@brighton-hove.gov.uk	
Ward(s) affected:	Regency		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To determine an application for a New Premises Licence under the Licensing Act 2003 for Nowhere Man Café.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine an application for a New Premises Licence under the Licensing Act 2003 for Nowhere Man Café.

3. CONTEXT/BACKGROUND INFORMATION & CONSULTATION

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

“This premises shall operate primarily as a café. Unless hosting a private event, the premises will be laid out to tables and chairs.”

- 3.2 Part M (Operating Schedule) of the application is detailed at Appendix A and the proposed plan of the premises is attached at Appendix B

- 3.3 Summary table of proposed activities

	Proposed
Supply of Alcohol	Every day: 09:00 – 23:00 On and Off the Premises
Hours premises are open to public	Every day: 09:00 – 23:00

- 3.4** Special Stress Area: The premises falls within the Special Stress Area. This area is deemed an area of special concern in terms of the levels of crime, disorder, and public nuisance experienced within them. (See paragraphs 3.2 – 3.2.5)

Representations received

- 3.5** Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:
- 3.6** 7 representations were received. They were received from local residents, a local business, Sussex Police and The Licensing Authority. 2 supporting representations were also received from local residents.
- 3.7** Representations received had concerns relating to Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance.
- 3.8** An agreement was reached between the applicant and Environmental Protection which is attached at Appendix C.
- 3.9** Full details of the representations are attached at Appendix D. Supporting representations are attached at Appendix E. A letter from the applicant to residents with amendments to the application and an email with further amendments can be found at Appendix F. Conditions proposed by Sussex Police can be found at Appendix G. A map detailing the location of the premises is attached at Appendix H.

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

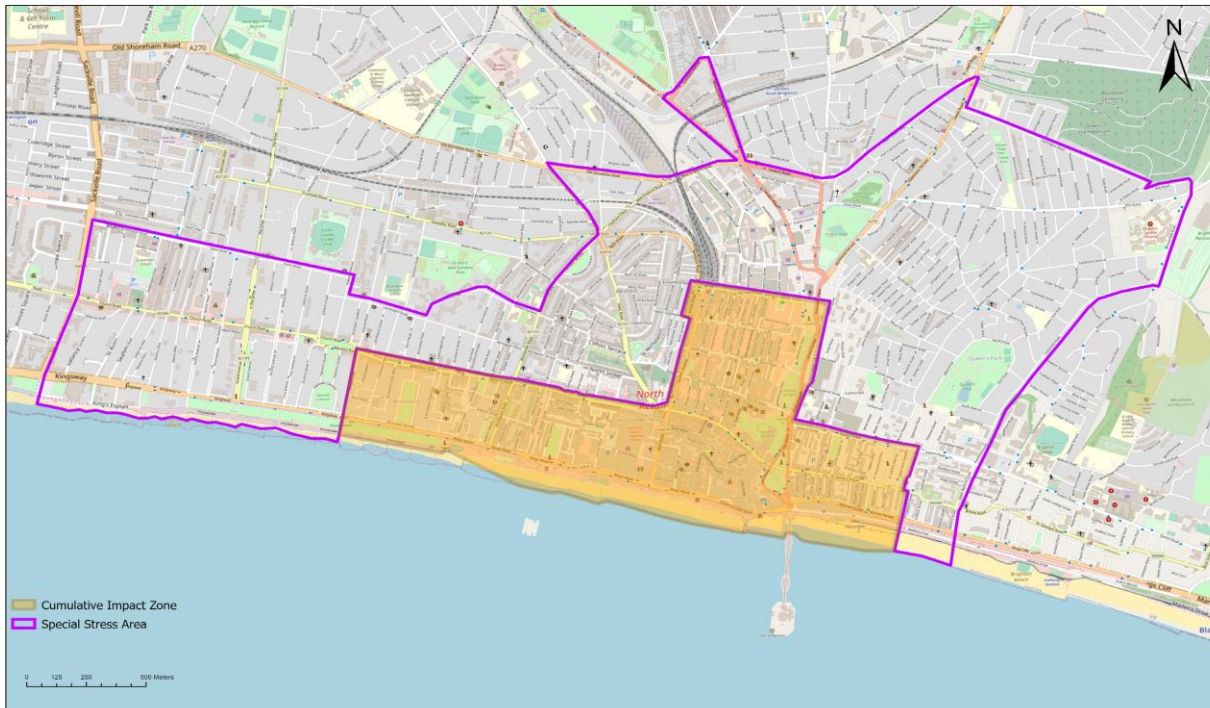
1.3.1 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Any conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. 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

3.2 Special Stress Area

3.2.1 The map below details the area of the city centre which borders the Cumulative Impact zone at 3.1.3 and which is deemed an area of special concern in terms of the levels of crime and disorder and public nuisance experienced within it. The area recommended for further monitoring and detailed guidance within the Special Policy comprise the following as pictured below delineated in purple:

Special Stress Area and Cumulative Impact Zone, January 2021



Brighton & Hove Public Health Intelligence, 2021
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The Special Stress Area - an area bounded by and including: The west side of Hove Street/Sackville Road, northwards to the intersection with the north side of Blatchington Road, along north side of Blatchington Road and Eaton Road, southwards at the junction onto the east side of Palmeira Avenue and then eastwards at the junction onto the north side of Landsdowne Road; eastwards to the junction with Furze Hill, along the north side Furze Hill to its end and then due east along the north side of Victoria Road to its junction with Montpelier Road (west side), north to where Montpelier Road joins Vernon Terrace then north to Seven Dials; north west along the west side of Dyke Road until the junction with the Old Shoreham Road, then East along the north side of Old Shoreham Road, continuing on the north end of New England Road, north west at Preston Circus at the junction of New England Road and Preston Road along the west side of Preston Road until the junction with Stanford Avenue then and north east along the north side of Stanford Avenue until the junction with Beaconsfield Road, south along the east side of Beaconsfield Road until the junction at Preston Circus and Viaduct Road, eastwards along the north side of Viaduct Road, then at the junction with Ditchling Road, North East along the north side of Upper Lewes Road until the junction with Lewes Road; south along the Lewes Road to junction with Hartington Road, along the north side of Hartington Road until the junction with St. Helen's Road, south into the north side of May Road, eastwards until its junction with Freshfield Road (east side), then south into Upper Bedford Street, into Bedford Street to the mean water mark south of Bedford Street, then due west until the mean water mark south of Lower Rock Gardens; North on Upper Rock gardens, to the north side of Eastern Road, west along Eastern Road and Edward Street until Grand Parade, north along the Eastern side of Grand Parade to the junction of York Place and Trafalgar Street, West along the Northern boundary of Trafalgar Street, up to and including Surrey Street and then South along the Western boundary of Queens Road to the junction with Air Street, West along the north side of Air Street, South-west to the junction of Western Road Brighton, then West along the North side of Western Road Brighton, South along the West side of Holland Road to the mean water mark south of Kingsway and Kingsway Esplanade as far as the west side of Hove Street/ Sackville Road.

3.2.2 This Special Stress Area (SSA) is of concern to the licensing authority because of the relatively high levels of crime and disorder and nuisance experienced within it. The area will be kept under review.

3.2.3 New and varied applications for premises and club premises certificates within the SSA will not be subject to the presumption of refusal, but operators will be expected to pay special attention when drawing up their operating schedules and to make positive proposals to ensure that their operation will not add to the problems faced in these areas. Appendix A of the SoLP sets out a list of potential measures the licensing authority considers may be appropriate. These may be more or less appropriate depending upon the style of operation applied for.

3.2.4 On receipt of any application in the SSA, where a relevant representation has been made, the licensing authority will scrutinise the application carefully and will look at the measures proposed in the operating schedules and compare them to the measures set out in Appendix A, Licensing Best Practice Measures. Where discretion has been engaged, those applications which fall short may be refused or conditions applied to comply with policy measures.

3.2.5 The Licensing Authority will keep the Cumulative Impact Zone and Special Stress Area under review. Should the authority find that problems of crime and disorder or nuisance are not improving, or are worsening, the Special Policy will be reviewed.

3.3 The Matrix Approach

The Licensing Authority will support:

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

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

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

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

Notes on matrix

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

- 1) Each application will be considered on individual merit
- 2) Applications within the CIZ are subject to the special policy on cumulative impact at para 3.1, and those within the special stress area to the special stress policy considerations at para 3.2.
- 3) Departure from the matrix policy is expected only in exceptional circumstances
- 4) Exceptional circumstances will not include quality of management or size of venue except where explicitly stated in policy matrix.
- 5) Exceptional circumstances may include: consultation with and meeting requirements of responsible authorities, an appropriate corporate social responsibility policy, community contribution to offset impact (such as financial contribution to infrastructure), community support, alcohol sale ancillary to business activity (demonstrable to responsible authorities and licensing authority, for instance by licence condition allowing authorised officers access to sales accounts).

6) The following licensing activities are encouraged and valued by the licensing authority: outdoor regulated entertainment, community based street parties, members clubs, traditional pubs outside the city centre and non-alcohol led licensable activities, particularly within city centre.

7) Other Areas; consideration will be given to the nature of the area and location in relation to any application. In a residential area for example the concerns of local residents will be relevant when considering applications for off-licences, pubs or cafes, especially if there is evidence of anti-social behaviour, street drinking or underage drinking. Earlier closing times may be appropriate. Regard will be had to the Public Health Framework for assessing alcohol licensing on our website www.brighton-hove.gov.uk/licensingact.

8) In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative cumulative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops.

9) Outdoor events will be supported where arranged through the council's event planning process. Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The licensing authority will have regard to Noise Council guidance.

10) Non-alcohol led category does not include "alcohol in shared workplaces". It is recommended that sale of alcohol in shared workspaces should have a terminal hour of no later than 10pm. For further advice and guidance on "alcohol in shared workplaces" please see paragraph 3.3.4-3.3.6.

3.3.3 Cafes - the licensing authority may be prepared to look favourably upon an application for the grant of a licence, subject to the following conditions that will prevent the premises becoming a public house.

- The sale of intoxicating liquor and other beverages shall be waiter/waitress service for consumption by persons seated at tables.
- Substantial food shall be available at all times. The licensing authority shall judge each case on its own merits but as a general rule, a bowl of crisps, nuts, or olives does not constitute substantial food.

3.5 Off licences

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

which is relevant in this respect.

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

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

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

- the installation of a digital CCTV system by liaison with, and to a standard approved by Sussex Police
- Challenge 25 policy
- Refusals system
- Documented staff training including underage sales, drunkenness and proxy sales
- Voluntary restriction of high strength alcohol - operating schedules may be used to limit high ABV beers and ciders
- BCRP membership (or other accredited scheme)
- No sale of single cans
- Displays should not be located at the entrance/exit points or near checks out

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

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

3.5.6 Evidence has shown that customers have previously used landmarks/businesses not related to them as addresses for delivery so that alcohol could be consumed in open spaces/parks. The risk being that this may lead to increased crime and disorder including anti-social behaviour and criminal damage, as well as the

possibility that underage persons can gain access to alcohol. Concerns have also been raised about the delivery of alcohol to known street drinking hotspots. Therefore, a condition requiring all deliveries to be to a verifiable residential or business address and a face to face ID verification is vital in mitigating some of this risk.

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

3.6 Street drinking

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

3.9 Promoters and irresponsible drinks promotions

3.9.1 The Licensing Act 2003 makes no mention or provision for the use of promoters within licensed premises. Many of the late night bars and clubs within the Brighton & Hove Cumulative Impact Zone regularly hire promoters to sell nights at their venues. In recent years with the introduction of promoters within the Brighton night time economy, several issues have arisen. This includes promoters vouching for underage customers to get them inside licensed premises where they can access alcohol, providing flyers to passers-by who throw them on the floor and irresponsible promotions for their nights. Many premises now have an agreement with their promoter for acceptable promotions and behaviour which includes the signing of a written contract of expectations. This shows premises evidencing their due diligence and ensures that promotion companies know what is expected of them. The contract could include, obligations to pick up self-generated litter, verification of ages of their customers and users of their social media, promoters being over the age of 18 and responsible advertising on social media.

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

4 Prevention of Crime and Disorder

The following details and measures are intended to address the need for the prevention of crime and disorder which may be associated with licensed

premises and certificated club premises. Conditions attached to licences and certificates will, as far as possible, reflect local crime reduction strategies.

- 4.1.1 The licensing authority acknowledges that training and good management play a key part in preventing alcohol and drug related crime. The authority expects that all licensees of on-licensed premises attend training programmes which will raise their awareness of the issues relating to drugs and violence in licensed premises, and that suitable training be extended to all bar staff and door supervisors so that drug dealers and users will be deterred from using licensed premises for illegal purposes and that incidents of violence in licensed premises will be reduced. Licensees are also encouraged to attend training programmes to help identify children at risk and issues of basic child protection. It is the duty of the designated premises supervisor (DPS) to train staff on induction concerning conditions on their premises licence.
- 4.1.2 It is expected that the DPS will spend a significant amount of time on the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 4.1.3 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 4.1.4 Measures put in place should support the intentions of Operation Marble (police operational order), which aims to prevent incidents of crime and disorder within the night time economy, at weekends. Operation Marble operates with a view to minimising the risk to the public of being a victim of public place violent crime; to reduce incidents of violent crime and public disorder within the city centre; to deal positively with offences and offenders; to secure and preserve evidence which will assist in the prosecution of offenders and to support the night time economy and the responsibly run businesses within it.

4.2 Sussex Police

4.2.1 Sussex Police have a specific Operation relating to the night time economy called Operation Marble (detailed in 3.4.1) and work closely with partners to ensure a safe and vibrant city centre. There continues to be an increasing demand for resources further into the early hours of the morning with the highest concentration of crimes occurring between 21:00 and 06:00 on a Friday into a Saturday and between 20:00 and 06:00 on a Saturday night into a Sunday. The data set used shows that up to 80% of arrests made in the timeframe 20:00 – 06:00 on these days were affected by alcohol. For full details of these statistics see the Cumulative Impact Assessment at Appendix E.

4.2.2 The dealing and use of drugs remains an issue across the city and Sussex Police welcome proactive policies from licensed premises. A drug safe and seizure recording initiative is in place of which further details can be obtained by contacting Brighton & Hove Police Licensing (brighton.licensing@sussex.police.uk). This initiative encourages licensed premises with Door Supervisors to search and seize drugs from persons attempting to enter their premises and ensures that once drugs are removed from persons, they can be safely collected and destroyed by Sussex Police.

4.2.3 Dispersal from the city centre during the late evening and early morning remains a policing challenge. Over recent years, there has been a proliferation of off-licences and late night refreshment venues along the city's arterial routes. This has led to incident 'hot spots' where patrons from the night time economy continue to interact, albeit away from any safety measures afforded by on-licences. As such, Sussex Police support the Council's Special Policy in offering guidance to both applicants and the Licensing Committee in relation to off-licences and late night refreshment licences.

4.2.4 Sussex Police have continuing concerns that, despite staff training in age-restricted sales, under age individuals are still being served alcohol both on and off the premises in some of the city's licensed premises. As such, regular intelligence-led 'test-purchase' operations are conducted to highlight premises where sales are taking place and ensure appropriate enforcement action is taken to prevent further sales. The introduction of identification scanning machines at premises throughout the city has proved successful in mitigating some risk, but operators must maintain vigilance regarding the fraudulent use of genuine IDs. Sussex Police continue to work alongside the Business Crime Reduction Partnership to tackle the problem of those who use false or another's identification to enter licensed premises and purchase alcohol.

4.2.5 Sussex Police work closely with venues and other organisations within the city to protect vulnerable people from becoming victims of crime. As well as work to prevent under age sales, vulnerability training is offered to identify persons who may have been made vulnerable through alcohol or drugs. Sussex Police also support initiatives such as (but not limited to) safe spaces, mobile teams of volunteers actively checking people's well-being and the Beach Patrol.

4.2.6 Public Space Protection Orders have proved an effective tool for Sussex Police in targeting enforcement action in problem areas of the city. It 'allows Police Officers and Police Community Support Officers to remove alcohol from any person in a public place if that person is involved in anti-social behaviour (ASB) or the officer believes that by having alcohol in their possession there is an increased risk of ASB. It is an offence to refuse to hand over alcohol when required to do so.' They have been particularly effective in the day time economy where members of the street community are causing ASB issues for members of the public and local businesses, especially during the summer months where there is a large influx of visitors to Brighton & Hove.

4.2.7 Policing the night time economy continues to provide a challenge and in the climate of limited resources and newly emerging problems, Sussex Police support maintaining the council's Special Policy which defines cumulative impact and special stress and will continue to take enforcement action where appropriate if the actions of a Premises Licence Holder, Designated Premises Supervisor, Door Supervisors or Staff have fallen below the high standard expected across the city. Sussex Police also recognise and support businesses which are aware of their social responsibilities and as such, actively contribute towards keeping Brighton & Hove a safe and enjoyable city.

4.3 Care, control and supervision of premises

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

4.3.2 The effective management and supervision of a venue is a key factor in reducing crime and disorder, both within it and outside. The police will consider the applicants, objecting to the application where appropriate. The police may suggest crime prevention measures in relation to, for example, the internal layout of the premises, closed-circuit television, help points, lighting and security staff. The police may ask for conditions which support such measures to be imposed when licensing applications are granted, eg type of licence, capacity, operating hours restrictions.

4.3.3 Following the grant of a licence, the management and supervision of the premises, in so far as it might impact on crime and disorder, will continue to be monitored. Particular attention will be paid to any licensed premises where there is evidence of criminal activity or any association with racist or homophobic crime. The licensing authority will keep itself well briefed on the nature, location and type of premises where alcohol related violence and disorder are occurring so it can take full account of the facts and avoid exacerbating problems as required by the Community Safety Strategy. Where licensed premises are found to cause nuisance or be associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. Such action to restrict the operation may be taken for trial periods to allow businesses an opportunity to remedy existing disorder, nuisance or disturbance.

4.3.4 This policy recognises the use of registered Door Supervisors All Door Supervisors will be licensed by the Security Industry Authority. Mobile security units and similar systems are in use by some premises operators as a means of providing security cover at very short notice at premises which may not normally require a permanent security presence. This policy endorses the use of units following such guidance and standards in appropriate circumstances.

4.3.5 The development of codes of practice and general operating standards for security companies is encouraged for local businesses; premises operators are urged to ensure that security services, when engaged, are provided by suitably qualified businesses operating to recognised standards and who should be working towards SIA accreditation.

4.3.6 Enforcement will be achieved by the enforcement policy appended (Appendix B).

5 Public Safety

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

5.1.1 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

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

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

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

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

6 Prevention of Public Nuisance

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

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

6.1.2 Applications for new licences or for the extension in size of licensed premises should not normally be granted if the premises will use amplified or live music and operate within or abutting premises containing residential accommodation except that occupied by staff of the licensed premises. A condition may be imposed on new licences that entertainment noise shall be inaudible in any residence. Noise emanating from within licensed premises should not normally be audible outside.

6.1.3 Installation of sound limiting equipment and sound insulation may be required to minimise disturbance to the amenity of nearby residents by reason of noise from the licensed premises.

6.1.4 Generally, regulated entertainment in the open air including tents and marquees should have a maximum closure hour of 2300. Earlier hours may be imposed in sensitive open spaces or near residential areas. The Licensing Authority will have regard to Noise Council guidance.

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

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

6.2 Smoking Advice

6.2.1 Premises licence holders will be expected to:

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

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

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

8 Integration of Strategies

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

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

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

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

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

8.1.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search

policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

8.1.6 The licensing authority will have regard to the need to disperse people quickly and safely from the city centre to avoid concentrations which may produce disorder and disturbance.

8.3 Enforcement

8.3.1 The Enforcement of licensing law and inspection of licensed premises is detailed in the Protocol between Sussex Police, the East Sussex Fire & Rescue Service and Brighton & Hove City Council. This protocol reflects the need for more efficient deployment of Police and Local Authority staff commonly engaged in licensing enforcement and can be found at Appendix D (Lead Agency Status) of the Statement of Licensing Policy. In addition, the Licensing Authority will have regard to its published Licensing Enforcement Policy in making enforcement decisions in accordance with Brighton & Hove City Council's Statement of Licensing Policy (Appendix B). In order to better target enforcement resources, inspections will be undertaken outside of normal office hours and the sharing of information between all enforcement agencies will be encouraged through joint meetings or similar arrangements.

8.3.2 Attention is drawn to the targeting of agreed problem and high risk premises requiring greater attention as identified in the protocol. A number of other council and government policies, strategies and guidance documents must be taken into account to complement the policy, including:

- Community Safety & Crime Reduction Strategy
- Drugs and alcohol strategies – local alcohol harm reduction strategy
- Objectives of the Security Industry Authority
- The Anti-Social Behaviour Act 2003/ASBPC Act 2014
- The Health Act 2006
- The Violent Crime Reduction Act 2006
- Policing and Crime Act 2009

10 Live Music, Dancing & Theatre

10.1.1 This policy recognises the need to encourage live music, dancing and theatre for the wider cultural benefits of the community generally. In addressing such issues the potential for limited disturbance in neighbourhoods will always be carefully balanced with these wider benefits, particularly for children. The impact of licensing on regulated entertainment, particularly live music and dancing, will be monitored. Where indications are that such events are being deterred by licensing requirements, the policy will be revisited with a view to investigating how such situations might be reversed.

10.1.2 The Licensing Committee represents the general interests of a community in determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives. All members of the Licensing Committee will be trained on Licensing Act 2003 and S182 Guidance.

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

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

APPENDIX A – Licensing Best Practice Measures

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

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

Items to which positive consideration would be given:

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

Recommend best practice for both on and off premises

- Staff must be aware of the risk of the problem of proxy sales and offer assistance to responsible authorities to deter offences

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

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

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

Finance Officer Consulted Michael Bentley

Date: 19/12/23

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: 19/12/2023

Equalities Implications:

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

Sustainability Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A - Part M of the Application
2. Appendix B - Proposed Plan of Premises
3. Appendix C – Environmental Protection Agreed Conditions
4. Appendix D - Representations
5. Appendix E – Supporting Representations
6. Appendix F – Letter from applicant to residents and further email
7. Appendix G – Sussex Police Proposed Conditions
8. Appendix H - Map of area

Documents in Members' Rooms

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

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, August 2023.

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

**Nowhere Man Café
53 Upper North Street
Brighton
BN1 3FH**

Proposed Licensing Conditions

Hours

To permit the sale of alcohol (on and off sales) and opening hours to the public to be;

Every day from 0900 until 2300.

General – all four licensing objectives

This premises shall operate primarily as a café. Unless hosting a private event, the premises will be laid out to tables and chairs.

Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

All staff shall be suitably trained for their job function for the premises the training shall be written into a programme of ongoing review and will be made available to a responsible authority on reasonable request.

Alcoholic beverages shall only be sold to customers, intending to be seated at tables or for take-away purposes in sealed containers.

Customers shall not be allowed to bring their own alcohol for consumption on the premises.

The premises license holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises. A record of the training shall be maintained and shall be available upon request by officers of Brighton City Council.

The Prevention of Crime and Disorder

The premises will install and maintain a security alarm.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police, which will record the following;

- a. All crimes reported:
- b. All ejections of patrons
- c. Any complaints received.
- d. Any incidents of disorder.
- e. Seizure of drugs or offensive weapons.
- f. Any refusal of the sale of alcohol.
- g. Any visit by a relevant authority or emergency service

Public Safety

Means of escape shall be maintained unobstructed, immediately available and clearly identifiable.

Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place for staff.

Exit doors shall be checked before opening each day to ensure they function satisfactorily.

All exit routes will be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.

Regular litter and glass collections shall be carried out within the external areas and immediately outside the premises.

The Prevention of Public Nuisance

The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas do so in a quiet and orderly fashion.

Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.

The Protection of Children from Harm

An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence, passport or any other ID approved for age verification of sales of alcohol by the Home Office (including digital ID).

Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.

All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in how to refuse sales to difficult customers.

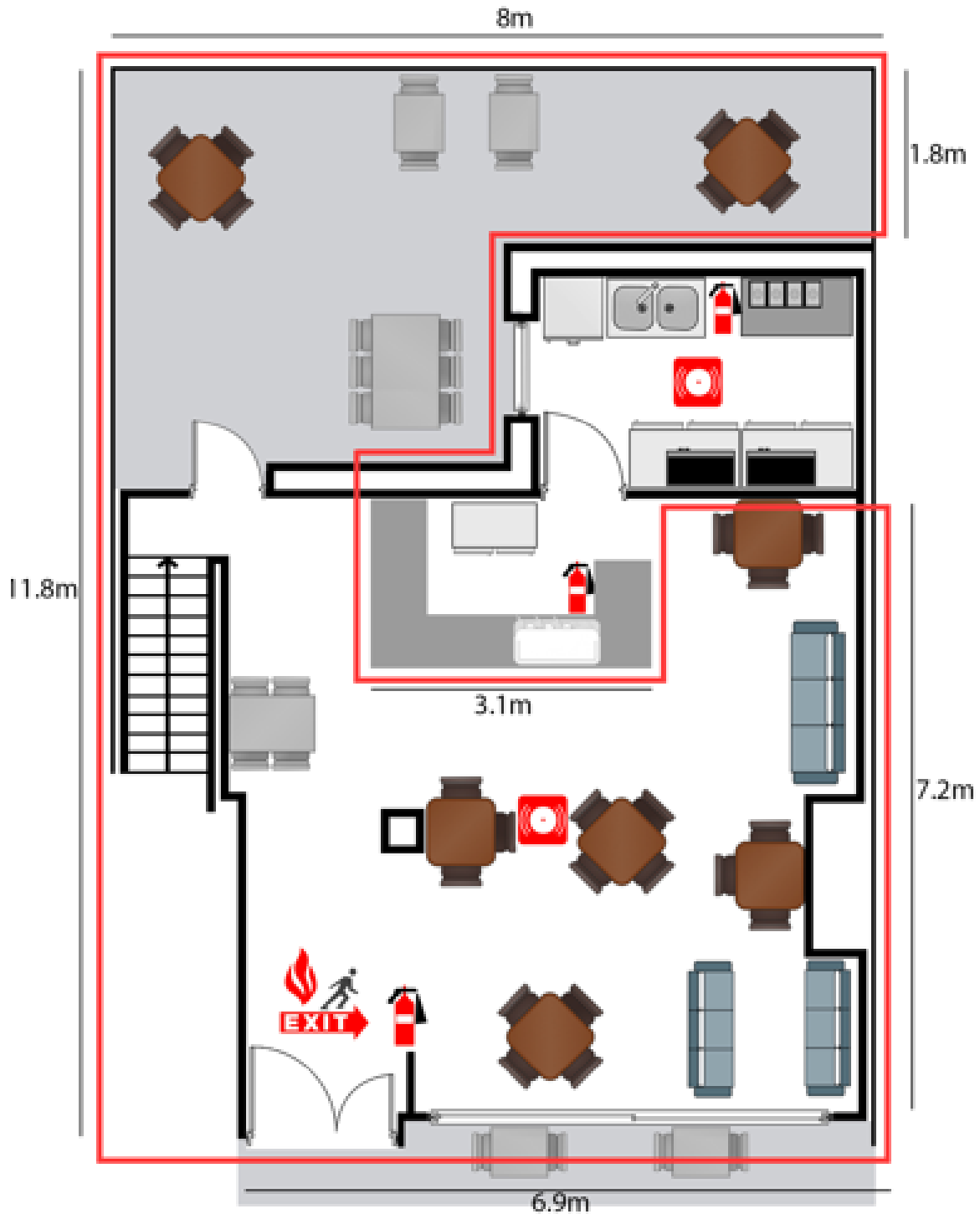
A record of all staff training shall be maintained at the premises and made immediately available upon request to an authorised officer of the Licensing Authority or the Police. The documentation relating to training should extend back to a period

of three years and should specify the time, date and details of the persons both providing the training and receiving the training

The premises licence holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep a refusals logbook in a bound book or digitally as part of a till prompt system in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was 13 completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

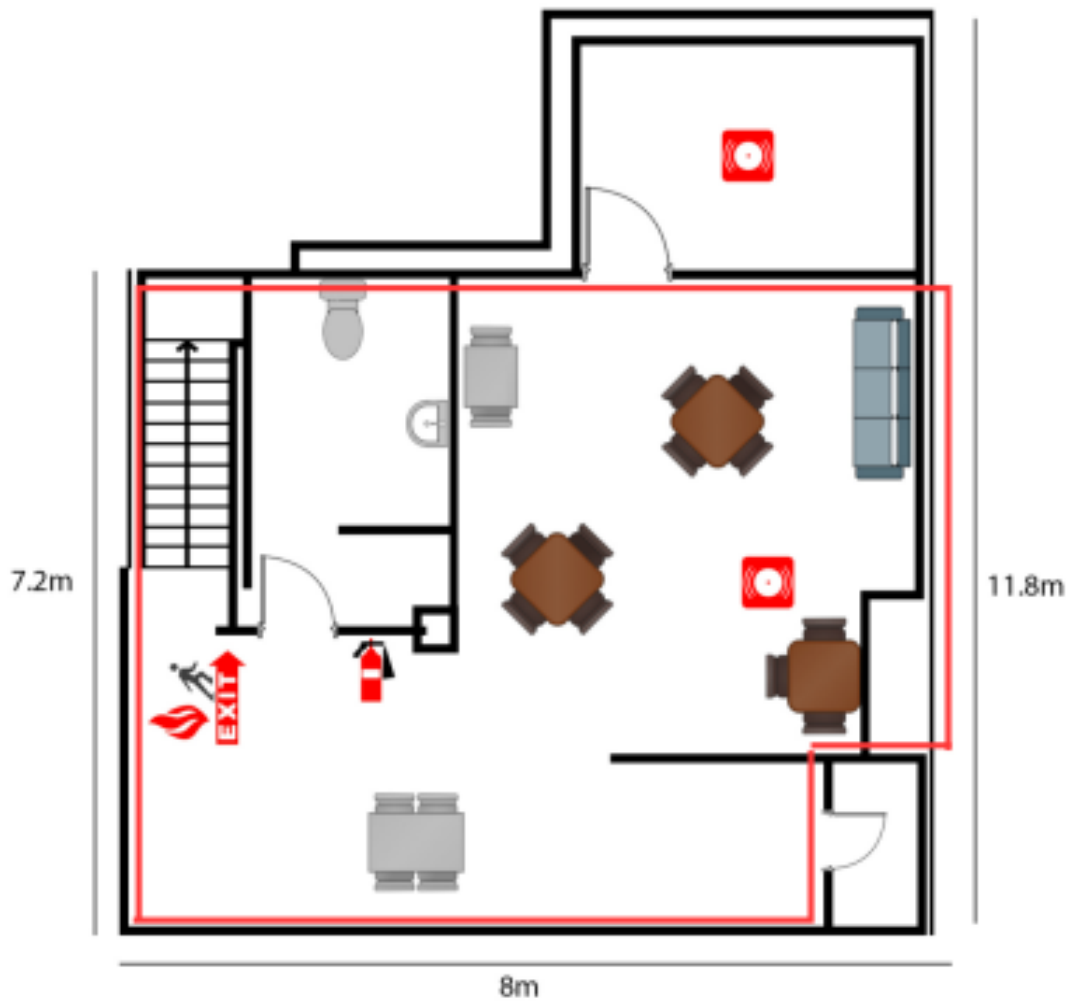
Appendix B

GROUND FLOOR



Placing of firefighting equipment is indicative only
Location of non-fixed furnishings is indicative only
1:100 Scale — Red line denotes customer area
Grey area denotes outside area

BASEMENT LEVEL



Placing of firefighting equipment is indicative only
Location of non-fixed furnishings is indicative only
1:100 Scale — Red line denotes customer area

Appendix C

Environmental Protection Agreed Conditions

I am happy with the conditions in the operating schedule, the proposed conditions regarding the outside area in the email below and the condition re signage as proposed in my email.

So the conditions under the Prevention of Public Nuisance would be:-

1. The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas do so in a quiet and orderly fashion.
2. Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
3. The external area to the rear of the premises will be closed to customers from 20:00 daily.
4. The external area to the rear of the premises will be closed to customers for the duration of any live music being played in the premises and the door to the external area will remain closed throughout.
5. Signage should be displayed in the external seating area at the rear of the premises asking customers to respect the neighbours

Subject to the above EP will not be making a representation.

Emma Grant

Licensing Officer. Safer Communities | Brighton & Hove City Council,

2nd Floor, Barts House, Barts Square, BN1 1JP

REDACTED

Appendix D

REP A

Representation from:-

REDACTED

Regarding :-

1445/3/2023/04411/LAPREN

Alcohol Licence Application from The Nowhere Man Café

53 Upper North Street, Brighton BN1 3FH

Our representation relates to both the application for significantly revised opening hours and a licence to sell alcohol at the Nowhere Man Café, under the following licensing objectives:

- Prevention of public nuisance

Past experience (prior to the current opening hours being implemented) of evening and late night drinking and partying in the rear patio of the Nowhere Man Café caused intolerable levels of noise nuisance that prevented us from sleeping. Local residents became distressed and angry and complaints were made to both Environmental Health and the Planning Enforcement team at the time.

If the consumption of alcohol is authorised on the rear terrace of the café it is inevitable that this would cause a return to unacceptable levels of noise nuisance with groups of drinkers and a pub-like atmosphere being given the green light up to 11pm daily.

The proximity of our enclosed 'cheek by jowl' patios, terraces, balconies and REDACTED to the Nowhere Man Café's garden (as evidenced by the attached photos) is clearly not suited to an outside area that accommodates groups of people drinking alcohol during the day and into the night.

As in the past, this would impose an unacceptable amount of stress on those of us in the immediate locality. We wouldn't be able to relax or sleep adequately in the rooms REDACTED (including a bedroom, office space and

lounge) and it would make it impossible to concentrate when home working or attempting to enjoy our outside spaces. All of the above would be exacerbated during warm weather and the summer months.

We have accepted the current levels of noise from the rear patio of the café under the present opening hour because even the loudest customers and groups generally move on within the hours, up until 4.30pm at the latest.

However, if the 7 hour extension until 11pm is agreed this would result in much longer periods of invasive café noise, even without alcohol consumption.

- Public safety

The impact of extended periods of noise nuisance would inevitably impact upon the health of those of us who are subjected to this.

REDACTED and some other residents in close proximity to the café also have REDACTED.

In addition some of us need to get up in the early hours of the morning to leave for work, including at weekends, and others work from home all day.

Lack of sleep evidently impacts on public safety in respect of health and wellbeing and impairs the ability to carry out many work related duties requiring focus, including driving and operating machinery.

- Prevention of crime and disorder

Should the Licence Application be agreed the known cumulative effects of alcohol consumption during extended periods of time could result in the potential for drunk and disorderly or other antisocial behaviour in close proximity to our premises.

We have had no complaints at all about the café since the current opening hours were implemented and recognise that it is important to strike a balance between supporting local businesses and safeguarding the quality of life and wellbeing for residents in such a high-density area.

However, should the Licence Application be agreed this would create a totally different establishment on our doorstep than the current day-time café model and

cause a very worrying set of issues for those of us affected.

As above, it will seriously impact on our sleep, our health, our leisure time and our work.

We are grateful to the licensing panel for taking into consideration the objections that we have raised in this representation and very much hope that the licence application will be refused on the basis of the above.

Signed

REDACTED

Photos Included – REDACTED

REP B

From: REDACTED
Sent: Saturday, December 2, 2023 5:44 PM
To: EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>
Subject: NOWHERE MAN - Licence - 1445/3/2023/04411/LAPREN
Importance: High

Dear Sir/Madam,

As a resident owner for the last REDACTED, I write strongly to object to the above proposed extension of opening hours until 11 pm by the premises REDACTED to my house for the reason of: prevention of public nuisance.

On each of the several occasions that the premises has in the past been open late they have flagrantly ignored the neighbours, with people and music causing noise throughout the evening and into the night.

REDACTED

For those who wish to indulge in nights leisure activities, there are plenty of facilities in the centre of town. There is also a long-established pub opposite NM on Upper North Street, which causes sufficient noise and nuisance at busy times.

Were NM to receive a licence extension as proposed I would place the property on the open market since it would be unbearable. I know that other neighbours have similar objections based on their experience of NM when permitted late night extensions.

I am happy that the business is successful during the day. Let that suffice.

I shall be grateful for your confirmation of receipt.

Sincerely,

REDACTED

Photo Included – REDACTED

REP C

From: REDACTED

Sent: Sunday, December 3, 2023 6:03 PM

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

Subject: Alcohol Licence Application from The Nowhere Man Café 1445/3/2023/04411/LAPREN

Representation from REDACTED

REDACTED

Alcohol Licence Application from The Nowhere Man Café

53 Upper North Street, Brighton BN1 3FH

1445/3/2023/04411/LAPREN

This is a representation in opposition to:

- the application to extend opening hours; and
- the application for a licence to sell alcohol at the Nowhere Man Café,

My objectives under the Licensing Act are:

Prevention of public nuisance

There has been concern by tenants at the property of evening activities under previous opening hours in the Nowhere Man's rear patio causing highly disturbing noise nuisance leading to formal complaints from neighbours. An extension of hours in itself would recreate these conditions, and would be significantly exacerbated in conjunction with an alcohol licence.

This would turn the Nowhere Man into an entirely different venue which is wholly unsuitable for a residential area with very close proximity back patios, as per the attached photo. REDACTED

Public safety

Granting the application would likely have an impact on the health and well-being of my tenants, and neighbours due to stress and sleeplessness.

Prevention of crime and disorder

The application for an extension of hours and an alcohol licence should be rejected on the grounds of preventing crime and disorder as there is a clear link between alcohol and crime and disorder and the likelihood that problems would arise out of such a significant change to the venue in a small space. This would not only cause problems for local residents and other businesses, it would change the character of the neighbourhood, placing an additional burden on the stretched resources of the council and police.

I would request that, in light of the above, the application for this change in licence is rejected.

REDACTED Tel: REDACTED

Photo Included - REDACTED

REP D

REDACTED	Date:	7th December 2023
Licensing Officer	Our Ref:	2023/02818/LICREP/EH
Licensing Team	Phone:	REDACTED
Brighton & Hove City Council	Email:	REDACTED
Bartholomew House		
Bartholomew Square		
Brighton, BN1 1JP		

Dear REDACTED

Re: Licensing Act 2003 - Representation regarding the application for a New Application for a Premise Licence For: Nowhere Man, 53 Upper North Street, Brighton

I refer to the application made by Nowhere Man Limited, for a new Premises Licence to be issued for the above premises. The Licensing Team, in its role as a Responsible Authority, has concerns about this application and therefore I am submitting this representation on the grounds of the prevention of crime & disorder and public nuisance and to uphold our Statement of Licensing Policy (SoLP).

The applicant has applied for a Premises Licence for alcohol for consumption on & off the premises and opening hours every day 9.00am – 11pm.

This representation is submitted as there are concerns that the application does not meet the requirements of the Council's SoLP, with regard to applications made within the Special Stress Area of the city. The Special Stress Area is of concern to the Licensing Authority because of the relatively high levels of crime and disorder and nuisance experienced within it and we believe that the granting of this application could lead to increased associated issues with regard to crime & disorder and public nuisance in the nearby surrounding area.

The Council's SoLP includes a Matrix Model approach for licensing decisions, which 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.

The Matrix Model, on page 18 of the Council's SoLP, states that in the Special Stress Area, cafes could be granted until 10pm and no to new off licences and although this is not an off licence, it is offering off sales of alcohol in sealed containers. The policy does state that each application is still considered on its individual merit and there is discretion to depart from the policy where justified. However, departure from the Matrix Model is only expected in exceptional circumstances.

When considering whether representations should be submitted, the Licensing Team have regard to the 'Public Health Framework for assessing Alcohol Licensing' – (accessed at <https://public.tableau.com/app/profile/brightonhovepublichealthintelligence/viz/PublicHealthFrameworkforAssessingAlcoholLicensing/NavigationPage>) document. The premises sits within the electoral ward of Regency. Under 'Crime and Disorder data' it is the worst out of 21 wards for all violence against the person, all injury violence, non-injury assault and sexual offences. It is also second worst for police recorded alcohol related incidents. Within the recorded 'Health data', the premises sits in the worst ward for alcohol suspected ambulance call outs.

In light of the above and the fact that this new premises falls within out Special Stress Area, I invite the Sub-Committee Panel to decide the outcome of this application on behalf of the Licensing Authority and whether the applicant has demonstrated whether there are exceptional circumstances to depart from our policy.

Yours sincerely

REDACTED

Sarah Cornell

Senior Licensing Officer

Licensing Team

Regulatory Services

REP E

Representation from: REDACTED

Regarding :- 1445/3/2023/04411/LAPREN Alcohol Licence Application from The Nowhere Man Café 53 Upper North Street, Brighton BN1 3FH

Our representation relates to both the application for significantly revised opening hours and a licence to sell alcohol at the Nowhere Man Café, under the following licensing objectives:

- Prevention of public nuisance Our past experience around REDACTED years ago (prior to the current opening hours being implemented know, they open from 10am and close at 5pm every evening) Consisted of late night drinking and partying in the rear patio of the Nowhere Man Café , REDACTED.

Local residents became distressed and angry and complaints were made to both to the Environmental Health and the Planning Enforcement team by us as a family and our other surrounding neighbours, It also caused arguments between us as family when our late mother was still with alive.

Although The Nowhere Man Cafe may or may not have different ideas compared to the past if the consumption of alcohol is authorised on the rear terrace of the café, it is inevitable that this would cause a return to unacceptable levels of noise nuisance with groups of drinkers and a pub-like atmosphere being given the green light up to open later in the evening to sit out on the back terrace. When we think 5pm is sufficient already

We have enclosed a couple of photographs REDACTED. REDACTED. REDACTED. We find REDACTED which is an established pub is very audible to us especially at weekends, and summer months.

REDACTED and is confined to the house with REDACTED has not been out for well over four years, and is housebound. REDACTED and even now without an alcohol licence its impossible for REDACTED to have a lie in at weekends or nap in the afternoon. He also has REDACTED for which REDACTED stress and anxiety will make this condition worse. REDACTED and works full time were REDACTED has to get up at 6.00am in the mornings including weekends. REDACTED also has her own REDACTED, and REDACTED bedroom overlooks the back terrace. REDACTED and works mainly from home and is an REDACTED. So we feel the current system where the cafe closes at 5pm , seven days a week is already a fair compromise.

REDACTED Nowhere Man Café's garden (as shown in the photos attached) is clearly not suited to an outside area that accommodates groups of people drinking alcohol during the day and into the night.

As in the past, this would impose an unacceptable amount of stress on those of us in the immediate locality. We wouldn't be able to relax or sleep adequately in the rooms at the REDACTED(including a bedroom, office space and lounge) and it would make it impossible to concentrate when at home working or attempting to enjoy our outside gardens. All of the above would be exacerbated during warm weather and the summer months.

We have accepted the current levels of noise from the rear patio of the café under the present opening hour because even the loudest customers and groups generally move on within the hours, up until 4.30pm at the latest. However, if the extension after 5pm is agreed this would result in much longer periods of invasive café noise, even without alcohol consumption.

- Public safety The impact of extended periods of noise, nuisance would inevitably impact upon the health of those of us who are subjected to this. We personally do not think this property was designed to have a cafe with the general public effectively over our garden fence, let alone a licenced alcohol premises.

- Prevention of crime and disorder We do not feel threatened with crime or disorder currently, but adding alcohol and evening drinking into the equation in the back terrace, could soon turn into something more problematic. We are also concerned how any new rules would be implemented, and about our security in general. REDACTED

Signed REDACTED

REDACTED

Photos Included - REDACTED

REP F

Police Station

John Street

Brighton

BN2 0LA

REDACTED

7th December 2023

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

Dear REDACTED,

RE: APPLICATION FOR A NEW PREMISES LICENCE FOR NOWHERE MAN CAFÉ, 53 UPPER NORTH STREET, BRIGHTON, BN1 3FH UNDER THE LICENSING ACT 2003.

I write on behalf of the Chief Officer of Police for Sussex to raise a representation against the grant of the above application on the grounds that it will undermine the Licensing Objectives of the prevention of crime and disorder. We also make reference to the Brighton & Hove City Council (BHCC) Statement of Licensing Policy (revised January 2021) and the Public Health Framework for Assessing Alcohol Licensing.

This is a proposed new application in an area of the City which is subject to a Special Policy adopted by Brighton & Hove City Council. The premises lies in the area identified as the Special Stress Area within the Statement of Licensing Policy for Brighton and Hove.

The applicant did not pre consult with Sussex Police prior to the submission of this new application and no specific reference to potential negative impact issues has been made. Local concerns and issues that the area suffers from have not been addressed.

Further concerns arise from the application which requests a terminal hour of 23:00 every day with On and Off sales which goes against the Brighton and Hove Statement of Licensing Matrix. 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.

Additionally, this premises lies within the Regency Ward which, as evidenced by the Brighton & Hove Public Health Framework for Assessing Alcohol Licensing (accessed at <https://public.tableau.com/app/profile/brightonhovepublichealthintelligence/viz/PublicHealthFrameworkforAssessingAlcoholLicensing/NavigationPage>), is ranked number 1 for All Injury Violence, All Violence against the person, Sexual Offences, Non-Injury Assault. Second for Police recorded alcohol related incidents and third for criminal damage. This demonstrates the higher risk to the Licensing Objective of the Prevention of Crime and Disorder in this area.

Further to this, conditions have not been agreed by Sussex Police and the applicant.

The conditions offered on the application do not offer Sussex Police any confidence that this premises will primarily be a café. No further conditions regarding the private events have been offered.

With regards to the café condition, the wording "Intending to be seated" is not enforceable and offer assurance that customers will be seated at tables and there will be no vertical drinking. Within the condition wording offered, "for take away purposes" suggests customers can leave the premises with alcohol to be consumed in any public outside space, and not alongside any food offering which allow this premises to trade as an additional off licence in this area.

Despite the above Sussex Police proposed conditions to the applicant, which can be seen attached to this letter. This is inclusive of a reduced terminal hour of 22:00 and to operate as an On sales Premises only, with any private events being hosted with the use of a Temporary Event Notice.

Therefore, should the licensing panel be minded to grant this premises licence, Sussex Police would ask that these conditions be added to the premises licence.

The application is consequently at risk of undermining the prevention of crime & disorder licensing objective if granted as it is submitted.

Yours sincerely,

REDACTED

Insp Mark Redbourn

Operations (inc. Licensing) Inspector

Brighton & Hove Division

Sussex Police

Proposal for Nowhere Mans Café, 53 Upper North Street by Sussex Police.

Retail of alcohol shall be for On sales Only.

Terminal Hour for the supply of Alcohol – 22:00

Conditions

General

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.

The sale of intoxicating liquor and other beverages shall be by waiter/waitress service for consumption by persons seated at tables.

Substantial food shall be available at all times that alcohol is offered for sale on these premises. Food menus must be clearly displayed within the venue.

Prevention of Crime and Disorder:

4. Subject to GDPR guidance and legislation:

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 entrances/exits to the premises as well as any outside space. The system shall be on and recording at all times the premises licence is in operation.

The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

CCTV footage will be stored for a minimum of 31 days.

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) 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 Police e.g., USB) or provide footage via an online link as initiated by Police, without difficulty or delay and without charge.

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

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

5. 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 month.

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) The premises shall at all times maintain and operate an age-restricted sales refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals not to exceed 4 weeks and feedback given to staff as relevant. These refusals recording system shall be available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

Public Safety: – None

Prevention of Public Nuisance: None

Protection of Children from Harm:

6. 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.

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

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

The lawful selling of age restricted products

Refusing the sale of alcohol to a person who is drunk

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

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.

REP G

From: REDACTED
Sent: Friday, December 8, 2023 4:58 PM
To: EHL Licensing <EHL.Licensing@brighton-hove.gov.uk>
Subject: Objection to Nowhere Man Cafe licensing change request

Hello,

We're writing to lodge an objection to the proposed change in licensing at Nowhere Man Cafe, 51 Upper Street.

My husband and I are long-term tenants REDACTED. Our specific objection is to do with 'prevention of a public nuisance' - specifically the added noise that will come with changing the license from a daily cafe to a cafe/wine bar/restaurant serving guests in the evenings.

We are both fans of the cafe as it currently operates and eat there regularly. REDACTED and the staff are great and we've had no problem whatsoever for the last 6 years. So we make this complaint reluctantly. The unfortunate issue is that REDACTED patio, and that of several of our neighbours, sits cheek by jowl with the cafe's patio in an enclosed and tiny area. We can hear each others' conversations it's so small. The chat from guests having pancakes and coffee during the day is no problem at all. It tends to get quiet mid afternoon and the cafe shuts around 5pm. If the cafe were to add an alcohol licence for their existing hours we would have no objection.

But the thought of the patio being busy through the evening with people drinking - even if it was just until 8pm - makes our hearts sink. We have no doubt the managers will strive to run it responsibly, but the noise will completely change our experience of sitting outside in the garden during the good months. We are also wary of extra noise at REDACTED. And because the pavement here is very narrow it's not uncommon for people to queue in REDACTED popular weekends. Again, we have accepted that during the daytime hours. But the thought of a busy wine bar scene at night when we're using the REDACTED is depressing.

Thank you for your consideration. I've attached a few pictures of REDACTED to give you a better picture.

Regards,

REDACTED Telephone – REDACTED

Photos Included – REDACTED

Appendix E

S1

From: REDACTED

Sent: Friday, December 8, 2023 7:45 PM

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

Subject: Support for Nowhere Man's Application for an Alcohol Licence 53 Upper North Street, Brighton 1445/3/2023/04411/LAPREN

Dear Licensing team,

I'm contacting you on behalf of myself and my partner, both as residents of REDACTED to heartily endorse and encourage Nowhere Man's application for an alcohol licence.

Nowhere Man is not just in our opinion the best eatery in Brighton but the cultural hub and heartbeat of our little part of the city. From craft nights, colourful "can't miss it" shop front and quintessentially Brighton decor, Nowhere Man has not just bought its unique character to upper north street but galvanised the community with a personality I have yet to find anywhere else.

In fact, before moving to Brighton several years ago, it was over a plate of their famous pancakes, soaking in the restaurants ambience that we both made the decision Brighton was where we wanted to be and when we did move we were fortunate to stick close to the place that had helped capture our hearts.

Nowhere Man manages to simultaneously serve and respect the locals whilst bringing in major interest from tourists. It is the first stop many of our visiting friends make with a reputation that far exceeds itself. All comment on the welcoming environment, unique and entrancing aesthetics and how authentic the community feel is.

When you consider the fantastic location, wonderful food and pitch perfect interior design it is no shock the restaurant attracts creatives, longtime residents and a host of Brightonians. I believe adding the option of an alcohol licence to what is already a responsibly run and respectable business is not only going to enhance its already established reputation but enrich the neighbourhood as a whole.

Public Safety:

Nowhere Man already prioritises public safety through attentive staff and well-lit premises. With the alcohol license, the cafe will no doubt continue its commitment to public safety with additional safety measures, such as alcohol training for staff and collaboration with local emergency services, enhancing the overall safety of the establishment. The staff have always looked after the customers and kept a level of professionalism that will undoubtedly continue whilst serving alcohol, I have the upmost confidence in the owners to approach public safety with a continued care.

Prevention of Public Nuisance:

As a responsible business, they have maintained a low impact on the surrounding community. The introduction of an alcohol license will provide an opportunity for the cafe to refine and enforce existing guidelines on noise levels, further minimising any potential nuisance to local residents. There is no doubt in my mind that the staff and owners will continue with their principles and professional approach towards avoiding having an impact on the local community with the awarding of this alcohol licence.

At every opportunity Nowhere Man has respected our community and been considerate and conscientious of their impact in the city and tried to do right by all concerned; this gives me no doubt the addition of later opening hours would be run with professionalism, sensitivity and most of all would act to further stimulate the economy of the patch of the city I call my home.

As a resident I would wholeheartedly implore Brighton Council to help support a business that has truly been a credit to the city and a lynchpin of our community.

Sincerely

REDACTED

REDACTED

S2

From: REDACTED

Sent: Friday, December 8, 2023 5:50 PM

To: REDACTED

Subject: Re: 1445/3/2023/04411/LAPREN

Hello REDACTED,

I have amended my original email below to include the aspects you have mentioned, thank you for your guidance:

I am writing as an active and dedicated resident of our community to express my strong support for Nowhere Man's application for an alcohol licence. Having been an integral part of our city for the past nine years, Nowhere Man has consistently demonstrated its commitment to fostering a sense of community and providing a welcoming space for residents.

Nowhere Man has become a cherished establishment, offering not only delicious food (they are famous for their pancakes) but also serving as a hub for community engagement. The cafe hosts regular craft clubs twice a month which has added value to our community, providing residents with opportunities to connect and be creative.

The prevention of crime & disorder:

The cafe has always maintained a welcoming and safe environment. Granting an alcohol license will allow for the responsible sale of alcoholic beverages under controlled conditions, reducing the likelihood of disorderly conduct, the staff are very professional and I have always felt safe, they promote a very calm relaxed experience, which is not conducive to crime or disorder. The setting itself is also very relaxing and calm and I cannot imagine excessive drinking or disorderly taking place there.

I believe that granting Nowhere Man an alcohol licence will further enhance its ability to contribute positively to our community. Allowing the cafe to open in the evening would not only cater to the preferences of residents but also attract a diverse clientele, creating a dynamic and inclusive atmosphere. This, in turn, could contribute to increased foot traffic, benefitting other local businesses and fostering a vibrant local economy.

I am confident that Nowhere Man will continue to uphold the highest standards of responsible alcohol service, ensuring that the establishment remains a safe and enjoyable space for all patrons. The cafe's proven track record of responsible community engagement leads me to believe that the addition of an evening service will be executed with the same level of professionalism and consideration for the neighbourhood's well-being.

Prevention of Public Nuisance:

Being a long term customer of Nowhere Man I have witnessed it being run in a very responsible manner. I believe that the management will continue to prioritise the community's peace and tranquillity. With their guidelines in place, the cafe effectively manages noise levels and prevents any nuisance to local residents. I have attended some of their acoustic music events over the last few years and they have been very respectful towards the locals and have not allowed anyone outside in the back yard area.

In conclusion, I wholeheartedly support Nowhere Man's application for an alcohol licence and believe that it will not only enhance the cafe's offerings but also contribute positively to the vitality of our community. I trust that the council will carefully consider the positive impact Nowhere Man has had on our city when reviewing this application.

Thank you for your time and consideration. Please feel free to contact me if you require any further information.

Sincerely,

REDACTED

REDACTED

Appendix F



Nowhere Man Ltd

53 Upper North Street

Brighton

BN1 3FH

Email: REDACTED

01/12/2023

Dear Residents of Upper North Street,

Thank you for responding to the application raising your concerns, we appreciate your feedback.

Reason for the application

The reason for our application for an alcohol licence is so that we can offer an evening service at the café, to create a sat down table serviced food and drink experience. We are aiming for something along the lines of the restaurant 'Plateau' in terms of the laid-back nature, focusing on a more refined service with good quality food and refined drink selection. We are not looking to have regular live music evening events like we used to run when we first started out over 9 years ago.

Proposal in relation to events with music

As I say, we are not going to be running regular music events. We will hold occasional events like we do currently (we have only run one event this year and one event last year). As you know, we no longer allow guests out of the rear of the property when we do hold our acoustic music evenings, after taking onboard feedback from you and the other neighbours in the past.

We want the café to be something for the community. REDACTED, I am invested in this community. We are happy to close the outside area at 8pm daily and not allow customers to use it at all during music events. We are happy to have this as conditions on the licence as follows:

- 1. The external area to the rear of the premises will be closed to customers from 20:00 daily.**
- 2. The external area to the rear of the premises will be closed to customers for the duration of any live music being played in the premises and the door to the external area will remain closed throughout.**

3. Signage should be displayed in the external seating area at the rear of the premises asking customers to respect the neighbours

I agree that we have made mistakes in the past in terms of running evening events and having people using the outside area to the rear late into the evening. But we took on board the feedback we were given and I hope you would agree that we have run a much more professional and considerate operation since. We are very happy to have played our part in adding to the culture of the street, which has encouraged other businesses to open, helping to create a nice community which we would very much like to see thrive. We think the addition of an evening dining experience will offer something new to the street which currently only has pubs open in the evening.

If you have any questions I would be delighted to speak to you. Please contact me and join me for a coffee at the café.

Yours Sincerely

REDACTED

Nowhere Man Ltd

Further Amendments to the application for Nowhere Man Cafe

From: REDACTED

Sent: Monday, December 18, 2023 9:44 AM

To: Emily Fountain <Emily.Fountain@brighton-hove.gov.uk>

Cc: REDACTED <REDACTED Sarah Cornell REDACTED 'nowhere man' REDACTED

Subject: RE: Nowhere Man letter to residents

Importance: High

Dear Emily,

Further to our previous conversation and consideration of all the representations received, my client is happy to further amend the application as follows:

Amended hours of operation:

We are proposing an amended cessation of licensable activities/ closing time as follows:

- The premiss will cease all licensable activities by 22:00 daily. The premises will close to the public by 23:00 daily.

Amended condition in relation to use of the external area:

We are also proposing amending the closing time of the external area by way of modified condition is follows:

- The external area to the rear of the premises will be closed to customers at 17:00 daily.

This is in addition to the conditions offered in the letter to residents dated 1 December, where they do not conflict with the above. For the avoidance of doubt, the remaining conditions state:

- The external area to the rear of the premises will be closed to customers for the duration of any live music being played in the premises and the door to the external area will remain closed throughout.
- Signage should be displayed in the external seating area at the rear of the premises asking customers to respect the neighbours

I have copied in Hannah and Sarah in relation to their representations, but would be grateful if the other parties who have made representations could be notified also.

Kind regards and a very merry Christmas.

REDACTED

REDACTED
Legal Director
for TLT LLP
REDACTED
www.tlt.com

Appendix G

Proposal for Nowhere Mans Café, 53 Upper North Street by Sussex Police

Retail of alcohol shall be for On sales Only.

Terminal Hour for the supply of Alcohol – 22:00

Conditions

General

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.

The sale of intoxicating liquor and other beverages shall be by waiter/waitress service for consumption by persons seated at tables.

Substantial food shall be available at all times that alcohol is offered for sale on these premises. Food menus must be clearly displayed within the venue.

Prevention of Crime and Disorder:

4. Subject to GDPR guidance and legislation:

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 entrances/exits to the premises as well as any outside space. The system shall be on and recording at all times the premises licence is in operation.

The CCTV cameras and recording equipment must be of sufficient quality to work in all lighting levels inside the premises at all times.

CCTV footage will be stored for a minimum of 31 days.

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) 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 Police e.g., USB) or provide footage via an online link as initiated by Police, without difficulty or delay and without charge.

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

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

5. 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 month.

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) The premises shall at all times maintain and operate an age-restricted sales refusals recording system (either in book or electronic form) which shall be reviewed by the Designated Premises Supervisor at intervals not to exceed 4 weeks and feedback given to staff as relevant. These refusals recording system shall be available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

Public Safety: – None

Prevention of Public Nuisance: None

Protection of Children from Harm:

6. 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.

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

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

The lawful selling of age restricted products

Refusing the sale of alcohol to a person who is drunk

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

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 H



