

**BRIGHTON & HOVE CITY COUNCIL**  
**LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

**10.00am 4 APRIL 2024**

**VIRTUAL**  
**MINUTES**

**Present:** Councillor ; Cattell, McGregor and Robinson

**Officers:** Donna Lynsdale (Senior Licensing Officer), Rebecca Sidell (Legal Adviser)

**Clerk:** Niall Breen (Democratic Services Officer Apprentice)

**PART ONE**

**1 TO APPOINT A CHAIR FOR THE MEETING**

**1 To appoint a Chair for the Meeting**

1.1 Councillor McGregor was appointed Chair for the meeting.

**2 PROCEDURAL BUSINESS**

**2 Procedural Business**

**2a Declaration of Substitutes**

2.1 There were none.

**2b Declarations of Interest**

2.2 There were none.

**2c Exclusion of the Press and Public**

2.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Licensing Panel considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I of the Act).

2.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item on the agenda.

**3 BEAK MRKT LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)**

**3 The BEAK MRKT Licensing Panel (Licensing Act 2003 Functions)**

3.1 The Panel considered a report of the Executive Director, Housing and Neighbourhoods requesting that they determine an application for an Application for a New Premises Licence under the Licensing Act 2003 in respect of the BEAK MRKT, 47 Trafalgar Street, Brighton, BN1 4ED.

**Officer Presentation**

3.2 Donna Lynsdale introduced the application on behalf of the applicant.

**Representation – Sussex Police**

3.4 Hannah Staplehurst (HS) made a representation against the application on behalf of Sussex Police licensing, they made note that no prior meeting was undertaken with police licensing prior to the application being lodged and also made note that the applicants had been in regular contact with the police licensing during the consultation period.

3.3 They also made note of the CIZ context and ward specific issues related to alcohol related disorder. They also made note that conditions had been agreed with the applicant in retrospect and made clear their objection to off sales. Also made note that a condition of a terminal hour of 23.00 was to be included which was not included in the initial application and asked the panel to be minded toward rejecting the off sales portion.

3.4 Cllr Robinson asked for clarification on the licensing hours requested.

3.5 HS confirmed the 'café' conditions had been agreed with the applicant, which would usually end at 22.00PM and that the applicant was requesting an additional hour to serve till 23.00PM and a close at 23.30PM.

3.6 Cllr McGregor asked for clarification from SP on the data comparing the number of licenses granted compared to the rise in alcohol related crimes.

3.7 HS confirmed that they did not have the data requested to hand and could only provide data on the number of violent crimes in the ward in the prior 12 months.

**Representation - Licensing Authority**

3.8 Emma Grant made a representation against the application on behalf of BHCC Licensing noting the applicant agreed to withdraw off-sales and then re-added them.

3.9 The rejection was on the grounds the application was contrary to the BHCC licensing policy due to it being in the CIZ which would be likely to contribute to the impact on the area.

### **Representations from the Public**

3.10 Peter Crowhurst (PC) made a representation against the application on behalf of residents in the North Laine ward detailing the change in the area over the past 30 years. Noting that the area had seen an increase from around 30 to 95 licensed premises and 18 alone on Trafalgar St. Making note of the acoustics of the area and the fact that the properties in the area were not suited to the environment that had developed with the licensed premises saturating the area.

### **Representations from the Applicant**

3.11 Daniel Tapper (The Applicant) outlined the application on behalf of Beak Market, providing a brief of the background of the business including a pre-existing brewery in Lewes and their personal background of being a food/drink journalist and made note of 2 existing licensed premises in Lewes in which Beak Market operated. They made note they have had 0 incidents over the past 3 and a half years, stating this was down to them taking their obligations as license holders seriously.

3.12 Making note that the plans for the premises would result in minimal disruption as the location was currently very much suitable to the plans unlike other submitted plans for the premises to be demolished. They also made note that it would be supplied by a local brewery supporting the local economy and offering start-ups spaces to undertake the launching of their own businesses.

3.13 The applicant disputed the representations given against and made it clear the venue was food led and substantial food would be available at all times, 97% of floor space being set out to food preparation and consummation. There would be clear signage and door staff preventing the formation of queues. The premises was planned to be a part of the business crime reduction partnership and waste would be stored on the property and dealt with in a way that would be the least disruptive to residents.

3.14 The applicant also made note that the exceptional circumstances allowed deviation from the matrix conditions and outlined how their circumstance was exceptional and that all conditions had been considered. They made note that there was an equal number of reps for and against and the planning application had a greater number of supporting reps than against.

3.15 The applicant also stated that they would be offering kitchen spaces for free (of rental payment) for start-up food businesses, taking a small commission allowing a much more sustainable approach to setting up new businesses. They would also be open to community groups, cycling groups and other social causes using the venue.

3.16 Cllr Robinson asked a question regarding the limitation of off sales to prevent disorder and around the support of the local residents of the project and surrendering the license should the business fail.

3.17 The Applicant confirmed that off sales could be limited if it would assist the application, and residents had overwhelmingly been in support of the project.

3.18 PC asked to clarify the situation regarding community support –noting that the planning application was supporting but the NLCA (North Laine Community Association) only meets every 2 months which meant that the consultation period was not discussed by the NLCA due to the timing.

3.19 The Applicant made note that the NLCA licensing rep was very much in support the proposal and agreed with the resident that the business may not be in the right place in an ideal world, but it was the only available and suitable for the proposals regarding the building to be used itself.

3.20 Rebecca Sidell confirmed the noise report mentioned had not been submitted to the panel and asked for clarification on the proposed sound proofing to be installed.

3.21 The Applicant confirmed a noise impact assessment had been paid for and the outcome was that the acoustics of the building and sound proofing were sufficient to ensure that there would be minimal disturbances, they admitted this was hypothetical but confirmed they were working with contractors and an architect to ensure all steps would be taken in the construction/refit of the venue to ensure any disturbance to the local community and residents would be minimal.

3.22 Cllr Robinson requested confirmation on the extraction mechanism regarding the kitchen and food prep areas. The Applicant confirmed that pre-existing extraction facilities in the building could be used, and methods were being considered.

3.24 Cllr Cattell asked for conformation for a smoking area, or any procedures related to this. The Applicant confirmed that within the premises and immediate surrounding area that customers could be asked to not smoke in the vicinity of the venue.

The Chair adjourned the panel from 11.23AM till 11.38AM

### **Closing Submissions**

3.26 Cllr McGregor asked if the residents present had any concerns or questions before the summary period began.

3.27 PC made representations that the matrix and CIZ policies were too flexible and in favour of business over residents .

3.28 The Chair gave examples of the benefits of flexible policies such as the implementation of the shelter hall venue whilst still being understanding of the position of the resident of the NLCA.

3.29 Donna Lynsdale provided a summary of the application and the proposed additional conditions that could be applied.

3.30 HS summarised the case on behalf of Sussex Police Licensing and made note they had worked closely with the applicant and asked the panel should they be minded agreeing the proposed additional conditions and made note they had no confidence in the additional off sales proposed and requested the panel reject this option.

3.31 The Chair thanked all parties and called a close to the meeting so the panel could retire to deliberate on what they had heard.

**The Panel retired at 11.57AM.**

**Note:** The Legal Adviser to the Panel confirmed that the applicant would receive written notification of the Panel's decision.

The meeting concluded at Time Not Specified

Signed

Chair

Dated this

day of