

Licensing Panel (Licensing Act 2003 Functions)

Date: **6 December 2024**

Time: **10.00am**

Venue **Virtual**

Members: **Councillors: Bagaeen, Cattell and Hewitt**

Contact: **Francis Mitchell**
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AGENDA

1 TO APPOINT A CHAIR FOR THE MEETING

WELCOME & INTRODUCTIONS

2 PROCEDURAL BUSINESS

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

(b) **Declarations of Interest:**

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

In each case, you need to declare

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

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

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

NOTE: Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

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

3 WHITECLIFFS CAFE LICENSING PANEL (LICENSING ACT 2003 FUNCTIONS)

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Contact Officer: Charles Boufrahi
Ward Affected: Rottingdean & West Saltdean

Date of Publication - Thursday, 28 November 2024

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Licensing Panel (Licensing Act 2003 Functions)

Agenda Item
Brighton & Hove City Council

Subject:	Review of a Premises Licence under the Licensing Act 2003		
Premises:	Whitecliffs Café, Marine Drive, Saltdean, Brighton, BN2 8SQ		
Premises Licence Holder:	Julieanne Honeysett		
Date of Meeting:	06 December 2024		
Report of:	Executive Director for Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	Emily Fountain	Tel: (01273) 292143
	Email:	emily.fountain@brighton-hove.gov.uk	
Ward(s) affected:	Rottingdean and West Saltdean		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To review a Premises Licence for **Whitecliffs Café** under the Licensing Act 2003.

2. RECOMMENDATIONS:

- 2.1 That the Panel review the licence granted to the premises known as **Whitecliffs Café** under the Licensing Act 2003.

3. CONTEXT/ BACKGROUND INFORMATION & CONSULTATION

- 3.1 Existing licence attached at Appendix A.
- 3.2 Brighton & Hove City Council is both the relevant licensing authority and a responsible authority in respect of any premises and may in its capacity apply under Section 51 of the Licensing Act 2003 for a review of any premises licence in respect of the premises.
- 3.3 An application was received by the Licensing Authority on 16 October 2024 from Councillor Bridgett Fishleigh, to review the licence granted to the premises known as **Whitecliffs Café, Marine Drive, Saltdean, Brighton, BN2 8SQ**.
- 3.4 The grounds for the review relates to the following Licensing objectives :
- The Prevention of Public Nuisance
 - The Protection of Children from Harm

Full details of the grounds for the review are in Appendix B, supporting evidence containing photos and videos have not been included in the public report, but have been circulated to all parties

3.5 At this hearing the licensing authority must:

- Consider the application made in accordance with Section 51
- Consider any relevant representations
- Take such steps (if any) as are considered appropriate for the promotion of the Licensing objectives. These steps are
 - to modify the conditions of the licence
 - to exclude a licensable activity
 - to remove the designated premises supervisor from the licence
 - to suspend the licence for a period not exceeding 3 months, or
 - to revoke the licence.

And for this purpose, the conditions of a premises licence are modified if any of them are altered, omitted or any new condition is added. It may provide that the modification or exclusion have effect for a specified period not exceeding 3 months. The determination, if not completed at the hearing, shall be within 5 working days of the hearing. Such determinations do not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

Representations received

3.6 Details of the representations made are notified to applicants on receipt by the Licensing Authority using a pro-forma. A summary appears below:

Two representations were received from the Licensing Authority & Environmental Protection Team outlining their history with the premises. Two representations were received from local residents and one from a local councillor supporting the review. Representations had regard to the Prevention of Public Nuisance Licensing objective.

3.7 Full details of the representations from the responsible authorities are included in Appendix C, representation from local residents and a local councillor are provided in Appendix C1. The representation from the Premises is in Appendix D. A map detailing the location of the premises is attached at Appendix E.

4. COMMENTARY ON THE LICENSING POLICY

4.1 The following extracts from Brighton & Hove City Council Statement of Licensing Policy are considered relevant to this application and **are numbered as they appear in the policy**:

1. Introduction

1.1

This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act 2003 (the Act) and having regard to Guidance issued by the Home Office under Section 182 of the act. This policy takes effect from 4 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) Prevention of crime and disorder;
- (b) Public safety;
- (c) Prevention of public nuisance;
- (d) 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.

3.3 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)

Matrix approach for licensing decisions in a Statement of Licensing Policy

	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.

& Hove.

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 (e.g. 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 their 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 it may be necessary to request a variation of your licence.
- Licence tables and chairs on the Public Highway under the provisions of the Highways Act 1980. These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to

prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.

- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters will also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Employ staff and/or SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. BCRP supports the use of Night Safe. Radio net and other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.
- Use CCTV to manage outside areas.

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

7 Protection of Children from Harm

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

7.1.1 Licensees should note the concern of the authority that drink related disorder frequently involves under 18's. To prevent illegal purchases of alcohol by such persons, all licensees should work with a suitable 'proof of age' scheme and ensure that appropriate identification is requested prior to entry and when requesting alcohol, where appropriate. Appropriate forms of identification are currently considered to be those recommended by police, trading standards officers and their partners in the Licensing Strategy Group (eg passport, photo driving licence or pass card).

7.1.2 It is the licensing authority's expectation that all staff responsible for the sale of intoxicating liquor receive information and advice on the licensing laws relating to children and young persons in licensed premises. Licensed premises staff are required to take reasonable steps to prevent under age sales. The licensing authority will not seek to limit the access of children to any premises unless it is necessary for the

prevention of emotional or psychological harm to them. Each application will be considered on its own merit but particular areas that will give rise to concern in respect of children are to be found in section 7.1.4 below.

7.1.3 To reduce alcohol-induced problematic behaviour by under 18 year olds, to enforce underage purchase and drinking laws and to assist in the protection of children from harm, the licensing authority supports the following measures:-

- a. Police should exercise powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street
- b. Police and trading standards should implement test purchasing to reduce sales to under 18s in on and off sales licensed premises
- c. Further take-up of proof of age schemes will be promoted
- d. In-house, mystery shopper type schemes operated by local businesses will be supported
- e. Providers of events specifically catering for unaccompanied children should consider whether all staff at such events need to be DBS checked

7.1.4 The licensing authority will not seek to require that access to any premises is given to children at all times – under normal circumstances this will be left to the discretion of the licensee. The following areas give rise to concern in respect of children, who will normally be excluded from premises:

- where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is commonly provided;
- where premises are used primarily or exclusively for the sale and consumption of alcohol and there is little or no seating for patrons.

Options may include:

- limitations on the hours when children may be present;
- age limitations (below 18);
- limitations or exclusions when certain activities are taking place;
- requirements for an accompanying adult;
- full exclusion of people under 18.

7.1.5 Licensees of premises giving film exhibitions will be expected to include in their operating schedules arrangements for restricting children from viewing age restricted films. Such premises will be subject to a mandatory condition requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases where such certificates have not been granted, the licensing authority. The licensing authority does not intend to adopt its own system of film classification. The licensing authority's procedures for dealing with unclassified films are appended at Appendix C.

7.1.6 Where children are expected to attend a public entertainment, appropriate adult supervision will be required to control the access and egress of children and to protect them from harm. This will normally be an adult member of staff for every 100 children. Where the entertainment is music and dancing, 2 persons, licensed by the Security

Industry Authority (door supervisors) should be employed for every 100 children but will be subject to advice within the Event Safety Guide. Nothing in this policy shall seek to override child supervision requirements contained in other legislation or regulations. For exclusively under 18 events reference should be made to police guidelines (available from the Police Licensing Unit, Brighton tel. 101). The licensing authority recognises the Director of Children's Services as being competent to advise on matters relating to the protection of children from harm. Applicants shall copy their applications to the Director of Children's Services in its capacity as the responsible authority. Copies should be sent care of the Police.

The ["What to do" booklet](#) is a national one and can be accessed online. If you are concerned about a child locally to contact the Multi-Agency Safeguarding Hub (MASH) on 01273 290400, or you can contact Sussex Police on 101. If they think a child is in immediate danger, dial 999.

7.1.7 Trading standards and the police undertake ongoing enforcement operations around under-age sales and test purchasing. Sussex Police and BCRP undertake work concerning proxy purchases and counterfeit ID as part of the partnership support work with Community Safety and Trading Standards.

7.1.8 Trading standards have a programme of business support including training for local businesses to avoid under-age sales.

8 Integration of Strategies

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

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

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

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

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

8.1.5 Specific conditions may be attached to premises licences to reflect local crime prevention strategies. Such conditions may include the use of closed circuit television cameras, use of the NightSafe radio system or accredited scheme, the provision and use of shatterproof drinking receptacles, drugs and weapons search policy, the use of registered door supervisors, specialised lighting requirements, hours of opening. Certificates issued to club premises shall reflect local crime prevention strategies and may include any or all of the requirements listed above.

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

8.2 Other regulatory regimes

8.2.1 This policy avoids duplication with other regulatory regimes wherever possible. The following notes are made with regard to specific regimes:

Health and Safety

Certain premises will be the subject of health and safety enforcement by the local authority or the Health and Safety Executive (HSE). If other existing law already places certain statutory responsibilities on an employer or operator of premises, for example the Management of Health and Safety at Work Regulations 1999, it will not be necessary to impose the same or similar duties on the premises licence holder or club. However, existing duties will not always adequately cover specific issues that arise on the premises in connection with, for example, certain types of entertainment, and where additional and supplementary measures are necessary to promote the licensing objectives, necessary, proportionate conditions will need to be attached to a licence.

Fire Safety

Premises and their operators will be regulated by general duties under current fire safety regimes and the Regulatory Reform (Fire Safety) Order 2005 rather than licensing provisions.

Noise

Statutory and public nuisances are dealt with by the local authority's Environmental Health department under the Environmental Protection Act 1990, Noise Act 1996 and associated legislation. Noise from commercial premises may often fall under review powers set out in licensing provisions and closure powers in anti-social behaviour provisions.

Equality Act 2010

The Public Sector Equality Duty obliges public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between persons who share protected characteristics and persons who do not share it. The local authority's equality and inclusion policy produced under these obligations shall include reference to this statement of licensing policy.

Community relations

Integration of corporate strategies with licensing policy will include the Inclusive Council Policy which recognises the council's role, as a community leader, to promote community cohesion and good relations between diverse communities. Measures to address prevention of crime and disorder recognise the need to improve wellbeing and safety of all the communities in the city. Licensing policy supports the Crime and Disorder Reduction Partnership's crime reduction strategy. In particular it seeks to confront and reduce racist, homophobic, transphobic and religiously motivated crimes, incidents and anti-social behaviour.

Anti-Social Behaviour, Crime and Policing Act 2014

Contains powers to close premises that are causing nuisance or disorder. These powers can be exercised by the council or Police and they replace the closure powers in the Licensing Act 2003. The Act also contains powers to issue Community Protection Notices in respect of persons or businesses committing anti-social behaviour which is spoiling a community's quality of life.

Litter and Smoking

CityClean contractors have Clean Neighbourhoods powers to enforce premises operators' responsibilities to keep frontages clear of litter.

Gambling Act 2005

In relation to casinos and bingo clubs, the principal purpose is gaming. The sale of alcohol and the provision of entertainment in such premises is incidental to gaming and in determining whether to permit entertainment that constitutes regulated entertainment under the act, gaming license committees and / or the Gambling Commission will have taken into account relevant government guidance. Accordingly, it is felt that the licensing objectives will have been, or will be in the main, adequately considered by such committees and duplication of conditions should be avoided when considering applications under the 2003 Act where relevant representations have been made.

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

9 Reviews

9.1.1 Reviews represent a key protection for the community. Where the licensing authority considers action necessary under its statutory powers it will take necessary steps to support the licensing objectives. Action following review will be informed by licensing enforcement policy – Appendix B.

9.1.2 Where style of operation of a premises leads to applications concerning likelihood of racist, religiously motivated, homophobic or transphobic crimes or incidents, the review process should also support the community safety policy. Action should be proportionate and licences would normally be suspended or revoked in these circumstances to deter further incidents.

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: 25/11/24

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: 21/11/24

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 A of Premises Licence
2. Appendix B - Review Application
4. Appendix C - Representations from Responsible Authorities
5. 5. Appendix C1 -Representations from Local Residents and a Local Councillor
6. Appendix D- Representation from Premises
7. Appendix E - Map of area

Documents in Members' Rooms

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

Home Office, Revised Guidance issued under section 182 of the Licensing Act 2003, December 2022.

Public Health Framework for Assessing Alcohol Licensing – January 2022.

Background Documents

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



Brighton & Hove City Council

Performance of Recorded Music- Indoors

Monday – Thursday 08:00 – 01.00

Friday – Sunday 08.00 – 03.00

Recorded music is used as background music to accompany eating and also sometimes during private venue hire. These are the maximum hours which we would be open during the summer hours. Hours will be considerably reduced during the winter months.

Performance of Dance - Indoors

Monday – Thursday 12.00 – 01.00

Friday – Sunday 12.00 – 03.00

We hope to be able to arrange salsa nights and other specialist dance lessons. Dance classes will be followed by a session of social dancing. We intend to run these classes and feature nights throughout the year in an effort to boost up the winter trade.

Films - Indoors

Everyday 10.00 – 00.00

Although we would not anticipated this being a regular activity, we would like the facility to be able to show films as part of specific events aimed at children or as part of a celebrity even i.e. to celebrate VE day we might show old films.

Sale by Retail of Alcohol

Monday – Thursday 12.00 – 01.00

Friday – Sunday 12.00 – 03.00

The hours shown in this application are the absolutely maximum opening hours for the venue and we would usually only anticipate the premises being open this late when it is hired out for specialist or private functions. The 3am close is to accommodate those wishing to hold wedding receptions, birthday parties or other celebratory events and private functions for which they require the bar facilities to be available. The café's own opening hours will be much shorter.

The opening hours of the premises

Monday – Thursday 08.00 – 01.30

Friday – Sunday 08.00 – 03.30

The times shown are the absolute maximum hours which the venue will be available to the public, either for venue hire or as a restaurant and eating place. In general we would not anticipate the venue

Being open to the public after 12pm other than during private venue hire and functions, however we do require the license to cover us for these occasions, hence the extended license times. The 3am finish on Fridays-Sundays is to accommodate private functions, parties, wedding receptions etc. We would not anticipate the venue being open to the general public until this time, unless a specific event has been organised.



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**Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption on the Premises.**

Part 2

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

Julie - Anne Honeysett

REDACTED

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

Registered Business Number N/A

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

Julie- Anne Honeysett

REDACTED

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

Party Reference: 2024/04175/LAPRET Licensing Authority: Brighton and Hove City Council



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Annex 1 - Mandatory conditions

S 19; mandatory conditions where licence authorises supply of alcohol

1. No supply of alcohol may be made under the premises licence
 - a) at a time when there is no designated premises supervisor in respect of the premises, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;



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(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

(e) dispensing directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
6. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;



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(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 —

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979:

(b) “permitted price” is the price found by applying the formula—

$$P=D+(D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence,
or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;



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(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

S 20; mandatory condition: exhibition of films

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



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

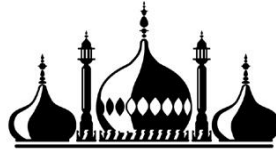
4. In this section –

“children” means any person aged under 18; and

“film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

S 21; mandatory condition: door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
 - a) Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001: or
 - b) Be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
 - a) In respect of premises within paragraph 8 (3)(a) of Schedule 2 to the Private Security Industry act 2001 (c12) (premises with premises licences authorising plays or films): or
 - b) In respect of premises in relation to:
 - I. Any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence) or
 - II. any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:



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- a) "Security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for purposes of that Act, (see Section 3(2) of that Act) and
- b) Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the Operating Schedule:

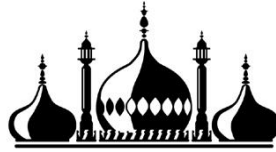
For the prevention of crime and disorder:

1. SIA registered door supervisors will be employed from midnight onwards at times when the venue is booked for private parties and celebratory events.
2. At any time when alcohol is being served at least 2 of the staff will hold a personal licence.
3. Alcohol will be served to designated tables
4. CCTV is installed inside and outside of the premises and will be maintained in good working order.
5. Staff will be conscientious in monitoring the amount customers are drinking.
6. Management will work within the Government's Alcohol Harm Reduction Strategy and will work with local groups to promote sensible drinking. Management will work to identify local PubWatch schemes.
7. Staff will receive training in recognising when someone is drunk and in the law relating to alcohol sales and the licensing objectives.

For public safety:

- 1 All alcoholic drinks will be served for consumption on the premises including during venue hire such as wedding receptions and private parties.
2. No sales of alcohol will take place with take away food.
3. External lighting and sensors are installed and will be maintained in good working order

For the prevention of public nuisance:



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1. Music will be played at a reasonable level as an accompaniment to the main business of provision of food.
2. Outside speakers when in use will be operated at a level so that they are only heard by customers at the outside tables and not the general public using the beach.
3. Access to the balcony area outside of opening hours will be restricted to discourage groups assembling there during the evenings.
4. Signs to be displayed during late night hire requesting that customers leave quietly.

For the protection of children from harm:

1. The premises will adopt a policy whereby any person attempting to buy alcohol, or any person attempting to gain entry to the premises, who appears to be under 21 will be asked for photographic ID to prove their age. The only ID that will be accepted is a passport, driving licence with a photograph, or a Portman Group proof of age card bearing the "PASS" mark hologram. The list of approved forms of ID may be amended from time to time with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the actual premises licence.

There will be signs to this effect and staff will wear the challenge 21 badge.

2. There will always be senior and experienced members of staff present during opening hours.
3. No alcohol will be served when the premises is being used as a venue for children's parties.
4. Management will comply with the Portman Group Code of Practice regarding naming packaging and promotion of drinks.
5. Parents will be reminded of their responsibilities while their children remain on the premises and signs will be in place to this effect.
6. Entertainment allowed on the premises will be appropriate to the age of children on the premises

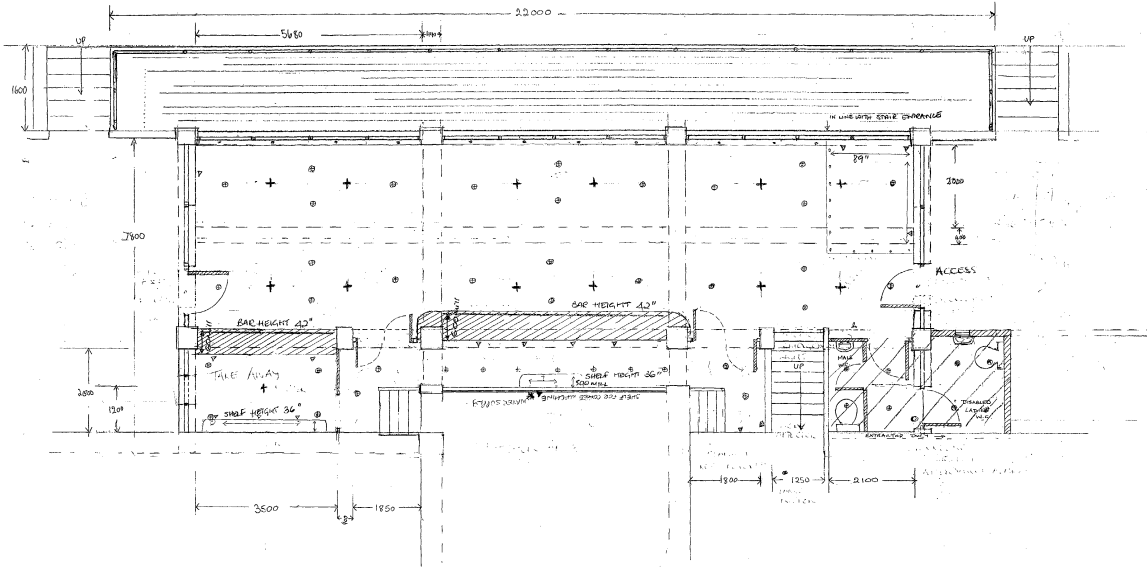
Annex 3 - Conditions Attached after a hearing of a Licensing Panel-

None

Annex 4 - Plans



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NOTES
DECK AREA = 26.4m ²
AREA OF LOWER LEVEL (UNDER WINDOUL) = 28.4m ²
LENGTH OF LOWER WALL = 24.1m @ 0.92m WALL HEIGHT TO BEAMS @ 3.32m

- Electrical
- under counter forecast strip
 - ⊙ recessed spots behind bar
 - + behind existing ceiling points
 - + New ceiling points
 - recessed or other lighting needed
 - # WATER SUPPLY
 - △ ELECTRICAL POINTS

2006/01652/LA/RN
 SALTDEAN LIDO ~ WHITECLIFFS CAFE
 SCALE 1:50 DRAWN BY MARTIN HALL
 (ALL MEASUREMENTS TO BE CHECKED ~ CLIENT ONLY)

Appendix B – Review Application

Brighton & Hove City Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Bridget Fishleigh
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The Whitecliffs, Marine Drive, Saltdean

Post town Brighton

Post code (if known)
BN2 8SQ

Name of premises licence holder or club holding club premises certificate (if known)

Julie-Anne Honeysett

Number of premises licence or club premises certificate (if known)

Licence - 1445/3/2007/01355/LAPREV

<https://licensingregister.brighton-hove.gov.uk/licence/14453200701355laprev>

Part 2 - Applicant details

I am

Please tick yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below). ✓

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick yes

Mr

Mrs

Miss

Ms
✓

Other title
(for example, Rev)

Surname

Fishleigh

First names

Bridget

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

REDACTED

Post town

REDACTED

Post Code

REDACTED

Daytime contact telephone number

REDACTED

E-mail address (optional)

REDACTED

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance ✓**
- 4) the protection of children from harm ✓**

Please state the ground(s) for review (please read guidance note 2)

The Whitecliffs café and bistro originally had a license until 2200 hours allowing the establishment to serve drinks with meals.

In 2018 this was amended to

- 12:00:00 - 03:00:00 Friday-Saturday
- 12:00:00 - 01:00:00 Monday
- 12:00:00 - 03:00:00 Sunday
- 12:00:00 - 01:00:00 Thursday
- 12:00:00 - 01:00:00 Tuesday
- 12:00:00 - 01:00:00 Wednesday

In the amendment application the owners wrote:

“With venue hire becoming more popular than previously anticipated, requiring that we apply for Temporary Event Notices to extend our licence hour up to either 00.00 or 03.00, we have therefore made the decision to apply for a variation to the existing licence.

We will continue with the business as anticipated and the supply of alcohol will be secondary to our service as a cafeteria and eating place. However, with the number of customers asking us to host wedding receptions, 30th/40th and 50th birthday parties and other celebratory events, on the increase and with bearing in mind the seasonal nature of the passing trade, we feel that it would be advantageous to have these extended hours available without having to apply for TENs applications for each venue hire”.

However, The Whitecliffs has now morphed into a venue which hosts music nights arranged internally by an events manager - and by outside organisations.

For these events, music is not secondary to food and are resulting in public nuisance on a regular basis; loud music and noise made by people when they leave The Whitecliffs.

Furthermore, the current license has a number of conditions attached to it which are regularly breached. These conditions are:

1. Outside speakers when in use will be operated at a level so that they are only heard by customers at the outside tables and not the general public using the beach.
2. Music will be played at a reasonable level as an accompaniment to the main business of provision of food.
3. No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises
4. SIA registered door supervisors will be employed from midnight onwards at times when the venue is booked for private parties and

celebratory events.

5. At any time when alcohol is being served at least 2 of the staff will hold a personal licence.
6. Alcohol will be served to designated tables
7. No alcohol will be served when the premises is being used as a venue for children's parties.
8. Staff will wear the challenge 21 badge.
9. Access to the balcony area outside of opening hours will be restricted to discourage groups assembling there during the evenings.
10. Signs to be displayed during late night hire requesting that customers leave quietly.
11. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Please provide as much information as possible to support the application (please read guidance note 3)

- 1. Outside speakers when in use will be operated at a level so that they are only heard by customers at the outside tables and not the general public using the beach.**

See videos submitted separately. The proprietors say that they walk the area with a decibel reader but music can frequently be heard from speakers both inside and outside. Nearby residents have repeated complained to BHCC and one of the owners of The Whitecliffs has visited them at home and heard the noise but there has been no improvement since that visit.

- 2. Music will be played at a reasonable level as an accompaniment to the main business of provision of food.**

See photos 1, 2, 3, 4, 5, 6 and 7 advertising music events which are not secondary to food.

- 3. No supply of alcohol may be made under the premises licence at a time when there is no designated premises supervisor in respect of the premises.**

There is only one DPS – previously Steve Honeysett – who is not on-site all the time.

- 4. SIA registered door supervisors will be employed from midnight onwards at times when the venue is booked for private parties and celebratory events.**

This does not happen for every late-night event. Door supervisors do not monitor activities of visitors once they leave the premises ie late night noise on the A259 as people wait for taxis/walk to their cars.

- 5. At any time when alcohol is being served at least 2 of the staff will hold a personal licence.**

Unlikely but no evidence other than anecdotal ie temporary staff operating the bar solo. Please would BHCC ask The Whitecliffs for timesheets accompanied by wage and NI slips as evidence.

- 6. Alcohol will be served to designated tables.**

Alcohol is regularly served at the bar and to people standing.

- 7. No alcohol will be served when the premises is being used as a venue for children's parties.** Please see photos 8 and 9.

- 8. Staff will wear the challenge 21 badge.**

Does not happen. See photos 10 and 11.

9. Access to the balcony area outside of opening hours will be restricted to discourage groups assembling there during the evenings.

The balcony area is not secure.

10. Signs to be displayed during late night hire requesting that customers leave quietly.

Does not occur.

11. Re: condition prohibiting promotion of alcohol through discounts over limited period.

See photos 12, 13 and 14.

In addition, alcohol from The Whitecliffs can be bought and taken off-site. ASB by drunk teenagers on the beach and nearby park is an ongoing problem and older teenagers have been seen passing plastic glasses of drink purchased at The Whitecliffs to younger people.

Please note the nearby Saltdean Lido also operates as a venue and its licensing end time is midnight.

As well as myself, local residents are more than willing to come to the licensing hearing to talk about their experiences. Please see written statements below.

If you have made representations before relating to the premises please state what they were and when you made them

During the past few years, myself and other residents have written to BHCC many times to report breaches of the license particularly late night noise.

We understand that the owners have received warnings from BHCC.

However, the situation hasn't improved. Given that the current license expires in December 2024 we would like it to be reviewed and licensing hours reduced to midnight as per the nearby Saltdean Lido.

Below is supporting evidence from nearby neighbours who are more than happy to attend the licensing meeting to share their experiences. I haven't included their names and addresses on this document but they are all known to me.

["We recently had to lodge another formal complaint against the Whitecliffs because of the noise. Although we live the other side of the A259, we are only REDACTED from the "cafe".](#)

They often have events where the bass is so loud it is a constant “thump thump” noise in our bedroom which is obviously louder than the passing traffic. We have no problem sleeping with the traffic noise but the bass is extremely irritating.

We have rung to complain many times. On one instance just after midnight when they were obviously playing music on the terrace we were told it was about to end. We were told the same thing at 1am when I rang again & after that the calls went to voicemail.

In the last few months any calls after midnight are not answered. After the event a couple of weeks back there was a group of people singing loudly in the road until 02:15 when a taxi picked them up.

I have also seen loud groups of drunk people come through the tunnel & get into cars parked in Arundel Drive or the lido car park & drive off after events.

I work on a Saturday & occasionally on a Sunday therefore my alarm goes off at 06:30 so being kept awake past 2am is not good. We are closer to the REDACTED than the Whitecliffs but their events do not cause us any issues, as they seem to be much more aware (and frankly bothered) about their neighbours than the Whitecliffs.

The Whitecliffs operated as a “cafe” when we first moved here & was an asset, these days it seems to operate as a nightclub & I have been there during the day when they were unable to serve breakfast or lunch due to “stock or staff issues” so a change of license more in keeping with a cafe than a nightclub would be appreciated”

“As direct neighbours of Whitecliffs Café, we do experience (a great deal in the warmer months) excessively loud music going on well into the morning and sometimes fireworks going off really late which is very disturbing

Our property is REDACTED. When customers are leaving they use the steps by the toilets and that causes very loud noise and taxis and cars pulling up car doors banging.

We sleep in the front of the house - my husband is 91 so not ideal to have the music noise then the after noise as well. Not wishing to put too much of a dampener on people having a good time a 3am license seems very, very late going into Sunday if the event is Saturday which seems to be the pattern”.

“I estimate that our house is situated approximately REDACTED of the Whitecliffs Cafe.

We have been disturbed by noise emanating from the cafe during Friday and Saturday nights for some years. The incidents peaked in 2015 but then lessened somewhat after July 2016. During 2023-4 the disturbances have become more regular again. So far in 2024, I have made 9 dairy entries recording the fact that I have not been able to get to sleep until long after 2am. It is likely that other people have been affected more often but I

was on holiday for three weeks in April and in hospital for most of June.

I have, in the recent past, tried meeting with the current operator of the premises. On Tuesday 18th July 2023 at 10.30am. I had an arranged meeting with a man who identified himself as the owner of the cafe and stated that his name was REDACTED. I hoped that by meeting with him and explaining my position and how my wife and I and our neighbours are affected by the noise, we might appeal to his better nature.

REDACTED tried to claim that the noise should not be a problem because whenever he organised an event he had someone regularly measuring the noise at street level. Whether or not this is true I have no idea but I have spent many hours sitting in REDACTED watching the premises when noise is preventing me from sleeping and I have never witnessed such activity. Furthermore, it would be a pointless exercise because noise can either be heard or it can't. A precise measurement in decibels is meaningless.

REDACTED also claimed that he was often unfairly blamed for noise carried by the prevailing south west wind. I am not impressed by this excuse either because the noise must first be generated in order to be carried.

I wholeheartedly support the application to vary the operating hours of the cafe but I note that if the current license conditions had been complied with e.g. that music is played at a reasonable level as an accompaniment to the main business of provision of food and that the sound of music should not reach people using the beach, my neighbours and I would have been completely unaware of their activities.

The licence was clearly issued for the business to operate as a licensed cafe or restaurant. The actions of the current and previous owners makes it apparent that they would prefer to operate the premises as a night club".

Please tick yes ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature REDACTED

Date 16 October 2024

Capacity
Brighton & Hove City Councillor representing, Rottingdean, Ovingdean and West Saltdean

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

As above

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix C – Representation from Responsible Authorities

Environmental Protection

Head Of Licensing
Brighton and Hove City Council
(via email)

Date: 31st October 2024
Our Ref: 2024/02566/EPLIC/EH
Contact:
Phone: **REDACTED**
Fax:
Email: **REDACTED**

EF CON ENDS 13.11.2024 VALID PPN

Dear Sir

Representation for a Licensing Review for Whitecliffs Café, Marine Drive, Saltdean, BN2 8SQ
Licensing Act 2003
Complaint Reference : 2024/02566

I refer to a licensing review hearing that has been called regarding the premises known as Whitecliffs Café, Marine Drive, Saltdean, BN2 8SQ.

This is a representation on behalf of the Environmental Protection team regarding the premises known as Whitecliffs Cafe on the grounds of “**prevention of public nuisance**” one of the 4 licensing objectives within the Licensing Act 2003.

Since October 2023 there have been 3 noise complaints submitted to the Environmental Protection team, most of these via the local ward Councillor. In total there were 4 individual complainants. All of the complainants have advised me that the event's that appear to cause the problems are private events and happen about once a month. All the complaints are about noise from loud/ bass music.

The first complaint was on 9th October 2023, a letter was sent to the designated premises supervisor and a noise diary to the complainant, this was never returned so the case was closed. A colleague from licensing and I did also try to arrange a visit to the café but we were unable to do this.

I also carried out an evening visit on 28th October as I knew an event was taking place but there was no noise audible at the time of the visit.

The 2nd complaint was received on 11th June 2024, there were 2 complainants both were sent a noise diary but neither of these were returned. A letter was also sent to the café, and a response from the DPS stated that they were carrying out regular noise checks.

The 3rd complaint was received on 23rd September 2024, again a letter was sent to the café and a noise diary to the complainant, to date I have not had this back. Arrangements were made to visit the café on 3rd October 2024 and I went along with a colleague from licensing and spoke to the manager and partner of the DPS. They again re-iterated that they carry out regular monitoring around the café and on the main top road.

Should the licence be amended then the Environmental Protection team would like to propose additional conditions to be attached to a licence under "**prevention of public nuisance**" I attach these conditions as an appendix A to this letter.

Please do not hesitate to contact me should you wish to discuss the matter further.

Yours sincerely

M L Hayward
Environmental Protection Officer

Environmental Protection Appendix A – Whitecliffs Café Proposed additional conditions

Prevention of Public Nuisance

1. During Events regular monitoring of noise levels at the nearest noise sensitive locations shall take place and volume/bass reduced so as to avoid public nuisance. A record shall be kept, including date, time, location and action taken. This record shall be made available for inspection by council officers on request.
2. All windows and door shall be kept closed after 23-00hrs.and during entertainment except for access and egress.

I would also like to propose that the existing condition 2 on the current licence which reads,

Outside speakers when in use will be operated at a level so that they are only heard by customers at the outside tables and chairs and not the general public using the beach.

To

Outside speakers when in use will be operated at a background level so that music can only be heard by customers seated on the outside tables and chairs and not the general public using the beach. External speakers should be turned off at 21-00hrs.

To keep the remaining conditions under Prevention of Public Nuisance

Licensing Authority

Emily Fountain
Licensing Team
Brighton & Hove City Council
Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Date: 08 November 2024
Our Ref: 2024/02615/LICREP/EH
Phone: REDACTED
Email: REDACTED

EF CON ENDS 13.11.2024 VALID PPN

Dear Emily Fountain

Licensing Act 2003

Representation to the Review of the Premises Licence

Whitecliffs Café, Marine Drive, Saltdean, Brighton, BN2 8SQ ("the premises")

I am making this representation on behalf of the Licensing Team on the grounds of the Prevention of Public Nuisance under the Licensing Act 2003, to provide a brief statement of the Licensing Team's involvement with the premises and those parties who have submitted the review application.

JULY 2023

Complaint – Councillor ("Cllr") regarding whether the premises licence had expired as they had received several complaints about noise from live music and DJs so if the licence is being renewed, they would like it to be clarified where and when the premises can play music. In particular, what is an acceptable radius for music to be heard as residents have complained about late night music disturbing their sleep and music penetrating out onto the beach.

Response to Cllr from Licensing – Confirmed to the Cllr that the licence for the premises was still in force and was only showing as expired on the public register due to the annual licensing fee being outstanding. Outlined the conditions on the premises licence in relation to the licensing objective of the prevention of public nuisance. Gave details for the Environmental Protection Team to be contacted if issues with noise continued.

Enquiry to Premises from Licensing - E-mailed the Designated Premises Supervisor (“DPS”) at the premises to inform them that a complaint had been received from a Cllr who had received complaints from local residents that they are concerned regarding noise at the premises, reminded them of the conditions that attach to the premises licence in particular but not exclusively under the Licensing objective of the prevention of public nuisance.

SEPTEMBER 2023

Complaint - Cllr complaint received as they had received complaints all summer about loud music at the premises with the past weekend being particularly bad.

Response to Cllr from Licensing - Cllr informed that no direct complaints had been received to colleagues in the Environmental Protection Team and reminded them of the Team’s contact details if residents wished to contact them direct.

Complaint – Cllr reported alleged licensing breaches by the premises on Thursday 14 September. DJ playing on the east terrace from 6pm. Music blaring across the beach. Alleged breach of licence that says music should not be heard on the beach i.e. outside the footprint of the premises. Friday 15 September - Private party. DJ on west terrace. Music could be heard across Saltdean until 1am.

Complaint - Local Resident kept awake at weekends due to music, mainly a drumbeat, emanating from the premises. There have recently been some weekday evenings where they have suffered excessive noise. Noticed that there are now adverts on the internet listing the premises for Club nights.

Enquiry to Premises from Licensing - E-mailed DPS at the premises to inform them that further complaints from a Cllr and local residents had been received regarding noise at the premises, in particular with an event that took place on Friday 15 September.

Asked to confirm the following -

- What arrangements in place to control noise at the premises to ensure compliance with the conditions on the premises licence under the prevention of public nuisance and that you are not causing a statutory nuisance that our Environmental Protection Team would be duty bound under the Environmental Protection Act 1990 to investigate?

Response from Premises to Licensing – The event of the 15th of September was a wedding where they provided their own DJ and equipment. Unfortunately, the DJs concerned became increasingly uncooperative with regards to the management of the sound levels despite being repeatedly requested to lower the levels through the night. In that instance and given the individuals attitude, we made the decision that the safest option was to see the night through rather than risk the implied threats of one or

two of the DJs of disorder. They have subsequently requested the details of the individuals in order that they will not be playing at the premises again.

They have now decided that duty managers carry out a number of sound checks using a dB level APP which is saved on file and marked as to location and time of each reading. This provides a live recording of sound and a detailed breakdown of levels. They intend to use this for all such events to aid compliance.

Substantial food is always available. Including hotpots, toasted ciabattas, chips etc.

OCTOBER 2023

Complaint – Cllr that there is an event being advertised at the premises this Friday where a mandatory condition of the licence will be broken.

Enquiry to Premises from Licensing - Licensing has been contacted this week by a Cllr regarding an event that is due to take place this Friday (6 October) "Scallywag" party which has previously been held at the premises and resulted in noise complaints being made to them by local residents.

Response from Premises to Licensing – That they would be complying with the conditions during the event.

FEBRUARY 2024

Complaint – Cllr “fielded the first complaints of the year about music coming from the premises after midnight. The premises hosted two late night music events - to 2am and 1.30am”

MAY 2024

Enquiry - Cllr forwarded an advert for outdoor DJ nights at the premises. These were the nights that they received most complaints about as music blared across the beaches. Please could Licensing write to the premises and remind them that their licence says music must not be heard outside their terrace area.

Response to Premises from Licensing - Premises/DPS were e-mailed to remind them of their obligations under the conditions of the premises licence and the Licensing objectives under the Licensing Act 2003.

JUNE 2024

Complaint – Cllr that on Sat 8th June the premises had “another 12-hour private party with loud music until 2am”

Response from Premises to Licensing – On the day in question we were operating a private hire event. We did meet with one neighbour on the evening who enquired as to the duration of the event and liaised immediately with the hirers' sound technician who both reduced levels and adjusted equipment to address any further concerns.

Having checked, we are unable to see any record of incoming telephone calls on that night in relation to any complaint.

During this event we monitored levels both inside and outside of the venue including up to the A259 road and we have the readings in both static & with still &/or video form with data overlaid.

AUGUST 2024

Enquiry – Local resident regarding the premises selling pints of beer for takeaway to beach users.

Response from Licensing to Local Resident – Responded that The Business and Planning Act 2020 which was introduced by the government during Covid provides automatic extensions to the terms of on-sales alcohol licences to allow for off-sales (save for certain exceptions). This measure makes it possible for licensed premises that have only an on-sales licence to sell alcohol for consumption 'off' the premises (until 23:00) without making a separate application. The Business and Planning Act has been extended until 31 March 2025.

SEPTEMBER/OCTOBER 2024

Complaint – Received via Cllr on behalf of a local resident and a further local resident on their own behalf who had been subjected to an extremely loud drumming sound emanating from the premises last night (Sat 21st September). This noise continued until around 2am.

Response from Licensing – A visit subsequently took place at the premises on 3rd October 2024 with a colleague from the Environmental Protection Team to run through the conditions on the premises licence with the manager and discuss the complaints that had been raised.

Should the Panel feel it appropriate then the Licensing Team would like to propose additional conditions to be attached to the premises licence. I attach these conditions as an appendix A to this letter.

Please do not hesitate to contact me should you wish to discuss the matter further.

Yours sincerely

Corinne Hardcastle
Licensing Officer
Licensing Team

Licensing Authority APPENDIX A - PROPOSED CONDITIONS

1. Subject to GDPR guidance and legislation:

(a) Digital CCTV and appropriate recording equipment to be installed in accordance with Home Office Guidelines relating to UK Police Requirements for Digital CCTV System (PSDB Publication Number 09/05), operated and maintained throughout the premises internally and externally to cover all public areas, including the 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.

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

(c) CCTV footage will be stored for a minimum of 31 days

(d) The management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is required for the prevention and detection of suspected or alleged crime.

(e) The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy.

(f) 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. This can be via email - brighton.licensing@sussex.police.uk.

(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.

2. SIA licensed door supervisors shall be employed on any other occasions when a requirement is identified by the licence holder's written risk assessment or requested by Sussex Police in writing at least 48 hours in advance. The written risk assessment will be reviewed at least once every calendar year. The written risk assessment will take into account information or guidance offered by the police, and also taking into account busy periods such as Bank Holidays, Season Variations and other City Events e.g. Football, Pride, Music Events. The written risk assessment will be available on the premises for inspection by police and authorised officers of the Licensing Authority.
3. (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 log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves an allegation of a criminal offence.

(c) Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept for a minimum of twenty four (24) months.
4. 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, biometric residence permit cards 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.
5. Signage advertising the "Challenge 25" policy will be displayed in prominent locations in the premises.

6. (a) The Premises Licence Holder / Management shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products and will include:
- The lawful selling of age restricted products:
Including but not limited to, the requirement for the staff member conducting the transaction to ensure they do Challenge 25 checks regardless of any other staff member / door staff checks that may already have taken place.
 - Refusing the sale of alcohol to a person who is drunk
- (b) Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed 8 weeks, with the date and time of the verbal reinforcement/refresher training documented.
- (c) All such training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police, officers of the local authority and officers from the Trading Standards team upon request.

REPA

From: REDACTED

Sent: 08 November 2024 19:47

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

Subject: Whitecliffs Cafe License review

EF CON ENDS 13.11.2024 VALID PPN (A)

STATEMENT OF REDACTED

Age 71 years

Date: 14th October 2024

My REDACTED. I estimate that REDACTED Whitecliffs Cafe.

We have been disturbed by noise emanating from the cafe during Friday and Saturday nights for some years. The incidents peaked in 2015 but then lessened somewhat after July 2016. During 2023-4 the disturbances have become more regular again. So far in 2024, I have made 9 dairy entries recording the fact that I have not been able to get to sleep until long after 2am. It is likely that other people have been affected more often but I was on holiday for three weeks in April and in hospital for most of June.

I have, in the recent past, tried meeting with the current operator of the premises. REDACTED. I had an arranged meeting with a man who identified himself as the owner of the cafe and stated that his name was REDACTED. I hoped that by meeting with him and explaining my position and how my wife and I and our neighbours are affected by the noise, we might appeal to his better nature. REDACTED tried to claim that the noise should not be a problem because whenever he organised an event he had someone regularly measuring the noise at street level. Whether or not this is true I have no idea but I have spent many hours sitting in my front room watching the premises when noise is preventing me from sleeping and I have never witnessed such activity. Furthermore, it would be a pointless exercise because noise can either be heard or it can't. A precise measurement in decibels is meaningless. REDACTED also claimed that he was often unfairly blamed for noise carried by the prevailing south west wind. I am not impressed by this excuse either because the noise must first be generated in order to be carried.

I wholeheartedly support the application to vary the operating hours of the cafe but I note that if the current licence conditions had been complied with e.g. that music is played at a reasonable level as an accompaniment to the main business of provision of food and that the sound of music should not reach people using the beach, my neighbours and I would have been completely unaware of their activities.

The licence was clearly issued for the business to operate as a licensed cafe or restaurant. The actions of the current and previous owners makes it apparent that they would prefer to operate the premises as a night club.

REDACTED

REP B

From: Cllr Mark Earthy <Mark.Earthey@brighton-hove.gov.uk>

Sent: 12 November 2024 12:38

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

Subject: Representation to the Review of the Premises Licence Whitecliffs Café

EF CON ENDS 13.11.2024 VALID PPN (B)

Good afternoon,

Representation to the Review of the Premises Licence Whitecliffs Café, Marine Drive, Saltdean, Brighton, BN2 8SQ ("the premises") on the Grounds of Prevention of Public Nuisance

I am one of the two BHCC ward councillors for Rottingdean and West Saltdean. The Whitecliffs Cafe ("the premises") is located in my ward, as are most of the complainants.

I would like to make a representation to the Panel on the grounds of the Prevention of Public Nuisance under the Licensing Act 2003. I would also like to speak at the hearing if the Panel feels that a verbal rendition of this representation would be relevant to its deliberations.

I have lived in Saltdean for a period of over twenty years. To the best of my memory, the premises has been open throughout that period, operating under a number of different owners. While the business model of each owner may have differed, they were all similar in that the premises was a cafe by day, and had the occasional night-time event, involving normally food and gentle live music. These night-time events were either put on by the premises itself (meaning it provided the food, drink, and music), or it would hire itself out as a venue where it provided the catering and the hirers would provide their own music. As far as I'm aware, there were no public complaints about any aspect of these night-time arrangements, and the premises provided a useful addition to Saltdean's list of evening entertainment venues.

Unfortunately, things changed for the worse shortly after social restrictions imposed by the pandemic were lifted. Night-time events became much more music and alcohol-focused, almost like a night club. The demographic changed, in that guests were much younger. The premises' night-time events calendar was well publicised in Peacehaven, Telscombe Cliffs, and Newhaven, so started to attract younger guests from outside of Saltdean.

Given the premises has a large outside terrace, then as soon as weather permitted,

the doors would open and the guests and music would spill out onto the terrace and beyond. In some cases, the source of the music would be located outside on the terrace. Furthermore, the night-time events would go on well into the early hours of the morning. The area in which the premises is located is not blessed with good transport links nor with other facilities to cope with large numbers of people wanting to go home in the early hours. These guests, to be blunt, were usually in various stages of intoxication, and all that entails in terms of personal hygiene.

Furthermore, the music was so loud that it penetrated a long way away from the premises. It was loud enough to disturb residents around the Saltdean Oval, and as far away as Ashdown Avenue in the west, and Longridge Avenue in the east. Some events like wedding receptions started as early as 1pm, so these events shared their music with beach-goers during the day before disturbing residents at night. That was not at all welcome on the beach, and, I believe, was contrary to the license conditions.

Myself and Councillor Fishleigh have received numerous complaints from residents about the noise levels emanating from the premises at its night-time events. I can confirm that the cases listed in the representation on behalf of the BHCC Licensing Team stated by Corinne Hardcastle in her letter of 8th November 2024 are entirely commensurate with my own experience, and are fully representative of the complaints that Cllr Fishleigh and myself have received.

I do have one issue with the premises' defence against the June 2024 complaint where they state, "Having checked, we are unable to see any record of incoming telephone calls on that night in relation to any complaint". From the complaints I received, one of them was that the premises never answered their telephone during night-time events. I do not know if their telephone system registers incoming calls that are not answered, but when my residents state that they called to complain but were not answered, I believe them.

I believe that over the past two to three years the premises has evolved a business model which is in breach of its license conditions. It is more like an Ibiza-style club than a cafe that hosts a few evening events for local clientele. Enough is enough, and I maintain that the premises' current business model constitutes a Public Nuisance and thus breaches its license conditions.

I ask the Review Panel to note all the complaints it has received, and to draw up and enforce licence conditions more suitable to Saltdean clientele.

That said, and by way of compromise, I'm happy to see license conditions that allow live and DJ music at weekends and public holidays until midnight, and the premises to be empty of guests by 1am in the morning following the evening event. I believe this was the license condition up to the pandemic, and to the best of my knowledge, was adhered to by the premises' previous owners. Nevertheless, I would insist on close monitoring of the premises' sound system, installing one which cannot be heard on the beach and in the surrounding residential area. Perhaps this would involve a degree of soundproofing and insulation, or simply forbidding the source of the music to locate outside on the premises' terrace.

Lastly, I fully agree with the licence conditions proposed by Corinne Hardcastle, Licensing Officer of BHCC's Licensing Team in her letter of 8th November 2024 and referred to as "APPENDIX A - PROPOSED CONDITIONS". I believe that given the recent history of complaints involving excessive noise and about the supply of alcohol contrary to the terms of the premises' license conditions, these additional conditions should be regarded as mandatory.

Thank you.

Dr Mark Earthey
BHCC Ward Councillor (Rottingdean and West Saltdean)

Dr Mark Earthey
One of Three Independent Councillors on Brighton & Hove City Council
Representing people living and working in Ovingdean, Rottingdean and West Saltdean

REP C

From: REDACTED

Sent: 13 November 2024 17:57

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

Subject: Whitecliffs cafe license review

EF CON ENDS 13.11.2024 VALID PPN (C)

Hello EHL Licensing,

I am advised that the license for the Whitecliffs cafe in Saltdean (to be specific the cafe at Marine Dr, Saltdean, Brighton BN2 8SQ) is being reviewed & as a neighbour who has had cause to complain about the noise & revellers on a number of occasions I might wish to comment.

I sent the following to my local councillor recently after I once again had to complain to the council:

Although we live the other side of the REDACTED, we are only about REDACTED "cafe". They often have events where the bass is so loud it is a constant "thump thump" noise in our bedroom which is obviously louder than the passing traffic. We have no problem sleeping with the traffic noise but the bass is extremely irritating. We have rung to complain many times, on one instance just after midnight when they were obviously playing music on the terrace we were told it was about to end. We were told the same thing at 1am when I rang again & after that the calls went to voicemail. In the last few months any calls after midnight are not answered. After the event a couple of weeks back there was a group of people singing loudly in the road until 02:15 when a taxi picked them up. I have also seen loud groups of drunk people come through the tunnel & get into cars parked in Arundel drive or the lido car park & drive off after events. I work on a Saturday & occasionally on a Sunday therefore my alarm goes off at 06:30 so being kept awake past 2am is not good.

We are closer to the REDACTED than the Whitecliffs but their events do not cause us any issues, as they seem to be much more aware (and frankly bothered) about their

neighbours than the Whitecliffs.

Their events also end at a more respectable time, which doesn't seem to impact their bookings.

The Whitecliffs operated as a "cafe" when we first moved here & was an asset, these days it seems to operate as a nightclub with a sound system to match.

This year I have been there several times during the day when they were unable to serve breakfast or lunch due to "stock or staff issues" so a change of license more in keeping with a cafe than a nightclub would be appreciated.

Best regards,

REDACTED

Appendix D - Representation from Premises

Representation In Connection With The Review of: Whitecliffs, Marine Drive, Saltdean, Brighton, BN2 8SQ

Representation made by: Ms Julieanne Gilbert

Of: **REDACTED**
Whitecliffs
Marine Drive
Saltdean
Brighton
BN2 8SQ

Introduction

I took over as proprietor of Whitecliffs on the 3rd October 2024 and this is my representation in connection with the review lodged on the 16th October 2024.

As all the representations relate to allegations about what happened before I had any significant involvement or any control over the business I would like to introduce myself as I feel this is important in understanding that there has been a change in the management. I ask the Licensing Committee to distinguish between myself and **REDACTED**.

I grew up in Rottingdean and have lived and worked in the area for all my life. I have a highly successful career as an artist and run my own gallery, the JAG gallery, in Brighton as well as having provided artwork for commercial album covers and celebrities. I was nominated for "best Brightonian" for raising £350,000 for charity with my "Stars on Canvas" initiative.

Having lived at different locations in Saltdean I purchased the lease to Whitecliffs in 2018 **REDACTED** The building, in art deco style, is set on two levels with residential above a commercial use. The upper storey is set at road level while the lower level is built into the cliff face and is set below the road.

REDACTED had managed a nightclub in the centre of Brighton and was familiar with managing premises associated with entertainment and events. **REDACTED**. He would run a business in the ground floor space and I would continue with my own business.

REDACTED was the Designated Premises Supervisor and was in charge of all aspects of running the business and had the first and final decision on any matter relating to it. For my part, I occasionally attended events and, **REDACTED** dressed the establishment.

REDACTED

I became the person in control of the commercial aspects of the property **REDACTED**. It is not a business with which I am overly familiar but my business skills from the art world and art gallery are transferable.

My Business Model and Actions

I haven't had a great deal of time to develop a business model and to refine every detail but it is my intention that the business focuses on the daytime and evening trade and to make it one of the best destination food establishments on the South Coast. I am committed to ensure that the business is conducted in a responsible fashion and in compliance with all legal requirements.

To demonstrate to the Committee my commitment and approach, in the short time since taking control I have, amongst other things:

- Reviewed the business against the requirements of the licence to ensure that there is full compliance.
- Commenced a review of the licence with a view to updating it.
- Appointed a new Designated Premises Supervisor.
- Completed personal licence holder training myself and now seeking approval to become the DPS.
- Trained staff to increase the number of employees who hold the award for personal licence holders in relation to alcohol.
- Removed the nightclub style sound and lighting system.
- Updated the sound system with a controllable background zonal sound system.
- Cancelled events that **REDACTED** had booked as I was concerned about the effect on the local community.
- **REDACTED**
- Organised the clearance of waste **REDACTED**
- Appointed an Independent Environmental Health Officer to advise on noise
- Focussed on rebalancing the establishment toward food by designing a new menu
- Appointed a new Chef who has attained Michelin stars to lead the food offering
- Commenced staff training on customer service and skills such as coffee barista to improve the quality of our service and foods.
- Appointed business support services including accountants to assist me turn the business around.
- Arranged external redecoration and replaced scruffy A board signage with professionally printed signage to smarten up the building exterior.

This list is not exhaustive but it can be seen that am I tackling longstanding issues, changing the nature of the business and seeking to ensure we comply with all legal requirements.

I have also invited feedback on social media as to how we could improve what we do and what sort of offering people would like to see. We received over 140 comments, the vast majority of which were supportive, positive and constructive.

For the avoidance of doubt, the majority of these actions were instigated prior to the review being lodged. The lodging of the review has not influenced any of these decisions irrespective of when they were made.

REDACTED

I am pleased to say that even in this short time we have become much busier during the day and evening period and we hope to build on this. We are receiving great feedback from

customers. We believe that we are seeing people who stopped visiting Whitecliffs return and we know that people are trying us for the first time because of the positive comments they have seen on social media.

In addition to providing a valuable facility to the local community the business at Whitecliffs offers several benefits. It is important for the local economy and we employ 20 local people on a full time and part time basis. As we are becoming busier we are planning to recruit a sous Chef to assist in the kitchen and additional serving staff. The building is owned by the Brighton and Hove City Council and the rent provides valuable income to it. Money from the business also serves to ensure that it is kept in good condition despite the harsh environment.

Response to the review

David Monk of DM Environmental is assisting us to respond to the review. He has over 35 years experience in Environmental Health. Amongst other things he has acted on behalf of the responsible authority for Environmental Health making recommendations in relation to the prevention of public nuisance to the Licensing Authority. He has also conducted investigations into noise nuisance and we consider is well placed to advise us.

Although the review application covers a range of matters (and we will respond to all of those), the only consistent theme was noise and the effect of it on the community.

In response to this I have asked Mr Monk to:

- Engage with the relevant authorities to and councillors to understand the issues and identify solutions (this work is in progress)
- Undertake a noise assessment (which is in the process of being arranged) to understand the performance of the building so that I can be assured of compliance with the licensing objectives.
- Produce a noise management plan based on the outcome of the above.

I have direct oversight of this.

Mr Monk has met, and been liaising with, the Environmental Health Authority and the Licensing Authority throughout this. We note the representations that have been made by both those parties and we comment on those separately below.

We have also met with the Councillors with a view to seek agreement on matters so far as is possible to assist the Licensing Committee. The only item that they wished to discuss was that of noise with a focus on hours of operation.

I have proposed to significantly reduce the hours of opening and licensable activities whilst still allowing some flexibility for the business going forward. We have discussed this with the councillors and for the most part we are edging to an agreement but agreement has not yet been reached.

As part of Mr Monk's ongoing work we are also considering what additional controls may be necessary to provide assurance that we achieve the licensing objective of prevention of public nuisance.

Representations from Licensing and Responsible Authorities

Licensing Authority

The representation by the Licensing Authority includes Appendix A that contains proposed conditions. We have no objection to the proposed conditions. However, we ask that should the Committee place those conditions on the Licence it ensures that the licence is updated so that the application of those conditions does not cause duplication or inconsistency.

For example it appears that

Proposed item 1. replaces the Annex 2, Prevention of Crime and Disorder item 4.

Proposed item 2 replaces the Annex 2, Prevention of Crime and Disorder item 1 (noting that the premises will need an opportunity to produce a risk assessment).

(Proposed item 3. appears to be a new inclusion.)

Proposed items 4-6 replace a number of Annex 2 conditions which we think includes Prevention of Crime and Disorder, items 2, 5, 6, and 7; and under the heading Protection of Children from Harm, items 1,2,4.

Environmental Health Authority

The Environmental Health Authority has offered additional conditions for the control of noise and we welcome their suggestions. However, with the ongoing work we would like to determine if they are necessary or if different forms of control are more appropriate. We would envisage such controls forming part of a wider noise management plan.

My Proposals

As other parties have made comment on the controls in their representations we would ask that the Licensing Committee take into consideration our proposals for updating the licence.

The first control is that of timing of the hours of opening and licensable activities. A full analysis of the change and details of times are shown in Appendix 1 but the following broadly summarises what we are seeking:

Standard timings as follows:

Sunday to Thursday: Opening times: 08:00 to 23:30
Licensable activities terminate at 23:00

Friday to Saturday: Opening times: 08:00 to 01:00
Licensable activities to terminate at 00:30

Non standard timings are sought for:

New Years Eve only: Opening hours for New Years Eve to terminate at 02:00
Licensable activities to terminate at 01:30

This is a significant reduction in hours and in some cases is more stringent than that of other local establishments. We consider that this will reduce the inherent risk from the business.

We would also ask the Licensing Committee, should it be so minded, to remove Item 3. Under Prevention of Crime and Disorder. It is ambiguous and potentially unenforceable and we query whether it is necessary.

Given the changes under the Business and Planning Act 2020 in relation to the sale of alcohol we also ask that the Committee remove the three conditions under Annex 2 Public Safety as these are no longer relevant and their presence is misleading.

Summary

REDACTED It is understood that one of the options for a review panel is to consider removing the DPS. As events have unfolded this occurred prior to the lodging of the review.

I am taking the business in a different direction and I am doing so by taking appropriate advice. I am seeking to update and demonstrate compliance with the licence. This does not mean to say that we will not hold private events, including weddings and other family occasions but that those will be of a different nature and in accordance with controls that we are in the process of formulating by reference to good practice, an updated licence and the licensing objectives.

Julieanne Gilbert

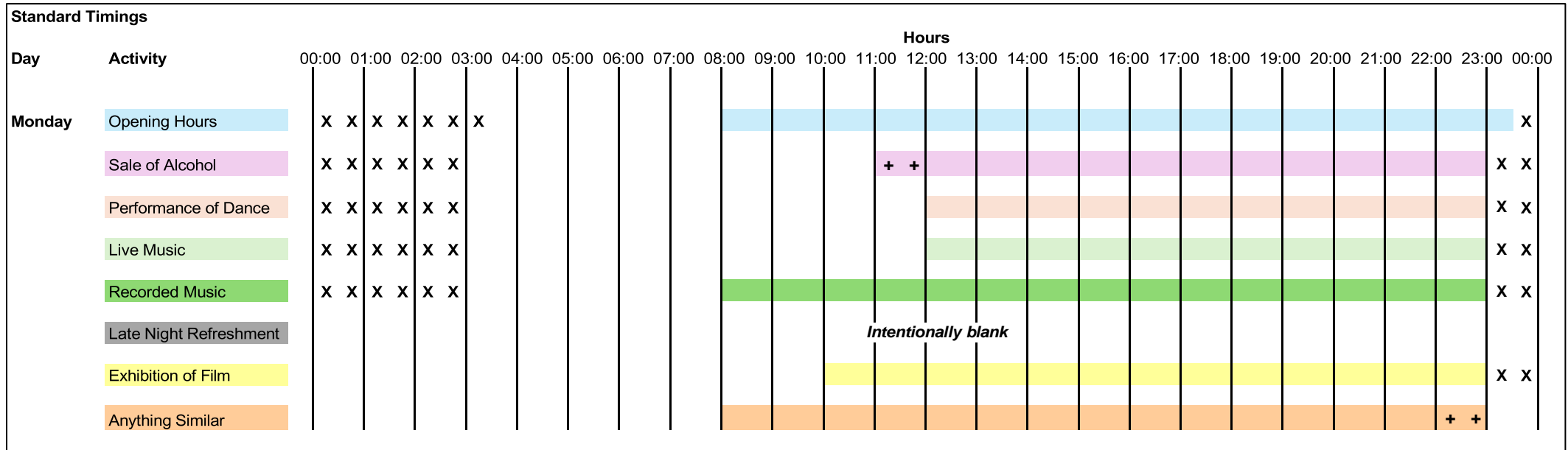
Dated: 13 November 2024

Appendix 1 – Timings Proposed By Julieanne Gilbert

1.1: A tabular comparison of existing vs proposed hours of operation and licensable activities

A Graphical Comparison of Whitecliffs Proposal vs Existing Licence Times showing changes By Days or Groups of Similar Days

Diagram 1 – Standard Timings: MONDAY



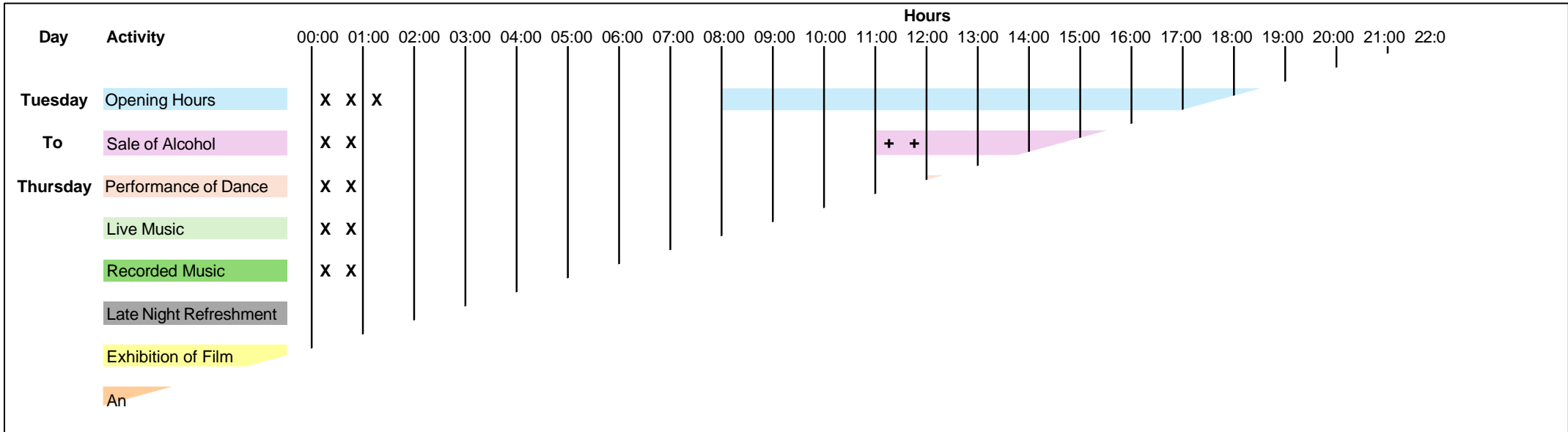
Notes

All units of time are 30 minutes

+ is additional time sought for an activity compared to previous licence

X is time removed from activity compared to previous licence.

Diagram 2 – Standard Timings: TUESDAY TO THURSDAY



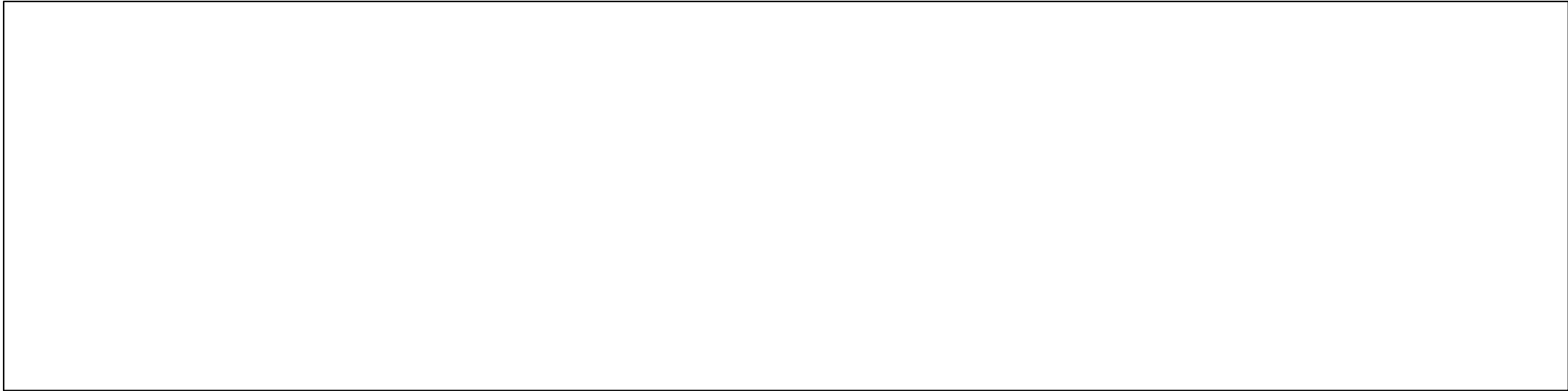
Notes

All units of time are 30 minutes

+ is additional time sought for an activity compared to previous licence

X is time removed from activity compared to previous licence.

Diagram 3 – Standard Timings: FRIDAY



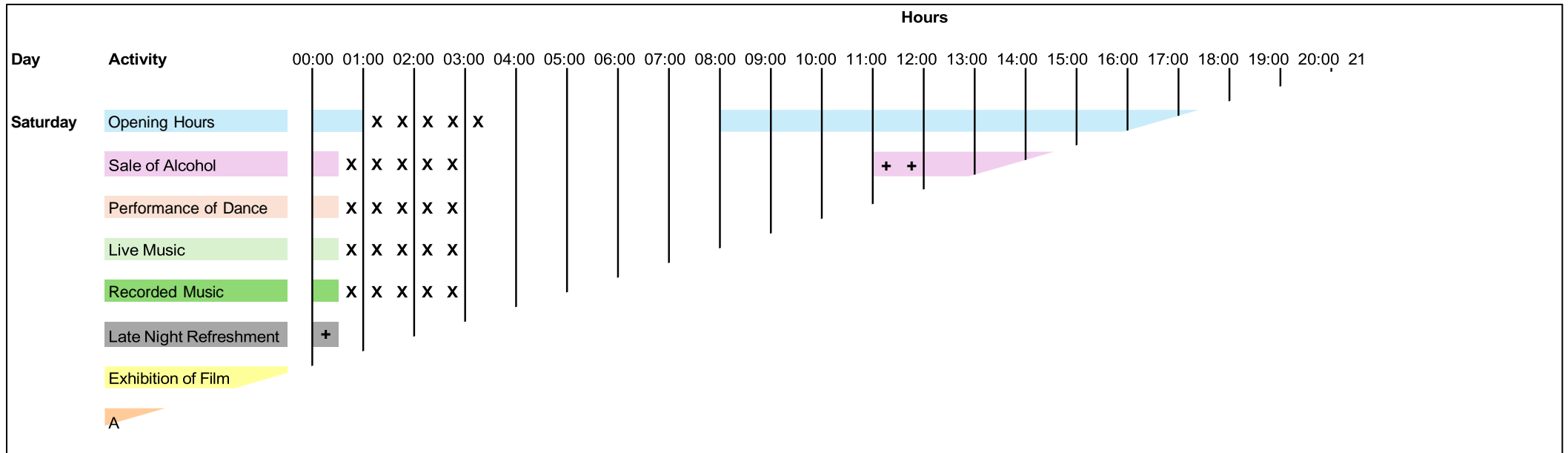
Notes

All units of time are 30 minutes

+ is additional time sought for an activity compared to previous licence

X is time removed from activity compared to previous licence.

Diagram 4 – Standard Timings: SATURDAY



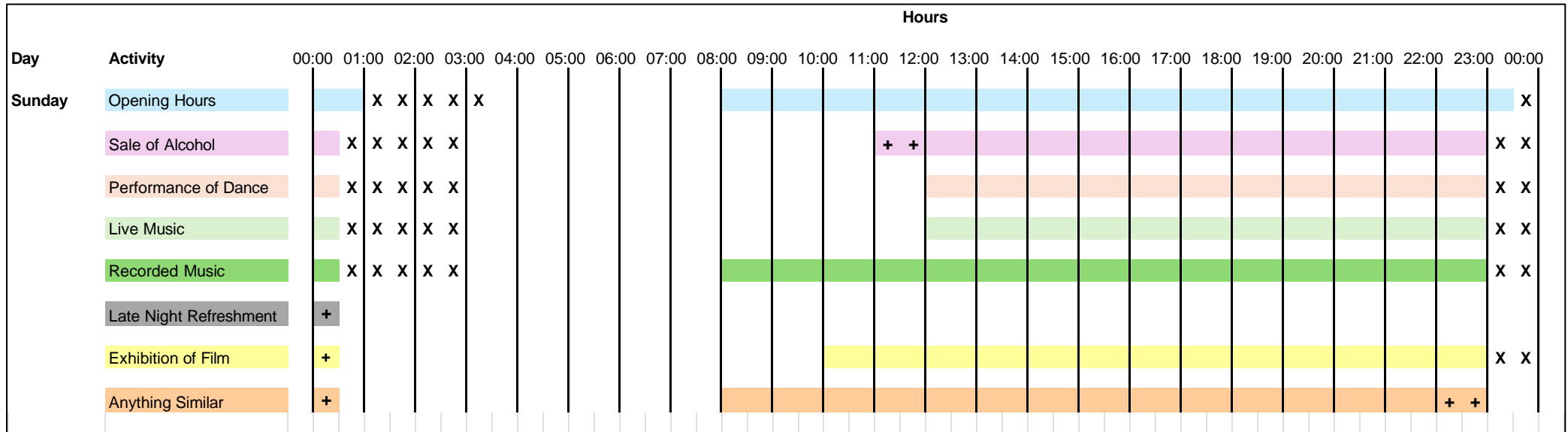
Notes

All units of time are 30 minutes

+ is additional time sought for an activity compared to previous licence

X is time removed from activity compared to previous licence.

Diagram 5 – Standard Timings: SUNDAY



Notes

All units of time are 30 minutes

+ is additional time sought for an activity compared to previous licence

X is time removed from activity compared to previous licence.

Non standard timings are sought for:

New Years Eve only: Opening hours for New Years Eve to terminate at 02:00
 Licensable activities to terminate at 01:30



